

**ANNUAL REPORT FOR 2012  
and  
RESOURCE MATERIAL  
SERIES No. 90**

**UNAFEI**

**Fuchu, Tokyo, Japan**

**August 2013**

Tomoko Akane  
Director

United Nations  
Asia and Far East Institute  
for the Prevention of Crime and  
the Treatment of Offenders  
(UNAFEI)

1-26 Harumi-cho, Fuchu, Tokyo 183-0057, Japan  
<http://www.unafei.or.jp>  
**[unafei@moj.go.jp](mailto:unafei@moj.go.jp)**

---

# CONTENTS

---

<b>INTRODUCTORY NOTE</b> .....	v
--------------------------------	---

## **PART ONE**

### **ANNUAL REPORT FOR 2012**

Main Activities of UNAFEI .....	3
UNAFEI Work Programme for 2013 .....	16
Appendix .....	18

## **PART TWO**

### **WORK PRODUCT OF THE 153RD INTERNATIONAL SENIOR SEMINAR**

#### **“TREATMENT OF FEMALE OFFENDERS”**

##### **Special Lecture**

- Putting the Bangkok Rules into Practice: A Framework for International Cooperation  
by *Her Royal Highness Princess Bajrakitiyabha Mahidol (Thailand)* ..... 35

##### **Visiting Experts' Papers**

- Women's Risk Factors and New Treatments/Interventions for Addressing Them: Evidence-Based Interventions in the United States and Canada  
by *Dr. Patricia Van Voorhis (USA)* ..... 42
- Policy Developments Regarding the Treatment of Women Offenders in the U.S.: The Slow Process of Change  
by *Dr. Patricia Van Voorhis (USA)* ..... 60
- The Bangkok Rules: An International Response to the Needs of Women Offenders  
by *Ms. Piera Barzanò (UNODC)* ..... 81
- Too Many Women in Prison: A Case Study of an Effective Treatment of Female Inmates in Thailand  
by *Dr. Nathee Chitsawang (Thailand)* ..... 96
- Key Issues of Women Prisoners: Lessons Learned from Thai Prisons  
by *Dr. Nathee Chitsawang (Thailand)* ..... 106

##### **Participants' Papers**

- Treatment of Female Offenders  
by *Mr. Leandro Zaccaro Garcia (Brazil)* ..... 119
- Brazil and the Brazilian Correctional System  
by *Mr. Leandro Zaccaro Garcia (Brazil)* ..... 124

● Treatment of Female Offenders in Jamaica by Ms. Joycelyn Roach-Spencer (Jamaica) .....	126
● Overview of the Criminal Justice System by Ms. Joycelyn Roach-Spencer (Jamaica) .....	133
● Treatment in Juvenile Training Schools for Girls in Japan by Mr. Hirohisa Katayama (Japan) .....	139
● Institutional Treatment of Female Offenders in Kenya by Ms. Olivia L. A. Onyango-Israel (Kenya) .....	145
● Overview of the Kenya Criminal Justice System (Corrections) by Ms. Olivia L. A. Onyango-Israel (Kenya) .....	150
● Treatment of Female Inmates at Correctional Institutions for Women by Mr. Celso S. Bravo (Philippines) .....	155
● Philippine Criminal Justice System by Mr. Celso S. Bravo (Philippines) .....	160
● Treatment of Female Offenders in Singapore by Ms. Goh Chin Mien (Singapore) .....	163
● The Singapore Correctional System by Ms. Goh Chin Mien (Singapore) .....	172
<b>Reports of the Seminar</b>	
● Implementing the “Bangkok Rules” — Focusing on Protecting Human Rights by Improving the Living Environment of Female Offenders by Group 1 .....	175
● Rehabilitation Programmes for Female Offenders — Focusing on Reducing Reoffending of Female Offenders by Group 2 .....	180
<b>APPENDIX</b> .....	187



---

## INTRODUCTORY NOTE

---

It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community the Resource Material Series No. 90. This volume contains the Annual Report for 2012 and the work produced in the 153rd International Senior Seminar, conducted from 9 January to 8 February 2013. The main theme of the 153rd Seminar was *Treatment of Female Offenders*.

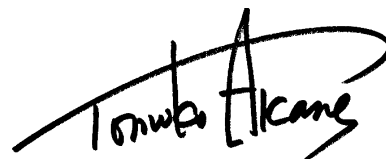
Historically, the treatment of female offenders had not received much attention because of their relatively small population in comparison with male offenders. However, the population of female inmates is on the rise in many nations, which has increased the demand to enhance their treatment. The adoption of the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*<sup>1</sup> by the United Nations General Assembly in December 2010 indicates the international surge of such demands.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Seminar to explore various issues that relate to the treatment of female offenders, including the implementation of the Bangkok Rules. In this issue, in regard to the 153rd International Senior Seminar, papers contributed by visiting experts, selected individual-presentation and overview papers from among the participants, and the Reports of the Seminar are published. I regret that not all the papers submitted by the participants of the Seminar could be published.

I would like to pay tribute to the contributions of the Government of Japan, particularly the Ministry of Justice, the Japan International Cooperation Agency, and the Asia Crime Prevention Foundation for providing indispensable and unwavering support to UNAFEI's international training programmes.

Finally, I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series.

August 2013



Tomoko Akane  
Director of UNAFEI

---

<sup>1</sup>G.A. Res. 229, U.N. GAOR, 65th Sess., U.N. Doc. A/Res/65/229 (2010).



**PART ONE**  
**ANNUAL REPORT  
FOR 2012**

- 
- 
- *Main Activities of UNAFEI*
  - *UNAFEI Work Programme for 2013*
  - *Appendix*
- 
- 

**UNAFEI**



# **MAIN ACTIVITIES OF UNAFEI**

## **(1 January 2012 - 31 December 2012)**

### **I. ROLE AND MANDATE**

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (“UNAFEI” or the “Institute”) was established in Tokyo, Japan in 1961 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in Asia and the Pacific region by promoting regional cooperation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g. transnational organized crime, corruption, economic and computer crime and the reintegration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

### **II. TRAINING**

Training is the principal area and priority of the Institute’s work programmes. In the international training courses and seminars, participants from different areas of criminal justice discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice by the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called “problem-solving through an integrated approach” is one of the chief characteristics of UNAFEI programmes.

Each year, UNAFEI conducts two international training courses (six weeks’ duration) and one international seminar (five weeks’ duration). One hundred and forty-nine government officials from various overseas countries receive fellowships from the Japan International Cooperation Agency (“JICA” is an independent administrative institution for Official Development Assistance programmes) each year to participate in all UNAFEI training programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in criminal justice fields.

During its 51 years of existence, UNAFEI has conducted a total of 154 international training courses and seminars, in which approximately 4,752 criminal justice personnel have participated, representing 131 different countries. UNAFEI has also conducted a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved. In their respective countries, UNAFEI alumni have been playing leading roles and holding important posts in the fields of crime prevention and the treatment of offenders, and in related organizations.

#### **A. The 150th International Senior Seminar**

##### **1. Introduction**

The 150th International Senior Seminar was held from 12 January to 9 February 2012. The main theme was “Trafficking in Persons — Prevention, Prosecution, Victim Protection and Promotion of International Cooperation”. Fourteen overseas participants (including two course counsellors) and seven Japanese participants attended the Seminar.

##### **2. Methodology**

Firstly, the Seminar participants introduced the current position regarding the role and function of

criminal justice agencies in their countries in regard to the main theme. The participants were then divided into two group workshops as follows:

Group 1: Effective Detection, Investigation and Prosecution of Trafficking in Persons with Special Focus on International Cooperation

Group 2: Victim Assistance and Prevention

Each Group elected a chairperson or co-chairpersons and a rapporteur or co-rapporteurs in order to facilitate the discussions. During group discussions, the group members studied the designated topics and exchanged views based on information obtained through personal experiences, the Individual Presentations, lectures and so forth. Later, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meetings, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the Reports of the Seminar. The full texts of these Reports are published in UNAFEI Resource Material Series No. 87.

### 3. Outcome Summary

#### *(i) Effective Detection, Investigation and Prosecution of Trafficking in Persons with Special Focus on International Cooperation*

The group considered human trafficking from the following perspectives: (i) traffickers' modus operandi; (ii) obstacles in detection, investigation and prosecution of trafficking in persons (TIP); (iii) available countermeasures; and (iv) international cooperation.

After lengthy discussions, the Group recommended the following effective measures to secure the cooperation of victims and other witnesses:

- Presence of social workers at relevant stages of the process
- Grant victims/witnesses immunity from suit, work permits, extensions of stay, or residency status
- Financial assistance or allowances for the cost of transportation, board and lodging
- Availability of interpreters at all stages of the investigation and prosecution
- Provision of assistance such as appropriate shelter, medical/psychological care, and livelihood skills training/rehabilitation
- Upholding the privacy/confidentiality of victims' identities and personal circumstances at all stages and closed-door investigation and prosecution/trial (where possible)
- Pre-requisite testimony of victim before prosecutor, defender and the judge
- Offer of plea bargain to an accomplice-turned-witness

Recommended effective measures to get useful information from suspects are the following:

- Availability of interpreters
- Surveillance of the activities of the suspect and the organized-crime group
- Wiretapping
- Tracing of financial or paper flows

## MAIN ACTIVITIES OF UNAFEI

- Undercover/entrapment operations
- Financial sanctions such as confiscation of criminal proceeds and devices

Below are common effective measures identified by the Group:

- Full-blown campaigns against human trafficking, and advocacy and awareness-raising in relevant countries for all sectors of the community
- Continuous training for police officers, prosecutors, and judges relative to capacity-building, anti-trafficking and anti-corruption practices, cyber-crime detection, fraudulent document detection, and value formation
- Monitoring in both source and destination countries by means of strict checking at ports of entry and exit; monitoring of transport agencies and recruitment service providers; compulsory/regular inspection of business establishments by government officials and internet surveillance
- Increased police visibility, such as more community or home visits by police officers
- Establish a system for handling human trafficking cases at the police and prosecution level to ensure a smooth turnover and continuance of the investigation and prosecution of TIP cases
- Create a task force specializing in investigating and prosecuting TIP cases
- Investigate and prosecute suspects in TIP cases who bribe government officials
- Enrol victims in witness protection programmes or engage the assistance of non-governmental agencies to assist in protecting the victims and their families

Thus the Group agreed upon the following effective measures in handling TIP cases involving foreigners:

- A. Create a joint task force on a case-to-case basis involving authorities from both countries
- B. Secure technical assistance in international capacity-building training to equip or enhance existing capabilities of all countries in detecting, investigating and prosecuting human trafficking cases
- C. Establish networks with international groups such as the UNODC, Interpol, foreign regional committees and the like
- D. Conduct regional meetings among countries to establish a good network and linkages
- E. Attend international fora to widen the international network

### *(ii) Victim Assistance and Prevention*

The group conducted its discussions according to the following agenda: (a) current situation of trafficking in persons; (b) criminal justice measures for protection of victims of trafficking in persons; (c) victim assistance measures in trafficking in persons; (d) preventive measures against trafficking in persons; and (e) promotion of inter-agency and international cooperation from the point of view of victim assistance and prevention.

After in-depth discussions on these sub-topics, the group concluded that porous boundaries and globalization are making it easier for traffickers to escape detection. Hundreds of individuals are lured into prostitution and forced labour around the world. Countries should come together and protect victims of human trafficking. The group emphasized that communicating with a traumatized traffick-

## ANNUAL REPORT FOR 2012

ing victim is imperative in combating trafficking. Gathering an accurate account of the incidents leading to trafficking is always a challenge to any law enforcement agency. Thus, to facilitate interviews, specialized/small groups may be created to assist in the interpretation, obtaining of information and other related issues from victims/witnesses and other concerned persons.

Accordingly, the group suggested the following:

### 1. Victim assistance and protection:

- Physical support for better investigation, i.e. forensic and technological support
- Technical and logistical assistance for TIP units, especially for victim protection and shelters; and financial assistance to victims
- There may be some internationally acceptable form of witness protection measures consistent with domestic laws and customs

### 2. Prevention measures:

- Income-generating programmes and mobilization of socio-economic resources to avoid human trafficking; and rehabilitation and reintegration of the victims to prevent re-victimization
- Advocacy campaigns for the general public targeting vulnerable groups of possible trafficking victims, such as comprehensive awareness and PR activities; making and distributing awareness-raising brochures on TIP, education, promoting compliance with laws and regulations related to TIP; and raising awareness of the demand which fuels sexual exploitation
- Enhancing the capacity of concerned agencies/institutions, particularly law enforcement, or front-liners
- Investigation of the money earned by human trafficking may be given more importance and a mechanism of confiscating the illegal proceeds/income from TIP may be developed

### 3. International cooperation:

- Extended international cooperation for establishment of victim shelter homes; promoting the capacity of the key players
- Cooperation among NGOs, the IOM and other civil-society groups to ensure rehabilitation and reintegration of TIP victims into society
- Close liaison among key players of different countries, i.e. establishment of small working groups
- Governments, through international cooperation, need to improve education and employment to prevent migration and TIP
- Extended opportunity for sharing of information regarding TIP
- Special attention to vulnerable groups from countries which have been large-scale victims of war, internal disorder, gross economic crisis, climate change, etc.
- Mutual legal assistance for investigation, trial, repatriation and extradition should be enhanced

## **B. The 151st International Training Course**

### **1. Introduction**

The 151st International Training Course was held from 16 May to 22 June 2012. The main theme



## MAIN ACTIVITIES OF UNAFEI

was “Evidence-Based Treatment of Offenders”. Fifteen overseas participants, two international observers and eight Japanese participants attended this Course.

### 2. Methodology

The objectives of the Course were primarily realized through the Individual Presentations and Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of his or her country with respect to the main theme of the Course. The Group Workshops further examined the sub-topics of the main theme. To facilitate discussion, the participants were divided into two groups to discuss the following topics under the guidance of faculty advisers:

Group 1: Risk/Needs Assessment of Offenders

Group 2: Evidence-Based Offender Treatment Programme

The two groups elected a chairperson or co-chairpersons and a rapporteur or co-rapporteurs to organize the discussions. The group members studied the designated sub-topics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. During the course, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meeting the drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the reports of the Course. The full texts of the reports are published in full in Resource Material Series No. 88.

### 3. Outcome Summary

#### *(i) Risk/Needs Assessment of Offenders*

The group considered risk/needs assessment tools in terms of their definition, importance, use, effectiveness and limitations. An offender's overall risk of reoffending can be conceptualized as consisting of two factors: risks and needs. Static risk factors (risks) are those that cannot be changed. On the other hand, dynamic risk factors (needs) refer to a set of personal/interpersonal factors and behaviours associated with offending that can be intervened and changed. The dynamic risk factors are referred to as criminogenic need factors, which help correctional management to predict the probability of reoffending.

The evidence-based treatment of offenders is important because it has been proved to be effective in reducing reoffending. For correctional management, it allows more reliable, objective, transparent and validated ways to analyse the risk/needs of offenders and to find suitable programmes based on specific needs. The risk/needs assessment assists correctional management in discovering dynamic factors leading to reoffending that can be targeted and intervened in terms of programming. It also allows appropriate classification, accommodation, and adequate intensity of supervision to avoid undesirable social learning.

The group recognized that judging the effectiveness of the programme is an ongoing process. Factors that would affect the effectiveness and efficiency of an evidence-based programme include the staff's understanding of the assessment tools, the planning and organization of the assessment, and the use of resources for improving the assessment tools. The official group workshop report contains a summary of the status of implementation of evidence-based programmes in Japan, Jordan, Morocco, the Democratic Republic of Congo, Kenya, Vanuatu, Colombia, Thailand, Palau and Hong Kong.

Following their discussions, the group noted that challenges to the successful implementation of such tools include resistance from supervisors, staff, inmates and the community; overcrowding in correctional institutions; lack of financial support; and lack of facilitating legislation.

The group members made the following recommendations:

1. Evidence-based treatment of offenders is an imperative issue that is preferable to be adapted in

the participants' respective countries which still rely on professional experience and subjective evaluation.

2. Participants are urged to make considerable efforts to contribute to the development and implementation of risk/needs assessment tools in their countries.
3. Many of the participants' countries are urged to review and amend their laws in accordance with the implementation of risk/needs assessment tools.
4. Participants' countries are urged to establish bilateral, regional and international partnerships to enhance evidence-based practice and exchange experiences to get updated information.
5. Most of the participants' countries are also urged to hire qualified and sufficient numbers of staff members to allow adequate implementation of risk/needs assessment tools.
6. Most of the participants' countries are recommended to reconsider the correctional infrastructure which has a direct impact on the application of the output of risk/needs assessment in terms of classification, accommodation, and programming.
7. All participants from both group workshops are requested to find a way for the continuous exchange of experiences and updated information.
8. Participants' countries should make it possible for correctional services to equip themselves with information about offenders so as to allow appropriate and effective implementation of evidence-based practices.

The group concluded that evidence-based assessment is important for better decision-making and better management of offenders. All represented countries agreed to develop risk/needs assessment tools or to enhance those existing in their respective countries. In sum, group members agreed that the evidence-based method is a good tool to measure the risks and needs of offenders in a more objective manner. Assessment of selected groups of offenders can be a good start for countries without comprehensive assessment tools.

*(ii) Evidence-Based Offender Treatment Programme*

The Group based its discussion on the following agenda: (1) ideas learned from the Visiting Experts' lectures; (2) the current situation of correctional programmes in each participant's country; (3) the challenges of implementing an evidence-based programme. From the Visiting Experts' lectures, the participants learned essential elements of effective treatment programmes, such as the Risk, Need and Responsivity (RNR) Principle, Cognitive Behavioural Treatment, and new trends such as the Good Lives Model and Desistance Theory. The group also examined the issue of Process and Outcome Evaluation. The official group workshop report contains a summary of the status of implementation of evidence-based programmes in Japan, Kenya, Maldives, Samoa, South Korea, the Philippines, Thailand and Vanuatu.

The group identified numerous challenges to the implementation of evidence-based programmes. These challenges include, among others, untrained staff, the lack of specialized staff (psychologists and sociologists), cultural conflict that arises from importing programmes from foreign jurisdictions, lack of capital resources, and the lack of requisite databases and information technology (e.g. Integrated Offender Management Systems).

After extensive discussions, the group reached a consensus on the following recommendations:

- Staff should be given the right training in order to enhance their skills and, thus, increase their knowledge of the new programme
- In order to increase the number of staff to implement the treatment, hire additional staff with special skills, such as psychologists and sociologists

## MAIN ACTIVITIES OF UNAFEI

- Communication between all staff members should be open, not only within the treatment department but also beyond
- In the utilization of programmes developed from foreign jurisdictions, programmes should be adjusted accordingly to match the recipient country's situation
- Operation manuals should outline policies and procedures which will allow consistency in the implementation of the programme. To safeguard the integrity of the programme, regular monitoring using scientific tools is needed
- The utilization of the "tri-media" to increase public awareness will help support the success of the programme, including inmates' hopes for reintegration into society. Presenting the success rates of treatment programmes will help raise budget allocations
- Appropriate information technology, such as electronic databases (e.g. Integrated Offender Management Systems), should be provided in order to gain easy access and retrieval of information online between relevant government agencies

### C. The 152nd International Training Course

#### 1. Introduction

The 152nd International Training Course was held from 23 August to 28 September 2012. The main theme was "Trafficking in Persons — Prevention, Prosecution, Victim Protection and Promotion of International Cooperation". Sixteen overseas participants and six Japanese participants attended.

#### 2. Methodology

The participants of the 152nd Course endeavoured to explore the topic primarily through a comparative analysis of the current situation and the problems encountered. The participants' in-depth discussions enabled them to put forth effective and practical solutions.

The objectives were primarily realized through the Individual Presentations and the Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of his or her country with respect to the main theme of the Course. To facilitate discussions, the participants were divided into two groups:

Group 1: Investigating and Prosecuting Trafficking in Persons Offenders

Group 2: Trafficking in Persons and Victim Assistance

Each Group elected a chairperson or co-chairpersons and a rapporteur or co-rapporteurs to organize the discussions. The group members studied the situation in each of their countries and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth.

The Groups presented their reports in the Report-Back Sessions, where they were endorsed as the reports of the Course. The reports are published in full in UNAFEI Resource Material Series No. 89.

#### 3. Outcome Summary

##### *(i) Investigating and Prosecuting Trafficking in Persons Offenders*

The group considered the investigation and prosecution of traffickers, analysing the existence and dimensions of the problem. Further, the members discussed remedial measures as practised by different countries and various methodologies of implementation of recommended strategies for the benefit of the victims of TIP.

It was agreed that human trafficking is a problem that often goes undetected because it is hidden. Although human trafficking exists in many forms and for many purposes, the group identified commercial sexual exploitation as the most common form observed. In terms of the modes of human trafficking, the group found that trafficking offers a high return on investment; therefore, air routes are

selected by traffickers as the preferred means of transit. Technological improvement in the traffickers' ability to forge identity documents is one of the means that facilitates the use of air routes. Consequently, a continuous "cat and mouse game" requires law enforcement to improve its use of technology and to remain vigilant.

Law enforcement must take a "victim-centred approach" towards victims to ensure their cooperation in the successful prosecution of traffickers. Investigations create a natural tension whereby the victim wants to suppress the story but investigators need the victim to speak. Therefore, establishing rapport with the victims and informing them of their rights, the laws, and procedures are all key to obtaining witness cooperation.

In conclusion, the group offered the following recommendations to further the fight against the heinous crime of human trafficking:

- The group recognized the importance of a victim-centred approach
- The importance of the use of informal channels rather than formal ones was reiterated, especially during the investigation stage. The members also resolved to use these in practice in their home countries upon their return; the need for international cooperation was emphasized
- The requirement of a policy initiative and a "National Instrument" comprising different stakeholders including law enforcement, public prosecution, immigration, welfare (child and women) departments, NGOs, social workers and specialists from the field of psychology and sociology, as well as victim support groups, was seen as an essential measure to address the issue of trafficking in persons holistically
- Special Anti-TIP Units within law enforcement were recommended to be established
- Capacity-building of different stakeholders in the form of training and sensitization was emphasized
- It was unanimously felt that public awareness regarding TIP is the need of the hour; governments were urged to provide enough resources for the same.
- TIP, being complex and widespread and no country being free of it, needs specific legislation in line with the UN protocol on Trafficking in Persons, which defines the *actions, means and purposes* of trafficking and criminalizes them
- Participants felt that enhancements in technologies of investigation and detection should be shared between different countries in the world to effectively tackle TIP and other crimes, and a framework for the same was recommended to be created

(ii) *Trafficking in Persons and Victim Assistance*

The group considered the broad topic of victim assistance in human trafficking cases and based its discussions on the following sub-topics: (1) the current situation of trafficking in persons in the participating countries, (2) criminal justice measures for the protection of victims; (3) victim-assistance measures; (4) TIP prevention measures; and (5) inter-agency cooperation.

The analysis of the situation of trafficking in the participating countries showed a diversified modus operandi. Most of the countries act as countries of origin (source) while others are source, transit and destination (host) countries. The poor and the minorities were found to be the most vulnerable to TIP. The majority of them are women and children, and most of the trafficked persons are under 18 to 35 years of age. The group reported that the predominant means of victim exploitation are sexual exploitation, forced labour, domestic servitude and removal of organs.

The group acknowledged that victims of trafficking must be protected by law in all jurisdictions.

## MAIN ACTIVITIES OF UNAFEI

In this regard, the group focused on the protections afforded to victims during the trial stage. Speedy trials are urged in all trafficking cases for the purpose of securing victims' cooperation and for providing closure to their ordeals. Also suggested were the use of *in camera*, or closed, trials to protect the victim's identity. Other protective measures include permitting victim testimony by video linkage, witness shielding, separate waiting rooms, and legal aid programmes.

The group discussed victim assistance measures in TIP with special focus on immigration status, living assistance, repatriation, reintegration, restitution and compensation. It was agreed that victims should be granted immunity from prosecution for immigration offences, as is the practice in most of the participants' countries. In cases where the victim lacks travel documents or where such documents were forged, the host country should issue travel documents to the victim. Other solutions include capacity-building measures, public awareness campaigns and the adoption of strategic plans by Member States to reintegrate the victims through counselling and social support.

