

## **THE UNITED NATIONS MODEL STRATEGIES AND THE TREATMENT OF OFFENDERS OF VIOLENCE AGAINST WOMEN AND CHILDREN: GOOD PRACTICES AND CHALLENGES IN SOUTHEAST ASIA**

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### **I. INTRODUCTION**

International human rights conventions, such as the International Covenant on Civil and Political Rights (ICCPR), emphasize the necessity of state intervention to support the rehabilitation and social reintegration of offenders with the main purpose of preventing crime and protecting society.<sup>1</sup> To complement the application of such international laws, the United Nations General Assembly has adopted numerous resolutions which have normative value and consist of relevant international standards providing for better treatment of offenders. Among the most important of such standards are the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>2</sup> the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),<sup>3</sup> and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>4</sup>

Furthermore, Member States of the United Nations are called upon to advance and implement effective crime prevention and criminal justice strategies addressing violence against women and children and promoting, *inter alia*, the use of restorative justice, rehabilitation, and reintegration programmes for offenders, including those guilty of offences involving violence against women<sup>5</sup> and violence against children.<sup>6</sup> They are also encouraged to adopt the guidelines contained in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice<sup>7</sup> (the Model Strategies on EVAW) as well as those in the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice<sup>8</sup> (the Model Strategies on EVAC).

With a focus on the treatment of persons guilty of offences involving violence against women and children (VAWC offenders), this paper will highlight relevant strategies and analyse some good practices and challenges in Southeast Asian countries.

### **II. SENTENCING AND CORRECTIONS**

Sentencing is the criminal process under the authority of the court for determining what measures should be taken in respect of the offender. The process of sentencing involves the balancing of factors such as retribution, deterrence and denunciation, and establishes the grounds for the next steps of the criminal justice system, which is corrections. An important function of sentencing is to change the behaviour of the offender through various rehabilitative measures which prevent them from repeating violent acts. Depending

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<sup>1</sup> International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), art. 10, para. 3.

<sup>2</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (General Assembly resolution 65/229, annex), rules 40 and 41.

<sup>3</sup> United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex), para. 1.5, para. 8 and para. 13.

<sup>4</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (General Assembly resolution 70/175, annex), rule 4.

<sup>5</sup> General Assembly resolution 65/228, operative para. 7.

<sup>6</sup> General Assembly resolution 69/194, operative para. 7.

<sup>7</sup> General Assembly resolution 65/228, operative para. 4.

<sup>8</sup> General Assembly resolution 69/194, operative para. 4.

on the jurisdiction, judges in different countries may have either a limited or a wide range of alternative sentencing measures, including those that are based on rehabilitation-led approaches and provide reparation for harm and damage resulting from violence against women and children. In the Model Strategies on EVAC, Member States are urged to ensure that sentencing and corrections reflect the seriousness of violence against women and children, and the need for effective criminal justice responses to VAWC offenders. This includes the use of special rehabilitation and treatment programmes that promote the sense of responsibility and reintegration of offenders into society:

27. Recognizing the serious nature of violence against children, while taking into account the fact that the perpetrators of that violence may also be children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

...

(f) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(g) To review and update national law to ensure that the decisions made by the courts in cases involving violent offences against children:

...

(ii) Hold offenders accountable, with due regard to their age and maturity, for their acts involving violence against children;

...

(vii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, rehabilitating and reintegrating perpetrators into the community.<sup>9</sup>

and

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they: (viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

...

(e) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;<sup>10</sup>

In accordance with the Model Strategies, sentencing should deter and denounce violence against women and children, diminish the risk of violent incidents, promote the safety of the community and the victim of violence, ensure reparation for harm, and promote rehabilitation of offenders. In many countries in Southeast

<sup>9</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), strategy IX, para. 27.

<sup>10</sup> Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 65/228, annex), strategy V, para. 17.

