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Young Foreign Women in Prison: A Case Study in Malaga Prison

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The aim of this paper is to present the results of the research on the reality that young migrant women face in prison, trying to analyze whether they, judging by their own speech, consider themselves victims of some sorts of discrimination in Malaga's prison. The main objective is to get to know the previous history of women before entry to prison, their criminal experience, experience in the judicial process and their daily activities in the penitentiary centre, as well as the treatment received by the prison staff. In addition, the paper tries to explain the expectations for the future of these young women after their release. The final conclusions reflect a very complicated situation for women living in Malaga prison, especially when factors such as age and migration are also involved.

Keywords: prison, discrimination, women, immigration, age, Spain.

Introduction

Gender is becoming an increasingly important topic in studies on immigration (Parella-Rubio, 2003; Suárez-Navaz, 2004). This is due to two main reasons. Firstly, figures show that nowadays female immigrants represent almost half of the total number of people moving to Spain (Domingo-Pérez, 2008:

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72). According to the population census of the National Institute of Statistics (2018), of the total number of immigrants in Spain (total of 4.734.691), almost half, specifically 2.360.813, were women. The female immigrant population in Spain has risen continuously in the last few years. While in 2011 women represented 48.1% of the total immigrant population in Spain, they were rising to 49.8% in 2018. This trend can be observed over the last seven years, as the following table demonstrates.

Table 1. *Foreign population in Spain according to sex (2012-2018)*

Year	Foreign population	Men	Women
2018	4.734.691	2.373.878	2.360.813
2017	4.572.807	2.305.105	2.267.702
2016	4.618.581	2.341.506	2.277.075
2015	4.729.644	2.409.627	2.320.017
2014	5.023.487	2.570.247	2.453.240
2013	5.546.238	2.854.720	2.691.518
2012	5.736.258	2.975.508	2.760.750

Source: Own elaboration based on the data provided by the National Institute of Statistics

The second reason is relative to the motives that drive immigration. The traditional model based on the idea that the typical immigrant profile is that of a young male who comes to the host country in order to find work seems to have been rendered obsolete. Today a new profile is beginning to stand out, that of young women who emigrate for a myriad of reasons. Within these reasons, the economic motives have usually been placed on the first line, i.e. these women emigrate to find work in the host country in order to support their families still living in the country of origin, or (where applicable) to guarantee a better future for their children. This is the reason why personal motivations have usually been relegated to the background, reasons such as a lack of freedom, or difficulties in achieving a certain degree of autonomy or independence in their home country. However, it is becoming increasingly clear that these female migratory movements are also due to a search for personal growth (Domingo-Pérez, 2008: 89). Some women migrate alone, others accompanied by their partners and children. Thus, they are becoming the first link in the migratory chain. In many cases, their male partners or families are moving later when the economic situation improves (IOÉ Collective, 2000: 17).

It is important to note that the idea of an immigrant woman in Spain does not now correspond exclusively to the model of a dependent, illiterate woman, unemployed or even marginalized from society. Immigrant women in Spain are a heterogeneous group with a wide range of characteristics. This means that currently there is an important number of qualified women looking to integrate into the labour market and with greater personal prospects. These women see migration as a way to avoid the different forms of traditional, social control imposed on their home countries and they believe that migration can help them avoid repeating the lifestyle or life projects of women in their home setting. Given the circumstances in some settings, some of these women do not voluntarily emigrate, rather they are forced to, in order to escape violent situations or the human rights violations in their home countries (Parella-Rubio, 2003: 148,154-157).

Emigration brings numerous changes for women who decide to migrate alone, among them, a greater access to economic resources, managing an individual budget, absence of a husband or male family members, a notable increase in the degree of freedom of choice over personal relationships, and, above all an increased use of public spaces. All this has afforded new tools to immigrant women with which they can obviate the power that men can hold over them in their home countries, and even go so far as to break with submissive and subordinate relationships. These significant advances seem to indicate a change in gender relationships, although the underpinning ideological basis has still not been relegated from the past (Micolta-León, 2006: 167).

Literature about foreign women in prison is scarce. Some authors have stated that the figure of the foreign woman inmate has barely been addressed in qualitative research. Although there are data relative to immigrant women in prisons, little is known about these women's desires, expectations, experiences, etc. (García-Cortázar et al., 2012: 8). Nevertheless, some studies stand out, as they are based on in-depth interviews with female immigrant inmates, and attempt to shed more light on the reality of prison life of this group (Ribas-Mateos, Martínez, 2003; Rodríguez-Jaso, 2009; Castillo-Algarra, Ruiz-García, 2010; Martínez-Lirola, Jiménez-Bautista, 2015). The conclusions drawn in these studies demonstrate the harsh reality of life in prison for these women and the difficulties they face to be reinserted into society. This is a direct consequence of differences due to firstly, their gender, and in addition to a failure to address their needs as foreigners.

The aim of this paper is to present the results of the research on the reality that young migrant women face in prison, trying to analyze whether they, judging by their own speech, consider themselves victims of some sorts of discrimination in Malaga's prison. Within this research, the influence of variables such as gender, nationality, and age on the prison life of immigrant women in Spain was analysed.