The group reported that prevention is the best way to protect victims from the evils of trafficking. States are encouraged to enhance border control by conducting joint patrols and improving trafficking victim databases. Further, the group recommended the adoption of an international gesture (akin to sign language) that would allow trafficked individuals who do not speak a local language to communicate with border control agents or other law enforcement officials to signal that they are victims and require assistance. It was also recommended that states enact measures designed to increase the punishment of traffickers by focusing on deterrence, including the confiscation of assets.

Finally, the group stressed the importance of inter-agency cooperation in order to share knowledge and experience. This cooperation is vital to assist victims with reintegration and protection. Although an overwhelming challenge, the cooperation across the international community is "critical" to the eradication of human trafficking.

### **D. Special Seminars and Courses**

#### **1. The 15th UNAFEI UNCAC Training Programme**

The 15th UNAFEI UNCAC Training Programme was held from 11 October to 14 November 2012. This Programme dealt with the United Nations Convention against Corruption and examined counter-measures against corruption. Twenty-five overseas participants and seven Japanese participants attended.

#### **2. The Sixth Regional Seminar on Good Governance for Southeast Asian Countries**

UNAFEI hosted the Sixth Regional Seminar on Good Governance for Southeast Asian Countries from 12 to 14 December 2012 at the Japanese Ministry of Justice in Tokyo. The main theme of the Seminar was "International Cooperation: Mutual Legal Assistance and Extradition". Twenty participants from eight Southeast Asian countries attended, featuring several experts from PNI Institutes such as the Basel Institute on Governance (BIG), the Beijing Normal University (CCLS), the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), and the Korean Institute of Criminology (KIC). A ceremony for UNAFEI's 50th anniversary was held in conjunction with the Seminar, and with many distinguished guests in attendance. See *infra* at Section IV.B.

#### **3. The Twelfth Training Course on the Juvenile Delinquent Treatment System for Kenya**

The Twelfth Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 14 February to 9 March 2012. Fourteen participants from Kenyan governmental agencies involved in juvenile justice reviewed the contents of the training programme for child care and protection officers in Kenya and drafted guidelines for their OJT in Kenya.

#### **4. The Eighth Seminar on Criminal Justice for Central Asia**

The Eighth Seminar on Criminal Justice for Central Asia was held from 29 February to 15 March 2012. The main theme of the Seminar was "Addressing Corruption which Hinders Countermeasures for Drug Offences and Other Crimes: Especially, Ethics and Codes of Conduct for Judges, Prosecutors and Other Law Enforcement Officials". Nine participants attended from four Central Asian countries — Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.

### III. TECHNICAL COOPERATION

#### A. Regional Training Programmes

##### 1. Short-Term Experts in Kenya

A UNAFEI professor was dispatched to Kenya, from 26 July to 30 August 2012, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

### IV. INFORMATION AND DOCUMENTATION SERVICES

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

### V. PUBLICATIONS

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2012, the 86th, 87th and 88th editions of the Resource Material Series were published. Additionally, issues 137 to 139 (from the 150th International Senior Seminar to the 152nd Training Course) of the UNAFEI Newsletter were published, which include brief reports on each course and seminar and other useful course information. These publications are also available on UNAFEI's web site at <http://www.unafei.or.jp/english>.

### VI. OTHER ACTIVITIES

#### A. Public Lecture Programme

On 27 January 2012, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the 150th International Senior Seminar participants. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study, by inviting distinguished speakers from abroad. In 2012, Mr. Martin Fowke, Officer-in-Charge, Anti-Human Trafficking and Migrant Smuggling Unit, Division for Treaty Affairs, United Nations Office on Drugs and Crime, and Mr. Wanchai Roujanavong, Director General, International Affairs Department, Office of the Attorney General of Thailand, were invited as speakers. They presented papers entitled "Trafficking in persons: a global issue" and "Human Trafficking: Transnational Crime between Japan and Thailand," respectively.

#### B. Joint Ceremony for UNAFEI's 50th and ACPF's 30th Anniversaries

On 12 December 2012, UNAFEI and ACPF celebrated their 50th and 30th anniversaries, respectively, in a joint ceremony conducted in the Grand Conference Hall of the Japanese Ministry of Justice in Tokyo. Five prominent criminal justice experts delivered congratulatory speeches during the ceremony — Dr. Kittipong Kittayarak of Thailand; Mr. Elias Carranza of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD); Dr. Sandeep Chawla, Deputy Executive Director of the United Nations Office on Drugs and Crime (UNODC); Dr. Kim Il Su, Director of the Korean Institute of Criminology; and Mr. Severino H. Gaña, Jr., Senior Deputy State Prosecutor of the Philippines (although Mr. Gaña was unable to attend, his congratulatory speech was read by UNAFEI's Deputy Director, Mr. Kenichi Kiyono). The event was well-attended, and among the many distinguished guests were the speakers and participants of UNAFEI's Sixth Good Governance Seminar. Following the ceremony, a party was held at the KKR Hotel in celebration of the anniversaries.

## MAIN ACTIVITIES OF UNAFEI

### C. Assisting UNAFEI Alumni Activities

Various UNAFEI alumni associations in several countries have commenced, or are about to commence, research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

### D. Overseas Missions

Deputy Director Haruhiko Ukawa, Professor Naoyuki Harada, Professor Kumiko Izumi, and Professor Fumihiko Yanaka visited Malaysia, Cambodia, Thailand and Indonesia from 14 to 24 February 2012, to hold preparatory meetings for future Good Governance Seminars for Southeast Asian Countries. The UNAFEI delegation also discussed the possibilities of future co-hosting cooperation with the Malaysian and Indonesian anti-corruption authorities.

Professor Yuichiro Tada, Ms. Yoshiko Tani (Staff) and Mr. Takashi Okaniwa (Staff) visited Beijing, China from 6 to 9 March 2012 to attend a Seminar on Regional Cooperation in Crime Prevention and Criminal Justice, held in the College for Criminal Law Science of Beijing Normal University. Professor Tada gave an introduction of UNAFEI's activities to the Seminar.

Director Tatsuya Sakuma and Professor Shinichiro Iwashita visited Vienna, Austria from 22 to 29 April to attend the 21st session of the Commission on Crime Prevention and Criminal Justice, held the United Nations office in Vienna.

Deputy Director Haruhiko Ukawa visited Hong Kong, China from 8 to 12 May 2012 to attend the Fifth session of the Independent Commission against Corruption.

Former Deputy Director Haruhiko Ukawa visited Kuala Lumpur, Malaysia from 25 to 29 June 2012 to attend the Sub-Regional Seminar on International Joint Investigations for Southeast Asian States.

Professor Ryo Tsunoda was dispatched to Nairobi, Kenya from 26 July to 30 August 2012 to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Professor Akiko Tashiro visited Seoul, the Republic of Korea from 19 to 23 August 2012 to attend the 4th Annual Conference of the Asian Criminological Society. Professor Tashiro made a presentation relating to the sub-theme "Causes and Prevention of Crime: Culture, Community, Family and Schools".

Deputy Director Kenichi Kiyono visited Cambridge, England from 1 to 8 September 2012 to attend the 30th International Symposium on Economic Crime. Deputy Director Kiyono made a keynote address at the Symposium.

Director Tatsuya Sakuma visited Kuala Lumpur, Malaysia from 4 to 7 October 2012 to attend the 6th International Association of Anti-Corruption Authorities (IAACA) Annual Conference and General Meeting. Director Sakuma made a presentation entitled "UNAFEI's Capacity Building Efforts in the Anti-Corruption Field" at its Plenary Session.

Professor Koji Yoshimura visited Brunei Darussalam from 7 to 12 October 2012 to attend the 32nd Asian and Pacific Conference of Correctional Administrators (APCCA). Professor Yoshimura made a presentation entitled "Roles and Activities of UNAFEI" as a Specialist Presentation.

Professor Mayu Yoshida visited Mexico City, Mexico from 28 October to 2 November 2012 to attend the 14th Annual Conference of the International Corrections and Prisons Association (ICPA).

Professor Yuichi Tada visited Katmandu, Nepal from 27 November to 1 December 2012 to survey the criminal justice system in Nepal and discuss future cooperation with the Office of the Attorney General of Nepal.

Professor Yuichi Tada visited Courmayeur, Italy from 11 to 18 December 2012 to attend the annual

Co-ordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network and the ISPAC International Conference.

**E. Assisting ACPF Activities**

UNAFEI cooperates and collaborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of the ACPF's membership consists of UNAFEI alumni, the relationship between the two organizations is very strong.

**VII. HUMAN RESOURCES**

**A. Staff**

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The Director, Deputy Director and approximately nine professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 15 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

**B. Faculty Changes**

Mr. Naoyuki Harada, formerly a professor of UNAFEI, was transferred to the Tokyo District Public Prosecutors' Office on 1 April 2012.

Mr. Yuichiro Wakimoto, formerly a professor of UNAFEI, was transferred to Fukuoka Prison on 1 April 2012.

Ms. Ayako Sakonji, formerly a professor of UNAFEI, was transferred to Wakayama Probation Office on 1 April 2012.

Mr. Haruhiko Higuchi, formerly a professor of UNAFEI, was appointed a professor of the National Police Academy on 1 April 2012.

Mr. Shinichiro Iwashita, formerly a public prosecutor of Tokyo District Public Prosecutors' Office, Tachikawa Branch, was appointed a professor of UNAFEI on 1 April 2012.

Mr. Koji Yoshimura, formerly an officer of the International Affairs Division of Yokohama Prison, was appointed a professor of UNAFEI on 1 April 2012.

Ms. Akiko Tashiro, formerly an officer at Yokohama Probation Office, was appointed a professor of UNAFEI on 1 April 2012.

Mr. Naoya Oyaizu, formerly a staff member of the Policy Research Center of the National Police Academy, was appointed a professor of UNAFEI on 1 April 2012.

Ms. Grace Lord, formerly the Linguistic Adviser of UNAFEI, left UNAFEI and moved to a new position in the business development team of a law firm in Tokyo on 22 June 2012.

Mr. Motoo Noguchi, formerly a professor of UNAFEI and an international judge of the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia, was transferred to the International Co-operation Department of the Legal Research and Training Institute of the Ministry of Justice on 26 June 2012.

Mr. Haruhiko Ukawa, formerly the Deputy Director of UNAFEI, was transferred to the Tachikawa branch of the Tokyo District Public Prosecutors' Office on 20 July 2012.



## MAIN ACTIVITIES OF UNAFEI

Mr. Kenichi Kiyono, formerly a public prosecutor at the Tokyo District Public Prosecutors' Office, was appointed as the new Deputy Director of UNAFEI on 20 July 2012.

Mr. Thomas L. Schmid, an attorney from Chicago, Illinois, U.S.A., was appointed as the new Linguistic Adviser of UNAFEI on 1 August 2012.

## VIII. FINANCES

The Ministry of Justice primarily provides the Institute's budget. UNAFEI's total budget for its programmes is approximately ¥70 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.

## WORK PROGRAMME FOR 2013

### I. TRAINING

#### A. Training Courses & Seminars (Multinational)

1. The 153rd International Senior Seminar

The 153rd International Senior Seminar was held from 9 January to 8 February 2013. The main theme of the Seminar was “Treatment of Female Offenders”. Fifteen overseas participants and seven Japanese participants attended.

2. The 154th International Training Course

The 154th International Training Course was held from 15 May to 28 June 2013. The main theme of the Course was “Stress Management of Correctional Personnel — Enhancing the Capacity of Mid-Level Staff”.

3. The 155th International Training Course

The 155th International Training Course will be held from late August to early October 2013. The main theme of the Course is “Effective Collection and Utilization of Evidence”.

4. The 16th UNAFEI UNCAC Training Programme

UNAFEI’s annual general anti-corruption programme, the 16th UNAFEI UNCAC Training Programme, is scheduled from 6 October to 13 November 2013. The main theme of the Programme is “Effective Measures to Prevent and Combat Corruption and to Encourage Cooperation between the Public and Private Sectors”.

5. The Seventh Regional Seminar on Good Governance for Southeast Asian Countries

In December 2013, UNAFEI will hold the Seventh Regional Seminar on Good Governance in Malaysia. The main theme of the Seminar is “Enhancing Investigative Ability in Corruption Cases”.

6. Ninth Seminar on Criminal Justice for Central Asia

The Ninth Seminar on Criminal Justice for Central Asia was held from 27 February to 14 March 2013. The main theme of the Seminar was “Addressing Corruption which Hinders Countermeasures for Drug Offences and Other Crimes: Especially, Ethics and Codes of Conduct for Judges, Prosecutors and Other Law Enforcement Officials”. Eleven participants from four Central Asian countries attended.

#### B. Training Course (Country Specific)

1. The Thirteenth Training Course on the Juvenile Delinquent Treatment System for Kenya

The Thirteenth Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 30 January to 22 February 2013. Eleven participants from Kenya attended.

### II. TECHNICAL COOPERATION

#### A. Short-Term Experts in Kenya

One UNAFEI professor will be dispatched to Kenya in the summer of 2013 to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

# WORK PROGRAMME FOR 2013

## Distribution of Participants by Professional Backgrounds and Countries

(1st International Training Course — 152nd International Training Course)

Professional Background Country/Area	Judicial and Other Administration	Judge	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investigation Officers	Child Welfare Officers	Social Welfare Officers	Training & Research Officers	Others	Total
Afghanistan	7	9	6	4		1							27
Bangladesh	24	13		19	5		4			5		2	72
Bhutan				9									9
Brunei	4				2								6
Cambodia	1	2	1	7	1								12
China	13	5	5	10							8		41
Georgia	1			1									1
Hong Kong	17			12	29	3	9		1	3	1		75
India	15	10		55	7	1	1				6	4	101
Indonesia	23	22	33	32	14		3			6		2	135
Iran	5	12	8	8	6						2	1	42
Iraq	6	3	3	7	5	5					2		31
Jordan		1	2	5	1								9
Korea	13	3	53	6	30	4					3		112
Kyrgyzstan	1			1									2
Laos	10	7	7	10									34
Malaysia	21	2	1	46	35	8	3		1	5	3	1	132
Maldives	2	3	2	1			2						10
Mongolia	1		1	2									4
Myanmar	7	1	1	4	1								14
Nepal	36	15	12	32									98
Oman			1	4								3	5
Pakistan	20	10	2	42	8	1	2				2	2	89
Palestine	2		1	1			1			1			6
Philippines	20	9	28	39	9	3	13	3	1	7	5	7	144
Saudi Arabia	5			7	3						1	1	17
Singapore	10	18	5	12	10	3	10			3	1	1	73
Sri Lanka	22	20	17	22	20	1	11		1	3		1	118
Taiwan	12	4	2	2	1								21
Tajikistan	1												1
Thailand	25	41	41	18	19	9	15	1		8	5	1	183
Turkey	2	1	1	2							1	1	8
United Arab Emirates	1												1
Uzbekistan												1	1
Vietnam	15	5	3	8	1					4	2		38
Yemen	1			2									3
<b>A S I A</b>	<b>342</b>	<b>216</b>	<b>242</b>	<b>430</b>	<b>207</b>	<b>39</b>	<b>74</b>	<b>4</b>	<b>4</b>	<b>47</b>	<b>42</b>	<b>28</b>	<b>1,675</b>
Algeria		4	2										6
Botswana	2		1	5	2					1			11
Cameroon	4		1										5
Cote d'Ivoire		2		1									3
Democratic Republic of the Congo	2	1	2	1									6
Egypt	1	3		3							3	1	11
Ethiopia	3			2									5
Gambia				2									2
Ghana	1		1	5	1								8
Guinea			1	3									4
Kenya	7	5	1	12	8		8				2		43
Lesotho				1			2						3
Liberia											1		1
Madagascar				1									1
Malawi			1										1
Mauritius		1											1
Morocco		1	1	4							1	1	8
Mozambique	1			1	1								3
Namibia			1	1	1								3
Niger			1										1
Nigeria	1			6	6							1	14
Seychelles				4	3				1		1		9
South Africa				3			1						4
Sudan	2		1	13	1		1				2		20
Swaziland				2									2
Tanzania	4	3	7	9	2								25
Tunisia	1		1	1									2
Uganda			1	5								1	7
Zambia		1		6									7
Zimbabwe	1		3	8									12
<b>A F R I C A</b>	<b>29</b>	<b>22</b>	<b>25</b>	<b>99</b>	<b>25</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>4</b>	<b>228</b>
Australia		1	1				1			1			3
Fiji	6	1	9	21	17					1			55
Kiribati	1												1
Marshall Island	1			4									5
Micronesia	1			1			1						2
Nauru				1									1
New Zealand	1			1									2
Palau				2	1								3
Papua New Guinea	10	1	4	21	10		5			1		2	54
Samoa	2			2	1		2					1	7
Solomon Islands	3		2	2	1								8
Tonga	2	1		7	3		3				1		17
Vanuatu			4	2			1						7
<b>THE PACIFIC</b>	<b>26</b>	<b>3</b>	<b>16</b>	<b>66</b>	<b>34</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>165</b>
Antigua and Barbuda				1			1						2
Argentina	2	2		2								1	7
Barbados				2			1						3
Belize	1			2									3
Bolivia		1										1	2
Brazil	2	1	6	4	2				1	1			39
Chile	1		1	1	2								8
Colombia	3	1	2	6					1			1	14
Costa Rica	3	5	5								1	2	16
Dominican Republic				1									1
Ecuador			1	4		1							6
El Salvador	2	1		4	1						1	1	10
Grenada				1									1
Guatemala	1			1	1								4
Guyana				3	1								4
Haiti				1									1
Honduras			2	8								1	11
Jamaica	3			1	4	1							9
Mexico	1			2								1	4
Nicaragua		1											1
Panama			5	4								1	10
Paraguay	1		1	9		1							12
Peru	4	10	4	4	1						1	2	26
Saint Christopher and Nevis			1	1									2
Saint Lucia	1			1	1								3
Saint Vincent				2									2
Trinidad and Tobago	1				1								2
U.S.A.								1					1
Uruguay				3									3
Venezuela	1		1	12							1		15
<b>NORTH &amp; SOUTH AMERICA</b>	<b>27</b>	<b>22</b>	<b>29</b>	<b>105</b>	<b>14</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>12</b>	<b>222</b>
Albania	1			2									3
Bulgaria				1									1
Estonia			1										1
Former Yugoslav Republic of Macedonia	2												2
Hungary	1												1
Lithuania				1									1
Poland				1									1
<b>E U R O P E</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>
<b>United Nations Office on Drugs and Crime</b>													<b>1</b>
<b>J A P A N</b>	<b>118</b>	<b>188</b>	<b>301</b>	<b>100</b>	<b>98</b>	<b>91</b>	<b>209</b>	<b>68</b>	<b>38</b>	<b>2</b>	<b>48</b>	<b>76</b>	<b>1,337</b>
<b>T O T A L</b>	<b>546</b>	<b>451</b>	<b>614</b>	<b>805</b>	<b>378</b>	<b>133</b>	<b>310</b>	<b>73</b>	<b>44</b>	<b>55</b>	<b>105</b>	<b>124</b>	<b>3,638</b>

---

## MAIN STAFF OF UNAFEI

---

### Directorate

Mr. Tatsuya Sakuma	Director
Mr. Kenichi Kiyono	Deputy Director

### Faculty

Mr. Yuichi Tada	Professor, Chief of Training Division
Mr. Fumihiko Yanaka	Professor
Ms. Kumiko Izumi	Professor
Mr. Naoya Oyaizu	Professor
Mr. Shinichiro Iwashita	Professor
Mr. Ryo Tsunoda	Professor, Chief of Information and Library Service Division
Mr. Koji Yoshimura	Professor, Chief of Research Division
Ms. Akiko Tashiro	Professor
Ms. Mayu Yoshida	Professor
Mr. Thomas L. Schmid	Linguistic Adviser

### Secretariat

Mr. Takashi Hagiwara	Chief of Secretariat
Mr. Seiichi Sugiyama	Co-Deputy Chief of Secretariat
Mr. Takeshi Fujita	Co-Deputy Chief of Secretariat
Mr. Hiroki Miyazaki	Chief of General and Financial Affairs
Mr. Shinichi Yamamoto	Co-Chief of Training and Hostel Management Affairs Section
Mr. Yoshiki Fukuta	Co-Chief of Training and Hostel Management Affairs Section

AS OF 31 DECEMBER 2012

## APPENDIX

---

### **2012 VISITING EXPERTS**

---

#### **THE 150TH INTERNATIONAL SENIOR SEMINAR**

Ms. Karima Maloney	Deputy Chief Criminal Section Civil Rights Division Department of Justice USA
Mr. Martin Fowke	Officer-in-Charge Anti-Human Trafficking and Migrant Smuggling Unit Division of Treaty Affairs UNODC
Mr. Wanchai Roujanavong	Director General International Affairs Department Office of the Attorney General Thailand

#### **THE EIGHTH SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA**

Ms. Olga Zudova	Senior Regional Legal Adviser United Nations Office on Drugs and Crime Regional Office for Central Asia
-----------------	---

#### **THE 151ST INTERNATIONAL TRAINING COURSE**

Dr. Laurence Louis Motiuk	Special Adviser Infrastructure Renewal Group Correctional Service Canada Canada
Dr. Edward James Latessa	Professor & Director School of Criminal Justice University of Cincinnati USA
Mr. Timothy Hee Sun Leo	Senior Principal Psychologist Psychological and Counselling Service Branch Senior Assistant Director Rehabilitation and Reintegration Division Singapore Prison Service Singapore

**THE 152ND INTERNATIONAL TRAINING COURSE**

Ms. Nekia Hackworth	Assistant United States Attorney United States Attorney's Office Federal Prosecutor in Atlanta, Georgia U.S.A
Mr. Martin Fowke	Crime Prevention Officer Human Trafficking and Migrant Smuggling Section Division of Treaty Affairs United Nations Office on Drugs and Crime (UNODC)
Mr. Wanchai Roujanavong	Director General International Affairs Department Office of the Attorney General Thailand

**THE 15TH UNAFEI UNCAC TRAINING PROGRAMME**

Mr. Dimitri Vlassis	Chief Corruption and Economic Crime Section Division for Treaty Affairs United Nations Office on Drugs and Crime (UNODC)
Mr. Tony Kwok Man-wai	Anti-Corruption Consultant Former Deputy Commissioner of the Independent Commission against Corruption Hong Kong Special Administrative Region, China

## APPENDIX

---

### 2012 UNAFEI PARTICIPANTS

---

#### THE 150TH INTERNATIONAL SENIOR SEMINAR

##### **Overseas Participants**

Mr. Shahinur Md. Islam	Deputy Secretary Legislative and Parliamentary Affairs Ministry of Law, Justice and Parliamentary Affairs Bangladesh
Mr. Mizanur Rahman Khan	Deputy Secretary (Additional District and Sessions Judge) Law & Justice Division Ministry of Law, Justice and Parliamentary Affairs Bangladesh
Mr. Md. Moniruzzaman	Deputy Police Commissioner Dhaka Metropolitan Police Bangladesh Police Bangladesh
Mr. Jorge Ovidio Cornejo Duran	Department Head against Organized Crime Police Intelligence Center National Civilian Police El Salvador
Mr. Rene Benedicto Rivera	Chief of Crime Investigation Investigation Department National Civilian Police El Salvador
Ms. Tania Jeannette Fiallos Rivera	Headquarters Assistant Office of Objection Public Ministry Honduras
Mr. Membreno Villela Beyran Marcio	Public Defender Office of the Public Defense Supreme Court of Honduras Honduras
Mr. Djemson Serfie Bokko	Chief of Operational and Guidance of General Investigation Department North Sulawesi Regional Police — INP Indonesia
Mr. Anthon Billie	Acting Divisional Commander Islands Division, Police Royal Papua New Guinea Constabulary Papua New Guinea

