

17 December 2009

Original: English

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## **Report on the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings held in Bangkok from 23 to 26 November 2009**

### **I. Introduction**

1. At its eighteenth session, the Commission on Crime Prevention and Criminal Justice adopted resolution 18/1, entitled “Supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings”. In the resolution, the Commission, aware that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of women prisoners had increased significantly over the years, and recognizing that the specific needs of women prisoners should be considered in the treatment of those women in order to facilitate their reintegration into society, invited Member States to take into consideration the specific needs and circumstances of women in detention and in custodial and non-custodial settings when developing relevant legislation, procedures, policies and action plans; urged Member States that had developed legislation, procedures, policies or practices regarding the treatment of women in detention and in custodial and non-custodial settings to make information on those initiatives available to other States and assist them in developing and implementing training or other activities relating to such legislation, procedures, policies or practices; and encouraged Member States to collect, maintain, analyse and publish data on women in detention and in custodial and non-custodial settings for the purpose of enhancing correctional policies and best practices.

2. In addition, in its resolution 18/1 the Commission noted with appreciation the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders organized by the Government of Thailand and held in Bangkok from 2 to 6 February 2009; and requested the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment



of Prisoners<sup>1</sup> and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex), supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings.

3. The Government of Thailand offered to act as host to the meeting of the expert group. Pursuant to Commission resolution 18/1, the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings held a meeting in Bangkok from 23 to 26 November 2009.

## II. Outcome

4. The expert group reviewed the draft rules developed by the expert round-table meeting. Amendments to the draft rules were proposed by representatives and additions were made to the accompanying commentary drafted to elaborate on the draft rules. A second review of the amended draft rules was then carried out. The most recent version of the draft rules is contained in the draft resolution annexed to the report on the outcome of the meeting of the expert group (A/CONF.213/17).

5. The expert group considered a proposal to include in the draft rules a rule to the effect that prisoners who identified themselves as bisexual, lesbian, transgender or transsexual should be entitled to be treated in a non-discriminatory manner. While recognizing that the proposal responded to a real problem, that of the discrimination of such individuals in prisons, many representatives indicated that discussing the proposal was beyond the mandate of the expert group.

6. Noting that, pursuant to Commission resolution 18/1, the expert group was to develop “supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings”, the expert group felt that the title of the draft rules emerging from the expert round-table meeting (i.e. “rules for the treatment of women prisoners and non-custodial measures for women offenders”) better reflected — from a terminological viewpoint — the substance of the draft rules, which were supplementary to both the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules.

7. Pursuant to a recommendation by one representative, the expert group agreed that a call to States not to resort to long incarceration regimes should be included in the text of the final declaration to be adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

8. The expert group reviewed and commented on the text of a draft resolution submitted by the Government of Thailand. The text of the draft resolution as reviewed by the expert group is contained in the report on the outcome of the expert group (A/CONF.213/17, annex). The Twelfth Congress may wish to consider recommending to the Commission at its nineteenth session the approval of the draft resolution for adoption by the General Assembly.

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<sup>1</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

### III. Organization of the meeting

#### A. Opening of the meeting

9. Introductory statements were made by the Prime Minister of Thailand, the Minister for Foreign Affairs of Thailand and the Minister of Justice of Thailand.

10. In his statement, the Minister for Foreign Affairs of Thailand recalled how a national initiative of Thailand to develop a set of supplementary rules on the treatment of women prisoners had developed into an international one. He stressed how the development of a set of new, supplementary rules for women prisoners would benefit women worldwide. The initiative was the translation into practice of his country's commitment to promote and protect human rights, as manifested in the pledges and commitments associated with its candidacy to the Human Rights Council for the term 2010-2013. Reference was also made to the joint initiative of the Ministry of Foreign Affairs and the Ministry of Justice to hold a side event, entitled "Inspiring Women's Rights in Prison", at the twelfth session of the Human Rights Council, in September 2009. During the event, which was aimed at highlighting the linkage between respect for human rights and criminal justice, the United Nations High Commissioner for Human Rights stressed the importance of having supplementary rules for the treatment of women in detention. She noted that the draft rules would help women prisoners to live with dignity while helping to prevent sexual exploitation and ensure the health of women prisoners and their children. In the long run, such an approach could contribute to addressing the problem of overcrowding in prisons through the application of non-custodial measures.

11. The Minister of Justice of Thailand described the process that had led to the convening of the meeting of the expert group. He made reference to the initiative by Princess Bajrakitiyabha Madihol to implement the "Enhancing Lives of Female Inmates" project, whose goal was to supplement the 1955 Standard Minimum Rules for the Treatment of Prisoners with a specific focus on women prisoners; to the expert round-table meeting held in Bangkok in February 2009 to examine that matter; and to the adoption of Commission resolution 18/1, at the initiative of the Government of Thailand and with the sponsorship of Brazil, Canada, China, Colombia, the Czech Republic (on behalf of the European Union), Ecuador, Japan, the Philippines, South Africa, the Sudan, the United States of America and Venezuela (Bolivarian Republic of). The Minister stressed that gender mainstreaming in the correctional service was an important component of the justice reform process and that it would translate into enhanced lives of female inmates worldwide.

12. In his statement, the Prime Minister of Thailand recalled that his Government had had the honour of hosting the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok in 2005. He also recalled how during the Eleventh Congress a cooperative spirit had been cultivated in developing joint efforts in the area of criminal justice reform, and he expressed the hope that the so-called "Bangkok spirit" would continue to guide the common endeavour of the international community to embark on a global review of criminal justice systems at the Twelfth Congress, to be held in Brazil in April 2010.