There are various studies that assess the effect of the first two factors, but there is a third, which represents a novel contribution of the present study, the age. For this reason, our aim is to attempt to uncover the reality of prison life for the young, a specific female immigrant collective, to determine whether they consider themselves to be victims of any sort of discrimination in prison. Age has been considered as a factor to be considered in any possible discrimination against the collective of foreign women. It cannot be ignored that for young women, there are certain factors that are inherent in this phase of personal development, within the prison, such as changes in cognitive or psychosocial levels. Thus, it has been considered to be of particular relevance to examine whether the prisons are adequately designed to meet the needs of young foreign women.

Foreign women inmates: Penitentiary Law in terms of gender, nationality and age

Profile of foreign women in prison

Foreign prison population represents almost 29% of the total prison population (Table 2). From 2009 onwards there has been an overall fall in foreign prisoners in Spanish prisons, as can be seen in Table 2.

Table 2. *Foreign prison population in Spain (2006-2018)*

Year	Prison population	Foreign prison population	
		N	%
2006	64.021	20.643	32.2
2007	67.100	22.977	34.2
2008	73.558	26.201	35.6
2009	76.079	27.162	35.7

2010	73.929	26.315	35.6
2011	70.472	24.502	34.8
2012	68.597	22.893	33.4
2013	66.765	21.116	31.6
2014	65.017	19.697	30.3
2015	61.614	17.870	29.0
2016	59.589	17.130	28.7
2017	58.814	16.549	28.1
2018	58.883	16.536	28.1

Source: Own elaboration based on the data provided by the General Secretariat of Penitentiary Institutions

The percentage of female foreign prisoners has gradually fallen with respect to the foreign prison population over the last eleven years (Table 3).

Table 3. Foreign prison population by sex in Spain (2006-2018)

Year	Foreign prison population	Foreign male prison population		Foreign female prison population	
		N	%	N	%
2006	20.643	18.823	91.2	1.820	8.8
2007	22.977	20.806	90.6	2.171	9.4
2008	26.201	23.908	91.2	2.293	8.7
2009	27.162	24.856	91.5	2.306	8.5
2010	26.315	24.020	91.3	2.295	8.7
2011	24.502	22.581	92.2	1.921	7.8
2012	22.893	21.086	92.1	1.807	7.9
2013	21.116	19.479	92.3	1.637	7.7
2014	19.697	18.170	92.3	1.527	7.7
2015	17.870	16.513	92.4	1.357	7.6
2016	17.130	15.841	92.5	1.289	7.5
2017	16.549	15.312	92.5	1.237	7.5
2018	16.536	15.269	92.3	1.267	7.7

Source: Own elaboration based on the data provided by the General Secretariat of Penitentiary Institutions

The majority of foreign females in Spanish prison come from European Union countries (22.3%), within this percentage the biggest number is from

Romania (9.8%). The second biggest group belongs to Colombian women (14.3%) and the third group to Nigerian women (7.5%) (Table 4).

Table 4. *Main nationalities of the female foreign prisoner population in Spain related to the total female prison population in 2016 and 2017*

Nationality	2016 %	2017 %
European Union	22.3	13.7
Colombia	14.3	16.6
Nigeria	7.5	10.6
Morocco	6.8	6.5
Venezuela	3.9	3.9
Ecuador	3.4	2.6
Algeria	0.3	0.2
Others	41.4	45.9

Source: Own elaboration based on the data provided from the Statistical Yearbook of the Spanish Ministry of Interior

With regards to the educational profile of foreign women in prison, it has been observed that most Latin American prisoners possess qualifications from their own educational system equivalent to High School Education level, certainly a higher level compared to the rest of the prisoners (Jiménez-Bautista, 2015: 199).

Regarding criminal backgrounds, the most common crimes are drug trafficking (Porro-Gutiérrez, 2015: 14).¹ Moreover, it has been observed that there are specific crimes according to geographical area of origin. Thus, in 80% of the cases, female inmates from Latin America have been sentenced for drug trafficking by acting as “mules” and being detained by the airport police when trying to smuggle small amounts of drugs into Spain.

These women are still responsible for their families, who remain in the home country. From prison, they economically support their families by sending them all the money earned in prison. It is important to note that the majority of these female foreign inmates are not consumers of drugs themselves, in contrast to Spanish inmates convicted of drug trafficking, who are,

¹ It is not possible to exactly determine prisoner’s nationality related to type of crime. Prison statistics offer data on the nationality of prisoners according to sex, but they do not offer crossing of variables, which makes it impossible to determine which are the most common crimes committed by foreign women (Acale-Sánchez, 2015c: 296-297).

in the main, drug addicts who traffic to support their addiction. With respect to crimes against property, the main sentenced group for the mentioned crimes is from other European countries (approx. 50%), while women from Asia (21%) and the Maghreb (18%) are usually serving sentences for violent crimes as murders or injuries (Cerezo, 2015: 33).

In many cases, female foreigners are first time offenders and tend to come into contact with the criminal world for the first time when they agree to participate in drug trafficking in exchange for a certain amount of money. This means that for many of them prison represents an unknown and possibly "aggressive" setting, as they have never before experienced a similar situation (Acale-Sánchez, 2015c: 296).