## ANNUAL REPORT FOR 2012

Mr. Komavich Padhanarath	Chief of Prevention & Suppression Division 1 Anti-Human Trafficking Center Department of Special Investigation Ministry of Justice Thailand
Ms. Pattraporn Pommanuchatip	Public Prosecutor International Affairs Department Office of the Attorney General Thailand
Mr. Titawat Udornpim	Judge Pattaya Provincial Court Thailand
<b>Course Counsellors</b>	
Ms. Aileen Marie Sandoval Gutierrez	Senior Assistant State Prosecutor Department of Justice Philippines
Ms. Darlene Reyes Pajarito	3rd Assistant City Prosecutor Office of the City Prosecutor Zamboanga City Department of Justice Philippines
<b>Japanese Participants</b>	
Mr. Daisaku Kaneko	Judge Tokyo District Court
Mr. Masahiro Kinoshita	Public Prosecutor Tokyo District Public Prosecutors' Office
Mr. Chiaki Ochiai	Supervisor Tokyo Regional Immigration Bureau
Mr. Yoshio Seguchi	Deputy Chief Security and Rescue Department Eighth Regional Coast Guard Headquarters Japan Coast Guard

### **THE 12TH COUNTRY FOCUSED TRAINING COURSE ON THE JUVENILE DELINQUENT TREATMENT SYSTEM FOR KENYA**

Mr. Justus David Muthoka	Acting Senior Assistant Director Department of Children Services Ministry of Gender, Children and Social Development
Mr. Philip Ngolya Nzenge	Principal Children's Officer Department of Children Services Ministry of Gender, Children and Social Development



## APPENDIX

Ms. Esther Wasige	Chief Children's Officer Department of Children Services Ministry of Gender, Children and Social Development
Mr. Alfred Bethwel Dieto Abomah	Chief Children's Officer Department of Children Services Ministry of Gender, Children and Social Development
Mr. Francis Kisilu Katiku	Chief Children's Officer Department of Children Services Ministry of Gender, Children and Social Development
Ms. Beatrice Mbera Obutu	Chief Children's Officer Department of Children Services Ministry of Gender, Children and Social Development
Mr. Philip Omolo Nyagigo	Principal Probation Officer Probation and Aftercare Services Office of the Vice-President and Ministry of Home Affairs
Ms. Serah Makaa John	Chief Probation Officer Probation and Aftercare Services Office of the Vice President and Ministry of Home Affairs
Mr. Andrew Kimunguyi Nyongesa	Chief Probation Officer Probation and Aftercare Services Office of the Vice President and Ministry of Home Affairs
Mr. Jacob Kiptuei J. Sum	Chief Probation Officer Probation and Aftercare Services Office of the Vice President and Ministry of Home Affairs
Ms. Susan Nyaboke Nyasinga	Senior Social Welfare Officer Kenya Prisons Service Office of the Vice President and Ministry of Home Affairs
Mr. Aggrey Adagi Obeli	Senior Superintendent of Prisons Shino Le Tewa Borstal Kenya Prisons Service Office of the Vice President and Ministry of Home Affairs
Ms. Ronaldine Mocho Washika Wachira	Senior Resident Magistrate Kapenguria Law Court Judiciary

## ANNUAL REPORT FOR 2012

Mr. Denis Wafula Wanjala  
Sergeant  
Police Headquarters  
Kenya Police Service

### **THE EIGHTH SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA**

Mr. Kaken Kassabulatov	Judge Almaty District Court Kazakhstan
Mr. Aibek Nurakhmetov	Head of the Division Department of International Cooperation Kazakhstan
Mr. Azamat Ibraimov	Deputy Head Office for the Supervision of the Legality of Executive Organizations of Local Governments Prosecutor General's Office Kyrgyzstan
Mr. Naimjon Bobokalonov	Head of the Division Department of Internal Affairs in Sughd Region Ministry of Internal Affairs Tajikistan
Ms. Mavzhyuda Kasymova	Judge Council of Justice Tursunzoda City Tajikistan
Mr. Dzhamshed Sangov	Head of the Department Department of Investigation of Special Criminal Cases General Prosecutor's Office Tajikistan
Mr. Jahongir Mamasoliev	Investigator Main Criminal Investigation Department Ministry of Internal Affairs Uzbekistan
Mr. Djakhangir Mirsafov	Senior Investigator of Cases of Special Importance Department on Combating Economic Crimes and Corruption General Prosecutor's Office Uzbekistan
Mr. Yoqub Ziyodulloyev	Judge Supreme Court Uzbekistan

## APPENDIX

### THE 151ST INTERNATIONAL TRAINING COURSE

#### **Overseas Participants**

Mr. Carlos Alberto Restrepo Salazar	Major Intelligence Division National Police of Colombia Colombia
Mr. Pierre Bulenge Shindano	Vice Prosecutor High Court Prosecutor Office Democratic Republic of the Congo
Mr. Mahmoud Ibrahim Al-Qudah	Deputy Director Correction and Rehabilitation Center Correction and Rehabilitation Department Public Security Directorate Jordan
Mr. Nick Maingi Makuu	District Probation Officer Probation and Aftercare Service Office of the Vice-President and Ministry of Home Affairs Kenya
Mr. Charles Mutembi Gerrard	Senior Superintendent Meru Main Prison Kenya Prisons Service Office of the Vice President and Ministry of Home Affairs Kenya
Mr. Moosa Rameez	Senior Administration Officer Parole Unit Department of Penitentiary and Rehabilitation Services Ministry of Home Affairs Maldives
Mr. Abderahim Rahouti	Director of the Training Academy Division of Recruitment, Training and Improvement of Competences The Directorate of the Penitentiary Administration and Insertion Morocco
Mr. Samuel Morales Ramarui	Police Supervisor Bureau of Public Safety Ministry of Justice Palau
Ms. Mari Angeli Lucero	Chief Administrative Division Directorate for Investigation and Prosecution Bureau of Jail Management and Penology Philippines

## ANNUAL REPORT FOR 2012

Ms. Faagutu Natalie Samuelu-Vaalotu	Principal Probation and Parole Officer Probation and Parole Services Ministry of Justice and Courts Administration Samoa
Ms. Cholchaipaisai Fonethip	Senior Probation Officer Probation Development Bureau Rehabilitation Offender Group Department of Probation Ministry of Justice Thailand
Mr. Padet Ringrawd	Director Office of Drug Suppression and Prevention Department of Corrections Ministry of Justice Thailand
Mr. Jacob Bani	Prison Manager Correctional Centre/Prison Department of Correctional Services Vanuatu
Mr. Trevor Rex Rarua	Probation Officer Corrections — Probation Services Section Department of Correctional Services Vanuatu
Ms. Florina Shem	Custodial Assessment Officer Luganville Correctional Centre Department of Correctional Services Vanuatu
<b>Observers</b>	
Mr. Chun-kit Lawrence Chow	Principal Officer Lai Chi Kok Reception Centre Hong Kong
Mr. Jong-won Yun	Assistant Director General Affairs Division Dae-Jeon Correctional Institution Korea
<b>Japanese Participants</b>	
Mr. Keishi Kawai	Public Prosecutor Utsunomiya District Public Prosecutor's Office
Mr. Taiki Matsuura	Senior Family Court Probation Officer Tokyo Family Court
Mr. Akinobu Mizobuchi	Assistant Judge Tokyo District Court
Mr. Takashi Nozaki	Public Prosecutor Kochi District Public Prosecutors' Office

## APPENDIX

Ms. Minako Ogawa	Probation Officer Treatment Division Kobe Probation Office
Ms. Mariko Yabuuchi	Classification Officer Treatment Division Wakayama Prison
Ms. Mana Yamamoto	Official Prison Service Division

### **THE 152ND INTERNATIONAL TRAINING COURSE**

#### **Overseas Participants**

Mr. Mohammad Barad Hossain Chowdhury	Senior Assistant Secretary Ministry of Home Affairs Bangladesh
Mr. Adolfo Ruiz Bejarano	Major Direction of Criminal Investigation Colombia National Police Colombia
Mr. Bazikange John Murhula Mahi	President Superior Consult of Magistrature Ministry of Justice Democratic Republic of the Congo
Mr. Brijesh Bahadur Singh	Additional Commissioner of Police Traffic Control Branch Mumbai Police India
Mr. Ismail S. Alkhraisat	Public Prosecutor & Human Rights Officer Legal Affairs Department Public Security Directorate Jordan
Mr. Timothy Odiwuor Okelo	Senior Principal Magistrate Magistrate, Judiciary Kenya
Mr. Anousone Souliya	Judge Technical Management Division The People's Supreme Court Laos
Ms. Mona Lemzouri	Judge Directorate of Criminal Affairs and Pardons Ministry of Justice and Freedoms Morocco

## ANNUAL REPORT FOR 2012

Mr. Immanuel Fernandos Sam	Head of Division Interpol National Central Bureau Division Namibian Police Force Namibia
Mr. Alexis Ernesto Munoz Cerpa	Subcommissioner/Assistant Director Judicial Investigation Direction Panama National Police Panama
Mr. Kaiglo Ambane	Provincial Police Commander Operations-Western Highlands Province Police Department Papua New Guinea
Mr. Ralph Michael Delos Santos Cataquiz	Associate Prosecution Attorney II National Prosecution Service Department of Justice Philippines
Ms. Nomati Avei	Deputy Registrar Supreme Court Civil and Criminal Courts Ministry of Justice & Courts Administration Samoa
Mr. Mgeni Jailani Jecha	State Attorney in Charge-Pemba Prosecution The Office of the Director of Public Prosecution Tanzania
Mr. Nsato Marijani Mssanzya	Assistant Commissioner of Police Police Force Ministry of Home Affairs Tanzania
Ms. Hoa Thi Le	Legal Expert Department for Criminal and Administrative Legislation Ministry of Justice Viet Nam
<b>Japanese Participants</b>	
Mr. Kazuhiro Ichimaru	Coast Guard Officer Japan Coast Guard Academy
Mr. Masaaki Hayashi	Public Prosecutor Osaka District Public Prosecutors' Office
Mr. Yoshio Higuchi	Police Inspector Miyamae Police Station Kanagawa Prefectural Police
Ms. Kaoru Hida	Judge Tokyo District Court
Mr. Koji Minagawa	Public Prosecutor Osaka District Public Prosecutors' Office

## APPENDIX

Mr. Kentaro Watanabe

Senior Immigration Control Officer  
Tokyo Regional Immigration Bureau

### **THE 15TH UNAFEI UNCAC TRAINING PROGRAMME**

#### **Overseas Participants**

Mr. Din Mohammad Fayez

Professional Member  
Legislative and Academic Legal Research  
Institute  
Ministry of Justice  
Afghanistan

Mr. Manzur Ahmed

Deputy Director  
Special Enquiry and Investigation  
Anti-Corruption Commission  
Bangladesh

Ms. Ohara Costa Fernandes

Police Commissioner Chief in-Charge of  
Revenues Crimes and Repression Unit for  
Public Revenue Diversion  
Rio Grande do Norte Superintendence  
Federal Police  
Brazil

Mr. Jose Alexandre Pinto Nunes

Prosecutor  
Procuradoria da Republica no Rio Grande do Sul (Federal  
Public  
Prosecution Service of Brazil)  
Brazil

Mr. Sovannara Samreth

Deputy Director General  
General Department of Operation  
Anti-Corruption Unit  
Cambodia

Mr. Ousmane Bangoura

Chief Officer  
Strategies of Fighting Division  
National Committee of Fighting Against  
Corruption  
Guinea

Mr. Hesam Jamil Thbeitat Amro

Madaba Station Commander  
Madaba Police Directorate  
Public Security Directorate  
Jordan

Mr. Paschal Keli Mweu

Forensic Investigator  
Investigation and Asset Tracing  
Ethics and Anti-Corruption Commission  
Kenya

Mr. Moses Matongo O'mirera

Deputy In-charge of General Prosecutions  
Office of the Director of Public Prosecutions  
Kenya

## ANNUAL REPORT FOR 2012

Mr. Eeri Aritiera	Officer Commanding Criminal Investigation Division Kiribati Police Service Kiribati
Mr. Chanthaly Douangvilay	Judge and Acting Director Technical Supervision and Court Statistic The People's Supreme Court of Lao PDR Laos
Ms. Ludmila Petru Popa	Senior Advisor Drafting Normative Acts Division Ministry of Justice Moldova
Mr. Bold Perenlei	Senior Investigator Investigation Division Independent Authority Against Corruption Mongolia
Ms. Grace Orioma Agha-Ibe	Assistant Director Investigation Department Independent Corrupt Practices and Other Related Offences Commission Nigeria
Ms. Abimbola Catherine Ewewie	Legal Officer 1 Legal Unit National Planning Commission Nigeria
Mr. Roberto Emilio Barrios Mague	Investigator's Supervisor Judicial Investigation/Homicide Division Panama National Police Panama
Mr. Timothy Gitua	Director National Fraud and Anti Corruption Division Royal Papua New Guinea Constabulary Papua New Guinea
Ms. Lalaine Delmendo Benitez	Assistant Special Prosecutor Office of the Special Prosecutor Office of the Ombudsman Philippines
Mr. Heinrich Wilhelm Siemsen	Assistant Chief Executive Officer Civil and Criminal Courts Ministry of Justice and Courts Administration Samoa
Mr. Prateep Kongsanit	Legal Officer Legal Bureau Office of the National Anti-Corruption Commission Thailand



## APPENDIX

Mr. Sanchai Krungkanjana	Provincial Public Prosecutor Intellectual Property and International Trade Office of the Attorney General Thailand
Ms. Maria da Graca de Vasconcelos	Director Investigation Anti-Corruption Commission Timor-Leste
Mr. Jumire Mawanda James Ereemye	Principal Magistrate Grade 1 Courts of Judicature Uganda
Ms. Larysa Cherednichenko	Deputy Head of the Main Department for International Legal Cooperation Prosecutor General's Office Ukraine
Mr. Bogdan Shapka	Senior Expert Anti-Corruption Legislation and Legislation on Justice Department Ministry of Justice Ukraine



**PART TWO**  
**RESOURCE MATERIAL SERIES**  
**No. 90**

---

---

**Work Product of the 153rd International Senior Seminar**

**“Treatment of Female Offenders”**

---

---

**UNAFEI**



---

## SPECIAL LECTURE

---

### PUTTING THE BANGKOK RULES INTO PRACTICE: A FRAMEWORK FOR INTERNATIONAL COOPERATION

*Her Royal Highness  
Princess Bajrakitiyabha Mahidol\**



It gives me a distinct honor and pleasure to be invited to give a lecture at this senior seminar here today. First of all, I would like to thank the Government of Japan, UNAFEI and JICA for organizing this seminar under the framework of JICA Training and Dialogue Program. I am also pleased to have an opportunity to meet with the seminar participants, who are practitioners in the field of corrections and justice from many different countries. I am sure you will benefit not only from the training itself, but also from the prospects of networking among one another throughout the course.

I am particularly pleased to learn that the main theme for this year's training program is ***“The Treatment of Female Offenders”***. At the time when there is a global call to protect the human rights of women and to eliminate violence against them, this subject has become all the more relevant. In recent years, a number of women prisoners have increased worldwide. Although the number of women prisoners is not as high when compared to men, their rate of increase is rather significant. This certainly presents policy-makers with an agenda for future action.

The adoption of the *“United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders”* or the *“Bangkok Rules”* by the United Nations General Assembly in December 2010 represents a major paradigm shift in women's corrections. While prison administrators around the world are beginning to recognize this new development, I still feel that more needs to be done. The challenge therefore lies in how we can put the Bangkok Rules into practice so as to respond to the reality on the ground.

For my presentation today, I would argue that for the implementation of the Bangkok Rules to be effective, it must be complemented by a sustainable framework for international cooperation. I will start off by introducing some background on efforts led by Thailand and the international community to develop new United Nations standards and norms on female offenders. The structure and provisions of the Bangkok Rules will also be discussed. I will then touch upon current efforts on promoting the implementation of Bangkok Rules, including its research and assessment aspects. Finally, I would like to share with you some thoughts on the prospects of strengthening the framework for international cooperation.

#### **I. BACKGROUND: DEVELOPMENT OF THE UNITED NATIONS STANDARDS AND NORMS ON FEMALE OFFENDERS: THE BANGKOK RULES**

I believe that imprisonment of women offenders should be a punishment of last resort. Women prisoners have special needs and are more vulnerable than men. But when the imprisonment of women offenders is necessary, we need to ensure that their treatment is gender sensitive, and in compliance with the relevant international standards and norms. Unfortunately, the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners, or the SMR, do not address adequately such special needs.

---

\*Ambassador of the Kingdom of Thailand to the Republic of Austria and Permanent Representative of Thailand to the United Nation Office in Vienna.

It could be said that the genesis of the Bangkok Rules was closely linked to my own experience — a revelation of sort. When I first visited the Bangkok Central Woman Correctional Institution in 2001, I learned firsthand the hardship of these women, and especially their children who are innocent, but often deprived of adequate family care and opportunities. While recognizing the competent role of the Department of Corrections under the Ministry of Justice, I felt the need to raise more awareness about mainstreaming gender sensitivity into our prison management policy.

In 2006, I decided to launch a charitable project called “Kamlangjai” or “Inspire” as translated in English. The project aims to provide moral support, basic health care, and opportunities for women prisoners, both while serving sentence and after release. The project stresses the core value of giving women offenders a second chance so as to be returned back to society as good citizens. Among the project’s special features include the provision of assistance to pregnant and nursing inmates and children living with mothers in prison, vocational training and employment skills development. This advocacy work has continued to galvanize support from various sectors of the Thai society, including NGOs, charity organizations, the private sector, and the media.

I strongly believe in the promotion of the rights-based approach to the treatment of female offenders. While the SMR has been around as the global reference for prison management for over fifty years, the same period also saw the advancement of international human rights law, particularly those related to women’s rights. So in this regard, for the SMR to stand the test of time, this would require a major policy rethink in addressing the human rights of women prisoners as well.

Within the context of the United Nations, successive sessions of the UN Crime Congress, starting from the 6<sup>th</sup> Congress in Caracas, Venezuela in 1980, had called for a review of issues related to the treatment of female offenders. But it was not until the 11<sup>th</sup> Congress in Bangkok in 2005 that the issue began to gain ground, especially with the Bangkok Declaration calling upon “*the international community to review and update the adequacy of the relevant existing standards and norms*”.

In 2008, I brought the work of the Kamlangjai Project to the attention of the 17<sup>th</sup> session of the Commission on Crime Prevention and Criminal Justice or CCPCJ in Vienna for the first time. The result was very encouraging not only in terms of support from various countries on the awareness-raising aspect, but also the idea of Thailand leading further efforts on this issue. I thought this was the right time to launch another project called “Enhancing Lives of Female Inmates” or “ELFI” in that same year.

The main goal of ELFI was to manage Thailand’s diplomatic initiative to develop a new set of rules specific to the treatment of women prisoners as a supplement to the SMR. The Thai Ministry of Justice took the first step in organizing an Expert Roundtable Meeting in Bangkok in February 2009 to develop the draft rules. Thailand subsequently presented a draft resolution on this subject to the 18<sup>th</sup> session of the CCPCJ. This resulted in an open-ended intergovernmental expert group meeting in Bangkok to negotiate the draft rules in November that same year.

The momentum picked up in 2010 when the final agreed text of the draft rules was presented to and supported by the 12<sup>th</sup> UN Crime Congress in Salvador, Brazil. At the 19<sup>th</sup> session of the CCPCJ, Thailand presented a follow-up resolution on the Bangkok Rules. This resulted in the General Assembly adopting the new “*United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*” to be known as the “*Bangkok Rules*” in December that same year.

With the Bangkok Rules in place, this completed the mission of the ELFI Project. Basically, it took us altogether two years to develop this new set of UN standards and norms on women prisoners. It could be argued that ELFI had a catalytic impact on subsequent movements within the UN that culminated in the General Assembly mandate to review comprehensively the 1955 SMR with a view to reflecting the advancement in correctional science.

## II. THE STRUCTURE AND THE PROVISIONS OF THE BANGKOK RULES

I would like to turn now to the structure and the provisions of the Bangkok Rules. The Rules were modeled from the SMR, but with the primary aim to address the special needs of female offenders in a way that did not exist before, both for adult and juvenile. The introduction to the Rules, "Preliminary Observations," outlines related UN instruments, including the SMR, the Tokyo Rules on non-custodial measures, as well as those pertinent to the elimination of violence against women. The Bangkok Rules are divided into four main parts.

**Part I** — covers the general management of institutions. The Rules begin with a declaration of the principle of non-discrimination, as set forth in the SMR and the need to account for the distinctive, gender-based needs of women offenders in the pursuit of gender equality. Under Part I, there are several sub-sections namely

(1) Admissions and related concerns — This deal with admission, registration and allocation issues. Rule 4 sets standards for allocation of women prisoners near homes and the need to consider child-caring responsibilities in making such allocation, taking into account preference and the availability of programs and services.

(2) Health care services — Gender-specific medical research continues to demonstrate that males and females experience many diseases differently. The Bangkok Rules provide detailed guidance to address these issues. For example, Rule 5 prescribes the provisions of hygiene needs, particularly those related to personal care and an adequate supply of water. Rule 8 outlines medical confidentiality requirements. Rule 10 provides the most comprehensive provision for "gender-specific health care services", equivalent to that available in the community. Rules 10 and 11 also outline the need for the presence of female staff during examinations. Rules 17 and 18 call for preventative health care education related to gender-specific health care conditions, including HIV/AIDS, sexually-transmitted diseases and other blood borne diseases. Staff training surrounding these needs is also outlined in Rules 33 and 34.

(3) Mental health — Multiple sources show that women are much more likely than men to be diagnosed with a wide range of mental health conditions, particularly those related to trauma and the harm of lifetime violence. Rule 12 calls for the provision of individualized, gender-sensitive and trauma informed mental health programs for women prisoners, taking into account the prior history of abuse and violence of women offenders. Rule 13 calls for staff training on sensitivity to women's distress during incarceration. Rule 16 provides details on developing and implementing strategies to prevent suicide and self-harm among women prisoners and need for gender-specific policy of mental healthcare in women's prisons.

(4) Safety and security — Strip-searches are a particularly sensitive issue in women prisons. In Rules 19, 20, and 21, the importance is stressed on same-gender staff, training, alternative screening methods and staff sensitivity and professionalism in all forms of searches. Rules 25 and 31 also cover the protections of women prisoners who report all forms of abuse in prisons.

(5) Reproductive status and health care needs — The Rules also discuss the humane treatment of pregnant women and their unborn children under criminal justice supervision. Special accommodations for pregnant women are outlined throughout the Rules. Prohibitions on the use restraints, such as leg irons and wrist shackles, on pregnant women are addressed in Rule 24. Rule 22 addresses limitations on disciplinary confinement for pregnant prisoners, breast-feeding women and those with infants.

(6) Women prisoners and children — The Rules make specific provisions for women prisoners and their children. Contact with children and families, particularly those far from their homes, is the subject of Rule 26. Visits with children and other forms of family visits are covered in Rules 27 and 28. Family ties and their impact of sentencing and the possibility of alternatives to incarceration are addressed in Rules 58 and 61.

(7) Institutional personnel and training — These Rules particularly mention the need to develop

staff to enable them to address the social reintegration requirements of women prisoners and to manage safe and rehabilitative facilities. Creating opportunity for female staff in terms of gender equality, components of staffing, and staff training are covered in Rules 29, 30, 32, 33, 34, and 35.

(8) Juvenile female prisoners — In conjunction with the Beijing Rules on Juvenile Justice, Rule 65 advocates that institutionalization of all children in conflict with the law be avoided wherever possible. Rule 36 outlines their needs for special protection; Rules 37, 38 and 39 discuss equal access to all programs and services with a special emphasis on healthcare.

**Part II** — examines those applicable to special categories such as sentenced prisoners; prison programmes; social relations and aftercare; pregnant and child-rearing mothers, foreign nationals, minorities and indigenous peoples and women under arrest or awaiting trial. Under Part II, there are several sub-sections namely

(1) Sentenced prisoners — Rules 40 and 41 that describe the lower-risk typically posed by female offenders, and the components of gender sensitive risk assessment and classification. These procedures address rehabilitative programmes and services which match their gender-specific needs, especially those related to past violence and trauma, mental health, substance abuse and child-caring responsibilities.

(2) Social relations and aftercare — Rules 42 to 47 describe the requirements for programme activities that foster re-integration and rehabilitation, including those related to treating women prisoners who have experienced sexual and other forms of violence and abuse.

