Extra Punishment

Violence Against Women in the Fight Against Organized Crime



Credits

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The organizations that make up the Working Group on Women and Incarceration set out to research the situation of women who come into contact with prison systems in Argentina, Colombia and Mexico, due to organized crime-related offenses.

We sought to identify the specific consequences of current policies targeting organized crime for those women who are, or have been, deprived of their liberty and for their families. We adopted a gender-based approach – which is often absent from the state responses we analyzed – and aimed to demonstrate why policies to fight crime will cause ever greater harm if this absence persists.

Between July and December 2025, we interviewed more than 40 women in the three countries mentioned – including those currently incarcerated, those released, and female family members of incarcerated individuals. All were directly or indirectly affected by policies targeting organized crime: they are or were detained themselves, or are the relatives of those detained under special regimes for organized crime. We also interviewed judicial and healthcare professionals as well as defense attorneys.

We present a summary of the main findings of our research below. The full report can be read here.

The Paradigm of the Fight Against Organized Crime_

The concept of “organized crime” encompasses structures or networks that trade in illicit goods, or use illicit means to trade in licit goods. Human trafficking, arms trafficking, and the illegal extraction of natural resources belong to this category. In the countries covered by this report, the primary illegal market is centered on drugs. Although it may seem obvious, it is important to emphasize that all such activities generate revenue and foster monopolistic dynamics; they are structured as businesses involving the division of labor and distinct hierarchical roles. The primarily economic nature of these illicit activities is central to understanding the various levels of individual involvement.

It is beyond the scope of this study to address the use of violence by these organizations, which employ it with varying levels of lethality in each context. This is a serious and pressing problem in many regions of Latin America that cannot be resolved through repression alone, precisely because of its economic and global nature.

In Latin America, the “war on drugs” waged in recent decades focused much of its policy on less serious offenses in the illicit drug trade, such as small-scale dealing, possession and use. One consequence of this policy was that women’s incarceration surged by 212% between 2000 and 2024.

In recent years, many Latin American countries have supplemented this anti-drug policy with a broader approach that imposes harsher punishments, with the purported aim of dismantling organized crime. They have undertaken legislative reforms and measures that ex-

pand the power of security forces and prison systems. In Argentina, the "fight against organized crime" has prompted a tougher security and judicial system. Laws were enacted that suspend constitutional guarantees, and regimes inside prison were made harsher. In Colombia, legislation has led to disproportionate criminal prosecution focused on minor offenders, resulting in the incarceration of impoverished sectors of the population. Mexico continues to militarize civilian public security institutions, as exemplified by the incorporation of the National Guard into the National Defense Ministry (*Secretaría de Defensa Nacional*).

In addition to increasing the severity of punishment, the fight against organized crime also serves as a means of social control that extends to other areas of life, as seen in its effects on communities and in restrictions on detained persons' rights generally. And this approach operates preemptively, since it is often applied based solely on the demonstration of social ties or interpersonal relationships.

While their histories and roles within the global illicit market vary, diverse national contexts share a common thread: the crackdown on organized crime enables extreme security measures – many of which fall outside existing legal frameworks.

This situation can be characterized as the imposition of states of exception, or emergency rule, which suspend individuals' rights and guarantees by invoking alleged security objectives of greater importance or priority. In other words, in the name of law enforcement, authorities impose decisions that are illegal and/or extremely harmful to communities in general, and to women in particular.

Country laws define organized crime as a group of more than three people acting together to commit crimes. Thus, criminal prosecutors must demonstrate that those under investigation are connected to one another. Furthermore, agencies involved in criminal prosecution assume that all organized crime operates like a mafia – meaning as a structure dedicated to commercial activities, sustained and limited by family ties. Consequently, kinship is presumed a priori in inves-

tigations, and close relationships are viewed with suspicion, even though having a family member or partner who is part of a criminal group is not an automatic indicator of guilt.