It is interesting to establish the main differences between immigrant and "non-national" woman inmate. Some authors have made this distinction to differentiate those women who, although originating from another country, have set up residence in Spain, whether legally or illegally, and are therefore defined as immigrants. While, in the penal context, inmates classed as "non-nationals" are those who, without having been resident in Spain, come into contact with the police, judicial and penal systems (Miranda-López, Martín-Palomo, Vega-Solís, 2003: 21; Martín-Palomo, 2006: 33-34; Miranda-López, Martín-Palomo, 2007: 197). One thing to bear in mind is that, while the typical profile among the foreign, male prison population corresponds to a foreign citizen, who at the time of committing the crime was legally resident in Spain. In the case of the women, the principal profile is that of the 'courier' or 'mule' who was intercepted at the airport, and therefore, was not previously resident in the country in which she is serving her sentence (Bodelón-González, 2007: 108). It has been found that the second group does not generally show symptoms of social marginalisation in terms of personal or social decline (Miranda-López, Martín-Palomo, Vega-Solís, 2003).

Penitentiary Law in terms of Gender

Both the Organic Law 1/1979 26th September, and the General Penitentiary Law and the Regulations arising from it, passed by Royal Decree 190/1996 9th of February establish that the sexes are equal before the law

when prison terms are handed down.² There are just a few exceptions made by reason of sex, such as the prohibition of solitary confinement as a punishment for pregnant women, those who are breastfeeding, or those whose children are with them, or have recently given birth (art. 43.3 LOGP & art. 254 of the Regulations) (Acale-Sánchez, 2015b: 96-97).

Along the same lines, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), passed in 2010, refer to the particular needs of this collective. Firstly, it must be said that the penitentiary general law in Spain rigorously adheres to the Bangkok Rules where inmate maternity is concerned (rules 48, 49, 50, 51 and 52). However, in Spain, there are certain shortfalls in the field of penitentiary law where gender is concerned. Some of which are:

- 1) The lack of internal classification. In general, with the exception of very specific cases, in Spain, most prisons have only one female unit, separate from men, in which women are not classified in different modules.³
- 2) The location of prisons. The fact that not all Spanish prisons have a women's unit means that these women have a much greater chance than men of serving their sentence far from their place of residence.
- 3) Lack of evaluation of treatment programmes. In Spain treatment and the programmes applied inside the prisons are somewhat sexist, as they tend to reinforce traditional gender roles. There are no programmes specifically designed for women, as required in Bangkok Rules 40 and 41.
- 4) A lack of programmes aimed at the rehabilitation of women once they are released from prison. Rule 46 refers to the need for these types of programmes yet the reality in Spain is that these women are not given psychological, medical or judicial help aimed at their re-education and reintegration.
- 5) A lack of exhaustive research into the prevention of female crime, as established in Section IV of the Bangkok Rules (Cerezo, 2015: 36-42).

² No discrimination by reason of sex in the enforcement of prison is expressed in Article 4 of the Spanish General Penitentiary Law.

³ By way of example, the women's units do not comply with some of the requirements set out in the General Penitentiary Organic Law, like that established in Article 8, given that women on remand should serve their time on different units to those for women who have been sentenced (Manzanos-Bilbao, 2007: 143).

Penitentiary Law in terms of Nationality

With regard to “non-national” inmates in Spanish prisons, it is important to note that both penitentiary and immigration law form the basis of the regulations that govern and standardize their situation.

It must be recognized that in the last few years, efforts have been made, within the framework of regulations, to resolve, or, at least, improve the situation of this group. The approach has been based on a series of specific measures undertaken to approach the immigrant collective, including making more information available to them, favouring cooperation between associations and eliminating linguistic barriers, etc.

Despite this attempt, the administrative law itself – Act 4/2000, 11th of January - concerning the rights and freedoms of immigrants in Spain and their social integration, does not help endeavours towards integrating this group. The penal code regulates the way in which a sentence should be served, according to that established in the Spanish Constitution, and in particular, following Article 25.2, which envisages focusing sentencing towards social reintegration and re-education of the inmate. However, in the case of foreign inmates, this does not seem to be the objective of their sentence, as it can be seen on numerous occasions, that they are deported from the country upon leaving prison.⁴ This situation is therefore contrary to that which is established in the Spanish Constitution.

The inconsistency between what is established in prison regulations and what is established in immigration law is clearly reflected in some elements of prison life:

- 1) *Communication and visits.* Immigrants face a tough obstacle when trying to communicate and receive visits due to the obligation to prove existing bonds with the person with whom they wish to communicate. This can be because they lack legal residency status in the country, like the case of women arrested at the airport whilst acting as “mules” or that their fami-

⁴ In her study García-España points out that: “After a sentence has been served, the enforcement of deportation for having a criminal record in Spain is reinforced by the obligation of the prisons to inform the police of the release of those immigrants who are subject to deportation processes, so that the order can be carried out (Article 26). However, there are known cases where the coordination between the penal institutions and the police has failed, and others where deportation cannot be enforced for a number of reasons. In these cases, only the expungement of criminal records will enable the immigrant who has served time in prison to attempt reinsertion in the country.” (García-España, 2016: 5).

lies or friends do not reside in the country in which they are serving their sentence.