(3) Pregnant and care-giving women — Rule 48 discusses care for pregnant and breast-feeding women, whereas Rules 49 to 52 discuss the specifics of programming for children, including the standard for creating a normalized environment for those living with incarcerated mothers, and the requirements for separating children from their mothers.

(4) Foreign Nationals — The issue of foreign nationals has particular implications for women in prison. The proportion of female foreign nationals in custody varies widely; the Bangkok Rules address this question of the imprisonment of female foreign nationals in Rule 53.

(5) Minorities and indigenous peoples — The specific cultural and religious requirements of imprisoned minority group members and indigenous people are outlined in Rules 54 and 55.

(6) Prisoners under arrest and awaiting trial — The safety and other human rights concerns of pre-sentenced women are detailed in Rule 56.

**Part III** — outlines requirements for non-custodial measures, supplementing the Tokyo Rules in the development and implementation of appropriate responses for women offenders. Rules 57 to 59 discuss requirements for diversionary and other pre-trial measures, considerations of caring responsibilities and the role of independent bodies in providing protective measures for women in these forms of supervision. Rules 60 to 62 describe the type of programmes that should be made available to women in non-custodial care, including gender and culturally relevant interventions and therapies. Community-based substance abuse programmes are also addressed.

Post-sentencing requirements are the subject of Rule 63, reinforcing the need to take into account women's child caring responsibilities and gender-specific social reintegration needs. Non-custodial sentences for pregnant women and those with dependent children (Rule 64), avoiding custodial and institutional placement for female children (Rule 65) and the need to protect victims of trafficking (Rule 65) conclude the section on non-custodial measures for women.

**Part IV** — deals with research and public awareness. These Rules support the development of more empirical information on the situation of women prisoners as a basis for program development and effective policy for rehabilitation and reintegration. Rules 67 and 68 discuss the direction of action-oriented research in multiple areas such as offences committed by women, reasons that trigger



women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, characteristics of women offenders, and programs designed to reduce re-offending by women, the number of children affected by their mothers' confrontation with the criminal justice system and the impact of this on the children. Rule 70 also outlines the promotion of public awareness of the trends, problems and factors associated with in women prison through research and media is outlined in Rule 70.

### **III. CURRENT EFFORTS ON PROMOTING THE IMPLEMENTATION OF THE BANGKOK RULES**

Now I would like to move to discuss current efforts to promote the implementation of the Bangkok Rules. Since the Rules bear the name of our capital, it is only natural that Thailand will continue to have interest in this aspect. There are multiple approaches to implementing the Bangkok Rules. These include dissemination and/or translation of information, sharing of experiences and best practices, and coordination of capacity-building and technical assistance activities.

We believe that good implementation strategies require strong evidenced-based research, which can serve as a platform for policy development and advocacy work. The areas of research will not be limited to "prisons" and "prisoners", as many of the challenges encountered in prison systems are inextricably linked to the criminal justice system as a whole, including the police, prosecution service and the judicial system.

The Bangkok Rules are the first international standard that not only highlights the necessity to meet the specific needs of female offenders, but also includes measures to ensure that the best interests of their children are always taken into account. The Bangkok Rules themselves require Member States to undertake further research in a number of areas relating to women offenders and their children as stipulated in Rules 67, 68 and 69. They include research on:

- The offences committed by women,
- The trends, problems and factors associated with offending behaviour in women,
- The impact of criminalization and imprisonment on women,
- The characteristics of women offenders,
- Programmes designed to reduce reoffending by women and their effectiveness,
- Research on the number of children affected by their mothers' confrontation with the criminal justice system and imprisonment in particular, and
- The impact of this on the children.

Moreover, for the implementation of the Bangkok Rules to be effective and sustainable, Thailand thought it appropriate to institutionalize the Rules themselves. Such an idea came at the time when the Thai Ministry of Justice was planning to develop an arm's length institute for criminological research. This became a basis for the establishment of the "Thailand Institute of Justice" or the TIJ in 2011. While the programme of work of the TIJ covers a broad spectrum of justice and rule of law issues, its priority area is geared precisely towards promoting the implementation of the Bangkok Rules, both nationally and internationally.

At present, the TIJ is undertaking a baseline research to profile women offenders and to develop a checklist to assess the implementation of the Bangkok Rules. In so doing, we will focus on Thailand initially, and will be expand this work to other ASEAN countries at a later stage. Once the interview and survey instruments are developed and tested, they will be used to conduct further research on the key areas as provided for by Rule 67-69 of the Bangkok Rules.

The survey called "*Questionnaire for Women Prisoners in Thailand*," targeting over 500 women inmates in eight different prisons in Thailand, will cover women of all sentences lengths and classifications. The first part of the questionnaire covers key areas including:

1. Background demographics.
2. Children.

3. Visiting and contact.
4. Education.
5. Work history.
6. Previous offenses.
7. Current offenses.
8. Drug use history.
9. Mental health, including abuse and domestic violence.

The second part of questionnaire gives women prisoners an opportunity to add more information concerning their own problems, experiences and opinions which may help us understand more about life in prison. The survey is supplemented by individual interviews aimed at asking more open-ended questions.

#### **IV. THE WAY FORWARD: STRENGTHENING THE FRAMEWORK FOR INTERNATIONAL COOPERATION**

At this point I would like to share some thoughts about the way forward. Thailand does not claim monopoly in promoting the Bangkok Rules, as they belong to all Member States of the United Nations. We need to join hands and strengthen international cooperation in this area to ensure better and more well-informed, evidence-based policy-making. This, in turn, will enable female offenders to reap the fullest benefits of the Rules. From the start of the ELFI Project, Thailand has continued to cooperate closely with the United Nations Office on Drugs and Crime or the UNODC, particularly in enabling it to launch its activities related to the Bangkok Rules.

In this context, I take this opportunity to inform you that the TIJ, in cooperation with the UNODC, will host two important meetings in Bangkok this year in relation to the Bangkok Rules namely

First — the “East Asia-Pacific Regional Meeting on the Implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)” to be held from 19 to 21 February; and

Second — the “ASEAN experts meeting on the development of training modules based on the Bangkok Rules” to be held from 19 to 21 March.

I would like to highlight the first meeting whose purpose is to develop a report to be used as a basis for the development of technical assistance activities, to strengthen cooperation among countries of the region and to foster a common understanding, while addressing the problems of women prisoners and women subjected to non-custodial measures. Given the interest of UNAFEI, the Government of Japan, and other Asia-Pacific countries in this subject, I strongly encourage you to participate in this meeting.

I also wish to highlight our cooperation within the context of the ASEAN Community which will come into existence in 2015. I believe there are two fundamental requirements that need to be pursued in order to consolidate its crime and justice portfolio:

- First, we need to systematically harmonize laws, regulations, standards and norms related to crime prevention and criminal justice within member states of the ASEAN Community.
- Second, we need to look at how we can effectively promote capacity-building and training programmes for criminal justice officials and educators as well as evidence-based research in this field.

I believe this is the right time to lay groundwork for the re-training and re-tooling of our human resources for 2015. The implementation of the Bangkok Rules in the ASEAN region will be an example in this regard. The TIJ stands ready to collaborate and assist our partners in this common endeavor.

Finally, since the development of UN standards and norms on prisoners has always intertwined with the UN Crime Congress process, we shall look forward to the 13<sup>th</sup> Crime Congress to be held in Qatar

153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

in 2015. One of the Congress workshops is entitled: “*The role of the UN Standards and Norms in Crime Prevention and Criminal Justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders*”. UNAFEI and TIJ already expressed interest to work together on the women offenders part of this workshop, which I understand will be coordinated by several other interested PNI Institutes as well. This offers us an opportunity to review and share experiences in the implementation of the Bangkok Rules after their first five years.

## V. CONCLUSION

In concluding my presentation, I would like to reiterate my sincere appreciation to UNAFEI for inviting me to participate in this productive exercise. Undoubtedly, the treatment of female offenders will continue to be a crucial aspect of the criminal justice reform of all countries. The Bangkok Rules represent a major advancement in correctional science not only in complementing the 1955 SMR on gender sensitive approach, but also in highlighting the importance of promoting human rights in the administration of justice. Therefore, we need to work together in putting the Bangkok Rules into practice so as to enhance our culture of corrections.

While work on the domestic front itself will determine the outcome for female offenders, we need to apply equally commensurate effort on strengthening the framework for international cooperation. After all, it was the international community that sought to influence change in this area. Sharing of best practices, dissemination of information and provision of capacity-building activities among countries will help improve our common knowledge base and policy-making. This UNAFEI senior seminar is a good example of such cooperation, and Thailand is pleased to be part of this “community of justice”.

I thank you very much.

# WOMEN'S RISK FACTORS AND NEW TREATMENTS/INTERVENTIONS FOR ADDRESSING THEM: EVIDENCE-BASED INTERVENTIONS IN THE UNITED STATES AND CANADA

*Patricia Van Voorhis, Ph.D.\**



## I. INTRODUCTION

By the end of the 1990s and well into the next decade, U.S. policy makers and practitioners were expressing a growing concern for dramatic increases in the number of women entering the U.S. criminal justice systems (Buell, 2011). Increases in the number of women coming into prisons were especially troubling. Between 1977 and 2004, the female incarceration rate grew by a staggering 757%. This was twice as high as the growth in the male incarceration rate over the same period (Frost, Greene & Pranis, 2006). Female community correctional populations also surged, 30% between 1995 and 2010 in comparison to men where the comparative increase was 8.4% (Glaze & Bonczar, 2011).

Changes in United States sentencing policies were largely to blame for this increase. A number of states had promoted mandatory sentencing for drug offenders and reductions in funding for mental health services (see Austin et al., 2001; Mauer, Potler & Wolf, 1999). Under the Clinton administration, social welfare reform legislation also led to increases in the number of women arrested and brought before U.S. criminal courts. Women were not necessarily committing more violent crimes, but the legal changes were more likely to address women's offending behavior than men's, and they were also more likely to affect the safety nets that were keeping them out of legal involvements (e.g., welfare and community mental health services). Therefore, these laws were especially hard on women and the mentally ill (Austin et al., 2001).

The rapid influx of female offenders drew strong attention to existing practices for dealing with their offenses and treating the issues that brought them to court in the first place (Buell et al., 2011). Indeed, correctional policies and procedures were ill-equipped to address the unique needs of women offenders. Many scholars observed that there was an appalling lack of research on which to build correctional approaches for women (Chesney-Lind, 1997; 2000; Girls Incorporated, 1996; Holtfreder et al., 2004; Morash, Bynum, & Koons, 1998; Van Voorhis & Presser, 2001). Research informing innovative practices was based almost exclusively on samples of male offenders, and all aspects of the correctional experience, including rules, treatment programs, and procedures for identifying offender risk levels and program needs, were based on a male model. As a result the field of correctional treatment was more relevant to men than to women. Women offenders were, at best, assumed to have the same needs as men—at worst they were ignored.

In the United States this situation is slowly changing. Largely through initiatives funded by the U.S. Federal government, new programs, policies, and assessments have been developed specifically for women offenders. The National Institute of Corrections (NIC), an agency within the U.S. Department of Justice, was the primary driver of these changes. NIC improved correctional practices for women in many ways. This paper focuses on the new assessments for women offenders and the new programs that have emerged over the past 10 years.

By *assessments* we mean the assessments (or tests) that are designed to identify the needs that must be accommodated or addressed by a correctional agency. These are crucially important, because if we

---

\*Professor Emerita, University of Cincinnati. Author's Note: Please address correspondence to Patricia Van Voorhis. Email: Patricia.VanVoorhis@uc.edu.

do not have a good picture of the needs of each correctional client, we do not know what services would be most beneficial to them. Simply put, what we don't see we do not treat. When we do not appropriately assess clients, we do not know their needs and ultimately will fail to appropriately match clients to programs and services. In such situations, some clients receive services that they do not need and others do not receive services that they do need. This is expensive, because valuable program and treatment resources are not used to their full potential. American correctional agencies have struggled to solve the problem of mismatching clients to services and resources. The advent of good correctional risk and needs assessments has gone far toward correcting this problem.

At the same time, it is of little use to know what a client needs, if we have no programs and resources to address those needs. So the second part of this paper discusses new developments designed to improve services and programs for women offenders. The two, assessments and programs/services go together. The assessments tell us what is needed and the programs address identified needs.

Prior to the interest in gender-responsive approaches, a good deal of correctional research and innovation had already taken place in the United States, Northern Europe, and Canada. These developments went far beyond the role of simply punishing offenders to placing a high priority on offender rehabilitation and behavioral change. Correctional agencies had a strong sense for what needed to be done to change offender behavior. Programs were not successful in 100% of all cases, but they could at least achieve reductions in recidivism that affected 20-30% of the correctional population (Andrews et al., 1990). Most of this research was conducted on men, however, and that fact proved somewhat problematic to the task of developing meaningful programs for women offenders.

Even so, it is important to recognize that two fundamental principles guided and continue to guide correctional treatment practices in the above-mentioned countries:

- First, in order to achieve meaningful reductions in recidivism, it is necessary to confine intensive services to medium and high risk offenders. This is known as the *risk principle*. Taking it a step further, the research typically finds that directing intensive services to low risk clients makes them worse, and does so for many reasons;
- Second, in order to achieve success in changing offenders behavior, it is essential to target the risk factors for future offending. As with medical treatments, it makes little sense to target a factor which is not relevant to a particular disease. This is known as the *needs principle*.

#### **A. Gender-Responsive Risk Assessments and the Risk Factors They Identify<sup>1</sup>**

We cannot address the risk and the needs principles without assessment tools for doing so. The most important theme of any U.S. correctional assessment is the notion of risk. Risk assessments have been used since the 1950s. And "risk" is defined to mean risk of some offense-related outcome. Therefore, risk assessments identify one's risk of recidivism (new offense), risk of a prison misconduct, or risk of violation of a condition of supervision. These assessments all involve the use of statistically derived assessments that predict an offender's likelihood of recidivism or an inmate's likelihood of serious misconducts. They provide a risk score that determines the custody level of one's prison assignment if incarcerated or level of community supervision if on probation or parole. Higher risk offenders are assigned to higher security correctional facilities or more intensive levels of community supervision and to more intensive correctional programming.

Our most recent risk assessments, conceptualize risk as the accumulation of risk factors or offender needs that are related to future offending. Since the assessments identify an array of predictive needs, they also served as a valuable tool for triaging offenders into programs most likely to turn them away from lives of crime. The early construction validation studies for these assessments were also based largely on male offender samples (e.g., see Brennan, 1998; Blanchette & Brown, 2006; Holtfreder et al., 2004; Van Voorhis et al., 2010) and validated on women much later than their initial construction (e.g., see Andrews et al., 2001; Holsinger et al., 2003; Manchak et al., 2009; Smith et al., 2009). By way of

---

<sup>1</sup>For purposes of this paper and discussion, the term *risk factor* refers to individual needs known to correlate with future offending.

example, one such assessment, the Level of Service Inventory-Revised (Andrews & Bonta, 1996) identified the following risk factors:

- Criminal history
- Employment/education
- Financial
- Housing/neighborhood situation
- Alcohol/drug use
- Family/marital
- Emotional stability (mental health)
- Use of leisure time
- Antisocial friends
- Antisocial thinking

While the above list of risk factors, which will be referred to as gender-neutral risk factors<sup>2</sup>, may seem comprehensive, gender-responsive scholars note the absence of assessment scales pertaining to relationships, depression, parental issues, self-esteem, self-efficacy, trauma, and victimization (Blanchette & Brown, 2006; Bloom et al., 2003; Brennan, 1998; Farr, 2000; Hardyman & Van Voorhis, 2004; Reisig et al., 2006; Van Voorhis & Presser, 2001). Most troubling, is the fact that gender-neutral risk/needs assessments serve as a guide to program recommendations through the widely accepted and empirically supported *needs principle* (see Andrews & Bonta, 2010; Andrews, Bonta, & Hoge, 1990; Gendreau, 1996). As such, the omission of gender-responsive risk factors<sup>3</sup> from current assessments risked inattention to essential programming for women (Hannah-Moffat, 2009).

Research conducted by feminist scholars pointed toward a pathways perspective to explain women's criminal behavior. Qualitative studies of women offenders revealed lives of extreme poverty, limited educational assets, mental illness (e.g., depression, anxiety, post-traumatic stress disorder), past and ongoing abuse, self-medicating drug and alcohol abuse, dysfunctional and abusive intimate relationships, low levels of self-efficacy (self-confidence), and parental stress (see Arnold, 1990; Browne, Miller & Maguin, 1999; Chesney-Lind & Rodregues, 1983; Daily, 1992; Gilfus, 1992; Owen, 1998; Richie, 1996).

A number of scholars were conceptualizing these risk factors in terms of "women's pathways to crime" (Chesney-Lind & Rodrigues, 1992; Daly, 1992, 1994). For example, a number of pathways were confirmed in Salisbury and Van Voorhis' examination of women probationers in Missouri (Salisbury & Van Voorhis, 2009):

- i. *The Child Abuse Pathway* found that self-reported child abuse was related to later probation revocations and incarcerations through a pathway where child abuse led to depression and anxiety. Substance abuse was associated with the depression and ultimately linked to offense-related failures. This pathway was also seen in McClellan, Farabee and Crouch's (1997) longitudinal study of women offenders. A number of scholars document the co-occurrence of substance abuse, mental health and abuse in women offenders (Langen & Pelissier, 2001; Messina, Grella, Burdon, & Prendergast, 2003; Peters, Strozier, Murrin, & Kearns, 1997).
- ii. *The Relational Pathway* observed that some women's paths to new offenses began with unhealthy intimate relationships, characterized by a limited personal power, low self-efficacy, abuse, depression, and substance abuse. Prevailing models of psychotherapy for women recognize that women's identity, self-worth, and sense of empowerment are defined by the quality of relationships they have with others (Gilligan, 1982; Kaplan, 1984; Miller, 1976; Miller & Stiver, 1998). Correctional scholars have also noted that many women offenders engage in co-dependent relationships that facilitate their criminal behavior (Koons, Burrow, Morash, & Bynum, 1997; Ritchie, 1996). Because of the high rates of abuse, trauma, and neglect experienced by female offenders, their ability to recognize and achieve healthy, mutually empower-

<sup>2</sup>Gender-neutral risk factors are risk factors that work as risk factors for both male and female offenders.

<sup>3</sup>Gender-responsive risk factors are risk factors for women but not men.

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

ing relationships is severely limited (Covington, 1998). Family support and conflict also factor into women's relational concerns.

- iii. *The social and human capital pathway* observed that some women's paths to crime began with limited support from families, unhealthy intimate relationships, and limited educational accomplishments. Poverty is highly relevant to this pathway (Bloom, Owen, & Covington, 2003; Holtfreter, Reisig, & Morash, 2004).

Apart from the pathways research, additional concerns cited problems associated with mental health, self-efficacy, and parenting:

- i. *Mental health*: The mental health needs of female offenders differ substantially from those of male offenders. Depression, anxiety, and self-injurious behavior are more prevalent among female offenders than male offenders (Belknap & Holsinger, 2006; Bloom, Owen, & Covington, 2003; McClellan, Farabee, & Crouch, 1997; Peters, Strozier, Murrin, & Kearns, 1997), as are phobic diagnoses (Blume, 1997), and co-occurring diagnoses such as depression and substance abuse (Bloom et al., 2003; Blume, 1997; Holtfreter & Morash, 2003; Owen & Bloom, 1995). One study noted that rates of such diagnoses are nearly four times the rates for men (Blume, 1997). Stress, depression, fearfulness, and suicidal thoughts/attempts have shown to be predictors of women's recidivism (Benda, 2005; Blanchette & Motiuk, 1995; Brown & Motiuk, 2005), but not for men's recidivism (Benda, 2005). However, current risk/needs instruments either ignore mental health, focus scales heavily toward psychotic disorders, or combine all symptoms into a global scale. All approaches run the risk of masking the impact of women's mental health issues.
- ii. *Self-esteem and self-efficacy*: Studies, mostly of male offenders, overwhelmingly indicate that low self-esteem, which was often aggregated into a category denoted "personal distress," is not a risk factor for recidivism (see Andrews & Bonta, 2010 for a summary). However, the gender-responsive literature closely relates self-esteem to the notion of "empowerment," which has been targeted by a number of correctional programs for women. Empowerment denotes the process of increasing women's self-esteem and internal locus of control (i.e., the belief that their lives are under their own power and control) (Task Force on Federally Sentenced Women, 1990). These needs are often cited by correctional treatment staff, researchers, and women offenders themselves as critical to their desistance (Carp & Schade, 1992; Case & Fasenfest, 2004; Chandler & Kassebaum, 1994; Koons, Burrow, Morash, & Bynum, 1996; Morash, Bynum, & Koons, 1998; Prendergast, Wellisch, & Falkin, 1995; Schram & Morash, 2002; Task Force on Federally Sentenced Women, 1990). *Self-efficacy*, distinct from self-esteem,<sup>4</sup> is one's confidence in achieving specific goals. Obviously self-efficacy is also relevant to the notion of empowerment. Closely related to self-esteem, self-efficacy has been suggested as playing a key role in women's offending behaviors (Rumgay, 2004).
- iii. *Parental stress*: Approximately 70 percent of women under correctional supervision have at least one child under the age of 18, with an average of 2.11 children (BJS, 1999). This coupled with women's economic marginalization and substance abuse often leads to stress and overwhelmed feelings about being able to take care of and provide for their children (Greene, Haney, & Hurtado, 2000). Maternal demands may contribute to recidivism especially when they are accompanied by: 1) poverty, 2) substance abuse problems, and 3) minimal support. Some studies with mothering offenders have detected a relationship between parental stress and crime (Ferraro & Moe, 2003; Ross, Khashu, & Wamsley, 2004). Similarly, Bonta, Pang, & Wallace-Capretta (1995) found that women offenders who were parenting children alone were significantly more likely to be reconvicted than women raising children with partners. Additionally, studies investigating the relationship between child contact and women's prison adjustment, find that stress associated with limited contact was related to higher levels of

---

<sup>4</sup> Although self-efficacy and self-esteem are conceptually distinct, our own studies found the two scales to have a very high correlation. As a result our studies only use the self-efficacy measure. Self-efficacy and self-esteem are empirically redundant.

mental illness (Houck & Loper, 2002; Tuerk & Loper, 2006). Parental stress is perhaps at its greatest among women who are threatened with the loss of child custody, a fairly common occurrence since the passage of the Adoption and Safe Families Act of 1997.

In putting forward this research, a number of authors voiced concern for the fact that even the most recent gender-neutral assessments were created for men and applied to women with limited attention to relevance and only later concern for validity. Additionally, the foundational research and even the more recent validity studies did not test the factors that are put forward in the gender-responsive literature (Blanchette & Brown, 2006; Reisig et al., 2006; Taylor & Blanchette, 2009). Thus, regardless of whether gender-neutral assessments such as the LSI-r or the Northpointe Compas (Brennan, Dieterich & Oliver, 2006) were valid for women, it was not clear that they would be the assessments we would have if we had started with women instead of men. Another objection regarded the treatment priorities set forward by the proponents of the LSI-r and the prevailing models of evidence-based correctional treatment. The authors asserted that treatment targeted to “the big 4” (i.e., a. criminal history; b. criminal personality; c. criminal thinking, and d. criminal associates) should be prioritized over other risk factors. They also recommended attention to “Central 8” (the big 4 plus family/marital, education/employment, substance abuse, and leisure/recreation). All were key factors on the LSI-r (Andrews & Bonta, 1996) and later the LS/CMI (Andrews et al., 2004) and referred to as “criminogenic needs.”

In supporting a more gender-responsive approach, scholars suggested that the gender-responsive risk factors either were: (i) not typically seen among men; (ii) typically seen among men but occur at a greater frequency among women; or (iii) occurred in equal frequency among men and women, but affected women in uniquely personal and social ways that should be reflected in current correctional assessments (e.g., Chesney-Lind & Shelden, 1992; Farr, 2000; Funk, 1999; Gavazzi, Yarcheck, & Chesney-Lind, 2006; Holsinger, 2000; Holtfreter & Morash, 2003; Reisig et al., 2006; Salisbury & Van Voorhis, 2009).