Asia, for example, Singapore,<sup>11</sup> the Philippines,<sup>12</sup> and Thailand,<sup>13</sup> national laws allow judges to impose measures involving specific treatment, corrective training, rehabilitation, or probation on an offender guilty of an act of violence against women and children.

A study published by the Thailand Institute of Justice in 2019 suggests as a guideline that the judge at sentencing hearings in all countries should have available the following key information:<sup>14</sup>

- (1) Victim impact statements;
- (2) Risk assessment of offender dangerousness at the time of sentencing;
- (3) Information on the nature and gravity of the offence;
- (4) History of abuse;
- (5) Previous efforts at rehabilitation;
- (6) Defendant's character;
- (7) Current rehabilitation needs; and
- (8) Other aggravating factors.

Taking the model guidelines into account, in Thailand there are also some strict conditions imposed by the judiciary on offenders guilty of domestic violence, in accordance with the recently promulgated law, the Promoting Development and Protection of Family Institutes Act B.E. 2562 (2019). This law allows the judge to order preliminary arrangement or specific measures, such as seizure of weapons used in violent incidents, safeguards for victims, removal of parental power, rehabilitation measures, medical treatment, and socio-psychological counselling, which can be imposed as a condition in connection with a settlement.<sup>15</sup> Bearing in mind that simply removing the offender from the immediate environment in which the violent incident took place cannot ameliorate the entire problem or the potential for re-victimization, the court should order such measures or programmes rigorously, which means that the implementation of the measures should be under the supervision of the court, and if the perpetrator does not comply with the order or fails to complete the programme assigned, the court can impose further sanctions.

Also the correctional services should conduct a needs assessment of the individual offender and develop treatment and rehabilitation programmes that match the specific needs of different perpetrators, for example, through the use of Cognitive Behavioural Therapy (CBT), which is a short-term and goal-oriented regime of psychotherapy intended to change patterns of thinking or behaviour.<sup>16</sup> There is also a link between emotional intelligence (EI) and criminal behaviour.<sup>17</sup> Treatment programmes that involve EI training have been shown to significantly help reduce the risk of future violence.<sup>18</sup> Moreover, it is necessary to recognize that some VAWC offenders are themselves the former victims of violence. The Model Strategies suggest that, if the perpetrators themselves have been victims of violence, trauma-informed interventions are required to address this as early as possible.<sup>19</sup> Furthermore, a child-sensitive juvenile justice system should be able to deal with young offenders. In order to ensure the effectiveness of sentencing strategies, other sentencing options should be made available under national laws and regulations, for instance, care, guidance and supervision orders.<sup>20</sup> However, non-custodial measures or quasi-custodial measures can also be imposed on VAWC offenders, as long as due consideration is taken of the victims' vulnerability and safety risks, and the

<sup>11</sup> Criminal Justice Division, State Courts Singapore. (2019). *Guidebook for Accused in Prison: A Guide to Representing Yourself in Court*. Singapore: State Courts Singapore, pp. 73-74.

<sup>12</sup> The Criminal Code of the Philippines, chapter 3, sections 20 and 22.

<sup>13</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, p. 175.

<sup>14</sup> *Ibid.*, pp. 173-174.

<sup>15</sup> Promoting Development and Protection of Family Institutes Act B.E. 2562 (2019) (Thailand), section 29.

<sup>16</sup> Martin, B. (2019). In-Depth: *Cognitive Behavioral Therapy*. Psych Central. Retrieved on 2 August 2019, from <https://psychcentral.com/lib/in-depth-cognitive-behavioral-therapy/>.

<sup>17</sup> Megreya, A. (2014). *Emotional Intelligence and Criminal Behavior*. *Journal of Forensic Sciences*, 60. 10.1111/1556-4029.12625.

<sup>18</sup> *Ibid.*

<sup>19</sup> United Nations Office on Drugs and Crime. (2015). *Introducing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A New Tool for Policymakers, Criminal Justice Officials and Practitioners*. Vienna: United Nations, p. 13.