13. The Prime Minister recalled that the Standard Minimum Rules for the Treatment of Prisoners, which heralded a new chapter in international prison regime, had been adopted more than 50 years earlier. Despite all the progress made since 1955 in the promotion of gender equality and non-discrimination, there continued to be an urgent need to elaborate supplementary standards and norms specifically addressing the plight and vulnerability of women prisoners. He noted that recent years had seen a sharp increase in the number of women prisoners worldwide. He recalled that many women in prisons had child-rearing responsibilities; others were pregnant or raising their babies inside prison with limited facilities. He underlined that women in prisons had specific needs that could not be addressed in the same way as those of men.

14. The Prime Minister concluded by expressing the hope that the international community would look towards global justice reform in the context of the Twelfth Congress and strive for nothing less than achieving a “model criminal justice system” that paid equal attention to the rule of law, human rights and development. He stressed that the agreed text of a set of draft supplementary rules for women prisoners could very well be a tangible building block within such an integrated model.

15. The representative of the United Nations Office on Drugs and Crime briefly recalled the process that had led to the organization of the intergovernmental meeting. She stated that the need to address the specific needs and realities of women in prisons was not new to the international community, as evidenced by the numerous resolutions on the subject that had been adopted by the General Assembly and the crime congresses. She recalled the work of the expert round-table meeting hosted by the Government of Thailand in Bangkok in February 2009, whose outcome would be the basis for the discussion of the present meeting. She drew the attention of the participants to the fact that the supplementary rules to be agreed upon by the expert group would be submitted to the Twelfth Congress.

## **B. Attendance**

16. The meeting was attended by 42 experts from 25 countries. An additional 22 observers from Thailand attended the meeting. A list of participants is contained in the annex to the present report.

## **C. Election of officers**

17. At the meeting, the following officers were elected by consensus:

<i>Chair:</i>	Wisit Wisitsora-At (Thailand)
<i>Vice-Chairs:</i>	Virginia Toniatti (Brazil) Dominika Krois (Poland) Nontsikekelo J. Jolingana (South Africa)
<i>Rapporteur:</i>	Monika L. Bickert (United States of America)

## **D. Adoption of the agenda**

18. At its meeting, the expert group adopted the following agenda:
  1. Opening of the meeting.
  2. Election of the bureau.
  3. Adoption of the agenda and organization of work.
  4. Development of supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings.
  5. Recommendations and conclusions.
  6. Adoption of the report and closure of the meeting.

## **IV. Summary of deliberations**

19. Pursuant to Commission resolution 18/1, the expert group carried out a thorough review of the outcome of the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders held in Bangkok in February 2009.

20. The expert group reviewed the draft rules developed by the expert round-table meeting. During the review, experts proposed amendments to the draft rules and additions to the accompanying commentary drafted to explain and elaborate on the draft rules. A second review of the amended draft rules was then carried out.

21. The expert group kept in mind its mandate to develop rules supplementing – and not replacing – the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules. In that spirit, it consistently avoided including rules that would be applicable to men as well as to women and concentrated on provisions that were required by the specific situation of women offenders and prisoners.

## **V. Adoption of the report and closure of the meeting**

22. At its last meeting, on 26 November, the expert group considered and adopted its report.

## Annex

### List of participants

#### Member States

Argentina	Julio César Cepeda
Armenia	Garik Ohanyan
Belgium	Helena Lion
Brazil	Virginia Toniatti Marcia de Alencar Luiz Guilherme M. Paiva
Brunei Darussalam	Hajah Siti Zarena Haji Ismail Tetty HasdinaHaji Pungut
Canada	Nancy Wrenshall
Comoros	Mohamed el-Marouf
Indonesia	Anjar P.B. Winarso
Iran (Islamic Republic of)	Zahra Ershadi
Japan	Takashi Yamashita Sadaaki Koyama Shinichi Yamamoto
Kuwait	Adel Mohamed al-Hamdan Mohamed Jassem al-Awadhi
Latvia	Olga Zeile
Malaysia	Harjeet Singh Hardev Singh
Mexico	Gabriela Pérez García
Mongolia	Bilegdorj Dash
Pakistan	Sajid Mehmood Qazi
Philippines	Vilma B. Cabrera Rachel D. Ruelo
Poland	Dominika Krois
Republic of Korea	Han, Gyeong-hwa Choi, Yun-jung Lee, Hyeon-su Kang, Seong-yong
Romania	Radu Buica

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Russian Federation	Georgiy F. Ignatovich Oleg V. Filimonov Irina V. Silkina
Senegal	Agnès Ndiogoye
South Africa	Nontsikekelo Jane Jolingana
Thailand	Wisit Wisitsora-At Vitaya Suriyawong Vongthep Arthakaivalvatee David Biles Barbara Owen Eduardo Vetere
United States of America	Monika L. Bickert

### **United Nations Secretariat**

United Nations Office on Drugs and Crime and Office of the United Nations High Commissioner for Human Rights

### **Institutes of the United Nations crime prevention and criminal justice programme network**

African Institute for the Prevention of Crime and the Treatment of Offenders and International Scientific and Professional Advisory Council

### **Specialized agencies in the United Nations system**

World Health Organization

### **Non-governmental organizations**

Canadian Association of Elizabeth Fry Societies, Muslims for Human Rights, National Pastoral Care (Brazil), Penal Reform International, Sisters Inside, Quaker United Nations Office and Women's National Commission

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