



TIJ QUARTERLY

Thailand Institute of Justice's newsletter

Issue 003 May 2016

The Bangkok Rules

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- TIJ - THE FIRST INSTITUTE IN ASEAN TO BE RECOGNIZED BY THE UN AS A MEMBER OF PNI

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BABY BEHIND BARS PROJECT

LIGHT PRINCESS

Initiated by Thailand Institute of Justice (TIJ) projects to improve the quality of lives for incarcerated mothers, PRISON's BREAK Photo set was intended to reflect the "dreams" about where they would rather take their newborns to, instead of the prison's restricted space.

Three different fairy tales from different periods were used as the inspirations. This cover photo depicts the scene of the "Light Princess" who is constantly afloat, unable to get her feet on the ground.



Let me fly

Man I need a release from this troublesome mind
Fix my feet when they're stumbling
And well you know it hurts sometimes
You know it's gonna bleed sometimes
-Sweet Talk, The Killers

Photo by
Tom Potisit
Photographer and Conservationist



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Chontit Chuenurah,
Chief of Implementation of the Bangkok Rules and Treatment of Offenders Programme

ED's Talk

Five years ago, the United Nations General Assembly adopted the "United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders", also known as the "Bangkok Rules." Before the existence of such rules, prisons and prison regimes in most countries are originally designed for men without any consideration to the female inmate population that is escalating at a faster rate than their male counterparts.

Right after its adoption, Thailand Institute of Justice was established to promote the implementation of the Bangkok Rules and other related international standards and norms. We have worked to fulfill our mandate and have started to see positive improvements. Gender specific practices and legislation addressing the needs of female inmates are being developed in many places around the world.

So aside from the regular reports of our activities, this issue of TIJ Quarterly documented some of the Bangkok Rules-related works including articles from our expert partners and an interview with the TIJ's Chief of Implementation of the Bangkok Rules Programmes.

Let this be another opportunity to highlight the needs for gender sensitive treatment of offenders, for it is the only path that could lead toward successful rehabilitation and return good citizens to the society, mothers to their children.



Dr. Kittipong Kittayarak
Executive Director of TIJ



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The Promise of the Bangkok Rules:

A human rights approach to confronting inequality in women's prisons

Barbara Owen

Introduction

The Fifth Anniversary of the Bangkok Rules provides an opportunity to reinforce the critical importance of human rights in women's prisons. This essay explores the connection between gender inequality and women's imprisonment, the gendered harms of imprisonment, and the promise of the Bangkok Rules in promoting human rights and gender equality in the prison and the community. Most women's crimes represent little threat to the community: drugs, property, and other non-violent crimes comprise the offense profiles of most women in prison. Given these profiles, the argument can be made that imprisonment – generally the sentencing policy of first resort – is often unnecessary for women.

The majority of these women have no need to be in prison at all. Most are charged with minor and non-violent offences and do not pose a risk to the public. Many are imprisoned due to their poverty and inability to pay fines. A large proportion of them are in need of treatment for mental disabilities or substance addiction, rather than being isolated from the society. Many are victims themselves; however, they are imprisoned due to discriminatory legislation and practices. Community sanctions and

measures would serve the social reintegration requirements of a vast majority much more effectively than imprisonment.¹

While both women and men suffer in confinement, the overt gender discrimination in the wider society and the prison adds another punishing layer to the cumulative disadvantage the justice-involved women many not avoid. The human rights model, grounded in principles of respect and dignity, offers the way forward.

Gender Inequality and Women Imprisonment

Gender refers to social attributes and opportunities associated with being male and female, including socially constructed roles and relationships, personality traits, attitudes, behaviors, values, relative power and influence. Gender equality refers to the equal rights, responsibilities and opportunities of women and men, and implies that the interests, needs and priorities of both women and men are taken into consideration.²

Gender inequality is intertwined and aggravated by other overlapping forms of inequality and oppression. Gender inequality finds its expression in all aspects of women's imprisonment.

it is a critical component of their lives before prison; an essential element of their in-prison lives; a foundation for the punishment philosophy toward women; and a significant source of threat within the prison community.

International profiles of women in prison provide an empirical description of the shared characteristics of imprisoned women as a cluster of common gender-based experiences and backgrounds before prison. These shared characteristics must be understood as a consequence of gender inequality and its role in shaping opportunity and initiative around the world. The notion of cumulative disadvantage directs attention to the structural and cultural discrimination in women's pathways to prison, tying women's crimes to the social and economic realities of women's lives. Poverty, lack of housing options, and few protections against male violence among marginalized women are often connected to limited options in education, employment, housing, and well-being. Struggling to make a living, to take care for children, and to attain safe housing and health care can overwhelm the material coping abilities of those of any gender. Victimization as girls and women, reduced participation in labor markets, is entwined with substance abuse and

¹ United Nations Office on Drugs and Crime, Handbook for Prison Managers and Policymakers on Women and Imprisonment (Criminal Justice Handbook Series), Vienna: United Nations (2008), p.3.

