



**Promoting fair and  
effective criminal justice**

Organisation for Security and Co-operation in Europe (OSCE):  
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**Working session 9: Violence against women and children**

**Statement of Penal Reform International**

**Working Session 9: Violence against women belonging to  
vulnerable groups**

Penal Reform International (PRI)<sup>1</sup> welcomes this dedicated discussion to violence against women belonging to vulnerable groups, and would like to highlight a group frequently overlooked – women offenders and prisoners. Women and girls only constitute an estimated two to nine per cent of national prison populations, although their numbers are increasing at a faster rate than for men and total some 625,000 worldwide.

Research suggests that a large proportion of women in detention have experienced some form of violence at a point in their lives. To quote the UN Special Rapporteur on violence against women *'[T]here is a strong link between violence against women and women's incarceration, whether prior to, during or after incarceration... Incarcerated women have been victims of violence at a much higher rate prior to entering prison than is acknowledged by the legal system generally.'*<sup>2</sup>

The majority of women in detention are convicted of non-violent crimes that are linked to poverty, and those convicted of violent crimes are often victims of violence themselves. Recent research by PRI showed that a large proportion of women who had been convicted of murder or manslaughter of a male family member in one OSCE member state had been either a victim of sexual or domestic abuse, or acted in self-defence or to protect their children.

For many women offenders, there is a continuum of violence in detention. Custody often means ill-treatment, threats of rape, touching, "virginity testing", being stripped naked, invasive body searches, insults and humiliations of a sexual nature or even rape. There are cases of dependency of prisoners upon prison staff which lead to increased vulnerability to sexual exploitation.

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<sup>1</sup> Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. We promote alternatives to prison which support the reintegration of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

<sup>2</sup> Rashida Manjoo, Pathways to, conditions and consequences of incarceration for women, 21 August. 2013, UN-Doc. A/68/340

The specific needs of women and girls – including those arising from their experience of violence, or vulnerability to abuse – have largely remained unacknowledged and unaddressed.

To overcome this shortcoming, in 2010 the UN General Assembly adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules.

I would like to highlight four areas which the Bangkok Rules (as well as the UN Standard Minimum Rules for the Treatment of Prisoners) provide guidance, specifically with regard to women offenders and prisoners' experience of violence:

1. Rule 61 of the Bangkok Rules encourages judicial authorities to take into account the typical backgrounds of women offenders as a mitigating factor in sentencing. Thus the Rule is of particular relevance to a significant proportion of women offenders who commit violent offences against their partners, as a consequence of long-term abuse by them.
2. Female prisoners should be housed in separate facilities from male prisoners to prevent sexual harassment and abuse. International standards also prohibit any involvement of male staff in the supervision of women's prisons.
3. Rule 6 of the Bangkok Rules require a medical screening on entry to prison to include an examination of any sexual abuse or other forms of violence that may have occurred prior to admission. In cases where abuse is detected, Rule 7 sets out responsibilities for the prison administration to provide for the corresponding physical and psychological needs.
4. Body searches should be undertaken in a way that ensures that the detainee's dignity and privacy are respected, under Bangkok Rule 19. Only women staff members who have been properly trained in appropriate searching methods should conduct body searches.

As a step towards eliminating violence against women, PRI encourages all OSCE member states to review its penal legislation, policies and practices in light of the four areas I highlighted and with reference to the Bangkok Rules.

I refer you PRI's Toolbox on the UN Bangkok Rules which include specific tools to assist in an assessment and implementation of a gender-sensitive penal system.

Thank you for your attention.