Women are often the ones who sustain and coordinate networks of care, affection and community life, visiting, communicating and often maintaining these ties. These roles, which make them visible, can be interpreted by criminal justice authorities as signs of membership in a criminal organization. A role involving caregiving or family support is transformed into a risk factor for criminal behavior. This is not an accidental effect – it is intentional. Punishment of organized crime aims to limit the social ties of those detained.

Women in Drug-Related Organized Crime_

The relationship between women and organized criminal structures involved in drug trafficking takes on various forms, which need to be broken down.

Some women are members of these structures or networks, having joined for various reasons. Economic motives may range from desperation to scrape together what is needed to survive to a desire for social mobility through greater purchasing power. Relational factors may range from participating in the "family business," doing a favor for a friend, or being coerced and having no way out. The gamut of factors influencing entry into the world of illicit activity is often overlooked by criminal policies, which tend to treat all women the same when they are suspected of having committed a crime. This blind spot is characteristic of anti-drug laws, which have such broad definitions of criminal offenses that they fail to address the specific nature of different forms of involvement.

Once inside criminal organizations, women occupy different roles, just as men do. To the extent that gender stereotypes persist, these roles are largely related to tasks typically assigned to women: cleaning, caregiving, sales or serving as a courier. Women in high-ranking positions are the exception. In the cases examined in our research, we found that women who hold mid-level or high-level positions within the illicit structure are also better positioned to defend themselves vis-à-vis law enforcement and the judicial system, because they have greater social and economic resources, or more information to offer in exchange for benefits.

Our Research Findings_

Incarceration has a particular, heightened impact on women, since they continue to bear caregiving and social reproduction responsibilities for themselves and their families – even while detained. Thus, children suffer their sentence by extension, harmed by the limitations resulting from their mothers' incarceration.

In addition, women face various forms of discrimination and gender-based violence during judicial proceedings and while deprived of their liberty. In many cases, moral judgment for failing to fulfill traditional gender roles becomes a legal argument, resulting in automatic pretrial detention and convictions for nonviolent crimes, among other consequences. While incarcerated, just like men, they suffer distinct forms of violence, but sexual violence is a constant threat and a means of extortion used by state agents.

These differential impacts are further exacerbated by the ways in which women linked to organized crime have been prosecuted and, above all, punished.

Civil society organizations and other human rights actors have denounced the effects of incarceration on women, calling for fewer custodial measures and increased use of alternatives to prison. This sustained work raised some awareness of the problem and helped expand access to alternative outcomes and substitute measures. But those gains are being reversed, because the crackdown on organized crime broadens the grounds for incarceration and for imposing harsher sanctions.

Although policies targeting organized crime are described as being extraordinary, they are in fact systematic. Many lack a legal basis or are implemented without clear guidelines. Below, we will focus on

our research findings regarding how these policies exacerbate the differential impacts on women at various stages: arrest, the judicial process, and incarceration.

Violence, Physical Punishment and Torture

In our region, violence and torture have an unfortunately long history within security institutions, having never been eradicated.

What is characteristic of their use in the context of policies against organized crime is that, in some cases, torture is not only a form of punishment but also a means of obtaining information.

At the time of arrest, we found evidence of physical and sexual violence, as well as threats of both types of violence against women and their family members. Women's accounts point to aggression and threats against their children, and a lack of adequate measures for when children are with their caregivers in detention.

Within the prison system, violence extends to those who visit detained women. When prison regimes designed for organized crime entail transfers to locations far from home, another obstacle is added. Female relatives of detainees reported being mistreated when they arrived for visits or attempted to deliver a care package. Prejudices against family members and their presumed ties to organized crime manifest in their being treated like criminals by prison staff. These situations lead many women deprived of their liberty to request that they not be visited.

The conditions of these exceptional regimes are not made public, and most families are afraid to report what happens to them because they feel unprotected and do not want to jeopardize the few channels of communication they have with their loved ones who are incarcerated.

Extortion and Infringement of the Right to a Defense

Interrogations are focused on obtaining information about who is part of criminal networks, whether real or alleged, and often use

threats against women's families as a means of extortion. In Mexico, one woman recalled that federal agents detained and tortured her children until she made the statement they wanted. In other cases, criminal groups use this practice to ensure silence. In every instance, women's children are used to pressure them into making decisions. Both the State and criminal organizations resort to extortion and violence as a means of forcing women to incriminate themselves. In addition, this confirms that security forces continue to use torture to force confessions.

