



**Promoting fair and
effective criminal justice**

8th Session of the United Nations Forum on Minority Issues
24-25 November 2015
Geneva

Agenda Item 4: Challenges of criminal justice systems in addressing the needs and demands of minorities

Oral statement

Distinguished delegates,

Penal Reform International welcomes the focus of this year's forum given the widespread discrimination of individuals belonging to minority groups in criminal justice systems worldwide.

Today is the International Day on the Elimination of Violence against Women so we would like to highlight the link between violence and imprisonment of minority women and the challenges faced by criminal justice systems in addressing this.

As the Special Rapporteur on violence against women has stated: 'the undeniable link between violence and incarceration, and also the continuum of violence during and after incarceration, is a reality for many women globally.'¹

It is now recognised – and reflected in the UN Bangkok Rules on the Treatment of Women Prisoners – that domestic violence often plays a significant role in the lives of and pathways to prison for women, and negatively impacts on their experience in detention and post-imprisonment social exclusion.

The majority of criminal justice systems and prisons around the globe do not meet the complex needs stemming from domestic violence experienced by women in conflict with the law, and certainly not the differential experiences within the women's population. This is particularly concerning given the over-representation of minorities in the female prison population and the intersectionality of discrimination they face.

¹ Report of the Special Rapporteur on Violence Against Women on Pathways to, conditions and consequences of incarceration for women (A/68/340), para. 2.

In many cases there is a failure to protect minority women from further violence at the hands of other prisoners or prison staff. Barriers in accessing complaint mechanisms and State protection are common and systemic for minority women – including stigma and ineffective responses by authorities.

The UN Bangkok Rules require criminal justice systems to adopt a gender-sensitive approach to violence against women offenders and prisoners, promoting appropriate alternatives to imprisonment and requiring victimisation to be a factor at sentencing. The Rules further require that prison administrations are responsive to women's prior experience of domestic violence as a key element to rehabilitation.

We invite delegates and the distinguished panel to address the following question:

What can be done to improve the implementation of the UN Bangkok Rules to address the needs stemming from violence experienced by minority women while in prison. I note specifically Rules 54 and 55, which recognise the multiple forms of discrimination faced by minority women, and call for gender- and culture-relevant programmes and services in consultation with the relevant women.

This question will be addressed at a side-event at 1 o'clock today in Room 27, co-sponsored by Canada, PRI, QUNO and UNODC.

Thank you for your attention.

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