



UN Human Rights Council

20th Session, 18 June - 6 July 2012

Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

### Statement of Penal Reform International and Friends World Committee for Consultation (Quakers)

#### Interactive Dialogue with the UN Working Group on the Discrimination against Women in Law & Practice

Mme/ Mr President,  
Distinguished Members of the Working Group,

Penal Reform International and Friends World Committee for Consultation (Quakers) would like to congratulate the UN Working Group on the Discrimination against Women in Law and Practice on its report and the work it has been able to undertake since its establishment.

We welcome the focus on the **discrimination in political and public life** as this entrenched phenomenon constitutes a key underlying cause of discriminatory laws in general, including in the area of criminal justice that our organisations are particularly concerned with.

In fact, to date the specific characteristics and needs of female offenders have been overlooked in a criminal justice system dominated by men. Non-custodial alternatives to detention are tailored to male offenders, and prisons are built for male prisoners and run by male prison administration. This is no doubt related to women's under-representation in parliament, amongst policymakers, judges and in the prison administration.

We would like to flag that in order to rectify the lack of attention to the needs of female offenders, in December 2010 the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("Bangkok Rules") have been adopted by the General Assembly.

However, awareness about these standards and progress in their implementation is still lacking, and the necessity of a gender-sensitive criminal justice system disputed too often.

In the context of the Working Group's dialogue with states on the **elimination of discriminatory laws**, on implementing and improving existing legislation on equality and

human rights<sup>1</sup>, PRI and FWCC (Quakers) would therefore like to highlight the need to promote and monitor the implementation of the Bangkok Rules.

We would also like to highlight the intersection between disadvantages female offenders experience on various levels in the criminal justice system and discrimination of women in their **access to economic and social rights**.<sup>2</sup>

The majority of offending and imprisoned women come from socially disadvantaged groups. In many societies women have less access to education than men and fewer legal rights. Typical female offenders will be young, unemployed and have low levels of education. This is reflected in particular vulnerability to being deprived of their liberty, for reasons including lack of information on rights and options, an inability to pay fines for petty offences or to meet financial and other bail or sentencing obligations. But even following release, the risk is higher for women to lose their accommodation and employment upon detention and they are confronted with increased stigmatisation as in most societies they contravene prevailing role models for their sex.

We would also like to highlight the intersection with **violence against women**. Data from countries around the world indicate that a large percentage of women entering prison have experienced sexual and physical abuse in their lives prior to prison. Prisons are not equipped to provide a therapeutic environment. Vulnerability to violence continues in detention, in particular during the first period in police custody and pre-trial detention, and including rape and sexual violence.

In all three regards raised, programmatic frameworks aimed at meeting the specific needs of women in the area of criminal justice have been lacking and institutional frameworks<sup>3</sup> have mostly failed to take a gender-sensitive approach.

Girls, non-nationals, women from minority groups, pregnant women and women with disabilities are vulnerable to **multiple discrimination**<sup>4</sup> in the criminal justice system. Moreover, as female offenders are most often the sole or primary caretaker of young children, even short periods imprisonment have an impact on children and the wider family.

We would therefore like to recommend to the Working Group to incorporate the issue of women in conflict with the law in its mapping of discriminatory practices, good practice compilation and within its state visits.

Thank you.

Penal Reform International (PRI)  
Friends World Committee for Consultation (Quakers)

Geneva, 21 June 2012

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<sup>1</sup> Referring in particular to para. 16 of the Working Group's report to the Human Rights Council

<sup>2</sup> Referring in particular to para. 14, flagging how women's equal access to fundamental rights can be attained only if they are able to benefit from their economic, social and cultural rights.

<sup>3</sup> Referring in particular to para. 19 (c) of the Working Group's report to the Human Rights Council

<sup>4</sup> Referring in particular to para. 13 of the report to the Human Rights Council, in which the Working Group stresses the need for responsiveness of implementation frameworks to the intersections of sex-based discrimination with other grounds of discrimination.