- 2) *Temporary leaves*. One of the requirements for these permits to be granted is proof of a certain degree of ties with the outside, something that many immigrants lack, as they tend not to have set down 'sufficient roots' (Rodríguez-Jaso, 2009: 9-10).
- 3) *Parole*. It is difficult for parole to be granted to immigrants as a result of the stringent level of requirements in terms of personal and employment guarantees. Job insecurity and a lack of a family support network make it considerably more difficult for immigrants to be granted parole.⁵ On occasions, the Parole Board will make deportation a condition of granting parole (Bodelón-González, 2007: 122).

With regards to foreign women inmates, another point to note is what some authors have referred to as "self-control as a defence against assault from penal discipline". This concept refers to the added difficulties for non-national women to not only adjust to prison discipline, as all other inmates have to, but also to quickly and necessarily adapt themselves to a series of cultural norms that are probably unfamiliar to them. This situation tends to condition the behaviour of foreign prisoners, who, in an effort to more easily adapt to prison, usually exhibit exemplary conduct. In the words of Bodelón-González: "this behaviour favours the running of the institution (...) but brings about problems for these women: little defence of their rights, stereotyping of their personality as "sweet and submissive", a need to make a greater effort to "adapt", less possibility to express anger..." (Bodelón-González, 2007: 75-76)

Some authors have pointed to the discrimination that foreign women suffer in prison as being a 'triple sentence', in reference to not only the consequences that a term in prison in itself brings about for this group but also those that derive from their status as a woman and an immigrant, enormously complicating their progression through prison (Bodelón-González, 2007: 119-120).

⁵ Some authors have alluded to the fact that not having residency is one of the leading reasons for foreign prisoners not being granted parole (Manzanos Bilbao, 2007: 156).

Penitentiary law with respect to age

The average age of the women sentenced to prison is around 35. This means that young women inmates (under 35 years old) represent approximately half of the total female prison population (Yagüe-Olmos, Cabello-Vázquez, 2005: 30), as it can be seen in Table 5.

Table 5. *Female prison population by groups of age in 2016 and 2017*

Age	2016	2017
From 18 to 20	15	14
From 21 to 25	235	235
From 26 to 30	468	420
From 31 to 40	1.321	1234
From 41 to 60	1.553	1584
More than 60	140	154
Total	3.732	3.641

Source: Own elaboration based on the data provided from the Statistical Yearbook of the Spanish Ministry of Interior

With respect to the age, as soon as a woman is 18 and commits a crime she can be sent to prison in Spain. According to penitentiary law, they should be housed in their own units, separate from the prison population older than 21. In the case of women, except those prisons that only house women, there is usually only one unit, serving to hold all women prisoners together, irrespective of age, paving the way towards new criminogenic conducts being learnt (Añaños-Bedriñana, Llorente-Moreno, Chávez-Torres, 2016: 263).

With the aim of mitigating this problem, there are several proposals focusing on education and training for young inmates. One such programme is the 'Comprehensive Intervention Programme for Young Offenders'. According to the General Secretary of Prisons (SGIP in Spanish) the programme is aimed at inmates under 25, and has several objectives: "to furnish the youth with the thinking skills necessary for a better personal and social adjustment, and improve their interpersonal skills, and their education, whilst preparing them to look for employment" (Añaños-Bedriñana, Llorente-Moreno, Chávez-Torres, 2016: 266). However, this programme falls short in several aspects with regard to gender.

Despite the dearth of studies attempting to characterize the collective of young foreign women in prison, some authors have pointed out that one of the most common complaints these women have, is the sense of injustice they feel about the disproportionality of their sentences. They feel that their sentences are too harsh given that, although they committed the crime voluntarily, they were forced into the situation through economic necessity.

Study objectives and methodology

The main objective of the research was to discover the possible impact that gender, nationality and age have on how prison life unfolds for young foreign women and to establish situations of discrimination brought about by these aspects. Our principal intention is to discover the criminal backgrounds of these women, their day to day inside the prison, their daily activities, as well as the treatment they receive from both the prison staff and the teams providing help and advice to inmates.

In June 2016, the prison in Malaga had a total inmate population of 1.135, of which 107 were women (60 convicted and 47 on remand). Inmates' average age was almost 30. Of the total female inmates, 22 were foreigners, with only 8 being under the age of 34.

This study treats crime and the situation in prison for young immigrants from a qualitative point of view. A sample of eight young immigrants⁶ between 18 and 34 years has been chosen. Every woman under 34 who was serving sentence at the prison in Alhaurin de la Torre (Malaga), either on remand or convicted, in the period that the research was undertaken, i.e. February, March, April and May 2016, was included in the sample. The interviewed foreign women inmates were mainly South Americans, half of them

⁶ Following the distinction made by María Jesús Miranda-López and Teresa Martín-Palomo between immigrants and non-national inmates based on whether or not these women have resided in the country in which they are imprisoned prior to said imprisonment (Miranda-López, Martín-Palomo, 2007), the sample includes representatives of both situations. It has been considered to be especially useful to choose a sample which includes both groups with the aim of determining whether or not the expectations of the women, after release from prison, either once the sentence has been served or, where relevant, the end of remand, would be similar or different, for example the hope of remaining in Spain or returning to home country.

from Colombia, one from Paraguay and another from Brazil. The other two women completing the sample were from Morocco and France, respectively.