² United Nations Office on Drugs and Crime, Training curriculum on Women and Imprisonment (Criminal Justice Handbook Series), Vienna: United Nations (2015), p.12.

aggravated by cumulative disadvantage; all shape their behaviors over the life course.

Gendered Harms of Imprisonment

Prisons harm women, exposing them to risks endemic to the prison environment in this gendered society of captives. Most of the suffered in women's prisons are the result from human rights violations which serve to accelerate women's vulnerability to various forms of violence, abuse, injustice and humiliation during the incarceration. Penal Reform International summarizes that women are often imprisoned far from home, and most are often supervised by male custody staff. They are often exposed to the same physical and sexual victimization that shapes their paths to crime. Prison conditions erode human rights, with some facilities lacking basic provisions of drinking and washing water, food, and decent living conditions. Other deficiencies that undermine women's individual dignity include insufficient hygiene and personal care items; substandard health care and reproductive care; devoid women-centered treatment programmes, trauma-informed treatment, substance abuse and mental health care; and wanting gender-appropriate education as well as training programmes. These overlapping forms of discrimination, which are embedded in the operational practice and security procedures and were originally designed to control the behavior of imprisoned men, undermine women's sense of safety in the facilities and their chances of reintegration upon release.

The Promise of the Bangkok Rules

These unnecessary harms constitute gendered human rights violations when viewed through the lens of international standards for the treatment for women in prison. Grounded in the fundamental principle of non-discrimination of any kind, Article 1 of the

Universal Declaration of Human Rights sets the stage by introducing the principles of dignity, justice and equality.³ The Declaration, through specific articles, outlines the human rights that can be applied to prison settings: the right to physical security; the freedom from torture and other cruel and unusual punishments; the equal protection under the law; and the right to an adequate standard of living. In applying these moral principles to specific settings, the 2004 Commission on Human Rights highlighted "the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while deprived of their liberty and their vulnerability to various forms of violence, abuse, injustice, and humiliation."⁴ The adoption of the United Nations *Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* or the Bangkok Rules provides this special vigilance.

The Bangkok Rules are intended to supplement existing international standards of the treatment for prisoners and those under other forms of confinement by providing a gender-appropriate blueprint for female offenders, both adult and juvenile, with the principles of non-discrimination, gender equity, and commitments to human rights.

The Rules are based on several dominant themes relevant to women offenders: providing safety, rehabilitation and social to them; requiring that the programmes and services address their gender-based needs in terms of health care (including pregnancy), mental health and other therapeutic needs; recognizing their histories as survivors of interpersonal violence; and caring responsibilities for children.

The Bangkok Rules additionally emphasize the role of non-custodial measures and community corrections alternatives for women offenders. Supplementing The Tokyo Rules in the

development and implementation of appropriate non-custodial responses for women offenders, the Bangkok Rules outline community corrections practices such as gender-appropriate probation, fines, along with and community treatment and training. The non-custodial approach includes requirements for diversion from incarceration, with consideration to parental caring responsibilities of women, wherever possible, and the role of non-governmental organizations in providing protective measures and services for women under these forms of supervision.

Conclusion

The Bangkok Rules make a significant step as they respond to the global need in directly addressing the situation of women enmeshed in the criminal justice system. The Rules provide the specific guidance to reform the facilities and the correctional systems through a human rights model of gender-related policies, practices, and programmes, as well as emphasize the responsibility of governments to enhance the lives of female offenders while creating a fairer and more rehabilitative system. When effectively implemented, such reforms can bring about positive effects on women offenders, their children, and the systems which manage them. The human rights approach, as enshrined in the Bangkok Rules and other relevant documents, provides the way forward in eliminating gender inequality and discrimination in the operation of women's prisons.

Dr. Owen is the co-author of the book ***In search of safety Confronting gender inequality in women's prisons*** scheduled to be available to public later in 2016.

See also:

Barberet, R. *Women, Crime and Criminal Justice: A Global Enquiry*, New York: Routledge (2013).

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Chernoff, N., & Simon, R. Women and crime the world over. *Gender Issues*, 18(3), (2000), pp.5-20.

Penal Reform International. *Women in the criminal justice system and the added value of the UN Bangkok Rules*, London: Author (2015).

Thailand Institute of Justice. *Women Prisoners and the Implementation of the Bangkok Rules*, Bangkok: Author (2014).

³ Office of the High Commissioner for Human Rights, The United Nations Human Rights Treaty System, Geneva & New York: United Nations (2012), p.3.

⁴ United Nations Commission on Human Rights, Commission on Human Rights Resolution 2004/43: Human Rights in the Administration of Justice, in Particular Juvenile Justice, (19 April 2004), E/CN.4/RES/2004/43, available at <http://www.refworld.org/docid/43f313710.html>.