In response, the National Institute of Corrections (NIC) collaborated with the University of Cincinnati (UC) to conduct a multi-site research project to develop gender-responsive assessments for women. The research built from two perspectives on offender rehabilitation: a) research by Canadian scholars Donald Andrews, Paul Gendreau, James Bonta, and others which stressed the importance of assessing and treating dynamic risk factors (see Andrews & Bonta, 2010; Gendreau, Little & Goggin, 1996); and b) research by feminist criminologists (e.g., Joanne Belknap, Kathleen Daly, Meda Chesney-Lind, Barbara Bloom, Barbara Owen, and Stephanie Covington) stressing the importance of women’s unique “pathways” to crime.

Keeping to the prevailing correctional priorities in the U.S., it was important to demonstrate that the gender-responsive needs discussed above were, in fact, risk factors, predictive of future offending. As noted above, correctional policy makers were not interested in the treatment of needs that, while extremely unfortunate, were nevertheless unrelated to women’s criminal behavior. Therefore, the key research questions of the NIC Women’s Classification Study were: (i) are gender-responsive needs pertaining to trauma/abuse, mental health, self-efficacy, parenting, and relationships relevant to future offending and other adverse correctional outcomes and (ii) does the addition of gender-responsive items to the gender-neutral items contained on current dynamic risk assessment instruments improve predictive validity?

Using these foundations, the development of the Women’s Risk/Needs Assessment (WRNA) was a joint effort of policy makers (representatives from NIC), researchers (scholars from the University of Cincinnati), and correctional treatment specialists (counselors, therapists, substance abuse counselors, and educators) from the Missouri Department of Corrections. This team drafted a series of questions that became the WRNA. The assessment initially was tested in three sites (Maui, Missouri, and Minnesota). More recently, the assessment was revalidated beginning in 2010 at three prison sites (Rhode Island, Missouri and Ohio), four probation sites (Ohio, Missouri, Minnesota and Iowa), and Rhode Island, Kentucky, Missouri and Ohio.

These studies found that some risk factors were shared by men and women (e.g., antisocial



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

associates and substance abuse) but that the gender responsive needs were also risk factors for future offending. The importance of these factors varied by correctional setting, whether the sample was a prison sample, a probation sample or a prerelease sample. The scientific reports appear on a website for the University of Cincinnati ([www.UC.edu/womenoffenders](http://www.UC.edu/womenoffenders)) but a summary of the important risk factors is given in Figure 1.

**Figure 1**

**Risk Factors by Correctional Setting**

Prisons <sup>a</sup>	Pre-Release <sup>b</sup>	Probation <sup>c</sup>
Risk Factors that are Similar for Men and Women		
Criminal history Antisocial friends Substance abuse	Criminal history Employment/financial Antisocial friends Substance abuse	Criminal history Employment/financial Antisocial friends Substance abuse
Gender-Responsive Risk Factors, Predictive for Women		
Anger Depression Psychosis Abuse Unhealthy relationships	Housing safety Anger Depression Psychosis Abuse Unhealthy relationships Parental stress	Housing safety Anger Abuse Parental stress
Gender-responsive Strengths		
Self-efficacy	Family support Self-efficacy	Educational assets Family support Self-efficacy Parental involvement

<sup>a</sup> The factors listed in this column were predictive of serious prison misconducts.

<sup>b</sup> The factors listed in this column were predictive of arrests/failures on parole.

<sup>c</sup> The factors listed in this column were predictive of arrest/failures on probation.

In addition to identifying the risk factors associated with offense-related outcomes in specific correctional settings, we also did not see the relevance of “the big 4” to women offenders. That is, our research does not recommend that antisocial attitudes, antisocial friends, and antisocial personality be the most important treatment targets for women. If we had to choose a big 4 for women, it generally would be employment/financial, substance abuse, parenting issues, and anger. Moreover, antisocial thinking was seldom correlated with/predictive of women’s offense-related outcomes. This was true whether we used the UC/NIC measures of antisocial thinking or alternative measures. However, other cognitive processes, such as anger and self-efficacy, were highly predictive.

In sum, the NIC/UC research confirmed the earlier qualitative research and other studies conducted on women offenders. In addition, the NIC/UC studies found that the gender-responsive needs made statistically significant contributions to the earlier, gender-neutral assessments, indicating that the addition of the gender-responsive risk factors made the whole process of risk assessment more accurate for women than it would have been without the women’s needs.

**B. Translating the Gender-Responsive Research into Practice**

The effort to translate the women’s research and the assessment into practice required the further

development of the assessments, a case management model, specific programs, and the correctional staff training protocols for all of the above. This section describes the Women's Risk/Needs Assessment (WRNA) (Van Voorhis et al., 2010), the Women Offender Case Management Model (Van Dieten, 2008), and a number of programs designed to specifically address the risk factors discussed above. These were developments occurring primarily in the United States and Canada from 2005 to the present.

Guiding all of these innovations was a policy document also funded by the National Institute of Corrections. Recognizing the paucity of research on women offenders, NIC funded a broad review of strategies deemed appropriate to women offenders — *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders* (Bloom et al., 2003). Among other contributions the document identified six *Gender-Responsive Principles for Women* that guided most of the practices developed later:

- i. *Gender Makes a Difference:* Correctional practice must recognize that a broad spectrum of social and environmental disparities exist between male and female offenders.
- ii. *Environments Must be Based on Safety, Respect, and Dignity:* Most women offenders have suffered extensive physical, emotional, and sexual abuse. Correctional environments should be trauma-informed. They should be safe and trustworthy settings which facilitate behavioral change and do not retraumatize women.
- iii. *Relationships are Central to Women:* Correctional policies and practices should recognize the importance of relationships in women's lives and the fact that women, by nature, are relational. Correctional practices should promote healthy relationships.
- iv. *Services Must be Comprehensive, Integrated, and Culturally Relevant:* Holistic and culturally sensitive services should address the intersection of needs commonly observed among women offenders, rather than addressing each need in isolation of others.
- v. *Provide Opportunities to Improve Women's Socio-Economic Status:* Most women offenders live in extreme poverty, and many are single parents of minor children. Financial independence should be a primary goal.
- vi. *Collaborate with Community Resources:* A network of community resources should be available to collaborate with correctional agencies and provide "wrap-around" services to women offenders.

The following innovations were designed through U.S. government funding (primarily the National Institute of Corrections) to address women offenders in ways that were consistent with the six principles listed above.

1. The Women's Risk Needs Assessment (WRNA) (Van Voorhis et al., 2010):

The WRNA, describe above, contains approximately 150 question on the following scales: criminal history, antisocial thinking, educational needs, employment/financial, housing safety, antisocial friends, anger/hostility, mental health history, current symptoms of depression, current symptoms of psychosis, abuse/trauma, PTSD, substance abuse, relationship dysfunction, parental stress, and family conflict. It also taps the following strengths: family support, self-efficacy, relationship support, educational assets, and parental involvement.

The assessment is designed to assist in the development of individualized treatment plans for female offenders. The intent is to help correctional practitioners to identify women's risk factors and to link them to appropriate programs and services. To date it has been implemented in 23 jurisdictions within the United States.

How is this assessment administered? What are our biggest challenges to training staff to administer the WRNA? The most important point to recognize in this regard is that the WRNA asks about

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

very private matters. Questions are far more personal than the questions required of other correctional assessments required. For example, prison inmates and community correctional clients were not accustomed to be asked about trauma and abuse, intimate relationships, or parenting issues. To obtain valid information from offenders, staff training had to stress the importance of having trustworthy interviewers and good therapeutic relationships. Recognize, also that the interviewers typically are not trained psychologists or social workers. Their training was in a helping, social services profession, but typically not to the level of trained social workers or psychologists. Therefore it was essential to train staff in the skills needed to develop clients' trust. We encouraged interviewers to be empathic, congruent, honest, and approachable. The interviewers had to demonstrate respect for the offenders and be open to the information provided by offenders (Benjamin, 2001). We also had to remind them about what constituted good listening skills.

In U.S. correctional agencies this is not as easy as it might seem. The goals of punishment and treatment often conflict. Correctional counselors must maintain therapeutic relations while at the same time setting limits, and imposing sanctions when rules are not adhered to.

A strategy called Motivational Interviewing (Miller and Rollnick (2002) was very relevant to the task of training the WRNA Interviewers. The goal of motivational interviewing is to motivate offenders to change. This is done by presenting a method of interacting with offenders that seeks to help offenders uncover and explore their own ambivalence to change. It is an alternative to arguing, threatening, and other forms of coercion which seeks to draw out the offender's intrinsic motivation to change. Motivational Interviewing operates from five key skills: (i.) expressing empathy, (ii.) identify client discrepancies (how bad behavior impedes life goals), (iii.) rolling with resistance (rather than arguing), (iv.) supporting self-efficacy, and (v.) re-enforcing "change talk". All of these strategies seek to help offenders see the benefits of change. If the offender talks about steps she is going to take in order to change, we call this "change talk" and reinforce it even if she is discussing a very small step. If the client voices resistance, we accept it rather than argue with the client. Arguing with clients only causes them to be more resistant.

## 2. Women Offender Case Management Model (WOCMM) (Van Dieten, 2008)

The interview and the assessment are of little value if they are not used to plan a meaningful course of treatment or therapy. In recent years a good deal of work has been done in the United States and Canada to develop structured processes of case planning and case management. There are now deliberate efforts to train correctional counselors in how to do this properly. One approach that is specific to women offenders is the *Women Offender Case Management Model* (Van Dieten, 2008). This case management process was also funded by NIC in collaboration with the WOCMM designers, Orbis Partners of Canada. WOCMM works with correctional practitioners to develop comprehensive case management skills for working with women offenders.

Motivational Interviewing (Miller and Rollnick, 2002) is also embedded within the WOCMM model because it is useful for purposes of counseling as well as interviewing. The WOCMM approach also trains correctional staff to use strength-based and relationship-focused approaches with female offenders. This is in keeping with emerging research on positive psychology (Seligman, 2002, Sorbello et al., 2002; van Wormer, 2001), which was finding many advocates among feminist criminologists (Blanchette & Brown, 2006; Bloom et al., 2003; Morash et al., 1998; Schram & Morash, 2002). The strength-based models remind counselors that they should not always be dwelling on an offender's deficits, but should be building from strengths as well. For example, in addition to addressing an offender's substance abuse, we should also work with her strengths. If she has a supportive family, is an involved parent, possesses educational assets and self-efficacy, these are just as important for case planning purposes as her risk factors.

Finally, WOCMM requires the development of a network of community services. Most correctional agencies do not have the resources to address all of the risk factors noted in the assessments. In recent years, for example, corrections has become the largest provider of mental health in the U.S. (Adams & Farrandino, 2008). This should not be happening. The need to partner with mental health agencies is obvious though not always successful. WOCMM sites are required to partner with educational, employment, child welfare, substance abuse and social service agencies to address all of the risk factors

noted on the WRNA and addressed by the WOCMM. WOCMM was evaluated recently and found to have favorable reductions in women's recidivism (Orbis Partners, Inc., 2010).

### 3. Gender-Responsive Programs:

In addition to the assessment and the case management models, a number of specific programs have been developed to address some of the gender-responsive risk factors noted above (see Figure 2).

At the outset, there are reasons for selecting the programs shown in Figure 2. First, they are *evidence-based*. That is, evaluation research has found them to be effective in changing offender behavior. Experimental studies found that women in these programs had lower post-program recidivism than similar women who did not receive the program. Second, most of the programs listed in Figure 2, are highly structured, with structured curricula detailed in staff manuals, and rigorous staff training requirements.

**Figure 2**

#### **Gender-Responsive Interventions for Women Offender Populations**

Program	Developer	Theoretical Foundations	Treatment Targets
Beyond Trauma	Stephanie Covington	Relational Trauma	Coping with trauma Cognitive skills Healthy relationships Self-efficacy Sexuality Body image Spirituality Support systems
Dialectical Behavioral Therapy	Marsha Linehan	Cognitive-behavioral	Coping and other skills Motivational enhancement
Forever Free	Mental Health Systems, Inc.	Cognitive-behavioral	Substance abuse Healthy relationships PTSD (Post-traumatic stress disorder) Anger management Parenting Self-efficacy
Helping Women Recover	Stephanie Covington	Relational Trauma Holistic addiction	Substance abuse Coping with trauma Healthy relationships Self-worth Sexuality Body image Spirituality Support systems
Moving On	Orbis Partners, Inc. (Marilyn Van Dieten)	Relational Cognitive-behavioral	Healthy relationships Self-efficacy Self-defeating thoughts Antisocial attitudes Cognitive skills Stress management Wrap around services Using and knowing one's community
Seeking Safety	Lisa Najavitz	Relational Trauma Holistic addiction Cognitive-behavioral	Substance abuse Coping with trauma PTSD (Post-traumatic stress disorder)
Women Offender Case Management Model (WOCMM)	Orbis Partners, Inc. (Marilyn Van Dieten)	Relational Trauma Cognitive-behavioral Positive psychology (strength-based)	Case management and re-entry Family and social support Health and well-being

Note: \*Although this program was not developed with an underlying gender-responsive perspective, it includes many of its elements. Also effective with male offending populations.

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

One of the gender-responsive principles noted in *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders* (Bloom et al., 2003) advocated for wrap around services. Multimodal services are recommended for most offender populations (see Lipsey, 2009), but a very popular program model tailors the notion to women offenders. *Moving On* (Van Diemen & MacKenna, 2001) teaches women to access and mobilize varied community resources. Consistent with the emerging profiles of women offenders, *Moving On* also works with women to enhance strengths, build healthy relationships, and target self-defeating thoughts. The program uses a cognitive behavioral psychological treatment modality. A matched comparison group study was recently completed among probationers in Iowa and found significant reductions in recidivism (Gehring et al., 2010).

Advocating for an approach to substance abuse that recognizes its co-occurrence with mental health and trauma, Stephanie Covington developed a women's substance abuse program, *Helping Women Recover: A Program for Treating Addiction* (Covington, 2008). The program builds from four perspectives on women's addiction: these accommodate the importance of women's pathways to crime, relationship issues, and addictions co-occurring with mental health issues and trauma. Attention is given to self-efficacy and the impact of sexism and trauma upon perceptions of the self and the self in relationship with others. Program modules also discuss families of origin, healthy support systems, sexuality, body image, and spirituality. A second program *Beyond Trauma* (Covington, 2003) provides information on trauma and its effects and then moves to the development of coping skills. Both programs use cognitive-behavioral approaches and exercises, along with psychoeducation, guided imagery, and expressive art techniques. A recent randomized experimental study of both programs administered sequentially found significantly lower return to prison rates for women in the two gender-responsive programs than those in the standard therapeutic model (Messina et al., 2010). Effects on intermediate outcomes pertaining to psychological well-being have also been favorable (Covington et al., 2008; Messina et al., 2010).

Two additional programs for addressing abuse and trauma, *Seeking Safety* (Najavits, 2002) and *Dialectical Behavioral Therapy* (Linehan, 1993), were not developed specifically for offender populations. As such there are numerous studies, but all speak to favorable intermediate outcomes, such as reductions in suicide attempts and drug use and improvements in treatment retention, mental health, and PTSD symptoms. *Seeking Safety* is a cognitive behavioral program for co-occurring disorders of trauma/PTSD and substance abuse. Evaluation research shows favorable intermediate outcomes, but it was not possible to locate any evaluations of the program's impact on offense-related outcomes (Najavits et al., 1998; Najavits et al., 2006). DBT is also a cognitive-behavioral approach involving skills training, motivational enhancement and coping skills. The impact of DBT has been tested in a number of treatment settings and found to have a number of positive intermediate outcomes (for a summary of evaluation findings, see Dimeff et al., 2002).

Another substance abuse program for women, *Forever Free*, targeted gender-responsive risk factors, such as self-efficacy, healthy relationships, abuse and trauma, and parenting. *Forever Free* included a voluntary aftercare program. Services were multimodal and evaluation results showed that the program significantly reduced drug use and recidivism (Prendergast et al., 2002; Hall et al., 2004).

#### 4. Improving Correctional Environments for Women:

An additional gender-responsive principle discussed in *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders* (Bloom et al., 2003) concerned the importance of assuring that correctional environments are based on safety, respect, and dignity. Recognizing that the majority of incarcerated women offenders have been abused as children and adults, authorities must strive for correctional environments that do not re-traumatize women. Of course this is difficult in correctional agencies that were designed for purposes of punishment, underfunded, and built to replicate facilities and practices used for male offenders. As programs move toward gender-responsive orientations, however, it has become important to guide agencies in the development of gender-responsive milieus.

Prison assessments have become very valuable in this regard. Such assessments involve teams of outside experts (e.g., psychologists, medical practitioners, policy makers, and administrators) evaluating specific prisons for their adherence to gender-responsive principles. The most well-known assess-

ment of this type is a structured tool developed by NIC cooperatively with the Center for Effective Public Policy (CEPP). This tool, the Gender-Informed Practices Assessment (GIPA) (Center for Effective Public Policy, 2010) evaluates prisons on 12 domains shown in Figure 3.

The GIPA process involves the outside experts in a week-long site visit that includes focus groups with administrators, staff, and inmates. Observations are made of the prison architecture, treatment programs, staff meetings, classification procedures, disciplinary procedures, medical and mental health facilities, living quarters, educational classrooms, and other functions. GIPA team members prepare comprehensive reports, with recommendations in pertinent to all of the domains noted in Figure 3. When used to its full potential, the GIPA is the starting point for strategic planning of a wide range of improvements to the evaluated agencies and facilities.

**Figure 3**

**Gender-Informed Practices Assessment (GIPA) Domains (CEPP, 2010)**

<b>Domain 1: Leadership and Philosophy</b>	Addresses the extent to which executive leadership and facility management demonstrate commitment to both evidence-based and gender-informed practice for women offenders in critical ways.
<b>Domain 2: External Support</b>	Examines the external support from system stakeholders, funders, and community partners for the agency's mission regarding gender-informed and evidence-based practices for women.
<b>Domain 3: Facility</b>	Examines multiple aspects of a facility's location, physical design, and conditions with regard to their gender-appropriateness for women.
<b>Domain 4: Management and Operations</b>	A frequent challenge to administrators responsible for female offenders is the integration of gender-informed practices in every aspect of operations with the facility's security requirements.
<b>Domain 5: Staffing and Training</b>	A well-run facility is grounded in a workforce that is committed to the facility's mission, and hired and trained to carry out the daily requirements of gender-informed practice. In difficult budget times, agency and facility leadership are challenged to value and maintain a commitment to gender-responsive training and staff development.
<b>Domain 6: Facility Culture</b>	Examines the facility environment and assesses the extent to which inmates and staff feel physically and emotionally safe and respected. It also explores the "reporting culture" of formal and informal methods to report sexual, physical, and emotional abuse.
<b>Domain 7: Offender Management</b>	The offender management domain examines the gender-appropriateness and clarity of rules and expectations, the methods for motivating positive behaviors, and the disciplinary practices of the facility.
<b>Domain 8: Assessment and Classification</b>	Examines gender-informed procedures for determining custody level, assessing dynamic risks and needs, and identifying vulnerable and predatory inmates (PREA draft standard).
<b>Domain 9: Case and Transitional Planning</b>	Appropriate case and transition planning involves a process of addressing inmates' individual and unique needs, particularly those that impair humane prison adjustment and those that are related to future offending (i.e., risk factors, criminogenic needs). The role of case management in this process is to match women to programs and services according to their assessed need for such services.
<b>Domain 10: Research-Based Program Areas</b>	Examines each of the core programs of the facility along six dimensions: gender-responsive intent, evidence-based foundation, availability of manuals and treatment guides, use of clear criteria for program eligibility, efforts to monitor outcomes, and quality assurance.

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

**Domain 11: Services**

Reviews six critical service areas with regard to important attributes of gender-informed practice. The six areas are medical, mental health, transportation, food, legal services, and victim services.

**Domain 12: Quality Assurance and Evaluation**

Explores the extent to which the agency and facility use quality assurance methods to review and improve all functional units.

## II. CONCLUSION

In sum, a number of innovations have been developed in the United States and Canada to better address the needs of women offenders. Most of those presented in this paper have been successfully tested in experimental research and could be considered to meet the standard of evidence-based (MacKenzie, 2006).

Although, these approaches are specific to women, there are a number of evidence-based guidelines initially identified in research on male offenders which on later investigation were found to apply to women as well. These should be mentioned as well. Most importantly, perhaps, the risk principle has been found to apply to both men and women. The risk effect (an interaction between risk and intensive treatment) has been found in evaluations of two intensive gender responsive programs (Gehring et al., 2010; Orbis Partners, 2010) and one evaluation of gender-neutral halfway houses across the State of Ohio (Lovins et al., 2007). That is, even with women, high risk offenders have better treatment outcomes in intensive programs than low risk offenders. Moreover, what too often gets ignored in policy formulations of the risk principle is the fate of low risk offenders who have worse outcomes even in state of the art, "evidence-based," programs than they might have had if we had not intervened or brought them further into the justice system. By definition, low risk offenders have many pro-social influences in their lives. These women may need less intensive interventions for fewer needs, but they also will benefit, where possible, from ongoing contact with the prosocial influences in their lives (Salisbury et al., 2009). Even so, policy makers must recognize and respond to the fact that high risk women, in the aggregate, are not as dangerous or as likely to recidivate as high risk men.

Second, many of the innovative programs noted in Figure 2 conform to a cognitive-behavioral psychological modality which, with appropriate modifications, is successful with both males and females (Blanchette & Brown, 2006). Of course, policy makers and practitioners must also continue to value the importance of treatment integrity and constructive therapeutic relationships, regardless of gender (see Van Voorhis & Salisbury, 2013).

In closing, it is important to note that although strong innovative practices have been funded and developed, we experienced many setbacks. Women offenders were neglected for decades, in research, correctional policies and practices. Even with gender-responsive, evidence-based approaches it is still difficult to secure the interest of policy makers and practitioners to bring forward meaningful change for women offenders. These challenges will be discussed in the Wednesday presentation to UNAFEI.

## III. REFERENCES

- Adams, Kenneth and Joseph Farrandino. 2008. Managing mentally ill inmates in prisons. *Criminal Justice and Behavior*, 35:913-927.
- Andrews, Don A. and James Bonta. 1996. *Level of Service Inventory-Revised*. North Tonawanda, NY: Multi-Health Systems.
- Andrews, Don A. and James Bonta. 2010. *The Psychology of Criminal Conduct*, 5<sup>th</sup> Edition. Cincinnati, OH: LexisNexis.
- Andrews, Don A., James Bonta, and Robert D. Hoge. 1990. Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17:19-52.

