Women and their families are disproportionately affected by the harsh penalties imposed for low-level drug offences in Argentina, according to a report by the Cornell Law School’s Avon Global Center for Women and Justice and International Human Rights Clinic, University of Chicago Law School’s International Human Rights Clinic, and the Public Defender’s Office in Argentina. The report—“Women in Prison in Argentina: Causes, Conditions, and Consequences” (PDF)—was launched at a panel discussion on May 14 at the University of Chicago Law School, moderated by Professor Rashida Manjoo, UN Special Rapporteur on Violence Against Women.

The report finds that policies introduced in Argentina during the U.S. “War on Drugs” weigh down the Argentine federal prison system and impede effective reform. These policies have contributed to the unprecedented increase in the number of incarcerated women—nearly 200 percent between 1990 and 2012.

“These women are typically low-level drug mules forced into the role by economic necessity,” said Elizabeth Brundige, Executive Director of Cornell Law School’s Avon Global Center for Women and Justice. “The Argentine Government should consider utilizing alternatives to incarceration in such cases.”

The report draws on data collected from a 2012 survey of incarcerated women, on-site visits to two prisons in Argentina and in-person interviews with women prisoners, scholars, activists, judges, and other stakeholders to identify the most crucial issues facing women in prison. The results of the survey found that about 56 percent of women in Argentina’s federal prisons were incarcerated for drug trafficking.

The report notes that Argentina has demonstrated a willingness to develop and implement gender-specific initiatives. Two of these measures, house arrest and programs that allow children to live with their mothers in prison, are specifically designed to alleviate the hardship for women with children. However, some women prisoners expressed concern that living in a prison environment would harm their children.

The report identifies several recommended reforms including: reducing drug trafficking sentences for women who are at the bottom of the chain and offering alternatives to incarceration; reducing the use and length of pre-trial detention; and ensuring that all prisoners received timely access to medical care and screening. The report also encourages the United States to continue its move towards reducing or eliminating harsh punishments for drug crimes and to effect similar changes in its foreign policies towards Argentina and other countries in the region. In addition, it urges the United States and other countries to consider adopting some of the good practices implemented in Argentina, such as its law...
that allows judges to consider house arrest for pregnant women and women with young children.

“Argentina has the opportunity to set the standard for the treatment of incarcerated women in Latin America,” stated Silvia Martinez, Director of the Prison Commission of the Public Defender’s Office in Argentina.

The study was undertaken at the invitation of Justice Elena Highton de Nolasco, Vice President of the Supreme Court of Argentina, who also wrote the foreword to the report. She notes, “The researchers’ report makes a valuable contribution to our understanding of the causes, conditions, and consequences of women’s imprisonment in Argentina. . . . It highlights Argentina’s good practices in the area of women in prison and identifies improvements that are still needed. This study reminds us—judges, lawyers, policy makers, and citizens—that we are all accountable for the human rights of women in prison.”

The full report is available at: www.womenandjustice.org.

--Kathleen Corcoran