Academic seminar on “The Tokyo Rules and the Future of Probation”

Thailand Institute of Justice (TIJ) and Department of Probation organized a seminar on 11 January 2016 to develop the understanding about the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), which have been in use since 1990, and to provide suggestions and directions on further development for the probation system in Thailand. Dr. Kittipong Kittayarak, the Executive Director of TIJ, gave a speech on “The Implementation of The Tokyo Rules: Successes, Challenges and the Future” focusing on the sentence that is proportionate to the severity of offences and the offenders’ background as well as the need of the community participation in the rehabilitation of offenders. In addition, Dr. Nattee Jitsawang, the Deputy Director of TIJ, joined the session on “New Move of Probation”. There were 200 participants attending the seminar.



Academic seminar on “AEC and the Implication of Changes in Tax and Customs Regulations”

TIJ, Asia Crime Prevention Foundation (Thailand) and Asia Crime Prevention Foundation (Japan) organized an academic seminar on “AEC and the Implication of Changes in Tax and Customs Regulations” on 21 January 2016. It aimed to advance the understanding among Japanese businessmen about the changes in tax and customs regulations in Thailand after joining ASEAN Economic Community (AEC). This benefits the business preparation appropriate for legal and policy changes as well as benefits the economy in Thailand and the region. One hundred participants attended the seminar which was conducted in Thai and Japanese.



10 December 2015 – TIJ co-organized a side event with the Permanent Mission of Thailand to the UN in Vienna, the Permanent Mission of Costa Rica to the UN in Vienna, the International Drug Policy Consortium and Penal Reform International on “The Way towards Drug Policy Reform: Regional Perspectives from Southeast Asia and Latin America” in conjunction with the reconvened 58th session of the CND and the reconvened 24th session of the CCPCJ. The side event aimed to give more options for drug policy reform in terms of alternatives to incarceration and more proportionate sentencing for drug offences, in an effort to reduce prison overcrowding and develop an approach based on health, human rights and social inclusion. The side event was chaired by H.E. Mr. Ar thayudh Srisamoot (Ambassador of the Kingdom of Thailand to the Republic of Austria) while the representative from TIJ, Dr. Phiset Sa-ardyen (Director of External Relations and Policy Coordination) presented the issue on “Alternatives to Incarceration: lessons learned from Southeast Asia”.



Side event on “Rule of Law and Alternative Development”

24 November 2015 - With UNODC, TIJ co-organized a side event, entitled “Rule of Law and Alternative Development: Strengthening the Rule of Law to Achieve Sustainable Development in Areas of Illicit Crop Cultivation” in conjunction with the International Conference on Alternative Development 2 (ICAD2). The side event provided a platform for experts to exchange ideas about the linkage between the rule of law and alternative development; to promote the success of alternative development projects; to emphasize the

importance of the rule of law in the protection of human rights and to establish the fairer society.

Her Royal Highness Princess Bajrakitiyabha joined the panelists which included Mr. Leik Boonwaat, the Representative of UNODC in Iran, together with Mr. Livio Sarandrea, the Programme Specialist on the Rule of Law from UNDP Asia-Pacific Regional Centre. Dr. Kittipong Kittayarak, the Executive Director of TIJ, served as the moderator.

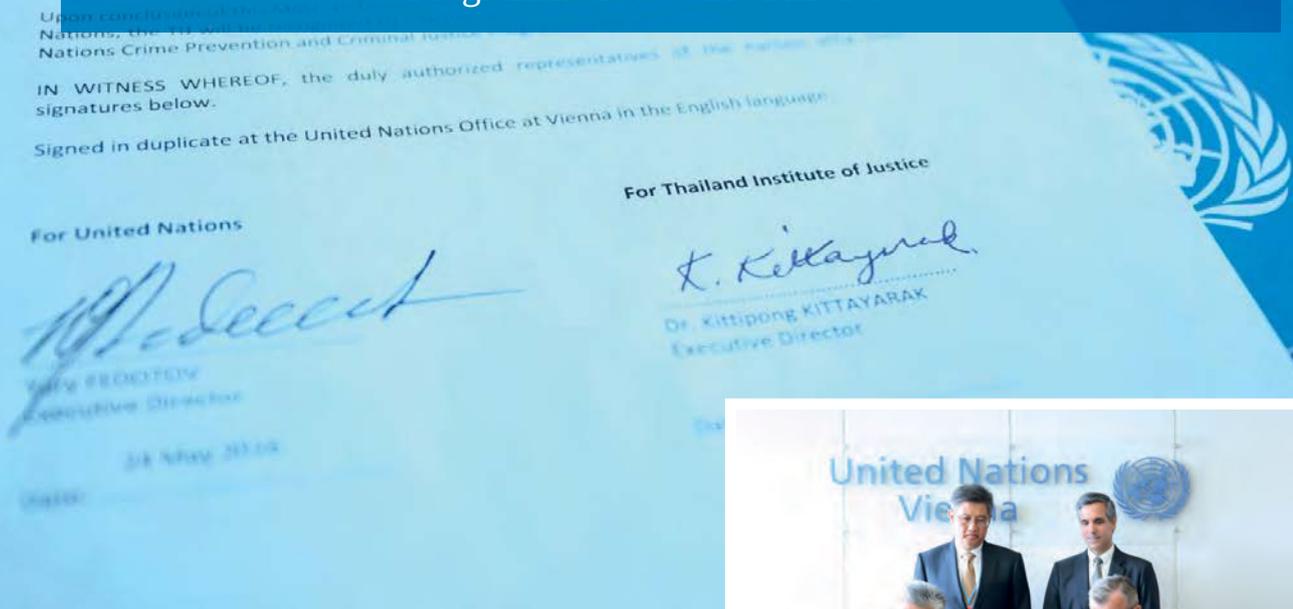
Expert talk on Gender-Based Violence in Southeast Asia: Solutions and Ways Forward