Permission to access to the prison, to carry out the fieldwork was granted by the Directorate General of Penal Institutions, which allowed us access to the unique women's unit at the prison in Malaga, in order to interview each of the inmates chosen.

The interviews were open-ended, so that, once the idea of the project had been explained to women, and keeping to pre-established guidelines, it was the women themselves who reported the aspects that they considered to be most relevant, always from their own points of view and personal experience.

These interviews were twofold, the first part aiming to look more closely at the life story of the inmate, in order to determine certain demographic data (nationality, length of residency in Spain, age and ethnicity), her personal situation in country of origin, the reasons for migrating to Spain and her experience as a resident in the host country, in the case that the inmate had lived in the country before entering prison. The second part of the interview enabled the researcher to examine aspects related to the crime committed or allegedly committed, in the case of the prisoners on remand, the reasons for committing the crime and the personal perceptions that the inmates had about the sentence imposed. These aspects were dealt with before approaching the reality of prison life for these women, from their own points of view, the routine inside the prison, their day to day, work, the treatment received from the prison staff and the rest of the prisoners and the perception of discrimination as a consequence of their gender, nationality or youth. Finally, the interviewees were asked about their expectations after serving their sentences and being released from prison, their desires and life objectives.

Results

With the aim of meeting the objectives proposed and to make said presentation clearer, the results have been classified under the following headings: reasons for coming to Spain and situation in home country; procedural situation, crime and perception on judicial institutions; opinion about the treatment received in prison; programs, courses, work within prison and dis-

cipline; discrimination due to gender; discrimination due to nationality; discrimination due to age and expectations after release.

Reasons for coming to Spain and the situation in home country

The reasons that led each of these women to migrate to Spain were different. The biggest reason among the interviewees was economic, with the aim of finding a decent job, something impossible in their country of origin. This is clear in the example of one of the Paraguayan inmates who said: *"I wanted to help my parents, who were having a bad time of it in Paraguay, I wanted to earn money, doing whatever in Spain, so I could return, study and buy a house and car"*.

Others, however, came to Spain to reunite with family members who had already travelled over, such as their partners, parents, or siblings and ultimately finding work so as to escape the economic difficulties in their own country. Some insisted that they made the decision to emigrate so as to know other countries and gain personal freedom. In fact, one woman, a Brazilian, said that she had come to Spain "for a trip" and upon returning to Brazil had decided to return to live, as she preferred the lifestyle and relationships she had found in Spain. Along the same lines, a Colombian woman said that the reasons for coming to Spain had been to simply *"travel, know a new country and leave Colombia"*. Lastly, another notable case is that of a young French woman, who was not resident in Spain, but who had only come to collect a number of drugs to take back to France.

As far as the situations of these women in their home countries are concerned they are very diverse. Some had not had any economic problems, and their reasons for coming to Spain, as mentioned, were to enjoy new experiences and greater autonomy. However, other cases were of women who in their home countries lived in complicated circumstances. In the words of a 34-year-old Moroccan woman: *"I didn't work a lot in Morocco, just in my older sister's house. When I came to Spain, at 9 years old, I studied a bit, but I left soon and so I can only read well, writing is still an enormous effort for me"*.

The case of those women whose economic and employment situation was better in their home country than in Spain is striking. It is interesting to note that almost all the sample of foreigners were legally residing in Spain, with the exception of the French inmate. The majority of the immigrants had

completed higher education and some even held university degrees. Only one of the women interviewed had serious difficulties in reading and writing, which makes her an isolated case.

With regard to family background, some of the women had found it necessary to leave their children in the care of family members, in their home country, generally with their mothers or sisters. Others had come to Spain when they were younger and they did not have children at the time. Some of them had formed families here, once their economic situation allowed them to. Six of the eight foreign interviewees had children.

The procedural situation, crime and perception on judicial institutions

Six of the eight foreign young women interviewed were on remand⁷ and had been in this situation for a long time, waiting for their trials, some for more than two years. None of them had criminal records.

The majority of them was in prison for drug trafficking offences and commonly insisted that they had no idea about the criminal activity they were doing at the time, that they had not participated in it and/or blamed their partners for their current situation. A Brazilian woman insisted: *"I had been living with my husband six months; when the police arrested me I had been living four months in a flat rented in my name, and the police came to search my house and found half a kilo of cocaine. I knew nothing about the coke, I did know that he was dealing, but not that he kept it at home, I never saw him dealing from the house"*. There are others though, who admit to the crime and accept that their sentence is fair and necessary. In this sense a 34-year-old Colombian woman, sentenced to six months in prison for an offence of assaulting a police officer, admitted that: *"I'd been drinking, I'd lost my bag and I fought with the police, they didn't want to identify themselves, and here I am. The sentence is fair, for rebelling, for not knowing how to hold my drink, I only have myself to blame"*.

Almost all of the women have a negative opinion with regards to the treatment received when they were arrested, both from the judiciary and the police. One Colombian woman referred to the situation with the police when

⁷ García-España suggested in his study that the procedural situation of foreign inmates could be a strong disadvantage as far as benefitting from penal resources assigned for social reinsertion are concerned. The lack of roots in the country and the possibility of escape incite frequently judges to place immigrants on remand (García-España, 2012: 418-419; García-España, 2017: 19).

she was arrested in the following way: *“at the police station, they didn’t even let me talk to a lawyer, like cows in a slaughterhouse they had us”*.