- Andrews, Donald, James Bonta, and Steven Wormith. 2004. *Level of service/case management inventory: LS/CMI manual*. Toronto, Ontario: Multi-Health Systems.
- Andrews, Donald, Craig Dowden, and Jill L. Rettinger. 2001. Special populations within corrections. In (John A. Winterdyck, ed.), *Corrections in Canada: Social Reactions to Crime*. Toronto, Canada: Prentice Hall.
- Andrews, Donald, Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen. 1990. Does correctional treatment work? A psychologically informed meta-analysis. *Criminology*, 28:419-429.
- Arnold, Regina A. 1990. Processes of victimization and criminalization of Black women. *Social Justice*, 17:156-166.
- James Austin, Marino A. Bruce, Leo Carroll, Patricia L. McCall, and Stephen C. Richards. 2001. The use of incarceration in the United States. *Critical Criminology: An International Journal* 10: 17-41.
- Belknap, Joanne. 2007. *The Invisible Woman: Gender, Crime, and Justice*, 3<sup>rd</sup> Edition. Belmont, CA: Thompson Wadsworth.
- Belknap, Joanne and Kristi Holsinger. 2006. The gendered nature of risk factors for delinquency. *Feminist Criminology*, 1:48-71.
- Benda, Brent B. 2005. Gender differences in life-course theory of recidivism: A survival analysis. *International Journal of Offender Therapy and Comparative Criminology*, 49: 325-342.
- Benjamin, Alfred. 2001. *The Helping Interview*, 3<sup>rd</sup> Edition. Boston, Ma: Houghton Mifflin.
- Blanchette, Kelly and Shelley L. Brown. 2006. *The Assessment and Treatment of Women Offenders: An Integrated Perspective*. Chichester: Wiley.
- Blanchette, Kelly and Motiuk, Lawrence. L. 1995. *Female offender risk assessment: The case management strategies approach*. Poster session presented at the Annual Convention of the Canadian Psychological Association, Charlottetown, Prince Edward Island.
- Bloom, Barbara, Barbara Owen, and Stephanie Covington. 2003. *Gender-responsive strategies: Research practice and guiding principles for women offenders*. Washington, DC: National Institute of Corrections, U.S. Department of Justice.
- Blume, Sheila. 1997. Women: Clinical aspects. In Joyce H. Lowinson, Pedro Ruiz, Robert. Milkman and John Langrod (Eds.), *Substance abuse: A comprehensive textbook*. Baltimore, MD: Williams and Wilkins.
- Bonta, James, Bessie Pang, and Suzanne Wallace-Capretta. 1995. Predictors of recidivism among incarcerated female offenders. *The Prison Journal*, 75, 277-294.
- Brennan, Tim. 1998. Institutional classification of females: Problems and some proposals for reform. In Ruth T. Zaplin (Ed.), *Female Offenders: Critical Perspectives and Effective Interventions*. Gaithersburg, MD: Aspen Publishers.
- Brennan, Tim, William Dieterich, and William L. Oliver. 2006. *COMPAS: Technical manual and psychometric report Version 5.0*. Traverse City, MI: Northpointe Institute.
- Brown, Shelley. L. and Lawrence L. Motiuk. 2005. *The Dynamic Factor Identification and Analysis (DFIA) component of the Offender Intake Assessment (OIA) process: A meta-analytic, psychometric, and consultative review* (Research Report R-164). Ottawa, Ontario: Correctional



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

Service Canada.

- Browne, Angela, Brenda Miller, and Eugene Maguin. 1999. Presence and severity of lifetime physical and sexual victimization among incarcerated women. *International Journal of Law and Psychiatry*, 22:301-322.
- Buell, Maureen, Phyllis Modley, and Patricia Van Voorhis. 2011. Policy developments in the U.S. In Rosemary Sheehan, Gill McIvor, and Chris Trotter. (Eds.), *Working with Women Offenders in the Community*. Willan Publishing: United Kingdom.
- Carp, S. V., & L. Schade. (1992). Tailoring facility programming to suit female offender's needs. *Corrections Today*, (August): 154-158.
- Case, Patricia and David Fasenfest. 2004. Expectations for opportunities following prison education: A discussion of race and gender. *Journal of Correctional Education*, 55: 24-39.
- Center for Effective Public Policy. 2010. Gender Informed Practice Assessment (GIPA). Washington DC: U.S. Department of Justice, National Institute of Corrections.
- Chandler, Susan. M. and Gene Kassebaum. 1994. Drug-alcohol dependence of women prisoners in Hawaii. *Affilia*, 9: 157-170.
- Chesney-Lind, Meda. 1997. *The Female Offender: Girls, Women, and Crime*. Thousand Oaks, CA: Sage.
- Chesney-Lind, Meda. 2000. What to do about girls? Thinking about programs for young women. In Maeve W. McMahon (Ed.), *Assessment to Assistance: Programs for Women in Community Corrections*. Lanham, MD: American Correctional Association.
- Chesney-Lind, Meda and Noelle Rodriguez. 1983. Women under lock and key. *Prison Journal*, 63:47-65.
- Chesney-Lind, Meda and Randall G. Sheldon. 1992. *Girls, Delinquency, and Juvenile Justice*. Belmont, CA: Thompson Wadsworth.
- Covington, Stephanie. 1998. The relational theory of women's psychological development: Implications for the criminal justice system. In Ruth T. Zaplin (Ed.), *Female Offenders: Critical Perspectives and Effective Interventions*. Gaithersburg, MD: Aspen.
- Covington, Stephanie. 2003. *Beyond Trauma: A Healing Journey for Women*. Center City, MN: Change Companies.
- Covington, Stephanie. 2008. *Helping Women Recover: A Program for Treating Substance Abuse. Facilitator's Guide-Revised Edition for Use in the Criminal Justice System*. San Francisco, CA: Jossey-Bass Publishers.
- Covington, Stephanie, Cynthia Burke, Sandy Keaton, and Candice Norcott. 2008. Evaluation of a trauma-informed and gender-responsive intervention for women in drug treatment. *Journal of Psychoactive Drugs*, SARC Supplement 5, November 2008, 387-398.
- Daly, Kathleen. 1992. Women's pathways to felony court: Feminist theories of Law-breaking and problems of representation. *Southern California Review of Law and Women's Studies*, 2:11-52.
- Daly, Kathleen. 1994. *Gender, Crime and Punishment: Is Justice Blind or are Men and Women Treated Differently by the Courts?* New Haven, CT: Yale University Press.
- Dimeff, Linda, Kelly Koerner, and Marsha Linehan. 2002. *Summary of Research on Dialectical Behavior Therapy*. Seattle, WA: Behavioral Tech.

- Farr, Kathryn A. 2000. Classification of female inmates: Moving forward. *Crime and Delinquency*, 46:3-17.
- Ferraro, Kathleen.J. and Angela M. Moe. 2003. Mothering, crime, and incarceration. *Journal of Contemporary Ethnography*, 32, 9-40.
- Frost, Natasha, Judith Greene and Kay Pranis. 2006. *Hit Hard: The Growth of Imprisonment of Women, 1977-2004*. New York: Institute on Women and Criminal Justice, Women's Prison Association.
- Funk, Stephanie J. 1999. Risk assessment for juveniles on probation: A focus on gender. *Criminal Justice and Behavior*, 26:44-68.
- Gavazzi, Stephen M., Courtney M. Yarcheck, and Meda Chesney-Lind. 2006. Global risk indicators and the role of gender in a juvenile detention sample. *Criminal Justice and Behavior*, 33: 597-612.
- Gehring, Krista S., Patricia Van Voorhis, and Valerie R. Bell. 2010. "What Works" for female probationers? An evaluation of the Moving On Program. *Women, Girls, and Criminal Justice*, 11:1, 6-10.
- Gendreau, Paul. 1996. The principles of effective intervention with offenders. In Alan T. Harland (Ed.), *Choosing Correctional Options that Work: Defining the Demand and Evaluating the Supply*. Thousand Oaks: CA: Sage.
- Gendreau, Paul, Tracy Little, T., and Claire Goggin. 1996. A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology*, 34, 575-607.
- Gilfus, Mary E. 1992. From victims to survivors to offenders. Women's routes of entry and immersion into street crime. *Women and Criminal Justice*, 4:63-90.
- Gilligan, Carol. 1982. *In a Different Voice*. Cambridge, MA: Harvard Press.
- Girls Incorporated. 1996. *Prevention and Parity: Girls in Juvenile Justice*. Indianapolis, In: Girls Incorporated National Resource Center.
- Glaze, Lauren E. and Thomas P. Bonczar. 2011. *Probation and Parole in the United States, 2010*. Washington, D.C.: Bureau of Justice Statistics.
- Greene, Susan, Craig Haney, and Alda Hurtado. 2000. Cycles of pain: Risk factors in the lives of incarcerated mothers and their children. *The Prison Journal*, 80: 3-23.
- Hall, Elizabeth, Michael Prendergast, Jean Wellish, Meredith Patten and Yan Cao. 2004. Treating drug abusing women prisoners: An Outcomes Evaluation of the Forever Free Program. *The Prison Journal*, 84: 81-105.
- Hannah-Moffat, Kelly. 2009. Gridlock or mutability: Reconsidering gender and risk assessment. *Criminology and Public Policy*, 8:209-219.
- Hardyman, Patricia L. and Patricia Van Voorhis. 2004. *Developing gender-specific classification systems for women offenders*. Washington DC: National Institute of Corrections, U.S. Department of Justice.
- Houck, Katherine D. F. and Ann B. Loper. 2002. The relationship of parenting stress to adjustment among mothers in prison. *American Journal of Orthopsychiatry*, 72: 548-558.
- Holsinger, Kristi. 2000. Feminist perspectives on female offending: Examining real girls' lives. *Women and Criminal Justice*, 12:23-51.

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

- Holsinger, Alexander, Christopher Lowenkamp and Edward Latessa. 2003. Ethnicity, gender and the LSI-r. *Journal of Criminal Justice*, 31: 309-320.
- Holtfreter, Kristy and Merry Morash. 2003. The needs of women offenders: Implications for correctional programming. *Women and Criminal Justice*, 14: 137-160.
- Holtfreter, Kristy, Michael D. Reisig, and Merry Morash. 2004. Poverty, state capital, and recidivism among women offenders. *Criminology and Public Policy*, 3:185-208.
- Kaplan, Alexandra. G.1984. *The "self in relation": Implications for depression in women*. Publication No. 14. Wellesley, MA: Stone Center.
- Koons, Barbara. A., John D. Burrow, Merry Morash, and Tim Bynum. 1997. Expert and offender perceptions of program elements linked to successful outcomes for incarcerated women. *Crime and Delinquency*, 43, 515-532.
- Langan, Patrick A. and Bernadette Pelissier. 2001. Gender differences among prisoners in drug treatment. *Journal of Substance Abuse*, 13: 291-301.
- Linehan, Marsha. 1993. *Cognitive behavioral therapy for borderline personality disorder*. New York, NY: Guilford Press.
- Lipsey, Mark W. 2009. The primary factors that characterize effective interventions with juvenile offenders: A meta analytic overview. *Victims and Offenders*, 4: 124-147.
- Lovins, Lori Brusman, Christopher Lowenkamp, Edward Latessa, and Paula Smith. 2007. Application of the risk principle to female offenders. *Journal of Contemporary Criminal Justice*, 23; 383-398.
- MacKenzie, Doris L. 2000. Evidence-based corrections: Identifying what works. *Crime and Delinquency*, 46:457-471.
- Manchak, Sarah, Jennifer Skeem, Kevin Douglas, and Mario Siranosian. 2009. Does Gender Moderate the Predictive Utility of the Level of Service Inventory-Revised (LSI-R) for Serious Violent Offenders? *Criminal Justice and Behavior*, 36: 425-442.
- Mauer, Mark, Cathy Potler, and Richard Wolf, R. (1999). *Gender and Justice: Women, drugs and sentencing policy*. Washington, DC: The Sentencing Project.
- McClellan, Dorothy, David Farabee, and Benjamin Crouch. 1997. Early victimization, drug use, and criminality: A comparison of male and female prisoners. *Criminal Justice and Behavior*, 24: 455-476.
- Messina, Nina, Christine Grella, William Burdon, Michael Prendergast. 2003. Childhood adverse events and current traumatic distress: A comparison of men and women drug-dependent prisoners. *Criminal Justice and Behavior*. 34: 1385-1401.
- Messina, Nina, Christine Grella, Jerry Cartier, and Stephanie Torres. 2010. A randomized experimental study of gender-responsive substance abuse treatment for women in prison. *Journal of Substance Abuse Treatment*, 38: 97-107.
- Miller, William and Stephen Rollnick. 2002. *Motivational Interviewing: Preparing People for Change*, 2<sup>nd</sup> Edition. New York, Guilford.
- Miller, Jean Baker and Irene P. Stiver, I. (1997). *The healing connection: How women form relationships in therapy and Life*. Wellesley, MA: Wellesley Centers for Women.
- Morash, Merry, Timothy S. Bynum, and Barbara A. Koons. 1998. *Women offenders: programming needs*

*and promising approaches.* Washington DC: National Institute of Justice, U.S. Department of Justice.

- Najavits, Lisa M. 2002. *Seeking Safety: A Treatment Manual for PTSD and Substance Abuse.* New York: Guilford Press.
- Najavits, Lisa, Robert Gallop, and Roger Weiss. 2006. Seeking Safety therapy for adolescent girls with PTSD and substance abuse: A randomized controlled trial. *Journal of Behavioral Health Services and Research*, 33: 453-463.
- Najavits, Lisa, Roger Weiss, Sarah R. Shaw, and Larry R. Muenz. 1998. Seeking Safety: Outcomes of a new cognitive-behavioral psychotherapy for women with posttraumatic stress disorder and substance dependence. *Journal of Traumatic Stress*, 11, 437-456.
- Orbis Partners, Inc. 2010. *Women Offender Case Management Model: The Connecticut Project.* Washington, D.C.: National Institute of Corrections, U.S. Department of Justice.
- Owen, Barbara. 1998. *In the Mix: Struggle and Survival in a Women's Prison.* Albany, NY: State University of New York Press.
- Peters, Roger H., Anne L. Strozier, Mary R. Murrin, and William D. Kearns. 1997. Treatment of substance abusing jail inmates: Examination of gender differences. *Journal of Substance Abuse Treatment*, 14: 339-349.
- Prendergast, Michael., Jean Wellisch and Gregory Falkin. 1995. Assessment of services for substance-abusing women offenders and correctional settings. *The Prison Journal*, 75:240-256.
- Prendergast, Michael, Elizabeth Hall, and Jean Wellisch. 2002. *Outcome Evaluation of the Forever Free Substance Abuse Treatment Program: One-year Post-Release Outcomes.* Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Reisig, Michael D., Kristy Holtfreter, and Merry Morash. 2006. Assessing recidivism risk across female pathways to crime. *Justice Quarterly*, 23: 384-405.
- Richie, Beth E. 1996. *Compelled to Crime: The Gendered Entrapment of Battered Black Women.* New York: Routledge.
- Ross, Timothy, Ajay Khashu, and Mark Wamsley 2004. *Hard data on hard times: An empirical analysis of maternal incarceration, foster care, and visitation.* New York: Vera Institute of Justice.
- Rumgay, Judith. 2004. Scripts for safer survival: Pathways out of female crime. *The Howard Journal of Criminal Justice*, 43, 405-419.
- Salisbury, Emily J. and Patricia Van Voorhis 2009. Gendered pathways: An empirical investigation of women probationers' path to incarceration. *Criminal Justice and Behavior*, 36:541-566.
- Schram, Pamela J. and Merry Morash. 2002. Evaluation of a life skills program for women inmates in Michigan. *Journal Offender Rehabilitation*, 34:47-70.
- Seligman, Martin E. P. 2002. *Authentic Happiness: Using the New Positive Psychology to Realize your Potential for Lasting Fulfillment.* New York Times: The Free Press.
- Smith, Paula, Francis T. Cullen, and Edward J. Latessa. 2009. Can 14,737 women be wrong? A meta analysis of the LSI-R and recidivism for female offenders. *Criminology and Public Policy*, 8: 183-208.
- Sorbello, Laura, Lynne Eccleston, Tony Ward, and Robin Jones. 2002. Treatment needs of female

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

- offenders: A Review. *Australian Psychologist*, 37:198-205.
- Task Force on Federally Sentenced Women. (1990). *Creating choices: The report of the Task Force on Federally Sentenced Women*. Ottawa, ON: Ministry of the Solicitor General Canada.
- Taylor, Kelly N. and Kelley Blanchette. 2009. The women are not wrong: It is the approach that is debatable. *Criminology and Public Policy*, 8, 221-229.
- Tuerk, Elena H. and Ann B. Loper. 2006. Contact between incarcerated mothers and their children: Assessing parenting stress. *Journal of Offender Rehabilitation*, 43, 23-43.
- Van Dieten, Marilyn. 2008. *Women Offender Case Management Model*. Washington DC: National Institute of Corrections.
- Van Dieten, Marilyn and Patricia MacKenna. 2001. *Moving On Facilitator's Guide*. Toronto, Canada: Orbis Partners.
- Van Voorhis, Patricia. 2012. On behalf of women offenders: Women's place in the science of evidence-based practice. *Criminology and Public Policy*, 11: 111-145.
- Van Voorhis, Patricia and Lois Presser. 2001. *Classification of women offenders: A national assessment of current practices*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.
- Van Voorhis, Patricia and Emily J. Salisbury. (2013). *Correctional Counseling and Rehabilitation*. 8<sup>th</sup> Edition. Cincinnati, OH: Elsevier Press.
- Van Voorhis, Patricia, Emily M. Wright, Emily Salisbury, and Ashley Bauman. 2010. Women's risk factors and their contributions to existing risk/needs assessment: The current status of gender responsive assessment. *Criminal Justice and Behavior*, 34:261-288.
- van Wormer, Katherine. 2001. *Counseling Female Offenders and Victims: A Strengths-Restorative Approach*. New York: Springer.

# Policy Developments Regarding the Treatment of Women Offenders in the U.S.: The Slow Process of Change

*Patricia Van Voorhis, Ph.D.\**



## I. INTRODUCTION

In 1971, President Richard Nixon convened the National Conference on Corrections to address the topic of prison reform in the United States. The conference was a response to the deadly 1971 Attica Prison riot, which had called attention to the neglected state of America's prisons. It brought together many experts on the topic. Among many speakers, Dr. Edith Flynn delivered the only address on women offenders. In "The Special Problems of Female Prisoners", Dr. Flynn called attention to the fact that female offenders had been blatantly ignored in policy developments and research. In her speech she also noted that prevailing theories of criminal behavior were inapplicable to women and that the resulting lack of information had adverse implications for managing and treating female offenders in America's correctional agencies. To support of her assertions, she referred to a recent President's Commission on Law Enforcement and Administration of Justice (1967), stating that "not a single paragraph or statistic on the female offender could be found in any of the material" (Flynn, 1971).

In the intervening years, research has put forward a clearer picture of how women become involved in the justice system and what their treatment needs are when they get there. However, there is clear reason to lament the arduously slow pace in which emerging evidence is impacting policies and services for women (Belknap, 2007; Belknap & Holsinger, 2006; Blanchette & Brown, 2006; Bloom, Owen & Covington, 2003; Chesney-Lind, 2000; Holtfreder, Reisig, & Morash, 2004; Messina, Grella, Cartier, & Torres, 2010; Reisig, Holtfreter, & Morash, 2006; Van Dieten, 2011; Van Voorhis, 2009). Over 40 years have passed since Dr. Flynn delivered her address, and we in the U.S. are still struggling to bring about meaningful reform for women.

Early attempts to fill the knowledge gap observed by Dr. Flynn included surveys of correctional programs (Glick & Neto, 1977) and women offenders (U.S. GAO, 1979). A number of classic qualitative studies followed over the ensuing decades (Arnold, 1990; Bloom, 1996; Chesney-Lind & Rodriguez 1983; Chesney-Lind & Shelden, 1992; Daly, 1992, 1994; Gilfus, 1992; Holsinger, 2000, Owen, 1998; Richie, 1996; Smart, 1976). Over time, these studies portrayed very different pictures of women's and men's entry (pathways) to crime, one that, for women, called attention to abuse and trauma, poverty, unhealthy relationships, mental illness, substance abuse, and parental stress.

These few studies appeared to call attention to the need for psychological programs targeted to mental health, trauma, and substance abuse. The need for educational and employment programs to improve women's socio-economic status was another implication of the early studies. However, notwithstanding this research, very little attention was devoted to showing how the identification of women's needs might impact correctional programs and services for women. At that point, in fact, very few state and federal policies favored correctional rehabilitation for females *or males*. Until the 1990s correctional priorities favored policies of incapacitation and punishment...not attempts to change offender behavior or improve their circumstances (see Cullen, 2005).

This began to change in the 1990s with a more favorable political climate and emerging research that found that well-run rehabilitative psychological, educational, and social service programs could reduce the reoffending of 15 to 30% of convicted offender populations (Andrews, Zinger, Hoge, Bonta,

---

\*Professor Emerita, University of Cincinnati. Author's Note: Please address correspondence to Patricia Van Voorhis. Email: Patricia.VanVoorhis@uc.edu.

Gendreau & Cullen, 1990a; Lipsey, 1992). Even so, the research fueling the policy transition was largely conducted on boys and men. For example, two highly influential meta-analyses<sup>1</sup> of correctional programs concluded with warnings that women and girls were under-represented in the research (Andrews et al., 1990a; Lipsey, 1992). Just the same, the meta-analysis conducted by Donald Andrews and his associates at Carlton University (Andrews et al., 1990a), generated a series of “Principles of Effective Intervention” (see also Gendreau, 1996; Andrews & Bonta, 2010) and the Principles of Effective Intervention fueled the development of the now predominant correctional treatment paradigm, variously referred to as “the Canadian Model,” the Risk Needs Responsivity Model (RNR), and the “What Works” Model. Through the remainder of this essay, I will refer to this approach as the Principles of Effective Intervention or “the Principles.”

The Principles of Effective Intervention offered some clear and important guidelines that have been well supported by subsequent research. These guidelines are fundamental to the way that effective correctional treatment programs are operated in the U.S. and Canada. There are several principles (see Smith, Gendreau, & Goggin, 2009). For purposes of this paper, we focus on the three most important principles, the risk principle, the needs principle, and the guideline to utilize cognitive behavioral treatment modalities:

- i. *The Risk Principle* maintains that intensive correctional programs are appropriate for high risk but not low risk populations. In order to achieve meaningful reductions in recidivism, it is necessary to confine intensive services to medium and high risk offenders. Taking this a step further, the research typically finds that directing intensive services to low risk clients makes them worse, and does so for many reasons.
- ii. *The Needs Principle* states that in order to achieve success in changing offenders' behavior, it is essential to target the risk factors for future offending. As with medical treatments, it makes little sense to target a factor which is not relevant to a particular disease. The guidelines further give priority to the treatment of “the Big 4”: criminal history, antisocial attitudes, antisocial personality, and antisocial associates. Alternatively, sources sometimes recommend the “Central 8” consisting of the “the big 4” plus substance abuse, family/marital, education/employment, and use of leisure/recreation time (see Andrews & Bonta, 2010).
- iii. The *cognitive behavioral therapeutic modality* is more likely to reduce offender recidivism than other psycho-therapeutic modalities such as psychodynamic therapy, person-centered therapy and other models. Cognitive-behavioral modalities target the criminal attitudes or thought processes that lead to and support antisocial behaviors.

Correctional research conducted over the past 25 years has also resulted in the development of dynamic risk/needs assessments to classify correctional offenders into low, medium, and high levels of risk on the basis of needs known to significantly predict future offending. Since the assessments identified an array of predictive needs, they also served as a valuable tool for triaging offenders into programs most likely to turn them away from lives of crime. The early construction validation studies for these assessments were also based largely on male offender samples (e.g., see Brennan, 1998; Blanchette & Brown, 2006; Holtfreder et al., 2004; Van Voorhis, Wright, Salisbury, & Bauman 2010) and validated on women much later than their initial construction (e.g., see Andrews, Dowden, & Rettinger, 2001; Lowenkamp, Holsinger, & Latessa, 2001; Manchak, Skeem, Douglas, & Siranosian, 2009; Smith, Cullen, & Latessa, 2009). For the most part, the revalidation studies found these assessments to be valid for women. For our purposes, it is important to note that the following needs are typical to most of these assessments:

Criminal history  
Employment/education  
Financial

---

<sup>1</sup> A meta-analysis is an empirical study which synthesizes findings of numerous experimental studies (Glass, McGraw, and Smith, 1981). Meta analyses produce “effect sizes” for each of the modalities studied; the “effect size” statistic is noted to produce more stable findings than former methods of summarizing findings across studies.

Housing/neighborhood situation  
 Alcohol/drug use  
 Family/marital  
 Emotional stability (mental health)  
 Use of leisure time  
 Antisocial friends  
 Antisocial thinking

The critics of the Principles of Effective Intervention and the risk/needs assessments, feminist scholars for the most part, do not so much fault their validity among women, but rather the fact that the Principles, the programs, and the assessments are not the correctional treatment paradigm that we would have *if we had started with women* at the time the models were developed. For example, by the time researchers finally addressed the problem of the external validity of the assessments, by conducting research on women, it was too late to include the needs that researchers found most relevant to women offenders. Thus, programs were not targeted to many of the problems that brought women into crime (Belknap & Holsinger, 2006; Bloom et al., 2003; Hannah-Moffat, 2009; Van Voorhis et al., 2010). With no assessments to identify these problems, women were less likely to be triaged to gender-specific services such as protection from abusive partners, childcare services, and access to reliable transportation, or programs targeted to low self-efficacy, trauma and abuse, parenting programs, healthy relationships, or realistic employment opportunities that allowed for self-support (Bloom et al., 2003).