4 December 2015 - TIJ and the Embassy of the United States in Thailand co-hosted “Expert talk on Gender-Based Violence in Southeast Asia: Solutions and Ways Forward”. The expert talk was aimed to provide insights about the problems and the solutions to the gender-based violence in Southeast Asia, employing lessons and approaches learned from the regions around the globe, and also served as a platform for discussions to exchange ideas in an effort to end violence against women and girls. Dr. Mary Ellsberg from the Global Women’s Institute (GWI) at the George Washington University led the talk which focused on “What has been accomplished in the last 20 years to end violence against women and girls”. Moreover, Ms. Selin Arvut, the representative from TIJ Youth Network’s Speak Up Speak Out, shared her concept in a short film titled “Don’t Hurt Her Twice”.

Thailand Institute of Justice (TIJ)

The first institute in ASEAN to be recognized by the UN as a member of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes



On 24 May 2016, Thailand Institute of Justice (TIJ) was officially recognized by the United Nations Office on Drugs and Crime (UNODC) as the latest member of the United Nations Crime Prevention and Criminal Justice Programme Network Institutes (PNI).

Dr. Kittipong Kittayarak, TIJ Executive Director, and Mr. Yury Fedotov, UNODC Executive Director and Director-General of the United Nations Office in Vienna (UNOV), signed the memorandum of understanding (MoU) between the two organizations at the United Nations Office in Vienna during the 25th Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ).

The UN Crime Prevention and Criminal Justice Programme Network Institutes (PNI) were established by the Secretariat of the United Nations. Consisting of the UNODC and many interregional and regional institutes, as well as specialized centres around the world, the PNIs have specific mandates to assist the international community in strengthening cooperation in the crucial area of crime prevention and criminal justice. With TIJ's official recognition, there are now 18 PNI members worldwide working to provide a variety of services, including the exchange of information, research, training, technical assistance and public education to the UN Member States.



During the next phase of organization development, the priority areas of work by TIJ will focus on utilizing the accumulated body of knowledge and expanding to new areas, taking into account the new global agenda on crime prevention and criminal justice and sustainable development and the ever-increasing need for regional cooperation. The ultimate goal is to push forward the implementation of international standard and norms to support the development of fair, effective, and accountable criminal justice institutions.



TIJ and UNODC Launch a Joint Project on Countering Human Trafficking in the Greater Mekong Sub-region

On 11 January 2016, The Thailand Institute of Justice (TIJ), in coordination with the United Nations Office on Drugs and Crime (UNODC) organized an event to mark the launch of the “TIJ-UNODC Joint Project on Countering Human Trafficking in the Greater Mekong Sub-region”. During the event, Dr.Kittipong Kittayarak, Executive Director of TIJ and Mr.Jeremy Douglas, Representative of UNODC for Southeast Asia and the Pacific signed a contract in which TIJ agrees to grant 7.5 million baht seed money to the project for its initial phase of operation, and UNODC will seek sponsorship from member states and other organizations which will be allocated to the next phases of the project.

The objective of the joint project is to enhance the enforcement of anti-human trafficking laws in Cambodia, Lao PDR, and Myanmar, which are the origin countries of human trafficking routes, and Thailand is the transit and destination. The project also aims to build cooperation between national organizations working on the elimination of human trafficking, and to strengthen their relationship with UNODC.

The project has a 3-year implementation plan, from 2016 – 2018. The activities include the study of human trafficking routes in the Greater Mekong Sub-region, the dissemination of research findings, and training programs for prosecutors and law enforcement officers to increase their capabilities in identifying and prosecuting such cases.

The launch event was attended by over 30 distinguished guests, including the Ambassadors of Austria, Canada, and Denmark, representatives from various embassies in Bangkok, representatives from UNODC, and Thai officers from the Ministry of Foreign Affairs, Ministry of Social Development and Human Security, and the Court of Justice.