Many claimed not to have received sufficient information from the authorities, with the consequent infringement of their basic rights as detainees. The French inmate concluded that *“the police didn’t treat me badly, but I didn’t speak to them. I was not informed about anything. They sent me someone who they said was a consulate translator, but it was really a policeman, I hated him on sight because he was really a policeman. They didn’t tell me that I had the right to see a doctor, a lawyer, phone calls”*.

Opinions about the treatment received in prison

In general, the foreign inmates find the work of the prison staff unacceptable. In the words of a French 20-year-old: *“there are two or three (prison officers) who I love, but then there are another two or three who are absolute witches because sometimes you’re nothing but a piece of shit. There are times when I answer back, but always respectfully, but just the fact that you talk back to them is a problem, even just looking at them (...) I don’t care. When there’s a bad guard on duty, I ignore them, I don’t even go up to the hatch to ask for anything, so they don’t get a chance to talk to me like shit, cause just to give you an answer they take ten minutes, while they eat, and ignore you”*. Some of the prisoners mention unfair treatment from the prison officials in matters concerning certain altercations between prisoners: *“the officers...some are fair, and others treat you badly just because you’re foreign. I was having my breakfast, we had an argument, and the officer put us both on report, which isn’t fair”*.

A young 23-year-old Colombian testified: *“the guard today is good, but yesterday’s no. Because they treat us badly, look down on us, tell us that we’re trash. People tell you which ones are good and which no. There are some officers who don’t even let us chat while we’re eating, and if we do, they take our trays away saying that we come here to eat not chat. Some get it in for you and make your life a misery. There are ‘snitches’ who, so they get more privileges, make things up about other prisoners, so they (the officers) get it in for them, throw them off a work detail and then they (the snitch) get given the job themselves”*.

Others, however, understand that the role of the prison staff is to be in charge and as such should exercise their authority, but that they do not go beyond the limits.

Programs, courses, work within the prison and discipline

Most of the foreign prisoners have taken part in a training or work program of some sort. Some, those who need to, learn Spanish, some take dance or gym classes, others take hairdressing courses, and some work (paid jobs), although the latter are few in number. One of the young foreigners worked in the prison laundry, another was in charge of the call shop, and another was in the job pool, waiting to be placed in a post.⁸

Whatever the case may be, all of the foreigners interviewed insisted that the probabilities of accessing these occupations were the same for all inmates: *"the educator is good, very fair, and doesn't distinguish between foreigners and the Spanish. The assigning of work is done very fairly"*. The way of proceeding is as follows. Firstly, an application for the desired post must be submitted, after a referral by the wing's social educator, then, subject to the number of vacant posts at that moment, the inmates are assigned according to the order in which the applications have been sent. South American inmates are considered to be hardworking and polite. It is interesting to highlight here the words of a young Colombian who felt: *"the assigning of work is fair. There are more Latinos because the Gypsies do not like to do things like this, they don't even get considered because they cannot be relied on to do something, because they haven't formed the habit. I don't think they themselves even consider applying for these jobs"*.

Young women said that the daily routine of the prison is: *"we get up at twenty to eight, go to breakfast at half-past eight, and at nine there are courses until one o'clock. We have lunch, return to our cells to rest, then at five we have a break. In the afternoon, we go to the destination that we've been given (it is an area of the prison that should have to be cleaned) and at half-past seven we have dinner. At nine we go back to our cells, they do the count and everyone goes to sleep at whatever time they want"*. Overall, the prisoners are happy with the level of discipline in the prison, as they do not consider it to be excessive, and,

⁸ According to the information provided by the Deputy Manager of Processing, the number of women who, in 2016, took part in training and employment courses was 47. The types of training and employment courses that are on offer are hairdressing, cooking, baking, food handling, job search, and the Caixa's (a Spanish bank that carries out different social programs) *inout* program. In addition, there are the production center jobs, such as the laundry and the kitchen. The aim of the *inout* program is to contribute to the social reintegration and employment integration of the inmates, from the starting point of an individualized plan lasting between six and ten months.

furthermore, they understand that it is the only way to prevent problems and ensure peaceful coexistence.

Perception of discrimination due to gender

It is interesting to note that most of the foreign female prisoners consider the men to have more advantages in the prison in quite a range of situations, although it is fair to say that this is not always conceptualized by them as discrimination. In general, the women inmates do not know how the men's units function, as they do not usually come into contact with them. Having said that, the women insist that they know for a fact that the men are classified into various units whilst they have to share unit, where they all live together. They consider this to be unfair, or even discriminatory because it can be seen as benefitting the men and results in a more difficult coexistence for the women. According to a young French woman: *"(in the male units) they each have their own place, here in women's, we are all together and there, no. Here you have from the biggest junkie to the biggest saint, together"*. One Colombian woman affirmed that: *"...the fact that there is only one wing is terrible because there are always people who have a screw loose and shouldn't be in with the rest. They cause problems."*

It can be seen that the conditions inside the prison, in themselves, are a discriminatory factor when compared to the men, as the women are housed in spaces that are not adapted to their needs (Agudo-Arroyo, 2012: 82).

