

## **Leading human rights experts call for overdue implementation of the UN Bangkok Rules a decade after they were adopted**

**GENEVA/ BANJUL/ STRASBOURG/ WASHINGTON DC (10 DECEMBER 2020) – Ten years after the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) were adopted, a group of human rights experts with mandates relating to detention and women’s rights\* jointly call upon all States and relevant stakeholders to take urgent steps to implement the Bangkok Rules to protect the rights of women in prison and those serving non-custodial sentences.**

The UN Bangkok Rules seek to reduce the imprisonment of women around the world and promote non-custodial alternatives to imprisonment that are designed to meet women’s needs and address the causes of their offending. Ten years after their adoption, however, the global female prison population has increased significantly, and women in detention face even more hardship and risks to their human rights as the COVID-19 pandemic continues. There are now an estimated 740,000 women and girls in prison globally.

The increase in the number of women in prison is the result of a number of factors, including punitive approaches to low level, non-violent offences which are often linked to poverty, harsh drug policies which result in excessive imprisonment of women, and the criminalisation of behaviours such as adultery, apostasy and homosexuality. The Bangkok Rules recognise that a number of women that come into conflict with the law do not pose a risk to society and their imprisonment may render their social reintegration more difficult.

Women’s imprisonment impacts children, families and societies. The stigma faced by women who have been detained, along with loss of income, housing, or custody of their children, see many women released from detention into homelessness and with decreased opportunities for finding employment. Women are often detained in locations far from their homes which makes it harder to maintain family connections and reintegrate into the community upon release. Children of imprisoned mothers also often face stigma and discrimination, and those living with their mother in prison face particular risks, both in detention and upon separation at a certain age.

Multiple and continuing reports of discrimination and sexual and gender-based violence against women who are suspects, defendants and in detention are of extreme concern and can amount to ill-treatment or even torture. Many of the provisions of the Bangkok Rules are premised on the fact that violence against women has specific implications for women’s contact with the criminal justice system, and their right to be free of victimization while detained. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women who come into conflict with the law.

A worrying trend emerged this year regarding the negative impact of COVID-19 response measures in criminal justice systems on women. Women and girls represent on average only 2-9% of national prison populations and have in many instances been overlooked in COVID-19 responses. The pandemic has exacerbated existing barriers for women to maintaining their

health and wellbeing in many countries. The suspension of visits in most prison systems has prevented family and other support networks from bringing essentials such as sanitary items and supplemental food to provide adequate nutrition for women in prison, including pregnant women and breastfeeding mothers. Restrictions on movement have also impeded access to maternal healthcare and other vital services and supports. We are also concerned at the mental health impact on women of measures taken in response to COVID-19, given that a high proportion of women in prison have poor mental health.

We welcome the many efforts over the past decade to implement the Bangkok Rules, including by several States, and we applaud the work of advocates, civil society and intergovernmental bodies to bring the Bangkok Rules to life through research, practical support for women in criminal justice systems, guidance on the application of the Rules and support to states working towards implementation. Identified best practices to protect the human rights of women in criminal justice systems should, however, be replicated, scaled up and made accessible to every woman and girl that comes into contact with the criminal justice system.

**Ten years after the UN Bangkok Rules were adopted by the UN General Assembly, to complement the UN Nelson Mandela Rules by providing guidance on a gender-specific approach to the treatment of prisoners and to address the rising female prison population globally, we jointly call on States to fully implement the Bangkok Rules. Most urgently and specifically, we call for implementation of the following key measures:**

- Channel women who commit low-level offences away from formal judicial proceedings and towards resolution by non-judicial bodies, particularly during the COVID-19 pandemic.
- Provide community-based responses to criminal offences committed by women that use a gender-sensitive and trauma-informed approach and address the structural causes that contribute to women's incarceration.
- Promote gender-specific measures as an integral part of national policies on crime prevention, criminal justice and the treatment of offenders, including the rehabilitation and reintegration of women offenders into society.
- When sentencing women, take mitigating factors into account, such as a lack of criminal history, relative non-severity and nature of the crime, background including any experience of violence, and caretaking responsibilities; prioritise non-custodial sentences, and ensure girls and young women under 18 years are only detained as a measure of last resort and for the shortest period possible.
- Ensure measures relating to COVID-19 are assessed and adjusted for women by collecting disaggregated data and reporting on the gender-specific effects of COVID-19 on women and girls in criminal justice systems. Include women in early release or diversion schemes as part of COVID-19 responses. Ensure that any change to detention regimes, including isolation and limits to contact with the outside world, take into account the specific impacts on women and girls.
- Urgently address and expand healthcare provision to women in prison, including preventative healthcare such as COVID-19 testing and breast cancer screening, pre- and post-natal care and mental healthcare.

- Review and revise national legislation and practices to ensure that women are able to access the highest attainable standard of health, including the full exercise of their reproductive rights without fear of criminalisation.
- Significantly overhaul and expand responses to mental healthcare needs for women in prison. Undertake specific efforts to mitigate negative mental health impacts of COVID-19 measures for women in detention, including by working with community-based services.
- Ensure the full participation of women and girls in all crisis response and recovery plans for the criminal justice system.

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