“Gender-sensitive community service and probation orders in Kenya”

*Olivia Rope
Programme Officer, PRI*

Penal Reform International and the Kenya Probation Service are embarking on a new project, generously funded by the Thailand Institute of Justice, to study and develop gender-sensitive community and probation orders in Kenya. Five years after the UN Bangkok Rules were adopted, the project seeks to implement the specific Rules that require the development of gender-sensitive alternatives to imprisonment for women, which address the most common problems leading to women's contact with the criminal justice.

There is a growing body of evidence on the negative impact imprisonment has on women, and their children. The harmful physical, emotional and social

consequences of imprisonment experienced by women, even for short periods, is acute and long-lasting. The damaging impact of prison, as well as the fact that the large majority of women in prison globally are charged with or convicted of crimes that are non-violent and typically linked to poverty and/or violence, has led many countries to re-think their approach to women offenders with a view to increasing alternatives to prison.

The Bangkok Rules recognise that many alternatives, such as community service and probation orders, are designed with the male majority offender population in mind and therefore overlook the typical backgrounds and characteristics of

women. The Rules accordingly require the development of non-custodial measures and sanctions that are “gender-sensitive”.

A gender-sensitive approach entails, for instance, taking into account histories of domestic and sexual violence - experienced by a disproportionate number of women offenders - alcohol and substance dependences and complex mental healthcare needs (often linked to victimisation). Low levels of education, self-esteem and poor life skills are common among women offenders, which coupled with unstable and chaotic lifestyles, mean that women are frequently stigmatised by communities and families, and find themselves in difficult financial situations.

Gender-specific non-custodial sanctions would therefore take these factors into account in their design and implementation, as well as other circumstances such as pregnancy, being a mother or other caretaking responsibilities. By addressing the backgrounds of women offenders and reasons for their offending, alternatives can better provide women with the opportunity to build self-sustaining and law-abiding lives thereby reducing reoffending and protecting children from hardship and separation from parents.

There are women-specific non-custodial alternatives in a number of countries, many addressing substance dependencies and mental health/well-being, and some that provide holistic and wrap-around services for women offenders (see for example a review of [good practice on alternatives for women offenders](#) by Prison Reform Trust (UK) from Western Europe, North America and Australasia). However these programmes are normally resource-intensive and very often vulnerable to funding cuts or entirely reliant on external funds to survive. This project therefore focuses on the more ‘traditional’ non-custodial sanctions –

probation orders and community service – which in many low or middle-income countries are the only alternatives available, as well as fines.

Kenya was identified as the most suitable country for this project for various reasons, but first and foremost due to the high-level political commitment to implement the Bangkok Rules. The Director of the Probation Service, Mr J.W.O. Oloo, confirmed this commitment by stating publicly in 2015 that, “There is urgent need therefore to map out current practices and experiences of key players such as magistrates, police, probation officers and other stakeholders working with women offenders, share experiences and make recommendations on how best to address their concerns. This would then inform the pre-bail and pre-sentence reports, how to design and implement gender-sensitive probation and community service, and other non-custodial alternatives.” Kenya is also well placed for this project because of its position as a middle-income country and therefore the findings and lessons learned will be valuable to countries with similar resources, not only in the region but internationally.

This pilot project will first involve research in 11 representational areas of Kenya where interviews with women who are serving a community service or probation order will gather their experiences as well as some data on their backgrounds and current situation (for example their education and economic status and whether they have children). The research team will also interview magistrates, probation officers and supervisors in each region identified to capture the views and practices in the treatment of women offenders.

Some of the key questions will be around how the specific circumstances of women offenders inform sentencing and/or the implementation of probation and community service orders. They

include: to what extent are gender concerns currently informing the placement of women serving non-custodial sanctions; are gender-specific considerations explored and included in pre-sentence reports in an adequate manner; are community service and probation orders designed with caretaking responsibilities, victimisation or substance dependencies in mind; and what types of work can women be assigned that while safe and appropriate, is not stereotypical ‘women’s work’? ?

Findings from this research will provide an evidence-base for the development of guidance on incorporating gender-specific elements in the relevant tools and instruments of the Kenya Probation Service. The developed guidance will be subjected to a test, and subsequently adjusted as necessary. The findings will also inform future design and implementation of community service and probation orders so they are gender-sensitive.

The sensitisation of stakeholders working within the criminal justice system on the backgrounds and corresponding needs of women offenders is key to ensuring sustainability of this project, not least to get commitment from decision-makers and officers working with these women. The research findings and guidance will be therefore be incorporated into training materials and other ongoing work by the Probation Service and PRI in Kenya.

Researching the specific needs of women serving non-custodial sanctions in Kenya will further improve the effectiveness of community-based sentences in Kenya and constitute a pilot for the implementation of the UN Bangkok Rules that is to be shared internationally.