The approach of policies against organized crime also exacerbates the persistent, unresolved problems faced by people with insufficient resources to access a proper defense. And it encourages the indiscriminate use of summary proceedings, intended to offer benefits in exchange for information. However, individuals' ability to negotiate depends on the power they have accrued, which is linked to the economic resources they have accumulated and the information they possess. In this framework, women are often disadvantaged by the lower-ranking roles they occupy within these structures.

Penalization of Women's Social Ties and Interactions

Current policies against organized crime not only affect the women who participate, voluntarily or involuntarily, in its activities. In Argentina, Colombia and Mexico, we found women who were wrongfully incriminated because someone in their circle was involved in organized crime.

As we indicated before, this "incrimination by association" is based on family and work ties and reflects a core tenet of this paradigm, which is the notion that organized crime is a family affair. In Argentina, a woman recounted that she, her sister and her niece were accused of belonging to a criminal group after her husband was incarcerated on similar charges. She described how the authorities used her phone calls with her partner as key evidence.

Although certain criminal organizations' operations are intertwined with family structures, criminology has shown that the existence of these relationships is not an automatic determinant.

Limitations on Access to Prison Benefits and Alternative Measures

For many years, there have been calls to grant alternatives to prison – especially for women incarcerated for drug-related offenses, given that many of them are caregivers and the primary breadwinners in their families, and most are in prison for minor offenses.

Some countries have made progress in facilitating access to benefits and alternatives. However, when it comes to women incarcerated for an alleged connection to organized crime, prison benefits and the possibility of accessing alternative measures are denied. We analyzed this problem in depth in Colombia, where despite progress in implementing the Public Utility Law (*Ley de Utilidad Pública*), the chances of obtaining early release and alternative measures are reduced in cases involving a suspicion of or connection with organized crime.

Exceptional Prison Policies

Prison infrastructure in Argentina, Colombia and Mexico is dilapidated and unsanitary, and access to basic rights is severely limited. Violence is part of daily life for those incarcerated, and visitors are also subjected to it. These conditions have been a constant for many years in Latin America and have worsened as the number of women deprived of liberty has increased due to the intensified crackdown on drug-related crimes. In this context, women pursue different strategies to survive inside prison and to ensure their families' survival on the outside.

Despite being deprived of their liberty, women often continue to bear caregiving responsibility for their children and others. They seek employment opportunities to earn income, so they can send money to their families and make ends meet while incarcerated. As a result, they engage in informal economic activities, such as cleaning, or illicit activities – such as selling drugs – when no formal employment is available in prison facilities.

These conditions are common to all women in prison. Policies that impose harsher sanctions on women linked to organized crime make these conditions even more severe. This is not about maximum security regimes designed to prevent escape; it is about a notion of dangerousness applied to all women to justify prolonged isolation, communication blackouts, constant surveillance that prevents private contact with family members and defense attorneys, and restricted access to work and education.

These forms of punishment not only affect incarcerated women, but also the female family members of people deprived of liberty who must navigate the obstacles created by prison services to maintain contact.

The excess burden of caregiving on female family members is exacerbated by the impact that these exceptional regimes have on children. Many of the women interviewed described the mental health issues that their young children suffer as a result of abruptly losing contact with their fathers or mothers.

Case Analysis_

To show how state policies against organized crime have specific impacts on women, we focused on analyzing three prison and criminal justice policies.

Restrictive Prison Regimes

The implementation of tougher incarceration conditions varies from country to country. In Colombia, certain prison wings are designated for individuals classified as "high-security" inmates – people deprived of their liberty for serious crimes or who are at high risk of escaping. In Mexico, this is implemented through the Federal Centers for Social Reintegration (*Centros Federales de Reinserción Social*, CEFERESO) under a system of total control and restricted communication.

