

## KEYNOTE ADDRESS

### ADDRESSING THE NEEDS OF WOMEN PRISONERS THROUGH EFFECTIVE AND SUSTAINABLE IMPLEMENTATION OF THE UNITED NATIONS STANDARDS AND NORMS

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Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

It gives me a great honor and privilege to speak at Workshop 1 of the 13th UN Crime Congress this morning. First of all, I would like to congratulate the United Nations Office on Drugs and Crime, the Raoul Wallenberg Institute and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and for their leading efforts in preparing this workshop.

The role of the United Nations standards and norms in crime prevention and criminal justice in support of fair and humane and accountable criminal justice systems has always been an inseparable part of the UN Crime Congress. So as we celebrate the 60th anniversary of the Congress here in Doha, this gives us an opportunity to reflect upon our achievements and to renew our commitments toward the future.

For many years, the United Nations has been active in developing and promoting standards, norms and guidelines in the field of crime prevention and criminal justice. Derived from the commitment of Member States to keep society safe, secure and humane, the UN standards and norms have stood the test of time as a global benchmark that guides national governments to strengthen the effectiveness of criminal justice systems and their responses to various forms of crime.

Through international consensus a significant number of standards and norms have been adopted by the UN General Assembly and the Economic and Social Council, and disseminated to practitioners globally. These instruments deal with a wide variety of issues ranging from juvenile justice, treatment of prisoners, violence against women and crime prevention and restorative justice. In keeping with the main theme of this Congress in taking an integrated approach, I hasten to add that these UN standards and norms should be viewed

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in a larger context of the promotion and protection of human rights in the administration of justice as well.

Among various international standards and norms, the United Nations Standard Minimum Rules for the Treatment of Prisoners were the first instrument adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and subsequently approved by the UN Economic and Social Council in 1957. Since then, they have been an important guideline for the treatment of all prisoners and the key point of reference in designing and evaluating corrections laws and policies the world over.

After the adoption of the SMR, many additional standards and norms relevant to the treatment of offenders have continued to flourish. The Milan Congress in 1985, for example, gave birth to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, or the Beijing Rules. The Havana Congress in 1990, approved among many other things, the United Nations Standard Minimum Rules for Non-custodial Measures, or the Tokyo Rules, the Basic Principles for the Treatment of Prisoners, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Guidelines for the Prevention of Juvenile Delinquency, or the Riyadh Guidelines.

Despite this progressive development which suggested that the UN recognized various categories and conditions of offenders in light of the SMR, the fact remains that the overwhelming prison populations are male. In many countries, the number of male inmates takes up to 90 percent of national prison population. Therefore, correctional facilities in most places were originally designed and built primarily for male prisoners.

However, over the last few decades, the number of women in prison has dramatically increased worldwide. Although smaller in actual number, the percentage of growth in women prisoners is rising faster than that of their male counterparts. Nevertheless, statistics show that the crimes committed by women are less serious and usually non-violent.

Women prisoners are often referred to as the “forgotten population”. For a long time, the needs of women prisoners, which are very much specific and multi-dimensional, have been overlooked. These include personal hygiene, reproductive health needs, and higher risk to have psychological and mental problems. In most cases, women prisoners are also mothers with child rearing responsibilities, pregnant and breast-feeding mothers. The fact that prisons do not adequately respond to women’s specific needs has caused several challenges, including their vulnerability to re-victimization in prison settings.

Recognizing such gap, the government of Thailand initiated an effort to bring this issue into consideration of the United Nations. With support from many Member States, experts and the United Nations Office on Drugs and Crime, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the “Bangkok Rules”, were developed and presented to the international community for the first

time at the 12th Congress in Salvador. The Rules were subsequently adopted by the General Assembly in 2010.

The Bangkok Rules represent a significant achievement of the international community in addressing specific needs of women in the criminal justice system. The Rules take into account existing standards and norms such as the SMR and the Tokyo Rules, while incorporating elements of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. With the mainstreaming of gender sensitivity being the underlying principle, the Bangkok Rules are applicable to all categories of women deprived of their liberty, including untried or convicted women, as well as to women subject to non-custodial measures.

It should also be emphasized that the Bangkok Rules are not intended to replace prior existing standards and norms in anyway. On the other hand, they bring further clarity to existing provisions to ensure that the needs of women and girls in criminal justice systems are adequately and effectively addressed.