For more information contact Penal Reform International's Head Office at info@penalreform.org. See more on the Bangkok Rules at www.penalreform.org.

▶ Working with Justice Involved Women in the U.S.

*Maureen Buell, Correctional Program Specialist
National Institute of Corrections*

Over the past four decades, correctional policy in the U.S. has been a series of ‘peaks and valleys, moving from an emphasis on treatment and programming, to the 1970’s era of ‘nothing works’, which paralleled the ‘tough on crime’ policies to today’s implementation of evidence-based practices. While vestiges of ‘tough on crime’ still linger, lawmakers and the general public are calling for significant change in U.S. arrest and sentencing policies, some of which are currently being enacted. The ‘tough on crime’ era has filled U.S. jails and prisons with unprecedented numbers of offenders. Drug related offenses and individuals with mental health challenges make up a significant portion of the population and the rates of women arrested, prosecuted and sentenced to incarceration has exploded since the 1980’s, surpassing that of their male counterparts. Between 1980 and 2010, the number of women in U.S. prisons increased by 646%, nearly 1.5 times the rate of men. In addition to changes in drug policy, legislative actions developed in the 1980’s, has had serious consequences on women with felony drug convictions. New legislation has penalized offenders with felony drug convictions from accessing benefits such as public housing and financial assistance. This was particularly devastating for mothers with children who experience barriers to accessing housing and financial assistance. Although, a percentage of states have opted out of



some of these restrictions, the impact was far reaching. The 1987 Adoption and Safe Families act, while well-intended, created scenarios where women had parental rights terminated if routine visits, between incarcerated parent and child over a defined period of time, did not take place. While impacting men as well, it happened more frequently with women, who more often were the primary caretakers of their children prior to coming to prison.

As we apply the emerging research and knowledge, a fundamental change in the development and delivery of correctional practices is taking place. While evidence based practices has had uneven application within the U.S. correctional continuum, its contribution to the professionalization of correctional work continues to be significant. While the tenets of evidence-based practices have relevance with women, they were developed primarily on samples of male offenders, with little consideration as to their applicability to females. Researchers and practitioners, who had worked with

populations of women over the years, were concerned that correctional practice was overlooking areas of risk and need that impacted women differently. However, as gender-informed research continues to emerge, policy makers are looking for alternatives to existing correctional practice to better manage this increasing population.

While few, large scale, empirical studies derived solely from samples of women exist, what has emerged are numerous, consistent studies and models of practice that incorporate evidence-based and gender-informed research and are being applied across the U.S. in various jurisdictions and agencies. These practices are designed to accomplish a number of objectives: apply valid women’s risk and need assessments and implement gender-informed case management models; where possible, diverting lower risk women from incarceration into community settings with supervision and treatment; addressing the impact of parental incarceration; developing trauma-informed services to address histories of abuse and violence that continues into adulthood; and treating addiction and mental health issues, often integral to women’s pathways into criminal justice.

The National Institute of Corrections (U.S. Department of Justice) has provided training and technical assistance to jurisdictions across the U.S. and since the early 1980’s has had a focus on the issues specific to justice involved women. It has been important to develop a body of research to implement differential practices to ultimately improve outcomes with women in our justice systems. It has been gratifying to see the emergence of the 2010 UN Rules for the Treatment of

Female Prisoners and Non-Custodial Measures for Women Offenders (The “Bangkok Rules”). Much of the gender-responsive work being done in the U.S. is consistent with the areas reflected in the Bangkok rules.

Improving Practice with Justice Involved Women

In 2003 “Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders, a compilation of emerging research relevant to women’s issues, was published. The first principle “Gender Matters” and the following five principles set the stage for policy and program development with women.

Valid assessment is critical for ensuring that appropriate custody, housing, services and programs are available according to assessed risk. The majority of risk and need assessments were developed and validated primarily on samples of men, thereby missing salient issues with women’s needs (ex: relationships, mental health, histories of trauma and abuse) and risk. Findings from the women’s risk and need research revealed that significant portions of women were actually medium or low risk and a percentage of women assessed at higher risk, using standard assessment instruments, were more similar to medium risk men. This underscores the fact that many women are being held at higher levels of custody than their risk warrants and that treatment has not been targeting their assessed needs.

The development of women’s risk and need instruments was also the foundation for creation of a seamless case management model for women. The Collaborative Case Work model for women (CCW-W) is a comprehensive model that translates assessed risk, needs, and strengths into a comprehensive case management plan. A feature of the model is the ‘voice’ of the woman, which is incorporated into the development of plan which is routinely monitored and

updated, depending upon her progress.