The idea that discrimination is due to gender is not shared by all the inmates. Some see the disciplinary measures applied in both the men's and women's units as being the same and even go so far as to criticize the behaviour of the latter, blaming them for the difficulties and quarrels caused by living in close quarters. Along these lines the following observation by one of the female inmates is extremely interesting: *"the men's unit is completely different from the women's. I'd love to be a man in prison. They don't fight over every little thing. In the women's wing there is a fuss over everything, over the phone, over the shower...trouble over the prison staff causes many fights and the women are always shouting and the men no. Women are more piggish than men. The women's wing is dirtier than the men's, in the women's you find shit in the shower, the women's is a lot noisier and the men's no. They took us to see the new men's wing and everything was much cleaner there than the women's. I don't know why*

*as I think they have the same rules as us, but I reckon they aren't as dirty. Here the women throw butts on the floor and they don't. They have mobiles, USBs...they have a normal life."*⁹

With regards to the courses on offer to the inmates at the prison, the foreign women interviewed, in the main, believe they are quite gendered given that they are focused on aesthetics and domestic chores. One inmate said: *"I think that there is discrimination in the courses compared to the men's. In the bakery and on the building course there are very few women, whilst in hairdressing, there are only women. In the laundry there are five men and three women."* One Paraguayan inmate expressed the opinion that: *"we don't have much to do with the men, there are only five or six in the school, but we get on. The men can have more work on offer than us."*

Perception of discrimination due to nationality

The shortcomings in adapting to the needs of the female collective in the running of the prison affect female inmates in general and the "non-national" women in particular (Agudo-Arroyo, 2012: 89).

When we use the term discrimination in the context of prison, in relation to female foreign inmates, following the proposal of Bodelón-González, we are talking about "infringement of rights that arise and which specifically affect the non-national female prisoners. The particularity of this discrimination is twofold: firstly, in some cases it is a question of an unequal treatment and limitations on rights that only occur in the case of the immigrants; secondly, on other occasions it is seen in the inequality that all the women suffer from, but is particularly severe in the case of the non-nationals." (Bodelón-González, 2007: 114).

With respect to this point, there is a wide range of different opinions among the women interviewed. Some of the foreign inmates maintain that there is absolutely no discrimination on the part of the prison because of their nationalities. In fact, they even go so far as to claim that nationality represents an advantage to them, as they feel they are paid more attention, and their

⁹ Along the same lines, in their study on female immigrant inmates, Martínez-Lirola and Jiménez-Bautista pointed out that on occasions the women think that the men receive much stricter treatment in prison. Some even confirm certain stereotypes of women as being "gossip", and blame this as being at the root of the difficulties in living together within the unit (Martínez-Lirola, Jiménez-Bautista, 2015: 12).

group is the one that undertakes the most training and employment courses. Others attest to a certain level of discrimination on behalf of the staff responsible for watching over and controlling them, but never from the social workers and educators. Referring to this, a Brazilian woman stated: *"there is one officer who is very fair. Then there is another who is very discriminatory, she even lets the Spanish jump the queue for the phone."* Another 26-year-old Colombian inmate affirmed that: *"some of the staff are racist. Some are interested in your culture and customs, but others look at you gone off. It's as if they will always favour the nationals over the immigrants, like in the courses or jobs... they will always recommend the nationals more. Even when it comes to clothes they tell us: 'you deal drugs so you can get yourselves tit and jobs', 'you wear skin-tight clothes to show off your curves'. I've heard that from both staff and inmates."* Another inmate explained the favouritism of staff towards nationals in the following terms: *"not even the staff like Latinas, even though most of them are Colombians themselves. I've seen it in some of the fights between Gypsies and Brazilians. A Colombian accidentally spilt coffee on a Gypsy who 'cagó en sus muertos' [literally to shit on your dead – an extremely strong, provocative insult in Spanish], a Brazilian stood up for her, calling her [the Gypsy] rude and the Gypsy girl threw hot coffee over her, the officer who was there got angry at the Gypsy but another officer, who hadn't seen any of it, and who always takes the side of the Gypsies said they'd attacked each other."*

When faced with these types of situations and unequal treatment on the part of the prison staff, there arises greater solidarity among the foreign inmates, which can even lead to them avoiding contact with the national inmates to prevent conflict.

Perception of discrimination due to age

As far as the factor of age is concerned, none of the foreign inmates believes there exists discrimination or unequal treatment due to their youth. In the words the 31-year-old Paraguayan inmate: *"there is no discrimination because of age, there are women of all ages here. Here the only difference is who is working or not."* The young French inmate insisted *"if the staff like your face, it doesn't matter what age you are"*.

The only difference with regard to age occurs in the relational dynamics of the inmates, in which the youngest tend to help the older ones. In this

sense, another inmate pointed out that the youngest women tend to look out for the oldest, and tend to take on the cleaning duties for them.

Expectations after release

Many of the immigrants wish to remain in Spain after their release, many dreams of getting a job, or even, starting their own business. However, their greatest desire is to be reunited with their children and never be separated from them again. The Moroccan woman interviewed said: *“the first thing I want is to be with my people and my little girl, to enjoy being with them and start afresh without this weight on my shoulders”*. This is entirely logical, given that most of them have ties to the country and in general this is where their children and families are.