From Salvador to Doha, the Bangkok Rules journey is now back at the Crime Congress – this time – for a critical evaluation. At this workshop, we will see how the Bangkok Rules have contributed to the work of prison administration in addressing the treatment and social reintegration of women prisoners, and preventing their recidivism.

I believe we have come a long way in promoting the implementation of the Rules. Today we can find good practices in many correctional facilities around the world. Nevertheless, the Bangkok Rules are soft law which does not impose obligations on States to apply. In practice, the degree to which States implement standards and norms differs greatly from one jurisdiction to another. In essence, such flexibility is the very beauty of the UN standards and norms.

Although the application of standards and norms may vary due to the social and political context of different countries, I take this opportunity to underline some of the necessary key points in which countries should strive in achieving effective and sustainable implementation of the UN standards and norms on women prisoners.

**First**, efforts should be made to ensure that national legislations and policies are in line with the UN standards and norms. Relevant domestic laws and sentencing policies should emphasize rehabilitation and reintegration. Imprisonment of women should be considered as a last resort. The use of non-custodial measures and alternatives should be encouraged more in order to reduce overcrowding and stigmatization caused by imprisonment. Of equal importance is the government's commitment and financial support. This should be long-term in order to ensure the sustainability and effectiveness of fair and humane correctional practices.

*Second*, awareness of the importance of the UN standards and norms is crucial in boosting their implementation. Through capacity-building activities, criminal justice professionals should be given an opportunity to broaden their understanding. For instance, Thailand in cooperation with UNODC hosted the East Asia-Pacific Regional Meeting on the Implementation of the Bangkok Rules in Bangkok in 2013. The meeting was a great example of how countries in the region share their experiences on programmes and activities designed for women prisoners, while building a network of cooperation on this front.

In addition, training on gender sensitivity is also an important way to equip criminal justice practitioners with fundamental knowledge in implementing the Bangkok Rules. This kind of training is crucial because we need to build a positive attitude and mindset of correctional staff to be gender-sensitive when treating women offenders. Clearly, this is one of the key elements in achieving successful prison reform.

*Lastly*, the Bangkok Rules, as well as other UN standards and norms, have been used as a reference to develop technical tools for institutional staff. Currently there are a variety of practical tools and handbooks developed by the UNODC and non-governmental organizations. For instance, the Penal Reform International and Thailand Institute of Justice have jointly published the Guidance Document and the Index of Implementation of the Bangkok Rules as reference documents and resources. Also, the UNODC published several handbooks, including a “Handbook for prison managers and policymakers on women and imprisonment” of which the latest edition provides clear explanations and good practices with reference to the Bangkok Rules.

In speaking of the sustainable implementation of the UN standards and norms, I would be remiss not to mention the review of the Standard Minimum Rules for the Treatment of Prisoners. If anything, what the Bangkok Rules did at the 12th Congress was not only to galvanize the global attention on a particular category of prisoner, that is, women, but also to trigger critical momentum on a broader question of the review of the Standard Minimum Rules for the Treatment of Prisoners. As a result, the General Assembly mandated the Commission on Crime Prevention and Criminal Justice to establish the intergovernmental expert group to conduct such a review process so as to reflect the advancement in correctional science.

During the period of 2012 to 2015, the intergovernmental expert group, through its four meetings, took us from Vienna to Buenos Aires, and finally to Cape Town, where it finally completed its work. I am pleased to note that we now have the revised version of the SMR which shall be known as the “United Nations Standard Minimum Rules for the Treatment of Prisoners”, or the “Mandela Rules”, in honour of the legacy of the late President Nelson Mandela of South Africa. I hope that momentum can be gathered here in Doha for the new Mandala Rules to be approved by the Crime Commission and the General Assembly within this year.

In conclusion, I would like to emphasize that all UN standards and norms related to crime prevention and criminal justice are useful in assessing needs and gaps in legislation and practice. While a number of standards and norms have been adopted and several tools are made available, Member States should be urged to use these instruments in order to bring correctional practices into line with international standards and norms, and to fulfill their obligations in promoting and protecting the fundamental human rights of those behind bars.

I would like to take this opportunity to thank all those involved in organizing this important workshop, and look forward to the presentations and a lively and meaningful discussion today.

Thank you very much.