

The double confinement of women deprived of their liberty

El doble encierro de las mujeres privadas de su libertad

ESPINOSA-PARRA, Nayanci† & ESPINOSA-PARRA, Irene Margarita

Universidad Autónoma de Nayarit, México

ID 1st Author: *Nayanci, Espinosa-Parra* / ORC ID: 0000-0002-0049-3015

ID 1st Co-author: *Irene Margarita, Espinosa-Parra* / ORC ID: 0000-0003-0576-9356

DOI: 10.35429/JLA.2022.15.5.1.5

Received January 10, 2022; Accepted June 30, 2022

Abstract

Resumen

Persons deprived of their liberty, Women, Imprisonment Personas privadas de su libertad, Reclusión, Mujeres

Citation: ESPINOSA-PARRA, Nayanci & ESPINOSA-PARRA, Irene Margarita. The double confinement of women deprived of their liberty. Journal of Law Applications. 2022. 6-15:1-5.

† Researcher contributing as first author.

Introduction

Confinement measures have been strategies issued by nations and in turn exercised by institutions in all sectors, both public and private, whose aim is to protect and prevail health, and in turn to avoid further collapse of health facilities dedicated to care for cases of COVID-19.

Referring to Women Deprived of their Liberty (PWID) in the SARS-CoV-2 pandemic period that causes COVID-19 disease requires extensive dedication and emphasis due to the impact of the social and familial construct on this gender. According to the Special Report of the National Human Rights Commission (CNDH) on women inmates in prisons in the Mexican Republic (2014), the CNDH observed that the prison system in our country in the vast majority of cases does not adequately meet the gender-specific requirements set out in the current regulations, which leads to serious results and shortcomings in terms of human and material resources in prisons that house women.

The pandemic caused by COVID-19 has generated a series of responses not only on the part of the prison systems, but also on the part of the persons deprived of their liberty (PPL) and their families. In the state of Nayarit, measures have been taken to prevent or contain Covid-19 in prisons, but they have done so from a general point of view, that is, ignoring the exclusive impacts of confinement on women and minors living with their mothers.

Considering that MPL have more complex health needs such as pregnancies, illnesses or physical or mental effects derived from the consumption of addictive substances, comorbid conditions, genetic and hereditary illnesses, high levels of stress derived from the situations of violence experienced and other types of abuse.

In the same vein, during the pandemic, Persons Deprived of their Liberty (PPLs) go through daily changes in their prison life amidst uncertainty, fear, anguish and a perception of an uncertain future, suffering hardship in the deprivation of essential items and food. Prisons closed their doors to the outside world, suspended visits, initiated isolation or quarantines to prevent COVID-19.

These measures regarding the care and protection measures to avoid contagion inside the prisons and with them new relationships were developed.

Therefore, this work focuses on making visible the relationship of women deprived of their liberty after the COVID-19 pandemic and giving them a voice to the resources, limitations, new scenarios of life, services, intimacy and treatment.

Theoretical framework

The National Human Rights Commission (CNDH, 2020) in its Special Report on Women Deprived of their Liberty in Prisons in the Mexican Republic, referred to the different situations experienced by MPL and which significantly violate human rights in relation to personal integrity and dignified treatment as well as access to health services, which has brought to light the situation experienced by women. We visited 77 of the 102 penitentiary establishments that house women, where at the time, there were 11,107 inmates.

"In these prisons various irregularities were detected, such as deficient material conditions; insufficient services; inequality between male and female areas; deficient food; mistreatment; overcrowding and overcrowding; self-government, charges and privileges; inadequate separation and classification, and discretionary application of disciplinary sanctions" (CNDH, 2020 n.p.).

The observatory of gender and covid-19 in Mexico (2020) monitors the situation experienced by different populations of women in relation to the rights that the State must guarantee in the context of the pandemic, such is the case of women deprived of their liberty, who represent 5% of the prison population.

The first National Survey of the Incarcerated Population (ENPOL, 2016) in its report on the characteristics of the prison population and their conditions of detention processing shows that women deprived of their liberty suffer situations of vulnerability such as victims of family and/or institutional violence and family abandonment. Regarding sexual violence, the survey shows that 4.5% of the people report having suffered sexual violence at the time of detention and 5% inside the prison.

According to Martínez (et al 2020) the daily life of women deprived of their liberty in prisons has been little researched regarding the conditions and services in which they live, as well as to meet the needs of women, this is due to the fact that prisons were originally designed for men and although efforts have been made to meet the needs of MPL these have not been sufficient nor have they been recognised.

