

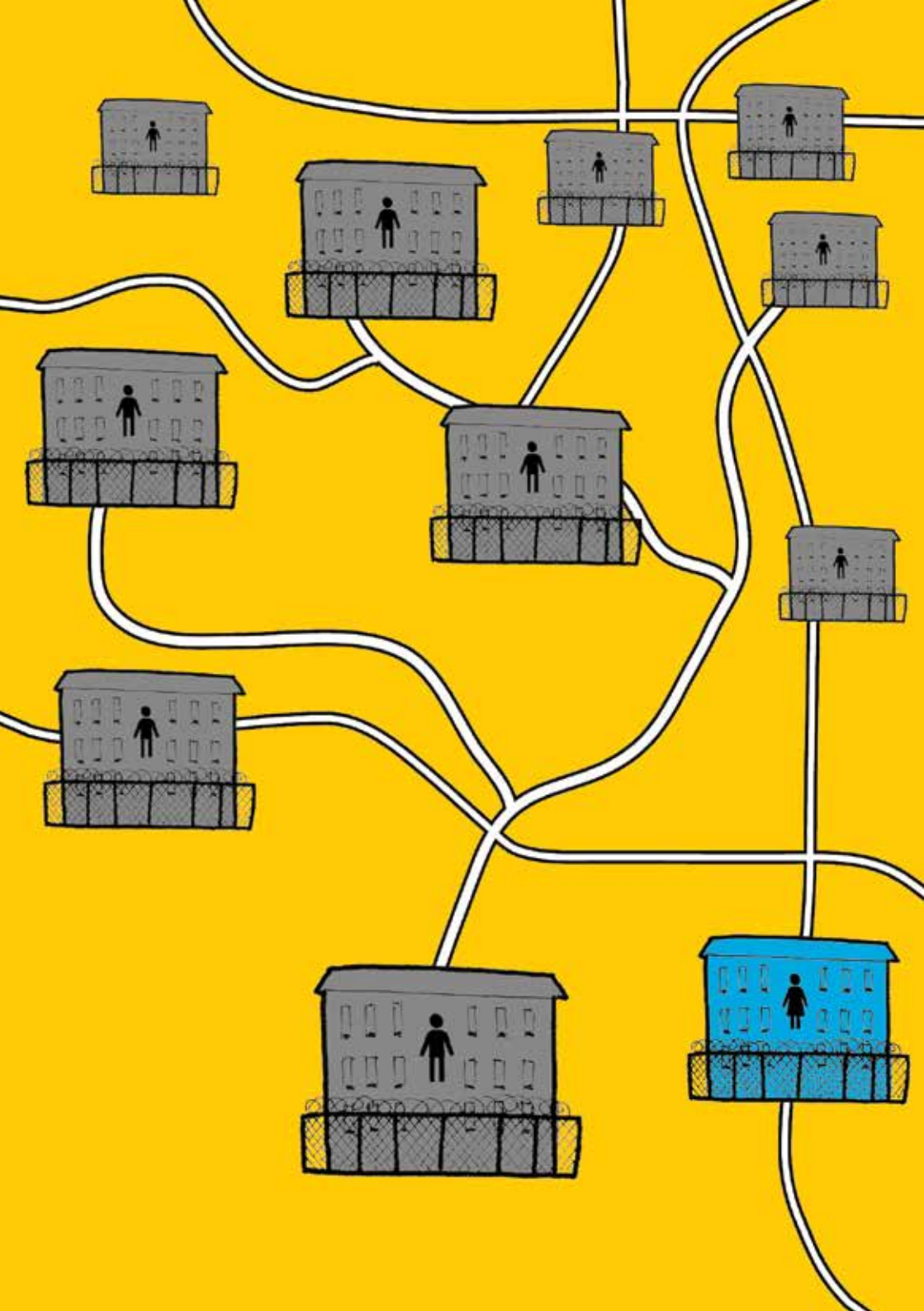
Toolbox
on the UN
Bangkok
Rules



UN Bangkok Rules on women offenders and prisoners

Short guide





The United Nations Bangkok Rules on women offenders and prisoners

Globally **more than half a million** women and girls are in prison serving a sentence following conviction, or awaiting trial and therefore to be presumed innocent. Criminal justice systems routinely overlook the specific needs of these women and girls, who represent an estimated two to nine per cent of national prison populations. The UN Bangkok Rules seek to address these needs.