This is the state of correctional treatment in the U.S. today. Generally, programs, strategies, policies, even prisons, are designed for men and applied to women with little thought or research. The U.S. federal government did much to try to change this situation, mostly through projects funded through the National Institute of Correction in the U.S. Department of Justice.<sup>2</sup> Still the new assessments and programs presented on Monday and Tuesday of this week (Van Voorhis, 2013) have struggled for funding or broad-scale implementation. Although there are some very progressive U.S. states which are implementing the gender-responsive models, progress is slow. The gender-responsive work has been faulted for lacking evidence (Andrews & Bonta, 2010), not because the work has not passed empirical scrutiny, but because it will be decades before the volume of experimental studies of female programs approaches the number of male-based studies included in the large meta-analyses. Thus, it is not the “lack of evidence” per se, but rather the loss of a “numbers game.” And the failure to win that numbers game is adversely impacting efforts to improve treatment programs for women offenders.

The intent of the paper is not to overly lament this situation but rather to take a studies look at how this happens. Why is it so difficult to advocate for women? The paper could lament sexist, patriarchal policies, and male-dominated governments and funding policies but this paper will examine the role of science, instead. I was privileged to work on several of these projects along with teams of extremely talented and committed graduate students, government officials, scholars, administrators, practitioners, and activists. Beginning in the late 1990s, the University of Cincinnati secured a cooperative agreement with NIC to construct a public domain women’s risk/needs assessment (WRNA). Along with the research, my staff and I operated in the role of *embedded researchers* (Petersilia, 2008), as research partners with the agencies participating in our research and adopting the assessments. This vantage point offered a discouraging view of the barriers that science posed to progress. Having spent most of my career studying male offenders, including a good deal of research on the Principles of Effective Intervention, I was not prepared for my first-hand introduction to the abysmal state of science as it accounts for, or more accurately, fails to account for, the lives of women. On reflection, how that science has unfolded in a culture where “male is norm” (Tavris, 1992) was discouraging to

---

<sup>2</sup>Some maintain that even these advances would not have occurred without rather dramatic increases in the number of women incarcerated (Buell et al., 2011). Largely resulting from policies promoting mandatory sentencing for drug offenders and reductions in funding for mental health services (see Austin et al., 2001; Mauer, Potler & Wolf, 1999), growth in the size of women’s prison populations far outpaced growth in the size of men’s prison populations (Bureau of Justice Statistics, 1999). Most recent figures show a decline in state and prison populations (Guerino et al., 2011; Pew Center on the States, 2010), however, the national imprisonment rate declined for men and remained unchanged for women (Guerino et al., 2011).



153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

observe, and the costs of the “male is norm” scientific model are substantial. Thus, I was also embedded in the process of an emerging body of evidence that ran contrary to the prevailing evidence of the day. There is a story to that, and I believe that it is important to tell it.

As will be seen, a number of these scientific issues were not unique to corrections but rather reflected the scientific culture of our times. Other challenges emerged from the recent science of correctional treatment itself. In the pages that follow, I discuss the challenges impacting the gender-responsive movement in corrections. I will, however, conclude on a more optimistic note with an overview of emerging evidence, a body of research that, while still not as plentiful as that regarding male offenders, is nevertheless achieving consistency across studies and showing a rather promising path to improving approaches for women (Van Dieten, 2011).

It is now almost 40 years since Professor Flynn reminded the National Conference on Corrections that the field had produced no research on women offenders, and that, as a consequence, women served by the male model of corrections were not receiving appropriate programs and services. The science needed to correct this situation emerged too slowly. Moreover, new evidence-based treatment models for women are even now mostly in a dissemination stage, far from full implementation. True, some correctional and pretrial agencies adopted evidence-based, gender responsive assessments and programs, but many of these efforts have experienced fit-full starts and stops. I continue to agree with Dr. Flynn. As an overview, science was a factor in the following key ways:

- i. As far as women and minorities are concerned, many endeavors of science, including medicine, education, and mental health, to name a few, have fallen far short of formulating scientifically representative samples. Many such studies then develop conclusions that inappropriately generalize findings to women and minorities. As far as women and minorities are concerned, scientific problems with external validity (a concept taught early in most research methods courses) are pervasive.
- ii. The recent policy mandates for evidence-based practice and the commensurate elevation of meta-analysis as the “gold standard” have had the effect of blaming women for their invisibility. The perceived failure to produce the multitude of studies needed to support a meta-analysis of interventions for women offenders runs the strong risk of stifling innovation and causing some to downplay the emerging evidence on women that is available.
- iii. An emerging body of evidence on women offenders is being ignored. This literature, while probably not sufficient in numbers to support meta-analytic study, is remarkably consistent across studies and linked to favorable outcomes for women. Taken as a whole the emerging science also forms a coherent model for women offenders which modifies some but not all of the above Principles of Effective Intervention.

But getting to the current stage of progress (number iii above), required that arguments “on behalf of women offenders” sustain several identifiable “scientific” challenges.

**A. First, the problem observed by Dr. Flynn four decades ago was not unique to corrections, but rather was embedded in the wider scientific culture, impacting women in the general population as well as those encountering the criminal justice system. Sadly, inattention to women was apparent in medical trials, validations of educational exams used to determine college entrance and receipt of scholarships, and research on mental health assessments, and practices.**

The historical exclusion of women from vital clinical trials ultimately led to the National Institute of Health Revitalization Act of 1993 (Public Law 103-43, 103<sup>rd</sup> Congress) which required the inclusion of women and members of minority groups in all NIH-supported biomedical and behavioral research except in instances where a clear and compelling reason was established that to do so would be inappropriate (e.g., the study of a sex-specific illness).<sup>3</sup> The guidelines further stipulated that child-bearing potential or the added cost of including women and minorities were no longer acceptable justifications for not including women in equal numbers to men in clinical trials. Up until that point, exclusion of women from medical research was, according to some, an unintended consequence of

protecting vulnerable populations, including pregnant women, and pre-menopausal women who were capable of becoming pregnant (Goldenberg, 2003; Killien et al., 2000). For others, the exclusion was the outcome of a naive assumption that findings observed from studies on male subjects could be generalized to women without modification, a startling “leap of faith: in an otherwise rigorous research enterprise” (NIH, 1999: 10, quoted in Bloom et al., 2003). So strong was the “male is norm” filter that it successfully trumped one of the core lessons in any graduate research methods class — external validity.

Notwithstanding the 1993 guidelines, which had no enforcement provisions, subsequent forums and publications demonstrated an ongoing failure to recruit sufficient numbers of women in clinical trials. Even fewer studies disaggregated findings by gender, where true gender-specific findings would be observed (NIH, 1999; Geller Goldstein, & Carnes, 2006; Ramasubbu, Gurm, & Litaker, 2001; Vidaver, Lafleur, Tong, Bradshaw & Marts, 2000).<sup>4</sup> Among the costs incurred by generalizing findings from male samples to females: a) a mistaken understanding of the role of aspirin in preventing women’s strokes and heart attacks (Ridker, Cook, & Lee, 2005); b) a limited understanding of heart disease in women (Chen, Woods, & Puntillow, 2005; Dey, Flather, Devlin, Brieger, Gurfinkel, Steg, Fitzgeralds, Jackson, & Eagle, 2007; Rathore, Wang & Krumholtz, 2002); and c) a host of issues with pharmaceutical dosages (Keiser, 2005; Vidaver et al., 2000).

Female college students also were not being adequately understood in early validations of U.S. college entrance examinations, including the Scholastic Aptitude Test (SAT), the National Merit Examination, and the Graduate Record Examination (GRE). Later, higher education was resistant to replicated studies conducted during the 1980s and 1990s which consistently found that educational tests used for vital college entrance decisions tended to under-predict the ultimate performance of women and over predict the performance of men, including on the National Merit Exam (NACAC, 2008), the SAT (Bridgeman & Wendler, 1991; Clark & Gandy, 1984; Leonard & Jiang, 1999; Silverstein, 2000; Wainer & Steinberg, 1992) and the GRE (House, Gupta, & Xiao, 1997; Sternberg & Williams, 1997). Therefore, in large competitive schools which placed primary reliance on the exam results, women applicants were observed to have lower entrance rates than men (Leonard & Jiang, 1999).

Use of the disparate tests in awarding scholarships and making college entrance decisions led to a number of lawsuits and changes to state policy [e.g., *Sharif v New York State Education Department*, 709 F. Supp. 345, 362 (S.D.N.Y. 1989)] and, in the case of the National Merit Exam, a fairly large out of court settlement. A writing sample was added to the SAT to correct the problem (NACAC, 2008). Reportedly, the gender prediction gap on these exams was known to insiders for over a quarter of a century (Leonard & Jiang, 1999).

I first learned of the external validity problems associated with some cognitive, personality and mental health assessments from Carol Gilligan. I had the good fortune to be sent to Harvard University by my dissertation advisor, Marguerite Warren, to learn how to classify probationers according to Lawrence Kohlberg’s Stages of Moral Judgment (Kohlberg, Colby, Gibbs, Speicher-Dubin, & Candee, 1979). Gilligan, a faculty member, addressed my fellow workshop participants and I after a long day of workshops on the Moral Development scoring protocol. She explained to us and a group of Harvard researchers and instructors, who clearly were less than happy with her, that the Stages of Moral Judgment had been formulated on the study of the lives of boys and men and then erroneously generalized to girls and women. After the fact, females were assessed on the protocol, only to find that many clustered around Stage 3 on the stage-based typology. Stage 3 is a stage reserved for humans who base moral decisions on a concern for reciprocity in close relationships. One could develop to higher stages of moral development, stages reserved for those who valued the importance of maintaining

<sup>3</sup> By 1995 the National Institute of Health Revitalization Act of 1993 had been adopted by other federal agencies, including the Agency for Health Research and Quality (AHRQ) and the Center for Disease Control and Prevention (CDC).

<sup>4</sup> Evidence of this problem emerged in a study accounting for only those federally funded trials that could have been started after the NIH 1993 guidelines took effect. The authors found 30 percent of the later studies failed to assemble samples that were comprised of at least 30 percent or more women. This figure increased to 44 percent when drug trials were examined. Furthermore, 87 percent of the trials failed to disaggregate findings by sex or include sex as a covariate. None of these acknowledged concerns for generalizability (Geller et al., 2006).

social systems or universal principles of moral action, but women seldom did. Gilligan later rectified the problem by studying samples of women and observing that “the Stage 3 problem” was a function of the “male is norm” assumption and the failure to account for the fact that women are relational and factor relationships into most decision-making regardless of “maturity” (Gilligan, 1982; Taylor, Gilligan, & Sullivan, 1995).

There are strong professional guidelines recommending the use of mental health assessments only on populations “whose validity and reliability has been established for use with members of the population tested” (APA, 2010). However, one can now deviate from these in cases where the author expresses appropriate reservations. Concerns have been raised for the Mf (Masculinity-Femininity) scale of the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) (Lewin & Wild, 1991), the Psychopathy Checklist-Revised (PCL-R) (Baker & Mason, 2010); tests of worker satisfaction (Hesse-Biber, Nagy, & Yaiser, 2004), and intelligence (Hyde, 1990). The absence of females from psychological research is similar to that seen in medicine, education and criminal justice with concerns raised for psychotherapy in general (APA Divisions 17 and 35, 2004; Levrant & Silverstein, 2005) as well as specific specialty areas such as school psychology (Holverstott, Ehrhardt, Parish, Ervin, Jennings, & Poling, 2002), mental retardation (Porter, Christian & Poling, 2003), psychopharmacology (Poling, Durgin, Bradley, Porter, Van Wagner, Weeden & Panos, 2009), and organizational psychology (Jarema, Snyckerski, Bagge, Austin, & Poling, 1999).

In sum, women’s issues do not become the focus of policy and innovation, because the science that would foster such change devotes limited attention to them, and what is not seen is not attended to. This rather obvious knowledge gap underscores the poignant titles chosen for some recent scholarship, e.g., *The Mismeasure of Woman* (Tavris, 1992); 2) *The Invisible Woman* (Belknap, 2007); and 3) *Half the Human Experience* (Hyde, 2007).

**B. The second scientific challenge occurred within the past decade when public sector funding placed a premium on those practices and policies which showed empirical evidence of achieving effective outcomes. The “evidence-based practice” mantra refers to the use of research and science, particularly experimental studies, to identify the best practices in a field. It has been voiced by policy makers ranging from agency heads to Presidents of the United States. However, the evidence-based mandate places women and minorities, who have been understudied, at a distinct disadvantage.**

The movement to evidence based practice began in medicine in the early 1990s and then moved to other fields such as psychotherapy (Task Force, 1995) and more slowly to corrections (Cullen & Gendreau, 2001; MacKenzie, 2000). It forms the foundation for many public, performance-based budgeting systems, holds a prominent place in the new U.S. health care law (Obamacare), and factors heavily into funding of social policy and research. Many, myself included, believed that the evidence-based mandate was past due, especially in the field of U.S. corrections with its less than professional tradition of eclectic and creative interventions which could not possibly have produced favorable outcomes, e.g., cake decorating, horseback riding, wagon trains, and plastic surgery (Van Voorhis, Cullen & Applegate, 1995).

Key to the “evidence-based” movement in corrections were several influential meta-analyses, a methodologically rigorous strategy for synthesizing findings across numerous controlled studies (Glass et al., 1981). Such studies produce “effect sizes” for each of the modalities studied and the “effect size” statistic was noted to produce far more stable findings than former methods of synthesizing research (e.g. vote-counting).

A number of meta-analyses of correctional treatment programs were conducted during the 1990s, but two have been exemplified throughout this essay (Andrews et al., 1990a; Lipsey, 1992). One was a study of 154 evaluations of correctional programs (Andrews et al., 1990a) which generated the Principles of Effective Intervention (see also Andrews, Dowden & Gendreau, 1999; Gendreau, 1996). The second reviewed 443 delinquency prevention and intervention programs (Lipsey, 1992). Both showed policy makers that rehabilitation models substantially reduced future offending. Other meta-analyses established treatment-relevant predictors of recidivism (Andrews, Bonta, & Hoge, 1990b; Gendreau,

Little, & Goggin, 1996). Meta-analyses also convincingly countered naïve assumptions that the crime problem could be solved by such approaches as boot camps (MacKenzie, Wilson, & Kider, 2001) or other punitive ideas (Andrews et al., 1990a; Gendreau et al, 1996; Gendreau, Goggin, & Cullen, 1999; Langen & Leven, 2002).

Even so, the power of evidence, especially evidence put forward by the meta-analyses, looped around full circle to fault the gender-responsive movement for the invisibility of women in key policy and programmatic research. Evidence came to drive policy, but for women, there was no evidence; as noted above, the invisibility of women in key research was pretty much a fact of science. Indeed, only 2.4 percent of the experimental studies examined in Mark Lipsey's meta analysis sampled only girls, and 5.9 percent sampled primarily girls (Lipsey, 1992). The meta analysis conducted by Andrews and his associates concluded with the admonition that gender effects required more detailed analysis. Even, Lipsey's larger, most recent analysis reported that only 4.0 percent of the studies sampled mostly female studies versus 87 percent accounting for all male or mostly male samples (Lipsey, 2009). The authors acknowledged their concerns for the limited research on women, but their findings nevertheless formed the foundations of today's approach to correctional treatment, treatment models that are offered to both males and females.

The founders of the meta-analysis technique warned of such problems when they noted that findings are highly dependent upon the criteria for selecting studies from the total universe of available studies (i.e., selection bias) (Glass et al., 1981; Smith, 1980). Although the authors of the correctional meta analyses certainly did not appear to commit selection bias, their results had the same effect, because the requisite studies on women were not available. In a review of psychological, educational, and behavioral treatments, Lipsey and Wilson (1993) presented the problem in very thoughtful terms:

Meta analysis is only possible for treatment approaches that have generated a corpus of research sufficient in quantity and comparability for systematic analysis within a statistical framework. Such a body of studies, in turn, is only likely to be produced for widely used and well-developed approaches growing out of established theory or practice, or for promising innovations. Thus the treatment approaches represented in meta analysis and reviewed in this article represent rather mature instances that are sufficiently well developed and credible to attract practitioners and sufficiently promising (or controversial) to attract a critical mass of research. (Lipsey & Wilson, 1993: 1200).

Simply put, meta-analysis and EBP is not the friend of under-represented groups attempting to secure knowledge of optimal medical, therapeutic or other treatments (Sue & Zane, 2005) and it should not purport to be. For their part, the Canadian authors of the Principles of Effective Intervention sought to rectify the under-representation of women by conducting meta-analyses on necessarily smaller programmatic data bases of women offenders (e.g., Dowden & Andrews, 1999). Later, validations of the risk/needs assessment accompanying the Principles of Effective Intervention (Andrews & Bonta, 1995), were also conducted on samples of women offenders, and the sample sizes of these studies increased over time (e.g., Andrews & Bonta, 1995; Andrews, Bonta, & Wormith, 2004; Coulson, Ilacqua, Nutbrown, Giulekas, & Cudjoe, 1996; Lowenkamp 2001; McConnell, 1996; Rettinger, 1998; Simourd & Andrews, 1994; Smith et al., 2009). However, evidence, in the case of these studies, conformed to a pattern of repeated tests of topics relevant to the Principles of Effective Intervention and proud assertions that the favorable findings refuted critics of the model and the assessments. These critics including feminist scholars and other proponents of alternative gender-responsive approaches (see Andrews & Bonta, 2010).

Another scientific impediment was one that is typically overlooked in objections to the gender-responsive movement and its recommendations for women. The studies supporting the Principles of Effective Intervention for girls and women did not test the gender-responsive models. Instead their studies conformed to a pattern of repeated tests of the Principles of Effective Intervention programs and assessments and proud assertions that their favorable findings refuted their critics, including feminist scholars and other proponents of alternative, gender-responsive approaches. As such, there was no basis for any conclusions that gender-responsive approaches were flawed. Only two of these authors (see Blanchette and Brown, 2006; Smith et al., 2009) acknowledged the logical error of refuting

gender-responsive proponents without directly testing the gender-responsive treatment targets and programs.

Not everyone would say there is anything wrong with this state of science. For example, in response to the well-established ethnic disparities in mental health research, the U.S. Surgeon General (2001) issued the guideline that minority mental health clients should be given treatments supported by the “best available evidence.” Of course, “best available evidence” is a favorable alternative to using no evidence, or making medical and other decisions on the basis of guesswork alone. However, an over-reliance on best available evidence can minimize the urgency to conduct more appropriate research and risks inattention to emerging research. For purposes of women offenders, it is likely the case that the “best available evidence” is not a picture of the assessment and treatment models we would have if we had started with girls and women. Therefore, critics of the Principles of Effective Intervention note that, while evidence-based, they were nevertheless formulated on the basis of research on male populations and only later found to be effective with women (Bloom et al., 2003). Several feminist critics faulted the over-reliance on meta-analysis to the dismissal of qualitative studies which comprised most of the evidence supporting gender-responsive approaches to corrections (see Chesney-Lind, 1997, 2000; Hannah-Moffit & Shaw, 2000; Kendall, 2004). Still more scholars faulted the assessments for neglecting to include gender-specific factors (Blanchette & Brown, 2006; Funk, 1999; Holtfreter & Morash, 2003; Reisig et al., 2006; Van Voorhis, et al., 2010). The consistent response of at least two of the Canadian authors underscores the point of this section (Andrews & Bonta, 2010):

With all due respect, it is time for those who feel they are entitled to offer programs inconsistent with (Principles of Effective Intervention) perspectives to show some social responsibility. They must begin to program and evaluate in a “smarter” manner. To our knowledge, the evidence base in support of their approaches flirts with nil. (Andrews & Bonta, 2010:514).

In sum, the sequence of events was as follows: research on women offenders was an afterthought and unfunded. In the context of limited research, state and federal evidence-based policies mandated evidence in order to secure funding and implementation. The evidence for women, of course, was not available, and the “best available evidence,” volumes of it, consisted of studies on male offenders. Then scholars and policy makers alike, continued to use the evidence-based argument to counter emerging evidence with simple comparisons of the huge volume of studies on males compared to females (i.e., the numbers game).

**C. An emerging body of evidence on women offenders is being ignored. This literature, while probably not sufficient in numbers to support meta-analytic study, is remarkably consistent across studies and linked to favorable outcomes for women. Taken as a whole the emerging science also forms a coherent model for women offenders which modifies some but not all of the above Principles of Effective Intervention.**

For this response, let us return to the Principles of Effective Intervention presented above. Many gender-responsive scholars stop far short of recommending that they be ignored. The evidence on women appears to converge on a hybrid model which modifies the prevailing Principles of Effective Intervention for women. However, in the case of some of the Principles, such as the needs principle (defined above), extensive modification appears to be warranted. The Principles continue to form a meaningful organizational structure for presenting an evidence-based model for women, but that model differs in several key ways.

First, the evidence suggests that the *risk principle* should continue to apply to women but do so with important qualifications. The risk effect (an interaction between risk and intensive treatment) has been found in evaluations of two intensive gender responsive programs (Gehring, Van Voorhis & Bell, 2010; Orbis Partners, 2010) and one evaluation of gender-neutral halfway houses across the State of Ohio (Lovins, Lowenkamp, Latessa & Smith, 2009). That is, even with women, high risk offenders have better treatment outcomes in intensive programs than low risk offenders. Moreover, what too often gets ignored in policy formulations of the risk principle is the fate of low risk offenders who have worse outcomes even in state of the art, “evidence-based,” programs than they might have had if we had not intervened or brought them further into the justice system. By definition, low risk offenders have many

pro-social influences in their lives. These women may need less intensive interventions for fewer needs, but they also will benefit, where possible, from ongoing contact with the prosocial influences in their lives (Salisbury, Van Voorhis, Wright & Bauman, 2009).

Furthermore, the evidence does not support the argument that risk management and risk assessment is inappropriate for women offenders (Blanchette & Brown, 2006). Underlying this argument is the assertion that women are not dangerous and therefore should not be classified by levels of risk (Hannah-Moffitt, 2004, 2009; Smart, 1982). In our research, however, 12-month recidivism in community samples ranged from 21 percent in a probation sample to 44 percent in a parole sample. Among high risk groups these rates are much higher. This is sufficient to support interventions for high risk women and accurate, assessment-based indications of who they are.

Just the same, an appropriate risk management policy for women should reconceptualize notions of maximum custody and high risk. The high risk/high custody woman is not the same as the high risk/high custody male offender, and this is seldom reflected in correctional policy. Most validations of risk and custody assessments find that even in high risk groups, women reoffend, commit serious misconducts,<sup>5</sup> and return to prison at considerably lower rates than high risk men (Hardyman & Van Voorhis, 2004; Wright, Van Voorhis, Salisbury, & Bauman, 2009). A simple comparison of high risk males and females on their rate of offense-related outcomes would, in most cases, reveal this distinction to policy makers and administrators. Women's rates are typically much lower than men's. These comparisons should perhaps be made before impractical investments are devoted to overly secure and austere prison structures located far from children and other supportive family members (Wright et al., 2009). Supervision policies for high risk females in the community also should reflect differences between males and female (Salisbury et al., 2009).

The scholarship specific to women offenders places the needs principle of the principles of effective intervention under greatest scrutiny (Blanchette & Brown, 2006) and finds it to be incomplete and in need of considerable modification (Buell et al., 2011; Blanchette, 2009; Salisbury & Van Voorhis, 2009; Van Voorhis et al., 2010; Wright et al., 2009). The commonsense notion that in order to reduce criminal behavior, we must address the risk factors for criminal behavior still holds. However, scholars raise questions about *what* should be targeted (see Blanchette & Brown, 2006; Holsinger & Van Voorhis, 2005; Holtfreter & Morash, 2003; Reisig et al., 2006; Salisbury et al., 2009; Van Voorhis et al., 2010; Wright, Salisbury, & Van Voorhis, 2007). Recent research has identified a new set of gender-responsive risk/need factors. It also appears that the priority given to the "Big 4" (history, attitudes, personality, and associates) should be reconsidered for women.