<sup>20</sup> *Ibid.*, p. 16.

offenders are prohibited or effectively restrained from threatening or intimidating the victims.<sup>21</sup>

In the case of child offenders, domestic violence, or intimate partner violence, the court may order education-based programmes and non-coercive measures under the umbrella of restorative justice,<sup>22</sup> i.e. victim-offender mediation or family group conferences, which can generate better understanding between the parties involved and help reconcile or restore their relationship. Probation officers may also be assigned in these cases to collect information and monitor the behaviour of offenders. Thereby, the officers will be able to participate in the group conference as a source of information so that the facilitator can write the report about the circumstances, the background of the victim and the offender, what happened during the conference, and any agreement reached.

Even though offenders guilty of violent offences against women and children are sentenced and remain under probation or correctional control, they can still be a source of harm or represent safety risks for the victims or other women and children in the society, not to mention the possibility of emerging forms of violence committed through online channels, such as online child sexual exploitation. Thus, the measures to protect women and children victims of violence should continue after sentencing. Member States are urged to prioritize the safety of victims as well as the deterrence of reoffending while implementing the treatment and rehabilitation programmes according to the Model Strategies:

26. Recognizing that measures to protect and assist child victims of violence must continue after the person accused of that violence has been convicted and sentenced, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

...

(b) To develop, implement and evaluate treatment and reintegration and rehabilitation programmes for those convicted of violence against children that prioritize the safety of victims and the prevention of recidivism.<sup>23</sup>

Aside from the programmes that judges may order as part of sentencing in addition to other sanctions, treatment programmes and rehabilitative measures should be provided by prisons and probation departments in order to effectively rehabilitate such offenders as part of a continuous process. Intervention and behavioural change programmes in probationary and correctional institutions are increasingly launched and improved in many Southeast Asian countries. A clear action plan for individual offenders should be made in consideration of the history of abuse and the incidence of violence. Gender-sensitive and child-sensitive interventions should be incorporated into rehabilitation programmes in the same way as psychological and behavioural training such as CBT, anger management, and emotional intelligence training programmes. As stated in recent TIJ research, intervention programmes have the greatest potential for being effective when they are in line with a set of minimum standards as follows: <sup>24</sup>

- (1) Adequate financial support;
- (2) Specialized staff to ensure monitoring and immediate enforcement;
- (3) Accredited with an organization that supports feedback from victims as to whether the violence continues;
- (4) Committed to working within a gendered structural analysis of violence against women as opposed to a simplistic or individualized anger management paradigm;
- (5) Commitment of the service provider not to engage in any relationship or mediation with the perpetrator;
- (6) Undertaking an appropriate suitability assessment of the perpetrator prior to acceptance in the

<sup>21</sup> United Nations Office on Drugs and Crime. (2015). *Planning the Implementation of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A Checklist*. New York: United Nations, p. 24.

<sup>22</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), strategy IX, para. 31.

<sup>23</sup> Ibid, strategy VIII, para. 26.

<sup>24</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, p. 178.

programme;

- (7) On-going risk assessment with safety of the victim prioritized.

The programmes that VAWC offenders attend can be found in many forms, including treatment, training, education and consultation. In some cases, abusive perpetrators may suffer from low self-esteem, trauma issues, anger management, and difficulties with interpersonal relationships. Mixed-method treatment and intervention plans are needed to tackle the multifaceted problems of each VAWC offender. Some research demonstrates that using early risk assessment with a focus on the highest risk offenders and providing cognitive-behavioural treatment for at least three to nine months that links to criminal behaviour problems can reduce the likelihood of future crime between 10 and 60%.<sup>25</sup>

In the Philippines, counselling can be provided as a treatment for violent offenders, on the basis of the Anti-Violence against Women and Their Children Act of 2004.<sup>26</sup> Partnered with NGOs and local authorities, the Philippines government advances national policies and special procedures towards the rehabilitation of perpetrators of violence, that include training for service providers implementing rehabilitation activities and launching a system for accreditation of programmes and counsellors.<sup>27</sup> Perpetrators of violence against women and children are subjected to mandatory rehabilitative treatment and counselling. The Women and Children Protection Desks of the Philippines National Police, local governments, and community-based authorities can refer such perpetrators to these programmes.<sup>28</sup>