The profile of women prisoners

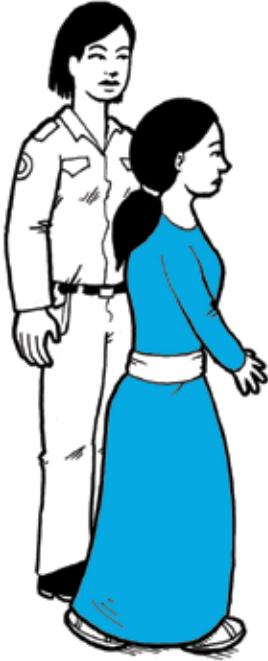
Treating women offenders in the same way as men will not achieve gender equality. The circumstances in which women commit criminal offences are different from men.

The facts

- ➔ A considerable proportion of women offenders are in prison as a direct or indirect result of multiple layers of discrimination and deprivation.
- ➔ Women mainly commit petty crimes closely linked to poverty, such as theft, fraud and minor drug related offences.
- ➔ Only a small minority of women are convicted of violent offences, and a large majority of them have been victims of violence themselves.



The Bangkok Rules



Because women and girls represent **less than a tenth** of the prison population their characteristics and needs have remained unacknowledged and largely unmet by criminal justice systems. Prisons and their regimes – from the architecture and security procedures to healthcare, family contact and training opportunities – are usually designed for men.

There was also a gap existing in international standards on addressing the needs of women in the criminal justice system. In December 2010 this gap was filled when the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders, known as the Bangkok Rules, were adopted by the UN General Assembly (Resolution A/RES/65/229).

The Rules are crucial to protecting the rights of women offenders and prisoners, explicitly addressing the different needs that women have and the different situations they come from. The Bangkok Rules are also the first international instrument to address the needs of children in prison with their parent.

By unanimously voting for the Bangkok Rules, 193 countries who are members of the United Nations acknowledged that women in the criminal justice system do have gender-specific characteristics and needs, and agreed both to respect and meet them.



Who do the Bangkok Rules protect?

- ⇒ Female prisoners who are in prison awaiting trial, and therefore presumed to be innocent, and those serving prison sentences following a conviction. The Rules also protect women in prison under so-called 'protective' custody by the state.
- ⇒ Female offenders who are given a sentence other than imprisonment (non-custodial measure or sanction).
- ⇒ Children of imprisoned parents accompanying their parent to prison.
- ⇒ Male prisoners and offenders are also protected by some of the Rules.

For example, the central role of both parents is recognised, and accordingly some of the rules apply equally to male prisoners and to offenders who are fathers.

It is estimated that millions of children worldwide have a parent in prison and tens of thousands are living in prison with their mother.



Why are they called the Bangkok Rules?

The UN Bangkok Rules were initiated by the Government of Thailand. HRH Princess Bajrakitiyabha of Thailand played a pivotal role in the development of the Rules.

In countries such as Jordan women are imprisoned, sometimes for over a decade, on the grounds of 'protection from honour crimes'.



In England and Wales women in prison are ten times more likely to harm themselves than men in prison.



What do the Bangkok Rules say?

The 70 Rules give guidance to policy makers, legislators, sentencing authorities and prison staff to reduce unnecessary imprisonment of women, and to meet the specific needs of women who are imprisoned.

Keep women out of prison

The Bangkok Rules give guidance on gender-sensitive alternatives for both pre-trial detention and sentencing post-conviction which address the most common causes of offending. They recognise that prison is usually an ineffective, and often damaging, solution to offending by women, hindering their social reintegration and ability to live productive and law-abiding lives following release.

One example of a gender-sensitive alternative to prison is counselling services with on-site childcare facilities. This provides a solution for women offenders who are mothers, enabling them to deal with the root causes of criminal behaviour whilst continuing to care for their children.





The shackling of women during childbirth remains widespread in some countries, including in the United States.



If sent to prison...

The Bangkok Rules respond to the different needs of women and girls in prisons, providing guidance on a wide range of aspects of the prison regime – healthcare, rehabilitation programmes, the training of prison staff and visiting rights.