Pilar Deziga (2020), internationalist and sociologist, collaborator of the Mexican consulate in Douglas, Arizona and specialist in national security and human rights issues, states that around 88% of federal and state prisons have deficiencies in health services, which generates even greater vulnerability in persons deprived of their liberty. She also points out that women deprived of their liberty lack affective family ties with their children.

Objective

The objective of this research project was to determine the perception of the pandemic and confinement caused by SARS-CoV-2 among women deprived of their liberty at the "La Esperanza" Women's Social Rehabilitation Centre in the city of Tepic in the state of Nayarit.

Results

In accordance with the characteristics of the phenomenon under study and the aim of finding out the perception of the women deprived of their liberty, an interpretative study focused on the design and application of a qualitative methodology is pertinent. Eight women deprived of their liberty were interviewed, ranging in age from 25 to 43 years old, who had been sentenced and prosecuted for crimes such as homicide, aggravated robbery, assault, corruption of minors, concealment and crimes against health.

The length of stay of the interviewees ranged from 4 months to 10 years in the prison system; The data collection technique used was an in-depth interview technique based on a semi-structured interview, for which a guideline was drawn up oriented towards the topics to be investigated: general data, perception of the COVID-19 pandemic, changes in the dynamics within the prison since the pandemic, difficulties arising from confinement, risk of infection by Covid-19, support networks and personal resources, changes in intramural lifestyles, feelings generated, changes in family visits and new relationships.

For this study, only the perception of the pandemic caused by Covid-19 in confinement will be analysed, in which the situation is described as mentioned by Sampieri (2018) from the perspective and viewpoint of the participants, exploring and giving meanings in relation to the immediate context.

Participation was voluntary with prior informed consent in which both anonymity and confidentiality of the data reported are guaranteed. Interviews were face-to-face, lasting 60-90 minutes. Subsequently, the interviews were transcribed verbatim, and open and axial coding was used through Atlas-Ti software, which allowed the qualitative analysis to be carried out.

In relation to the category of the perception of the news of the confinement in prison, it is understood as: the emotions, feelings, thoughts and changes experienced by the women inside the prison when they received the news of the pandemic.

Regarding how they experienced the news of confinement, participant 1F mentions:

"Unexpected, I thought things were going to be different here, outside they closed everything and here we continued with the same activities; when they gave us the news that our relatives could not pass through, questions arose such as: and now what is going to happen? What are we going to do?" Participant 1F

The emotions they experienced related to despondency, sadness and discouragement became more evident, as Casado and Ruano (2018) refer to the need to generate spaces that allow them emotional expression in each of the crisis circumstances, which will help MPLs in the prison setting to identify, channel and self-manage their emotions, as well as reduce high levels of stress. In this regard, participant 2H comments:

"With a bit of sadness, because I was going to leave your activities." Participant 2H

Likewise, Bautista (et al; 2018) refer that when living in a prison environment it is important to consider the personal assessment of the PPL since what is felt, what is thought and what is done is made invisible and therefore the treatment given is insufficient. As participant 5I mentions: "The truth is with sadness, because we thought we had got rid of this and then we had to start all over again and it was frustrating". Participant 5I

"Despair, because they isolated me after a hearing and I couldn't talk to my family anymore. The fact that I can't see my family makes me quite desperate.

Family visits are a right, not a privilege. Family connections and relationships are of great importance for MPLs, as the family is seen as an emotional and material support network. For its part, the General Secretariat of the National Population Council (CONAPO, 2012) mentions that: the family is the primary sphere of development of any human being. However, sometimes there are emotional or economic limitations that prevent the direct accompaniment of MPLs, which generates complex situations in people living in prison, as expressed by participants 4A, 6N and 7N: "Bad, because we are already locked up and with COVID it has been worse". Participant 4A

"Bad, very bad because we are afraid that we will get infected or that something more serious will happen". Participant 6N

"For me it was disconcerting and sad, because my brother was coming to visit me and suddenly they wouldn't let him in". Participant 7N

It is stressful, because we are already locked up and to be locked up even more is frustrating. I already had my activities and it's all gone, I can't even do exercise, which was what reduced my stress. Participant 8R

In addition to the feelings of sadness that they showed due to the double confinement, they reported that they began to show high levels of stress and anxiety, a worrying situation due to the effects on their mental health, reflected in physical, cognitive and psychosocial exhaustion, with consequences that could be irreversible. The coexistence between women deprived of their liberty became hostile due to the dynamics that arose from the confinement.