Drawing the attention of informed legislators, the judiciary and criminal justice leadership are opportunities for diverting lower risk women from incarceration to community-based alternatives. Problem solving courts (drug courts, mental health courts) have been beneficial, allowing entry into community treatment and supervision, resulting in diversion from prison with successful completion. Residential and day treatment centers are rapidly being established to work with women who have parental responsibilities and/or significant histories of personal trauma and victimization. In addition to supervision, treatment, education and support, child care may be provided, an important component to free women up for treatment. There are examples of these initiatives nationally with many variations; some are within the purview of a department of corrections or a sheriffs’ department, and some are community based initiatives that receive alternate sources of funding.

Across the country, correctional agencies have accessed funding grants to develop reentry initiatives focusing on risk, needs, identifying and utilizing strengths, and developing community supports as women approach community transition. Again, there is no one model that all jurisdictions adhere to, but the focus is to prepare a woman to safely and successfully enter the community, and assist in developing a supportive network with the ultimate goal of reducing recidivism.

It is not uncommon for agencies to look for assistance in how to begin designing policy and programs that are gender-responsive, whether in the incarcerated setting or the community. Around the country agencies have trained staff in gender-responsive treatment and supervision techniques and established single gender caseloads. Other jurisdictions have revised community supervision with women to

meet the issues frequently presented. Missed appointments due to lack of child care or her partner’s refusal to let her attend treatment are all too common with the women we work with. Many agencies have also developed alternate sanctions that address behaviors that formerly may have resulted in a return to incarceration. Often these events are not public safety risks but can be used as teaching moments, assisting in developing responsibility and alternative ways of coping with challenging situations.

The National Institute of Corrections has developed and made available several training programs, templates for assessing and developing gender-responsive practices and may work directly with an agency requesting guidance in revising practice to become more gender-responsive. Many of these products and materials are accessible on the NIC website and are available at no cost to the requestor.

While drawing attention to the numerous initiatives developed using a “gendered lens”, significant work remains to be done in the U.S. Despite advances in the application of research based practice to correctional policy, the U.S. continues to have the highest rates of incarceration in the world and this is no different with women. Even within the U.S., incarceration rates vary dramatically from state to state yet there are not dramatic differences in the profile of women from state to state. With the emerging models of practice and examples nationally in which effective initiatives have been implemented, the numbers of women incarcerated seemingly could be reduced. There is an abundance of work occurring across the country and creative solutions being implemented to reduce the rates of women’s incarceration. With the publication of the Bangkok rules and the work being done in the U.S. and abroad, why shouldn’t we be able to make a difference?

Rehabilitation Service : Good Practice from Hong Kong Correctional Services Department

Rule 46¹ Prison authorities, in cooperation with probation and/or non-governmental organizations, shall design and implement comprehensive pre-and post-release reintegration programmes which take the gender-specific needs of women into account.



Hong Kong Correctional Services Department (CSD) has quite a successful practice in its “rehabilitation services” that not only aim to help offenders live their economical independent lives but also aim to reduce crimes and build a safe society. With the cooperation from non-governmental organization and the private sector, CSD provides the best possible opportunities for ex-inmates to start their new lives upon release.

The Industries and Vocational Training Section of the CSD create a real-world working environment for inmates, helping them to develop a healthy and responsible working habit while assisting them to practise their useful skills to earn their livings. A wide range of quality goods produced in the unit is distributed to outside market in a fair price, making the inmates realize the contribution of their labors to the larger society.

More than thirty market-oriented vocational training programmes are available for adult inmates to apply based on their skills and interests. Young inmates are provided with half-day education and half-day vocational training. Examples of the training courses include electrical installation, office and commercial practice, as well as food and beverage services. Upon the completion of each course, the inmate will sit for examinations held by the Accreditation bodies — such as the City and Guilds and the Construction Industry Council — and receive a certificate equivalent to other ordinary test-takers. There is no information on their certificates to the connects them to the correctional facility enabling them to make use of the acquired accreditation without fear of stigmatization.

“If they have a job and get to feel the meaningful life, then they will never be involved with crimes.”

*Correctional staff,
Lo Wo Correctional Institution*

“Eighty percent of our female ex-offenders are able to find a job and get back to the right path.”

*Representative, Correctional
Service Department*

In addition, CSD's ‘Employment Services’ provide the interactive job - matching platform for potential employers and rehabilitated persons. It organizes **“Job Fairs for Rehabilitated Offenders”** for interested prisoners due for release. Rehabilitation Unit can arrange job interviews in person and via videoconference or teleconference, at the request of potential employers. Where appropriate, the CSD initiates joint projects with non-government organizations to employ rehabilitated offenders.

The efforts of CSD in providing practical training and supports to access employment opportunities, along with other rehabilitative programmes, constitute the key to successful social reintegration. Statistics show that Hong Kong succeeded in reducing about 30 percent of recidivism cases in the past decade.²

Perhaps it is time for Thailand to invest more on engaging the private sector and non-governmental organizations in the rehabilitation and reintegration of offenders. It takes the ‘outside world’ to provide market-oriented skills and certifications, replacing ones taught and certified by prison authorities. It also takes the outside world to accept rehabilitated persons back into the society and support them to stand on their own feet again. Because everybody deserves a second chance. And, as the CSD put it, the chance given to ex-inmates will ultimately contribute to a safer and more inclusive society that benefits everyone.