A clear lack of concern can be observed among the inmates, especially those on remand, about the possibility of their deportation in accordance with Article 57.2 of the Organic Law 4/2000, 11th of January concerning the rights and freedoms of foreigners in Spain and their social integration. Only one inmate, who was serving a sentence of fewer than six months was extremely worried about the possibility of being deported back to her country, as she really wanted to stay and continue her life project in Spain.

Conclusions

Based on the results of the research presented here, it can be concluded that female immigrants come to the host country with principally economic goals, and occasionally, commit crimes in order to reach them. Similar to Castillo-Algarra and Ruiz-García (2010), the present study has found a certain degree of relationship between the crime committed and the place of origin. In the case of South American women, drug trafficking is more common; normally they are part of criminal organizations dedicated to this type of activity. Moreover, for most of them it is the first time they are in prison. Another characteristic that frequently appears in the case of young immigrants is their involvement in the criminal activity of their spouses, of which they are completely unaware, and find themselves having to assume equal responsibility of these acts when they are arrested, together with their partners.

With regards to the situation inside the prison, although there is a myriad of opinions among the inmates in the sample, a certain degree of discrimination based on gender and immigration can be detected, although no discrimination due to their youth can be determined. In relation to the first factor, it is necessary to highlight that the difficulties inherent to the structural aspects of women's prisons, like that of Malaga, where there is no internal division of the female population has a criminogenic effect and is enormously detrimental to the coexistence. On the other hand, as other authors, such as Agudo-Arroyo (2012) have noted, it is true to say that prison tends to replicate traditional gender roles in the employment and training on offer.¹⁰

With regard to immigration, it can be seen that great difficulties, affecting the women, arise as a direct result of this second factor. The specific needs of the immigrant collective, such as difficulties with the language, cultural differences, and diverse life projects are not dealt with, but they should be. Moreover, a difference has been observed in the treatment of prisoners on the prison staff's part depending on the origins of the inmates, which represents an added level of hostility in the unfolding of prison life for the foreign woman. It is important to recognize the fact that discrimination against this collective cannot only arise from 'equal treatment' but also in consequence of 'unequal treatment'. In the words of Bodelón-González "...discrimination is not only when you treat equals as different but also when you treat people from diverse backgrounds as the same" (Bodelón-González, 2007: 119).

As far as age is concerned, it has been determined that although these young women are unaware of any discriminatory situation due to age, it cannot be categorically ruled out that there is no indirect discrimination, due to the lack of focus on the specific needs of the youngest women.

To summarize, the creation of programs and interventions focusing on the specific requirements of the female prison population, as well as the female immigrant and young woman, are absolutely necessary to encourage social inclusion. It is important to ensure that after their release, they

¹⁰ In this sense, Acale-Sánchez noted that there continues to exist fixed gender roles that are reinforced in the penal environment, where women have fewer privileges than men. There is also a total lack of programs adapted specifically to women, and the employment and training offered is based on the traditional role of the woman. As Acale-Sánchez has affirmed: "It serves no purpose to decry domestic violence as the most brutal expression of discrimination that women suffer from, if at the same time the treatment programs on offer are gendered and not at all egalitarian" (Acale-Sánchez, 2015a: xx).

are able to build life projects based on personal autonomy, the capacity of decision making, and above all, far from criminal behaviour. According to Agudo-Arroyo, the inadequacy of penitentiary laws could be due to a lack of understanding as to the specific needs of young women foreigners in prison (Agudo-Arroyo, 2012: 89).

As for the limitations of the present study, it should be noted that there are certain conditions at the Malaga prison that may affect the results of a study like the one presented here. These include the fact that there is only one unit for all women prisoners, which favours discrimination, the limited resource materials, or the fact that it is a prison with a predominant number of prisoners on remand. Thus, it is important to continue along the same lines of the present study and apply it to other Spanish prisons where female immigrants are serving sentences, with the aim of discovering whether they are also affected by the same discriminatory situations. If this should be confirmed, then it would be imperative to raise awareness among the political class as to the necessity of providing sufficient funding to finally reform the legislation. It will also be necessary to carry out an in-depth study of the law to analyze its suitability to address the needs of certain, especially vulnerable, collectives, like the one discussed in the present study.

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Mlade žene stranog porekla u zatvoru: Studija slučaja zatvora u Malagi

Rad ima za cilj predstavljanje rezultata kvalitativnog istraživanja o položaju mladih migrantkinja u zatvoru u Malagi, nastojeći da prikaže da li one sebe smatraju žrtvama nekog oblika diskriminacije. Glavni cilj je da se prikažu rezultati o njihovom životu pre dolaska u zatvor, njihovom kriminalnom ponašanju, iskustvima u sudskom procesu i njihovim svakodnevnim aktivnostima u zatvoru, kao i o postupanju zatvorskog osoblja prema njima. Pored toga, u radu se nastoji objasniti kakva očekivanja imaju ove mlade žene o budućnosti nakon otpuštanja iz zatvora. U zaključnom delu rada se ukazuje na komplikovanu situaciju sa kojom se suočavaju žene u zatvoru u Malagi, posebno kada se uzme u obzir njihove godine starosti i migrantski status, koji dodatno otežavaju njihov položaj.

Ključne reči: zatvor, diskriminacija, žene, imigrantkinje, uzrast, Španija.

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