A similar approach has been established in Singapore with the Mandatory Counselling Programme (MCP), which works on offender rehabilitation and victim protection. The MCP can involve different areas, such as anger management, conflict resolution, communication training, and learning about the cycle of violence.<sup>29</sup> Also Singapore's Specialized Treatment Programmes (STPs), which are run by prison counsellors and psychologists, target criminogenic risks such as violent behaviour, sex-related offending, and criminal mind. STPs can be ordered for individuals or for groups of offenders in order to motivate violent offenders to change their behaviour and mindsets and to understand the root causes of their violent acts.<sup>30</sup> Prisoner rehabilitation in Singapore is schematic. Multiple programmes such as religious counselling, social counselling, physical training, and vocational training are designed to serve the needs of the individual offender. Religious activities conducted by chaplains from religious organizations can instil a positive attitude in offenders and change their behaviour effectively.<sup>31</sup> Social workers or the relevant practitioners in Singapore provide social counselling that helps VAWC prisoners from different backgrounds address social issues and prepare them for reintegration.<sup>32</sup> Also, female offenders of violence who engage in self-harm behaviour will be assisted by female prison officers, counsellors, and psychiatrists in collaboration with other service providers to design an intervention plan to lessen the severity of their behaviour.<sup>33</sup>

In Brunei Darussalam, rehabilitation programmes include psychological rehabilitation, moral rehabilitation, civic rehabilitation, and social rehabilitation.<sup>34</sup> Psychological rehabilitation is provided through individual counselling, group counselling, and family counselling. Religious institutions provide moral rehabilitation, both religious activities and religious education, in conformance with the Islamic calendar. Civic rehabilitation, in which the governmental and private sector cooperate, provides offenders with the necessary support for their reintegration into society, such as in respect of national identity, bank accounts, housing, and education. Preparation for various fields of employment in society, such as gardening, car wash, handicraft, building maintenance, and farming, is provided as social rehabilitation for offenders both during incarceration and at

<sup>25</sup> Alarid, L. (2013). *Community-Based Corrections* (9<sup>th</sup> edition). Belmont, California: Wadsworth, p. 17.

<sup>26</sup> Anti-Violence against Women and Their Children Act 2004 (The Philippines), section 41.

<sup>27</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, p. 179.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Petmunee, T., Krissanajinda, U., Kanthason, C., and Luadlai, A. (2016). *A Comparative Study of Treatment of Prisoners and Non-Custodial Measures in ASEAN*. Bangkok: Thailand Institute of Justice, pp. 8-4.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid, pp. 8-12.

<sup>34</sup> Ibid, pp. 1-12.

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a pre-release stage. All of the programmes can strengthen offenders' life skills, vocational skills, and social skills as well as prepare them for reintegration so that not only do they learn to empathize with others and dedicate themselves to people but also their self-esteem and readiness can be promoted.

In Thailand, the majority of offenders have been convicted of drug offences (285,214 offenders as of 10 August 2019) while the number of offenders convicted of violent crime, including acts leading to death, violence against a person, and sexual violence, is much lower (around 40,000 offenders).<sup>35</sup> However, the Department of Corrections is aware of the importance of rehabilitation for VAWC offenders. Formal rehabilitation programmes focusing on self-control and reducing aggressiveness have been in use and developed for over 15 years. In 2004, the Department of Corrections established a 25-week treatment programme for violent inmates that consists of four main parts: <sup>36</sup>

- (1) Building relationship skills and motivation (4 weeks)
- (2) Rehabilitation, empathy and self-control training, and emotion management (17 weeks)
- (3) Reintegration, goals of life, vocational training, and family meeting (4 weeks)
- (4) Evaluation and follow-up conducted both during the programme and after release.

