

Non-custodial measures

RULE 57

'Gender-specific options for **diversionary** measures and pretrial and sentencing **alternatives** shall be developed within Member States' legal systems, taking account of the history of **victimization** of many women offenders and their caretaking responsibilities.'

- Establish **non-custodial measures** for women that take into consideration the causes for their involvement in the illegal drug markets, including: the intersection of poverty and caretaking responsibilities; partner violence; coercion or influence by a male relative or partner; or drug dependence.



RULE 58

'Women offenders shall **not be separated from their families and communities** without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as **diversionary** measures and pretrial and sentencing **alternatives**, shall be implemented wherever appropriate and possible.'

- **Abolish mandatory pretrial detention** for drug offences.
- Abolish laws that exclude people convicted for drug offences from **alternatives to incarceration** before and after sentencing.
- Reform laws that **prioritise or facilitate pretrial detention** for drug offences.
- Provide women charged with drug offences with access to **appropriate legal counsel and support** in pretrial detention hearings.



RULE 60

'Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to **address the most common problems leading to women's contact with the criminal justice system**.'

- **Address the historical underinvestment** in gender-specific support services for women involved in illegal drug activities.



Health-based approach to drug use

RULE 15

'Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural background'

- **Abolish compulsory drug treatment**, within and outside criminal justice systems.
- Ensure access to voluntary, evidence-based and **gender-sensitive drug treatment and harm reduction** services for women deprived of liberty.
- Introduce **women-only drug services** within prisons, addressing the specific causes and forms of drug use amongst women.



RULE 62

'The provision of **gender-sensitive, trauma-informed, women-only substance abuse treatment programmes** in the community and women's access to such treatment shall be improved, for crime prevention as well as for diversion and alternative sentencing purposes'

- Drug treatment offered within non-custodial measures should be strictly **voluntary and unconditional**. Rejection or discontinuation of treatment should not entail punishment or incarceration.
- When introduced in non-custodial measures, treatment should be **evidence-based, gender-sensitive, and trauma-informed**.



Mitigating circumstances

RULE 61

'When sentencing women offenders, courts shall have the power to consider **mitigating factors** such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds'

- **Abolish mandatory prison terms** for drug offences.
- **Reform laws** that categorise all illegal drug activities as serious offences.
- Allow for the consideration of **mitigating circumstances** in drug cases.
- Introduce **gender-specific mitigating factors** that reflect women's evidenced pathways into illegal drug activities.

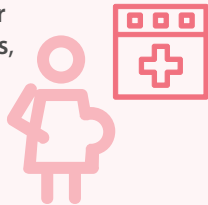


Special consideration of pregnant women, breastfeeding mothers, and mothers with dependent children

RULE 15

'Prison health services shall provide or facilitate **specialized treatment programmes** designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.'

- Ensure access to **drug treatment and harm reduction services** tailored to the needs of pregnant women who use drugs, on a **strictly voluntary basis**.
- Women **must not be criminalised or otherwise punished for using drugs**, including when they are pregnant, breastfeeding, or have dependent children.



RULE 64

'**Non-custodial sentences for pregnant women and women with dependent children shall be preferred** where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account **the best interests of the child or children**, while ensuring that appropriate provision has been made for the care of such children'

- **Reform laws** to ensure that women charged with drug offences who are pregnant, breastfeeding, or have children under their care, have **by default access to non-custodial measures**.
- Incarceration for women in these situations **must be exceptional**.



Supporting women after release from prison

RULE 45

'Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to **ease their transition from prison to liberty**, to **reduce stigma** and to **re-establish their contact with their families** at the earliest possible stage'.

- **Facilitate the transition of women from prison to the community** through gradual de-institutionalisation measures that allow them to obtain a source of **income**, secure **accommodation**, and **restore ties** with their families and communities.



RULE 46

'Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement **comprehensive pre- and post-release reintegration programmes** which take into account the gender-specific needs of women'

- **Reform laws and policies that ban people convicted for drug offences**, and people who use drugs, from access to housing and other welfare provisions.
- Create **specific programmes for formerly incarcerated women** that integrate and coordinate services from all branches of government, from criminal justice to housing, employment and health.



Foreign-national women detained for drug offences

RULE 53.1

'Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign-national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned'.

- Ensure that foreign-national women detained for drug offences have access to **legal counsel and consular assistance** upon detention.
- Offer foreign-national women convicted of drug offences **the possibility to be repatriated** to their home country, if they so wish.
- **Reform laws that envisage the deportation of foreign nationals** that have been convicted for a drug offence, particularly for those with families in the host country.



This visual infographic summary is based on **Punitive drug laws: 10 years undermining the Bangkok Rules**, an advocacy note by the **International Drug Policy Consortium (IDPC)**, the **Center for Legal and Social Studies (CELS)**, **Dejusticia**, **LBH Masyarakat**, **Penal Reform International**, the **Women and Harm Reduction International Network (WHRIN)** and the **Washington Office on Latin America (WOLA)**.