Since 2023, Argentina has hardened its detention regimes with the stated aim of preventing drug trafficking organizations from operating from inside prison. Consequently, "high-profile" and "high-risk" regimes were implemented, under which detained persons are held in individual cells for 20 to 22 hours a day. Cell phones, books, radios, notebooks and photos are prohibited. Women are allowed to stay with their children, but they have no access to other areas and are not permitted to have toys or similar items in their cells. These women cannot participate in workshops or any kind of work. They face restrictions on receiving medical care, and there is no pediatric healthcare available.

These women leave their cells in groups of three or five for between two and four hours a day to use the bathroom, shower, cook, eat and exercise, invariably escorted by hooded staff wearing no visible

identification. The women reported that in Santa Fe province, prison staff remove their children without prior notice. They also conduct violent searches in the presence of infants, who are also searched. Furthermore, when the women complain, they are threatened with having their children taken away.

Contact with the outside world is restricted. Phone calls are limited to once a week for no more than 20 minutes and are scheduled on a rotating basis, which often conflicts with their family members' school and work schedules. Visits permitted twice a month, and lasting half an hour, are limited to members of the immediate family and take place through bulletproof glass or bars. Physical contact is only allowed with children under the age of five.

In addition to restricting social ties, these regimes violate the right to a defense by preventing privacy during meetings with defense attorneys.

In the course of our research, we found that individuals classified under these regimes are often incarcerated for offenses unrelated to organized crime. In other words, these prison models are used as a form of punishment and as a threat to the general prison population. For example, family members and defense attorneys stated that prison authorities classify entire wings as "high-profile" or "high-risk," regardless of whether the people detained there meet the legal criteria.

Mass Arbitrary Transfers

Involuntary and unjustified transfers of women deprived of liberty for organized crime-related offenses were widely observed in Mexico between 2021 and 2023, when the federal government decided to transfer hundreds of women from state facilities to CEFERESO No. 16.

CEFERESOs were designed to house individuals classified as "highly dangerous" along with those charged with, or convicted of, federal crimes or crimes deemed to be serious. To reduce the cost per person, in 2021, the federal government decided to transfer individ-

uals charged with or convicted of organized crime to these facilities. It thereby suspended the right to serve one's sentence in the facility closest to home. And it legalized exceptions to voluntary transfers, eliminating the need for judicial authorization.

This decision had a greater impact on women. The transfers were conducted without complying with human rights standards and, in most cases, lacked adequate justification. Many of the transfers took place late at night and without an adequate or thorough medical examination. In addition, some women reported being beaten during the journey. These sudden, unannounced transfers disrupted the organization of life in detention.

At CEFERESO No. 16, problems were documented that violated the rights of women deprived of their liberty. Testimonies indicated that the use of solitary confinement was widespread. According to regulations, all new arrivals were placed in isolation for 15 to 25 days to allow time for their individual assessments. Some women classified as requiring maximum security were held in isolation and incommunicado for up to seven months – permitted to leave their cells only to use the bathroom. Communication with the outside world was restricted. The incarcerated women said that they were allowed to make phone calls every eight to 15 days – an uncertain interval that depended on the staff – and that each call lasted no more than 10 minutes. In addition, there were de facto limits on receiving visitors due to the travel costs resulting from the distance between CEFERESO No. 16 and their places of origin. Finally, several women reported the use of sanctions that may constitute torture and cruel, inhuman or degrading treatment.

All of these conditions – combined with inadequate health services – led to a deterioration in the mental health of the women transferred to CEFERESO No. 16. This lack of care resulted in a suicide crisis: there were 20 deaths, 13 of which occurred between 2021 and 2022. Ultimately, the wave of suicides brought to light the concerns and demands of civil society organizations, defense attorneys and

family members. This was key to prompting state agencies to get involved and take action. The National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) recognized the rights violations suffered by the 13 women who committed suicide between 2021 and 2022, along with the infringement of 18 other indirect victims' access to justice.

Denial of Prison Benefits and Alternatives to Incarceration

In Argentina, Colombia and Mexico, it is common for women charged with or convicted of organized crime-related offenses to face restrictions on access to prison benefits and/or alternatives to incarceration.