At present, the programme comprises basic subjects which are intended for all groups of offenders, and compulsory subjects for violent inmates as presented in the table below.<sup>37</sup>

Rehabilitation Programme for Violent Offenders		
Pre-programme evaluation	Hours	Speakers/Trainers
<ol style="list-style-type: none"> <li>1. Target identification</li> <li>2. Offender classification and assessment</li> <li>3. Orientation</li> <li>4. Personality test and mental health check</li> <li>5. Knowledge/skills/attitude/behaviour test</li> </ol>		Prison officers Prison officers Prison officers Psychologist, nurse, social workers Prison officers
<b>Fundamental Subjects</b>		
<ol style="list-style-type: none"> <li>1. Self-understanding</li> <li>2. Motivation to change</li> <li>3. Sufficiency economy</li> <li>4. Occupation planning</li> <li>5. Consciousness and responsibility</li> <li>6. Fundamental laws</li> <li>7. Skills for prevention of reoffending</li> <li>8. Family relationship</li> <li>9. Life skills</li> <li>10. Emotion management</li> </ol>	3 hr. 3 hr. 3 hr. 3 hr. 3 hr. 3 hr. 3 hr. 3 hr. 3-6 hr. 3 hr.	External trainers or trained internal officers
<b>Compulsory Subjects</b>		
<ol style="list-style-type: none"> <li>1. Laws and offences concerning violence</li> <li>2. Understanding violent behaviours</li> <li>3. Changing attitude and personal value</li> <li>4. Addressing stimuli to violence</li> <li>5. Restorative practices and reintegration</li> <li>6. Group therapy e.g. music, art, sport, play</li> </ol>	3 hr. 3 hr. 6 hr. 6 hr. 6 hr. 6-15 hr.	External trainers or trained internal officers
Post-programme evaluation		Prison officers
Total (minimum hours)	60 hr.	

<sup>35</sup> Department of Corrections (Thailand). (2019). *Prison Population Statistics*. Retrieved on 27 July 2019, from <http://www.correct.go.th/stathomepage/>

<sup>36</sup> Chitsawang, N. (2006). *Rehabilitation Programmes*. Bangkok: Department of Corrections, pp. 38-40.

<sup>37</sup> Department of Corrections (Thailand). (2019). *Arrangement of Rehabilitation Programmes according to Offences and Behaviors 2019*. (MOJ 0708.1/32379). Nonthaburi: Department of Corrections.

Specifically, sex offenders should enrol in another rehabilitation programme which is developed to address problems relating to sexual behaviours and human relationships. The basic subjects are the same but some compulsory subjects are changed to sex education, building a good relationship, and sexual offences.

There are some challenges in the different Southeast Asian countries in responding to offenders guilty of violence against women and children. The availability of financial resources is the major problem. In Thailand for example, only around 1,100 Thai Baht (36 US Dollars) per offender or approximately 5,000 – 20,000 Thai Baht (160 – 650 US Dollars) per prison is allocated annually to support rehabilitation programmes<sup>38</sup> whereas prison overcrowding remains a large-scale issue as a result of drugs-related crime. Limited options in sentencing and corrections is also a barrier to the promotion of appropriate treatment for VAWC offenders, particularly in cases involving intimate partner violence or domestic violence.<sup>39</sup> Some countries still use only incarceration which is the most common form of punishment in all Southeast Asian countries. National laws in such countries do not provide judges or correctional officers with sufficient possibilities to use alternative measures such as conditioned probation or electronic monitoring.<sup>40</sup>

Relevant laws and ministerial regulations should be enacted to allow judges and criminal justice practitioners to use rehabilitative measures in support of, or sometimes instead of, such traditional sanctions as imprisonment. Awareness-raising should also be promoted among the authorities responsible for fiscal policies, including the national parliaments and the national authorities responsible for the budget, in order to better their understanding of the necessity to invest in the rehabilitation of offenders in order to achieve a safer community and improved public order. At the operational level, the training of practitioners is needed in the use of different interventions and treatment programmes for VAWC offenders. The positive attitude of practitioners towards rehabilitative approaches is also a crucial factor of success in implementing any programmes provided by correctional services.