Bowornluk Thongmark

*This article is a part of the summary report of
the TIJ's Study Visit to Correctional Service
Department, Hong Kong SAR*

¹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

² http://www.csd.gov.hk/english/news/news_pr/20141224_1.html

Chontit Chuenurah

Chief of Special Programme on Implementation of the Bangkok Rules and Treatment of Offenders - IBR

Today we have a chance to sit down and talk with Chontit Chuenurah, Chief of the Implementation of the Bangkok Rules and Treatment of Offenders (IBR) Programme at TIJ. Chontit is one of the pioneer team of the Bangkok Rules. She started her career at the Ministry of Justice before joining TIJ since its first day of operation. Her current projects include research on women in prison and the implementation of the Bangkok Rules in ASEAN countries, National Survey of Female Inmates in Thailand, and Gender and Imprisonment in Thailand.

Chontit graduated a Master of Laws from the University of Kent and Master of Science on Social Policy and Social Research from the University of Southampton, the United Kingdom. At that time she wanted to become a public prosecutor. Her first job at the Office of Justice Affairs gave her the chance to learn about the lives of women behind bars. She realized that they were one of the most vulnerable groups of people and decided that she wants to help improve the situation. She took part in the Enhancing Life of Females Inmates Project, which was later developed into the drafting of the Bangkok Rules.

“Listening to the story of inmates is eye-opening. Although most of them share a predictable background — coming from disadvantaged sectors in the society, having a low level of education, and having no economic means to support themselves — each has unique little details of suffering and struggling you cannot imagine. One inmate in the Philippines was sold by her father at the age of seven. She worked as a domestic servant to earn money to support the father who sold her and the baby she had when she was only seventeen. She ended up in prison for a drug offence and will never see her kid for several years.” In a nutshell, Chontit concluded, “Some women in prison are the victims of a weak society underpinned by gender and economic inequality”.

The respectful and right-based treatment of inmates is the key to effective rehabilitation. Chontit said “It is unrealistic to expect inmates whose basic needs are not fulfilled



“Some women in prison are the victims of weak society underpinned by gender and economic inequality”

to perform well in the rehabilitation programme.”

She has put her effort in working toward a promising prison, in which gender-specific needs are taken into consideration both in the treatment

programme and the facility design. The United Nations Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the Bangkok Rules, provide relevant guidelines on every concerning area. There are also several other international instruments guiding the correctional practice to ensure that the fundamental rights of offenders are compromised.

From her experience, the relationship between inmates and staffs is also an important factor. Inmates are more likely to have positive attitude toward, and willingness to participate in rehabilitation programmes if they feel the prison staffs are understanding and open-minded.

“Sooner or later, inmates will be released. They will resume their role as a member of the society and continue to interact with us on a daily basis. Therefore, we should make sure that during their time in prison, they are rehabilitated and readily prepared to live as a productive citizen in the outside world”, She added.

Training Programme for Senior correctional officers on the Management of Women Prisoners in the ASEAN Region

The Training Programme on the Management of Women Prisoners in the ASEAN Region has been developed by the Thailand Institute of Justice (TIJ) to enhance understanding and build the capacity of senior correctional officers in implementing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women offenders (the Bangkok Rules) in member states of the Association of Southeast Asian Nations (ASEAN). The training modules were developed in consultation with international practitioners and experts in the field of corrections specifically for the ASEAN region.

Training Objectives

- To provide guidance and practical knowledge on translating the Bangkok Rules into practice
- To identify challenges and exchange good practices in the treatment of women prisoners
- To assist in the design and implementation of prison management in line with the Bangkok Rules
- To create a network with experts and correctional officers

Who Should Attend?

Policymakers and senior correctional officers currently working with women prisoners. Limited sponsorships will be available

Detail of Modules

<i>Module 1: Gender sensitive prison management</i>	<i>Module 7: Contact with the outside world</i>
<i>Module 2: Allocation, admission and classification</i>	<i>Module 8: Prisoner rehabilitation: activities and programs</i>
<i>Module 3: Hygiene and health care: general</i>	<i>Module 9: Pregnant women, mothers and dependent children in prison</i>
<i>Module 4: Healthcare: special healthcare issues</i>	<i>Module 10: Special categories</i>
<i>Module 5: The safety of women prisoners</i>	<i>Module 11: Preparation for release</i>
<i>Module 6: Security and order in women's prisons</i>	<i>Module 12: Working with women prisoners: prison staff</i>

Event details

Dates: 10 – 19 August 2016

Venue: Thailand Institute of Justice, Bangkok, Thailand

To register contact: Ms. Jane Holloway
Programme Manager

Email: jholloway.tij@gmail.com