



Permanent Mission of Thailand
to the United Nations and Other
International Organizations in
Geneva



Promoting penal
reform worldwide

Female offenders: What difference can the Bangkok Rules make?

Tuesday, 6 March 2012, Palais des Nations

Penal Reform International, the Permanent Mission of Thailand to the UN, the Quaker UN Office and OMCT (World Organisation Against Torture) hosted a side event to promote the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the UN General Assembly in December 2010.

The event was introduced by H. E. Pisanu Chanvitan, Ambassador and **Permanent Representative of Thailand to the United Nations**, who stressed the importance of the Bangkok Rules in rectifying the gap with regard to the specific needs and characteristics of women and girls in the criminal justice system. He emphasised that the Rules supplement, rather than replace, the existing Standard Minimum Rules for the Treatment of Prisoners.

Dr Rani Shankardass, Honorary President of PRI, and Secretary General of Penal Reform and Justice Association, India, talked about practical examples of women's prisons. She commented on how disastrous women's experience of the criminal justice system could be, right from arrest and police custody, because they know nothing about the process. Dr Shankardass highlighted good practices which need to be disseminated, such as diversion and alternative dispute resolution, and pointed out that the right to life meant a right to living and dignity, which necessitates knowing the individual woman and her needs.

Penal reform expert **Tomris Atabay** said the Bangkok Rules are a great step forward in recognising women in the criminal justice system, as well as being the first international instrument recognising the children of those in prison. She explained the practical guidance document which she is working on with PRI, which will be accompanied by an index of compliance to assess the level of implementation of the Bangkok Rules. This document stemmed from the recognition that the challenge after adopting these Rules is putting them into practice, because of a lack of knowledge of the Rules or how to implement them, existing prejudice against women who offend, and a need for resources and political will. Ms Atabay stressed that factors leading to offending behaviour needed to be better understood, and there is a need for increased knowledge and guidelines for anyone involved in implementing the Rules, from NGOs to sentencing authorities. Once published, the draft document will be open for comments and feedback from practitioners, authorities and civil society in the criminal justice field.

Rachel Brett, of the Quaker UN Office, presented QUNO's recent publications looking at children of incarcerated parents, of those sentenced to death, and a draft web-based framework for decision-making on children of alleged offenders.

Carin Benninger-Budel of OMCT spoke of the violence and mistreatment suffered by women and girls in detention, within the broader context of discrimination in society, describing their stigmatisation when offending behaviour is at odds with society's expectations of them. She highlighted the importance of the holistic approach to women in the criminal justice system, and stressed their right to be free of violence by any perpetrator. Ms Benninger-Budel

complimented the Committee Against Torture for its references to the Bangkok Rules in its concluding recommendations, and mentioned OMCT's participation in over 40 monitoring visits to children's places of detention.

Questions from the floor:

Oliver Robertson, QUNO: What positive steps could be taken by the judiciary?

Rani Shankardass: The judiciary are likely to have more impact than any other agency in the criminal justice process, for example in being able to suggest alternative sentences right from the start.

Amy Fetting, ACLU: What have the Rules brought to reproductive justice for women?

Tomris Atabay: The Rules prohibit shackling before, during and after childbirth, prohibit solitary confinement if a woman is breastfeeding, and make it clear that women's reproductive history should be confidential between them and a doctor.

Andrea Huber (PRI Policy Director): The Rules bring more detailed standards on healthcare, which in other instruments has been limited to pre- and post-natal care.

Netithorn Netty Praditsarn, Permanent Representation of Thailand: How can UN mechanisms be used to take the Rules further?

Andrea Huber: It is important to raise awareness amongst Geneva-based human rights bodies, for example the CEDAW Committee was the first to refer to the Bangkok Rules. There is a growing body of reference to the Rules now, which will help raise awareness about the Rules. As for PRI's guidance document, feedback will be welcomed.

Tomris Atabay: It is important also to have input from monitoring bodies, as it gradually ensures governments are more aware.

Rani Shankardass: It is important to recognise the contradictory impulses that sometimes govern advice from the 'Western World' to the rest of the world, and that there needs to be a balance between tradition and wisdom from the West. The UN is in a unique position but needs a local presence in countries to show there is national agreement on its guidelines.

Jean-Pascal Obembo, UN Department of Peacekeeping Operations: The Bangkok Rules will be made more feasible by simply disseminating the document further, but also by ensuring more representation of women in institutions such as the police.

Rachel Brett: There is a distribution system through UNDP.

Andrea Huber: PRI has been working to find out how to put the Bangkok Rules on the UN Office of the High Commissioner website, as they are not currently there.

Andrea Huber concluded by thanking everyone who had attended the event (numbering almost 50 from a range of NGOs and UN delegations and bodies), the speakers, and the Thai Mission for their support.