Provide appropriate healthcare

In addition to reproductive healthcare, gender-specific responses are needed for mental health, substance abuse and the treatment and care of other diseases. Women prisoners should have the same access to preventative healthcare, such as breast cancer screening, as offered to women in the community.

Treat women humanely

The Rules require women to be treated with humanity and with dignity. For instance the use of instruments of restraint on women during labour, during birth and immediately after birth is prohibited. There is a prohibition of solitary confinement or disciplinary segregation for pregnant women, women with infants and breast feeding mothers.



Preserve dignity during searches

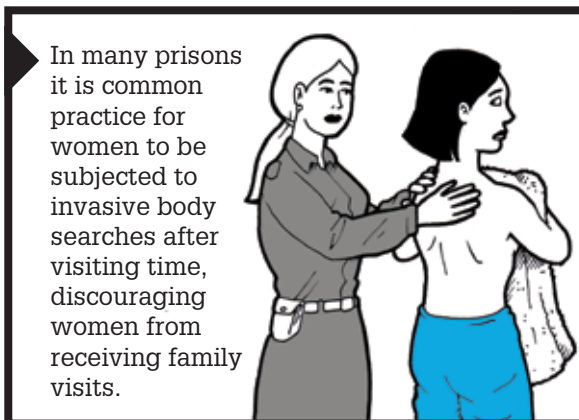
Search procedures must respect a woman's dignity. Given the risk of abuse during pat-down searches and even more so during strip or invasive body searches, they must be carried out by female staff. Alternative screening methods should be developed.

Protection from violence

Women prisoners are at particularly high risk of rape, sexual assault and humiliation in prison. They are vulnerable to all forms of sexual misconduct by prison staff and other prisoners, including improper touching during searches, and being watched when dressing, showering or using the toilet.

Provide for prisoners' children

Prison services must provide for the full range of needs of children in prison with their mothers, whether medical, physical or psychological. As these children are not prisoners, they should not be treated as such. The Rules also require special provisions to be made for mothers prior to admission, so they can organise alternative childcare for children left outside.



In many prisons it is common practice for women to be subjected to invasive body searches after visiting time, discouraging women from receiving family visits.

The Bangkok Rules supplement the existing UN Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules on alternatives to imprisonment.

From paper to practice

The Bangkok Rules represent a vital step forward for the rights of women in prison and women offenders. Now the standards need to be put into practice.

Many actors are involved in the treatment of women offenders and prisoners. All have a role in implementing the Bangkok Rules.

Many of the Rules do not require additional resources for their implementation, but a change in awareness, attitude and practices – and in particular a committed investment in the training of prison staff, policy-makers, prison administrators and others who engage with women in the criminal justice system.



Toolbox for implementation

We have a range of practical resources to help you put the UN Bangkok Rules into practice. Please visit:

www.penalreform.org/priorities/women-in-the-criminal-justice-system/

➡ Guidance document:

A guide to each Rule, suggested measures for implementation at policy and practical level, with examples of good practice to inspire new thinking.

➡ Index of Implementation:

A comprehensive checklist for an assessment of implementation of the Rules, structured for different actors. Can be used in developing policies and strategies.

Both documents are co-published with the Thailand Institute of Justice.

➡ Online course:

A self-paced, free online course combining analysis of the Rules, interactive assessments and application of the Rules to real life situations, with a certificate issued at completion. Enrol at **penalreform-elearning.org**

➡ A guide to gender-sensitive monitoring:

A guide to help bodies monitoring places of detention incorporate a gender perspective into their work and address violence against women and girls in detention. Jointly published with the Association for the Prevention of Torture.

➡ E-bulletin:

A quarterly round-up of information on women in the criminal justice system, the Bangkok Rules and activities by PRI and others on the Rules. Sign up by emailing **info@penalreform.org**

➡ Briefings:

A PRI Briefing is available mapping concerns relating to the discrimination of women as alleged offenders in the justice system. A Briefing on Girls in Detention outlines the specific issues challenges for girls and recommendations to strengthen their protection.

Tools are available in multiple languages.

Toolbox
on the UN
Bangkok
Rules



Illustrations by John Bishop
© Penal Reform International 2013

www.penalreform.org

 [@PenalReformInt](https://twitter.com/PenalReformInt)