### III. CRIME PREVENTION MEASURES

Not only do incidents of crime and violence affect individuals, but they also create a negative impact on public order and society. As mentioned earlier, crime and violence happen in a multi-dimensional perspective, ranging from a person's internal factors such as complex mental health needs to external factors such as parenting, schooling, social exclusion, and a violent environment. A recent study by the Thailand Institute of Justice (TIJ) and Griffith University found that one of the prominent factors leading to violent crime is the previous violent experiences of offenders, especially their possible overlapping experiences when young as being both victim of violence and violent offender.<sup>41</sup>

Recognizing that prevention is better than cure, the Model Strategies urge Member States and relevant sectors to establish rehabilitation programmes for crime prevention purposes to develop non-violent behaviour among offenders:

#### X. Crime Prevention Measures

22. Member States and the private sector, relevant non-governmental organizations and professional associations are urged, as appropriate:

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes and respect for equality and the rights of women;<sup>42</sup>

and

<sup>38</sup> Thai Civil Rights and Investigative Journalism. (2019). *Comparing Budget Items under Department of Corrections*. Retrieved on 29 July 2019, from <https://www.tcijthai.com/news/2019/5/scoop/9043>.

<sup>39</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, p. 96.

<sup>40</sup> Ibid.

<sup>41</sup> Wallis, R., Suzuki, M., and Thippayamongkoludom, Y. (2018). *Victimization Experiences Among Young People in Custody: Systematic Review of Methods and Tools*. Bangkok: Thailand Institute of Justice, pp. 5-6.

<sup>42</sup> Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 65/228, annex), strategy X, para. 22 (f).

## II. Implementing Comprehensive Prevention Programmes

14. The risk of violence against children committed by children should be addressed by specific prevention measures, including measures:

(a) To prevent physical, psychological and sexual violence exerted, often through bullying, by children against other children;

(b) To prevent the violence sometimes exerted by groups of children, including violence by youth gangs;

(c) To prevent the recruitment, use and victimization of children by youth gangs;<sup>43</sup>

While there is a great number of crime prevention measures in place, rehabilitation is an effective one that has twofold benefits: (1) it supports psychological and behavioural change and (2) it can prevent recidivism, which indirectly mitigates the risk and seriousness of future crime. Therefore, probation and correctional services are the key entities in the criminal justice system that can implement these strategies or integrate them into the policy of the organization.

Understanding the past experiences of inmates who have committed violent crime and their surrounding environment will also help responsible practitioners design and develop the appropriate treatment programmes for individual offenders. For instance, behavioural change programmes for offenders who are violent abusers should include improved awareness of internal psychological processes, anger management, impulse control, self-regulation, and a special intimate partner violence (IPV) programme that can examine how abusive tactics are used in violent incidents representing an overpowering role in a relationship.<sup>44</sup>

Although the right rehabilitation is a key to successful prevention of future crime and reoffending as illustrated in the previous section, there are still gaps in some Southeast Asian countries in that rehabilitation of offenders has not been incorporated into or prioritized enough in crime prevention strategies. Raising awareness and understanding about the nexus between crime prevention and the treatment of offenders at a policy-making level would substantially alleviate the problems.