Faced with this situation, prison institutions and health professionals in prisons should take action to prevent a major problem among this population. Facing the limitations that the staff themselves present in their approach to MPL.

Discussion and conclusions

What the women deprived of their liberty at the "La Esperanza" Women's Social Reinsertion Centre say about the perception of the Covid-19 pandemic is that it was unexpected for them. Even though they were informed by their families, by the media (news programmes) and by the centre's staff of the confinement measures that were being taken outside, they did not expect it to reach them, that is to say, there was a perception of security and protection due to their isolation from a world immersed in COVID-19.

When the MPL began to feel vulnerable in the face of the pandemic and the confinement measures were implemented inside the prison, they began to experience what they called a double confinement, a perception characterised mainly by a feeling of sadness, in which they had to stop carrying out daily activities inside the prison, activities that allow them to generate economic resources, activities that allow them to keep busy and other activities that contribute to their physical and emotional well-being, such as physical activation.

It is important to mention that there is a perception of what has been called "double confinement", which implies spending more time in the dormitories and less time in the recreational areas: the green areas, the dining room, the multi-purpose courts, the cafeteria and the telephone area. This "double confinement", as they mention, has caused feelings of frustration, desperation and, according to their perception, has increased their stress levels, which leads to greater conflicts in relationships and communication among the women who live in the social reintegration centre.

In conclusion, it is considered necessary to carry out research on this minority group of women, and to evaluate and raise awareness in different forums in order to guide a change in public policy in which MPLs can meet the needs of infrastructure and services based on a gender perspective and in favour of their human rights.

References

- Atabay (2014) Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC), Manual sobre mujeres y encarcelamiento. https://www.unodc.org/documents/justice-and-prison-reform/Manual_Mujeres_2da_edicion.compress0ed.pdf
- Agoff, C. (202). El otro encierro. <https://ru.crim.unam.mx/handle/123456789/70>
- Bautista, Y; Casanova, K., Cubides, P., Curtidor, L. (2018) Entre el miedo y la alegría: emociones silenciadas de las personas privadas de la libertad en Colombia. <https://repository.udistrital.edu.co/bitstream/handle/11349/8856/BautistaParraYadiLiliana2018.pdf?sequence=1&isAllowed=y>
- Casado, D; Ruano, Á. (2018). Reflexiones sobre el impacto de la privación de libertad en la dimensión emocional de los internos recluidos en los centros penitenciarios españoles. La educación emocional como complemento a la reinserción y reeducación. *Edetania. Estudios y propuestas socioeducativas*, (53), 225-240.
- Comisión Nacional de los Derechos Humanos CNDH (2020), Mujeres internas, Informe especial de la Comisión Nacional de los Derechos Humanos sobre las mujeres internas en los centros de reclusión de la República Mexicana. <http://informe.cndh.org.mx/menu.aspx?id=109>
- Deziga, P.(2020). Los invisibles de la pandemia: las mujeres en prisión. <https://www.animalpolitico.com/el-blog-de-causa-en-comun/las-invisibles-de-la-pandemia-mujeres-en-prision/>
- Encuesta Nacional de Población Privada de la Libertad (Enpol) 2016. <https://www.inegi.org.mx/programas/enpol/2016/>
- Hernández-Sampieri, R., Mendoza, C (2018). Metodología de la investigación. Las rutas cuantitativa, cualitativa y mixta, Ciudad de México, México: Editorial Mc Graw Hill Education.
- Martínez, M., Cantero, M., Díaz, G., y Cruz, J. (2020). Derecho a la maternidad de mujeres privadas de la libertad en México. *Biolex*, 12(23), 1-23. https://www.inegi.org.mx/contenidos/programas/enpol/2016/doc/2016_enpol_presentacion_ejecutiva.pdf
- Observatorio Género y Covid-19 en México (2020) <https://genero-covid19.gire.org.mx/?s=mujeres+privadas+de+su+libertad>
- Organización de los Estados Americanos (2020) comunicado de prensa Frente a la pandemia del COVID-19, la CIDH manifiesta preocupación por la situación especial de riesgo que enfrentan las personas privadas de libertad en la región <https://www.oas.org/es/cidh/prensa/comunicados/2020/212.asp>