In Colombia, there are legal mechanisms that allow convicted individuals to serve their sentences outside of prison or to be granted temporary leave. However, for women convicted of drug trafficking, aggravated theft or extortion in the context of organized crime, access to these benefits is very limited; in fact, most are expressly excluded due to the type of crime committed. Partial exceptions include house arrest for mothers who are heads of household and, since 2023, the option to perform community service, which is available to women in vulnerable situations convicted of certain drug-related and theft offenses, among others.

Among the women interviewed, some who met the requirements for house arrest as mothers who are heads of household were denied this benefit. The reasons espoused reflect two serious problems: first, the use of gender stereotypes by judges, who questioned the women's role as caregivers for their children because they had been convicted or accused of committing a crime. Organizations that monitor the implementation of Colombia's Public Utility Law have stated that some judges deny this alternative on the grounds that fathers can take over caregiving responsibilities. An example of this "bad mother" discourse arose in the case of Jimena, who has two

children. The judge denied her request for house arrest to care for her younger child, arguing that the child had a father.

The second problem is the failure to analyze each woman's specific circumstances and needs, since in many cases judicial officials were not receptive to the needs that motivated the request. This can be seen in the case of Fernanda, who was the primary caregiver for her three children. After several years in prison, she applied for parole, but the judge suggested she opt for house arrest. Fernanda agreed and considered moving from Bogotá to her hometown to find work and be with her family. Upon hearing of this change, the judge denied her that alternative. Fernanda then filed a constitutional protection action (*acción de tutela*) to protect her rights against the authorities; she continued waiting until she was finally granted parole with electronic monitoring.

Faced with these repeated denials, many women sought recourse by filing such constitutional protection actions, and only through this process were they able to obtain parole or permission for temporary leave. However, they continued to face challenges outside of prison. Some had to pay a judicial bond or cover the cost of the electronic monitoring device to access the benefit. In addition, several women reported that restrictions on their mobility made it difficult to fulfill their caregiving responsibilities, from going to the market to picking up their children from school. Furthermore, periodic surveillance and background checks, as well as the stigma attached to having been in prison, limited their employment options. Taken together, these circumstances placed the women and their families in a situation of economic vulnerability.

Conclusion_

Policies targeting organized crime are neither exceptional nor are they applied in a limited way to criminal networks. They lack a clear legal basis, are implemented without specific criteria to define target groups, or are used as a disciplinary sanction inside prison – to name a few examples. The rights violations they cause are viewed as a kind of necessary collateral damage, secondary to the evils they claim to prevent.

In particular, the deterioration of women's living conditions is ignored under the guise of prioritizing more important needs. These policies do not take into account the gender-based factors that drive involvement in criminal structures, nor do they respond in a differentiated manner to distinct forms of participation. They also fail to take into account caregiving responsibilities toward children and other dependents.

The public debate must move away from stigmatizing discourses that jeopardize the human rights of women and their families – such as gender-based prejudices around motherhood, which entail a double punishment for women deprived of their liberty. Similarly, the assumption that family networks and place of residence are reliable evidence of involvement in criminal structures leads to arbitrary detentions.

This arbitrariness and the escalation of violence affect the women accused of being part of criminal structures, as well as the communities to which they belong. In contexts marked by gender inequality, the violence carried out during arrest, the judicial process and incar-

ceration ultimately functions as an extended punishment that harms the women, their children and their family networks.

In light of this scenario, our research calls for questioning the current paradigm of the fight against organized crime and draws attention to the violent and simplistic nature of these policies, which are based on legalizing abuses, torture and a lack of guarantees.

The harm to women is exacerbated by the roles they play in their communities and families. And the lack of social reintegration policies means this ends up feeding back into criminal organizations, creating an environment conducive to their expansion and recruitment. Furthermore, the harsher measures and exceptionalism associated with the fight against organized crime lead to greater punishment, leaving women isolated and subjected to violence. These are forms of extra punishment justified by the idea of a “war” on crime – which also targets women



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