## IV. TRAINING AND CAPACITY-BUILDING FOR PROBATION AND PRISON OFFICERS

Specialized expertise in the criminal justice system including probation and corrections is necessary in order to effectively rehabilitate offenders<sup>45</sup> because these practitioners are the closest group of persons to the offenders during the correctional process, and they have the authority to design a comprehensive treatment and rehabilitation programme. Formal and informal cooperation between justice agencies and other relevant counterparts such as the Department of Mental Health, universities, and non-governmental organizations would be greatly beneficial to strengthening the capability of practitioners. Adequate intellectual, technological, and physical resources should also be provided to professionals for regular use and implementation of the strategies, especially in respect of gender-sensitive and child-sensitive criminal procedures and treatment of offenders. The Model Strategies on EVAC, therefore, establish guidelines as follows:

28. Recognizing the responsibility of criminal justice professionals to prevent and respond to violence against children and to protect child victims of violence, as well as the need to facilitate and support this role, Member States are urged, as appropriate:

...

<sup>43</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), strategy II, para. 14.

<sup>44</sup> Johnson, H., Fisher, B., and Jaquier, V. (2015). *Critical Issues on Violence against Women: International Perspectives and Promising Strategies*. New York: Routledge, pp. 174-175.

<sup>45</sup> United Nations Office on Drugs and Crime. (2015). *Planning the Implementation of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A Checklist*. New York: United Nations, p. 26.

(b) To enable close cooperation, coordination and collaboration between criminal justice officials and other relevant professionals, especially those from the child protection, social welfare, health and education sectors;

...

(g) To promote the development and use of specialized expertise among criminal justice professionals, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors, judges and other criminal justice professionals receive regular and institutionalized training to sensitize them to gender- and child-related issues and to build their capacity with regard to responding to violence against children;<sup>46</sup>

and

20. Member States, in cooperation with relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To ensure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;<sup>47</sup>

The importance of the training of criminal justice practitioners to be more gender-sensitive and child-sensitive is that they will conduct themselves in an appropriate manner and not use physical, verbal, or mental violence at any phase, starting from body search at reception to the release of offenders. The use of corporal punishment as a disciplinary measure for children in detention should also be prohibited effectively.<sup>48</sup> All forms of violence, harassment, and discrimination should be eliminated in all detention centres and prisons to ensure humane treatment in accordance with international human rights laws and international standards and norms. Offenders who are treated appropriately in a non-violent manner and who are surrounded by positive emotions will be resilient and will better develop their behaviour in a positive direction.

Empowering female practitioners and increasing their roles in criminal justice agencies, including in correctional and probation institutions, would also help to make offenders become more gender- and child-sensitive.<sup>49</sup> Capacity-building that improves the functions and skills of female practitioners also serves as prevention measures because they can recognize early signs of violence and respond or intervene in a timely and appropriate manner. At an organizational level, recruitment and training programmes should be reviewed and developed to ensure gender equality and sensitivity to the needs of offenders, including the need to use non-violent measures and the need to combine gender- and child-sensitive rehabilitation.

For example, the Thailand Institute of Justice, in collaboration with various partners such as UNAFEI, UNODC, UN Women, the Department of Special Investigation (Thailand), the National Crime Agency (United Kingdom), ECPAT Foundation, and Save the Children, organizes seminars and training programmes for

<sup>46</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), strategy X, para. 28.

<sup>47</sup> Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 65/228, annex), strategy VIII, para. 20.

<sup>48</sup> United Nations Office on Drugs and Crime. (2015). *Introducing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A New Tool for Policymakers, Criminal Justice Officials and Practitioners*. Vienna: United Nations, p. 17.

<sup>49</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, p. 198.

criminal justice institutions including the police, public prosecutors, judges, prison officers, and probation officers on different topics such as the Bangkok Rules, model prisons, child rights ethical standards and psychological analysis, and women as justice makers. In the Philippines, all entities in responding to violence against women and children are required to complete specific education and training on human rights and gender sensitivity according to Republic Act No. 9710 (Section 9) and the Anti-Violence against Women and their Children Act (Section 22).<sup>50</sup>

Concerns have been raised with regard to the capacity and specialization of practitioners. In Thailand, correctional officers have to devote almost all their time and effort to prison control and management, due to the disproportion between the number of officers and prisoners. Also, the lack of budget for the training of prison officers is an underlying issue in some countries, including Thailand.<sup>51</sup> Apart from increasing awareness among the government and policymakers, one of the more powerful solutions is seeking cooperation with other sectors such as NGOs and the private sector in order to fulfil the needs. In this respect, the responsible authorities should explore and open themselves up to external cooperation and financial contribution in order to support capacity-building for practitioners.

## V. RESEARCH AND EVALUATION

In order to advance the quality of treatment programmes for offenders, the Model Strategies also support research and evaluation in relevant areas, in particular research on the effectiveness of different forms of interventions for individual offenders and evaluation of rehabilitation programmes. More in-depth studies about factors underlying recidivism and the role of corrections in each country will also help identify gaps and challenges that need to be overcome. Research and evaluation plans can be designed and conducted in collaboration and consultation with relevant professional research institutes or international organizations.

21. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:  
...

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:  
...

(v) The effect of various types of interventions on the individual offender and on the reduction and elimination of violence against women as a whole;  
...

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;<sup>52</sup>

A study by the Thailand Institute of Justice outlines key features of effective monitoring and evaluation for criminal justice organizations that can apply to those responsible for the treatment of offenders. These are as follows:<sup>53</sup>

- (1) Mechanism for systematic and coordinated data collection on VAW;

<sup>50</sup> Ibid., p. 199. Republic Act No. 9710 of the Philippines, which is also known as the Magna Carta of Women, is a comprehensive women's human rights law that seeks to eliminate discrimination against women.

<sup>51</sup> Department of Corrections (Thailand). (2016). *Plan of Actions of the Department of Corrections 2016-2019*. Nonthaburi: Department of Corrections, p. 1.

<sup>52</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), strategy IX, para. 21.

<sup>53</sup> Skinnider, E. (2018). *Towards Gender-Responsive Criminal Justice: Good Practices from Southeast Asia in Responding to Violence Against Women*. Bangkok: Thailand Institute of Justice, pp. 207-208.

- (2) Surveys for assessing the nature and extent of VAW;
- (3) Collect, analyse, and publish data and relevant information;
- (4) Monitor and publish an annual report;
- (5) Gather data on victim satisfaction with the criminal justice system that includes corrections;
- (6) Develop a set of indicators to measure VAW and the response; and
- (7) Ensure confidentiality and protection of women in the collection of data.

These seven features apply not only to VAW issues but also to VAC issues. The sharing of data and information among criminal justice organizations (with due regard to privacy issues), especially in respect of the nature of violence and victim satisfaction, will help develop a criminal justice database and lead to more effective rehabilitation and crime prevention measures. Research and evaluation are also the key tools leading to evidence-based policy shifts at an organizational level and help to increase the possibility of maximizing the use of measures and resources including re-designing treatment programmes, budgeting, and human resource development. More importantly, evidence-based research can generate reliable and powerful data for multi-sectoral criminal justice reform and, in combination with political commitment, it can also bring about a change at national and international levels.

Despite the advantages of research and evaluation, there are some limitations in many countries to applying these seven features and improving monitoring and evaluation. The main challenges are a result of the lack of funding and attention in this area. A large amount of research funding is allocated for other issues such as information technology and innovation, military and defence, and agriculture. In Thailand, for example, weaknesses have been pointed out in the plan of action of the Department of Corrections: executive officers and policymakers are not aware of the importance of research and evaluation.<sup>54</sup> Moreover, some research papers prepared at the time are outdated, irrelevant or inapplicable to current issues.<sup>55</sup> Recommendations are needed to identify the most urgent and important areas calling for evidence-based information, and then to strengthen cooperation with international organizations, research institutes, and other sectors, including business and social enterprises aiming at social responsibility to co-develop research projects and evaluation platforms.

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<sup>54</sup> Department of Corrections (Thailand). (2016). *Plan of Actions of the Department of Corrections 2016-2019*. Nonthaburi: Department of Corrections, p. 11.

<sup>55</sup> *Ibid.*, p. 22.

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