In support, a number of studies compared the needs of male and female offenders. A lengthy review of these studies is beyond the scope of the present essay. However the studies generally noted higher rates of mental illness, abuse, and trauma among women than men (see Blanchette & Brown, 2006; Hubbard & Pratt, 2002; Langan & Pelissier, 2001; Messina, Grella, Burdon, & Prendergast, 2007; Salisbury & Van Voorhis, 2009). Another suggestion that the picture of women's risk factors might be qualitatively different than men's risk factors appeared on the gender-neutral risk needs assessments, themselves. For example, several authors have found the LSI-r predictive for males and females (Kroner & Mills, 2001; Gendreau, Goggin, & Smith, 2002; Manchek et al., 2009; Smith et al., 2009). However, a comparison of needs scores showed differences between males and females. For example, women scored significantly higher than men on the emotional personal (mental health) (Holsinger, Lowenkamp, & Latessa, 2003; Manchak et al., 2009; Mihailides, Jude, & Van den Bosshe, 2005; Palmer & Hollin, 2007; Raynor, 2007), family/marital (Holsinger et al., 2003) and financial domains (Heilbrun, Dematteo, Fretx, Erickson, Yasuhara, & Anumba, 2008; Holsinger et al., 2003; Manchak et al., 2009; Mihailides et al., 2005; Raynor, 2007). Women scored significantly lower than men on criminal history (Heilbrun et al., 2008; Holsinger et al., 2003; Manchak et al., 2009; Mihailides et al., 2005; Raynor, 2007), use of leisure time, criminal thinking (Holsinger et al., 2003; Manchak et al., 2009), companions and

<sup>5</sup>In prison settings, this comparison should be not include minor infractions, such as insubordination. These actually tend to be higher for women than men, reflecting poor staff skills in managing women offenders and a tendency to revert to excessive issuance of misconducts in order to do so (Hardyman & Van Voorhis, 2004). A comparison of serious or aggressive misconducts, typically finds much lower rates for women than men.

substance abuse (Holsinger et al., 2003). Male female comparisons on other measures of the same gender-neutral risk/need factors as those noted on the LSI-r show a similar pattern of findings (e.g., see Bell, 2012; Gehring, 2011). Most of these studies did not compare the predictive merits of each of the LSI-r (Andrews & Bonta, 1995) need domains. However, in one study financial issues were potent predictors for women while criminal history financial needs and substance abuse were predictive for men (Manchak et al., 2009).

In the U.S., research on the utility of a hybrid gender-responsive classification and risk/needs assessments began in 2000 with a cooperative agreement awarded to the University of Cincinnati by the National Institute of Corrections. The UC/NIC research took this inquiry a step further to determine whether gender-responsive needs noted in the qualitative, feminist literature were predictive of future offending and serious prison misconducts. The findings of associations between needs such as trauma, depression, abuse, low self-efficacy, unhealthy relationships and offense-related outcomes, would afford their placement within the needs principle, thereby suggesting new treatment priorities for women.

The research generally found the traditional gender neutral dynamic risk/need factors and assessments to be predictive of recidivism and prison misconducts, but the addition of the gender-responsive risk/need factors improved the overall predictive validity of the gender neutral risk/needs assessments for women offenders (Van Voorhis et al., 2010). In addition to the significant incremental validity of the additional block of gender-responsive factors, the predictive merits of specific gender-responsive factors identified several important treatment targets. These varied somewhat across types of correctional settings (probation, prerelease, and prison), but generally implicated mental health issues, financial problems, parental stress, unsafe housing, and self-efficacy in community settings. Abuse variables appeared to lead to mental health and substance abuse problems in a pathway that ultimately led to recidivism (Salisbury & Van Voorhis, 2009), a pathway that is also seen in other studies (e.g., McClellan et al., 1997; Messina et al., 2007). Risk factors predisposing women to more serious forms of misconduct in prison settings included mental health problems, child abuse, and dysfunctional relationship dynamics. A revalidation study is currently underway with larger samples and will be completed in the months ahead; however, 11 of 12 samples have been analyzed (See Van Voorhis & Groot, 2010; Van Voorhis, Bauman, & Brushette, 2012a; Van Voorhis, Bauman, & Brushette, 2012b; Van Voorhis, Brushette, & Bauman, 2012; Van Voorhis, Bauman, & Brushette, 2013) and the results are consistent with the earlier construction validation research.

Evidence that issues such as trauma, substance abuse, mental health, healthy relationships, and parental issues are important risk factors for women can also be gleaned from the fact that programs designed to address these problems actually reduces women's recidivism. They "work" in other words. For example, a key risk factor for women's recidivism, especially in community settings, is parental stress exhibited by women who have little financial and emotional support in raising their children and who also experience difficulties with child management (Van Voorhis et al., 2010). *The Visiting Nurses Program*, a fairly well know intervention for at risk mothers, provides support addressing child health and child management. Experimental research found favorable outcomes for both the children and their mothers who had lower post-program offense rates than mothers in a comparison group (Olds, Robinson, Pettitt, Luckey, Holmberg, Ng, Isacks, Sheff, & Henderson, 2004). Behavioral child management programs have long showed favorable effects on at risk children, but we are beginning to learn that they have important outcomes for parents as well (Piquero, Farrington, Welsh, Tremblay, & Jennings, 2009). Another parenting program with promising outcomes is the *Female Offender Treatment and Employment Program (FOTEP)*, a residential re-entry program for women that offered intensive case management to women and focused on employment and substance abuse. The parenting focus was on reunification with dependent children. Findings showed a reduction in recidivism for FOTEP participants (Grella, 2009).

One of the gender-responsive principles noted in *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders* (Bloom et al., 2003) advocated for wrap around services. Multimodal services are recommended for most offender populations (see Lipsey, 2009), but two program models tailor the notion to women offenders. *Moving On* (Van Dietsen & MacKenna, 2001) teaches women to access and mobilize varied community resources. Consistent with the emerging profiles of women offenders *Moving On* also works with women to enhance strengths, build healthy

relationships, and target self-defeating thoughts. The program uses a cognitive behavioral treatment modality. A matched comparison group study was recently completed among probationers in Iowa and found significant reductions in recidivism (Gehring et al., 2010). A second program, *Women Offender Case Management Model* (Van Dieten, 2008) works with correctional practitioners to develop comprehensive case management strategies for women. The development of a network of community services and partnerships is one of the requirements of WOCMM program sites. The program also trains case managers to address gender responsive risk/need factors and use strengths-based and relationship-focused approaches. This program was also evaluated and found to have favorable reductions in recidivism (Orbis Partners, Inc., 2010).

Advocating for an approach to substance abuse that recognizes its co-occurrence with mental health and trauma, Stephanie Covington developed a women's substance abuse program, *Helping Women Recover: A Program for Treating Addiction* (Covington, 2008). The program builds from four perspectives on women's addiction: these accommodate the importance of women's pathways to crime, relationship issues, and addictions co-occurring with mental health issues and trauma. Attention is given to self-efficacy and the impact of sexism and trauma upon perceptions of the self and the self in relationship with others. Program modules also discuss families of origin, healthy support systems, sexuality, body image, and spirituality. A second program *Beyond Trauma* (Covington, 2003) provides information on trauma and its effects and then moves to the development of coping skills. Both programs use cognitive-behavioral approaches and exercises, along with psychoeducation, guided imagery, and expressive art techniques. A recent randomized experimental study of both programs administered sequentially found significantly lower return to prison rates for women in the two gender-responsive programs than those in the standard therapeutic model (Messina et al., 2010). Effects on intermediate outcomes pertaining to psychological well-being have also been favorable (Covington, Burke, Keaton, & Norcott, 2008; Messina et al., 2010).

Two additional programs for addressing abuse and trauma, *Seeking Safety* (Najavits, 2002) and *Dialectical Behavioral Therapy* (Linehan, 1993), were not developed specifically for offender populations. As such there are numerous studies, but all speak to favorable intermediate outcomes, such as reductions in suicide attempts and drug use and improvements in treatment retention, mental health, and PTSD systems. *Seeking Safety* is a cognitive behavioral program for co-occurring disorders of trauma/PTSD and substance abuse. Evaluation research shows favorable intermediate outcomes, but it was not possible to locate any evaluations of the program's impact on offense-related outcomes (Najavits, Weiss, R., Shaw, & Muenz, 1998; Najavits, Gallop, & Weiss, 2006). DBT is also a cognitive-behavioral approach involving skills training, motivational enhancement and coping skills. The impact of DBT has been tested in a number of treatment settings and found to have a number of positive intermediate outcomes (for a summary of evaluation findings, see Dimeff, Koerner, & Linehan, 2002).

Another substance abuse program for women, *Forever Free*, targeted gender-responsive risk factors, such as self-efficacy, healthy relationships, abuse and trauma, and parenting. *Forever Free* included a voluntary aftercare program. Services were multimodal and evaluation results showed that the program significantly reduced drug use and recidivism (Prendergast et al., 2002; Hall, Prendergast, Wellish, Patten, & Cao, 2004).

Programs designed to address these gender-responsive needs appear to be working. Empirical observations of the influences of trauma, mental illness, parental stress, poverty and unhealthy relationships also suggest a merger of the criminogenic focus of correctional policy with a public health focus (Butler & Engle, 2011). There is evidence to support this shift and the shift advocates well for policies and approaches that bring other social service agencies (e.g., substance abuse, labor, education, mental health, child services, and welfare) to the table. In fact, partnerships among such agencies are seen in a number of prison re-entry programs and several pretrial, "pre-entry" programs (e.g., Buell et al., 2011).

## II. CONCLUSION

In closing, most innovative approaches for women offenders have only been implemented within the



past decade. Moreover, these changes have occurred on a very small scale. This is largely because the research needed to support such innovation was unavailable in corrections and other fields. More startling, scientific enterprises habitually generalized findings pertinent to men to women, and this practice resulted in substantial costs to women. Additional costs were observed when evidence-based guidelines imposed "best available practices" and faulted the critics of "male is norm" practices for the fact that women are understudied.

It is not essential to refrain from issuing the frequent call for more research, but policy makers must give credence to the evidence currently supporting innovative programming for women. There is the ongoing risk that women's invisibility to science could extend to a denial of the evidence that is beginning to amass. The evidence on behalf of women offenders is not nil, and policy makers should not be encouraged to ignore it.

### III. REFERENCES

- American Psychological Association. 2010. Amendments to the 2002 Ethical Principles of Psychology and Code of Conduct. *American Psychologist*. 65: 493.
- Andrews, Don A. and James Bonta. 1995. *Level of Service Inventory-Revised*. North Tonawanda, NY: Multi-Health Systems.
- Andrews, Don A. and James Bonta. 2010. *The Psychology of Criminal Conduct*, 5<sup>th</sup> Edition. Cincinnati, OH: LexisNexis.
- Andrews, Don A., James Bonta, and Robert D. Hoge. 1990b. Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17: 19-52.
- Andrews, Donald, James Bonta, and Steven Wormith. 2004. *Level of service/case management inventory: LS/CMI manual*. Toronto, Ontario: Multi-Health Systems.
- Andrews, Donald, Craig Dowden, and Paul Gendreau. 1999. *Clinically relevant and psychologically informed approaches to reduced re-offending: A meta-analytic study of human risk, need, responsivity, and other concerns in justice contexts*. Unpublished manuscript, Carleton University, Ottawa, Ontario.
- Andrews, Donald, Craig Dowden, and Jill L. Rettinger. 2001. Special populations within corrections. In (John A. Winterdyck, ed.), *Corrections in Canada: Social Reactions to Crime*. Toronto, Canada: Prentice Hall.
- Andrews, Donald, Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen. 1990a. Does correctional treatment work? A psychologically informed meta-analysis. *Criminology*, 28:419-429.
- Arnold, Regina A. 1990. Processes of victimization and criminalization of Black women. *Social Justice*, 17:156-166.
- James Austin, Marino A. Bruce, Leo Carroll, Patricia L. McCall, and Stephen C. Richards 2001. The use of incarceration in the United States. *Critical Criminology: An International Journal* 10: 17-41.
- Baker, Nancy L. and Janelle L. Mason. 2010. Gender issues in psychological testing of personality and abilities. In (Joan C. Chrisler and Donald R. McCreary, eds.), *Handbook of Gender Research in Psychology*, Volume 2. New York: Springer.
- Belknap, Joanne. 2007. *The Invisible Woman: Gender, Crime, and Justice*, 3<sup>rd</sup> Edition. Belmont, CA: Thompson Wadsworth.
- Belknap, Joanne and Kristi Holsinger. 2006. The gendered nature of risk factors for delinquency.

*Feminist Criminology*, 1:48-71.

- Bell, Valerie. 2012. Gender-responsive risk/needs Assessment: A comparison of women and men. Unpublished Doctoral dissertation. Cincinnati, OH; University of Cincinnati.
- Blanchette, Kelly. 2009. Consensus Knowledge Statement and Relevant Research, Technical Assistance Report. Washington, D.C.: National Institute of Corrections, U.S. Department of Justice.
- Blanchette, Kelly and Shelley L. Brown. 2006. *The Assessment and Treatment of Women Offenders: An Integrated Perspective*. Chichester: Wiley.
- Bloom, Barbara. 1996. *Triple jeopardy: Race, class and gender as factors in women's imprisonment*. Riverside, CA; University of California, Riverside.
- Bloom, Barbara, Barbara Owen, and Stephanie Covington. 2003. *Gender-responsive strategies: Research practice and guiding principles for women offenders*. Washington, DC: National Institute of Corrections, U.S. Department of Justice.
- Brennan, Tim. 1998. Institutional classification of females: Problems and some proposals for reform. In (Ruth T. Zaplin, ed.), *Female Offenders: Critical Perspectives and Effective Interventions*. Gaithersburg, MD: Aspen Publishers.
- Bridgeman, Brent and Cathy Wendler. 1991. Gender differences in predictors of college mathematics performance and in college mathematics course grades. *Journal of Educational Psychology*, 83: 275-284.
- Buell, Maureen, Phyllis Modley, and Patricia Van Voorhis. 2011. Policy developments in the U.S. In (Rosemary Sheehan, Gill McIvor, and Chris Trotter, eds.), *Working with Women Offenders in the Community*. Willan Publishing: United Kingdom.
- Bureau of Justice Statistics. 1999. *Special Report: Women Offenders*. Washington, D.C.: U.S. Department of Justice.
- Butler, Burke and Rebecca Engle (2011). ABA Corrections Committee: Report on Gender Responsive Classification Committee. New Haven, CT: Yale University.
- Chen, Wan, Susan Woods, and Kathleen Puntillo. 2005. Gender differences in symptoms associated with acute myocardial infarction: A review of the research. *Heart Lung*, 34: 240-247.
- Chesney-Lind, Meda. 1997. *The Female Offender: Girls, Women, and Crime*. Thousand Oaks, CA: Sage.
- Chesney-Lind, Meda. 2000. What to do about girls? Thinking about programs for young women. In (Maeve W. McMahon, ed.), *Assessment to Assistance: Programs for Women in Community Corrections*. Lanham, MD: American Correctional Association.
- Chesney-Lind, Meda and Noelle Rodriguez. 1983. Women under lock and key. *Prison Journal*, 63:47-65.
- Chesney-Lind, Meda and Randall G. Sheldon. 1992. *Girls, Delinquency, and Juvenile Justice*. Belmont, CA: Thompson Wadsworth.
- Clark, Mary Jo and Jerilee Gandy. 1984. *Sex differences in the academic performance of scholastic aptitude test takers*. (College Board Rep. No. 84-8 Educational Testing Science Research Rep. No. 84-43). New York College Entrance Examination Board.
- Coulson, Grant, Giorgio Ilacqua, Verna Nutbrown, Diana Giulekas, and Francis Cudjoe. 1996. Predictive utility of the LSI for incarcerated female offenders. *Criminal Justice and Behavior*,

153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

23:427-439.

- Covington, Stephanie. 2003. *Beyond Trauma: A Healing Journey for Women*. Center City, MN: Change Companies.
- Covington, Stephanie. 2008. *Helping Women Recover: A Program for Treating Substance Abuse. Facilitator's Guide-Revised Edition for Use in the Criminal Justice System*. San Francisco, CA: Jossey-Bass Publishers.
- Covington, Stephanie, Cynthia Burke, Sandy Keaton, and Candice Norcott. 2008. Evaluation of a trauma-informed and gender-responsive intervention for women in drug treatment. *Journal of Psychoactive Drugs*, SARC Supplement 5, November 2008, 387-398.
- Cullen, Francis T. 2005. The twelve people who saved rehabilitation: How the science of criminology made a difference: The American Society of Criminology 2004 presidential address. *Criminology*, 43:1-42.
- Cullen, Francis T. and Paul Gendreau. 2001. From nothing works to what works: Changing professional ideology in the 21<sup>st</sup> century. *Crime and Delinquency*, 81:313-338.
- Daly, Kathleen. 1992. Women's pathways to felony court: Feminist theories of lawbreaking and problems of representation. *Southern California Review of Law and Women's Studies*, 2:11-52.
- Daly, Kathleen. 1994. *Gender, Crime and Punishment: Is Justice Blind or are Men and Women Treated Differently by the Courts?* New Haven, CT: Yale University Press.
- Dimeff, L., K. Koerner, and M. Linehan. 2002. Summary of research on dialectical behavior therapy. Seattle, WA: Behavioral Tech., LLC.
- Dowden, Craig and Don A. Andrews. 1999. What works for female offenders. A meta-analytic review. *Crime and Delinquency*, 45:435-452.
- Dey, S., M. Flather, G. Devlin, D. Brieger, E. Gurfinkel, P. Steg, G. Fitzgeralds, E. Jackson, and K. Eagle. (2007). Sex-related differences in the presentation, treatment and outcomes among patients with acute coronary syndromes: The Global Registry of Acute Coronary Events. *Heart*, 95: 20-26.
- Flynn, Edith E. 1971. *The special problems of female prisoners*. Paper presented at the National Conference on Corrections, Williamsburg, VA.
- Funk, Stephanie J. 1999. Risk assessment for juveniles on probation: A focus on gender. *Criminal Justice and Behavior*, 26:44-68.
- Gehring, Krista. 2011. *Are Needs Related to Pretrial Outcomes?* Unpublished Doctoral dissertation. Cincinnati, OH; University of Cincinnati.
- Gehring, Krista S., Patricia Van Voorhis, and Valerie R. Bell. 2010. "What Works" for female probationers? An evaluation of the Moving On Program. *Women, Girls, and Criminal Justice*, 11:1, 6-10.
- Geller, Stacie E., Marci Goldstein Adams, and Molly Carnes. 2006. Adherence to federal guidelines for reporting of sex and race/ethnicity in clinical trials. *Journal of Women's Health*, 15:1123-1131.
- Gendreau, Paul. 1996. The principles of effective intervention with offenders. In (Alan T. Harland, ed.), *Choosing Correctional Options that Work: Defining the Demand and Evaluating the Supply*. Thousand Oaks: CA: Sage.
- Gendreau, Paul, Claire Goggin, and Francis T. Cullen. 1999. *The Effects of Prison Sentences On*

*Recidivism*. Ottawa, Canada: Public Works and Government Services.

Gendreau, Paul, Tracey Little, and Claire Goggin. 1996. A meta-analysis of the predictors of adult offender recidivism: What works. *Criminology*, 34: 575-607.

Gendreau, Paul, Claire Goggin, and Paula Smith. 2002. Is the PCL-R really the “unparalleled measure of offender risk? A lesson in knowledge cumulation. *Criminal Justice and Behavior*, 29:397-426.

Gilfus, Mary E. 1992. From victims to survivors to offenders. Women’s routes of entry and immersion into street crime. *Women and Criminal Justice*, 4:63-90.

Gilligan, Carol. 1982. *In a Different Voice*. Cambridge, MA: Harvard Press.

Glass, Gene V., Barry McGaw, Mary Lee Smith. 1981. *Meta-Analysis in Social Research*. Beverly Hills, CA: Sage Publications.

Glick, Ruth and Virginia Neto. 1977. *A national study of women’s correctional programs*. (Document ID: 027-000-00524-I). Washington, DC: Government Printing Office.

Goldenberg, Marvin M. 2003. Politics and clinical trials: The inclusion of women. *Pharmacy and Therapeutics*, 28:791-796.

Grella, Christine. 2009. *Female Offender Treatment and Employment Project (FOTEP). Summary of evaluation findings*. Los Angeles, CA: UCLA Integrated Substance Abuse Programs.

Guerino, Paul, Paige Harrison,, and William Sabol. 2011. *Prisoners in 2010*. Washington, D.C.: U.S. Department of Justice. Bureau of Justice Statistics.

Hall, Elizabeth, Michael Prendergast, Jean Wellish, Meredith Patten and Yan Cao. 2004. Treating drug abusing women prisoners: An Outcomes Evaluation of the Forever Free Program. *The Prison Journal*, 84: 81-105.

Hannah-Moffat, Kelly. 2004. Gendering risk: At what cost? Negotiations of gender and risk in Canadian women’s prisons. *Feminism and Psychology*, 14: 243-249.

Hannah-Moffat, Kelly. 2009. Gridlock or mutability: Reconsidering gender and risk assessment. *Criminology and Public Policy*, 8:209-219.

Hannah-Moffat, Kelly and Margaret Shaw. 2000. Thinking about cognitive skills? Think again! *Criminal Justice Matters*. 39: 8-9.

Hardyman, Patricia L. and Patricia Van Voorhis. 2004. *Developing gender-specific classification systems for women offenders*. Washington DC: National Institute of Corrections, U.S. Department of Justice.

Heilbrun, Kirk, David Dematteo, Ralph Fretz, Jacey Erickson, Kento Yasuhara and Natalie Anumba. 2008. How “specific” are gender-specific rehabilitation needs? An empirical analysis. *Criminal Justice and Behavior*. 35: 1382-1397.

Hesse-Biber, Sharlene Nagy and Michelle L. Yaiser. 2004. Feminist approaches to research as a process: Reconceptualizing epistemology, methodology, and method. In (Sharlene Nagy Hesse-Biber and Michelle L. Yaiser, eds.), *Feminist Perspectives on Social Research*. New York: Oxford University Press.

Holsinger, Kristi. 2000. Feminist perspectives on female offending: Examining real girls’ lives. *Women and Criminal Justice*, 12:23-51.

153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

- Holsinger, Kristi and Patricia Van Voorhis. 2005. Examining gender inequities in classification system: Missouri's development of a gender-responsive assessment instrument. *Women, Girls, and Criminal Justice*, 6: 33-34, 44-47.
- Holsinger, Alexander, Christopher Lowenkamp and Edward Latessa. 2003. Ethnicity, gender and the LSI-r. *Journal of Criminal Justice*, 31: 309-320.
- Holtfreter, Kristy and Merry Morash. 2003. The needs of women offenders: Implications for correctional programming. *Women and Criminal Justice*, 14: 137-160.
- Holtfreter, Kristy, Michael D. Reisig, and Merry Morash. 2004. Poverty, state capital, and recidivism among women offenders. *Criminology and Public Policy*, 3:185-208.
- Holverstott, Katherine M., Kristal E. Ehrhardt, Trisha Parish, Ruth Ervin, Lanai Jennings, and Alan Poling. 2002. Females and males as participants in school psychology research: Data from four journals over 15 years. *School Psychology International*, 23:449-457.
- House, J. Daniel, Suman Gupta, and Beiling Xiao. 1997. *Gender differences in Prediction of grade performance from graduate record examination scores*. Paper presented at the Illinois Association for Institutional Research Annual Meeting, Chicago, Illinois.
- Hubbard, Dana and Travis Pratt. 2002. A meta analysis of the predictors of delinquency among girls. *Journal of Offender Rehabilitation*, 34: 1-13.
- Hyde, Janet S. 1990. Analysis and the psychology of gender differences. *Signs*, 16: 53-73.
- Hyde, Janet S. 2006. *Half the human experience*. Boston, MA: Houghton Mifflin.
- Jarema, Kimberly, Susan Snyckerski, Susan Bagge, John Austin, and Alan Poling. 1999. Participation of women as authors and participants in articles published in the *Journal of Organizational Behavior Management*. *Journal of Organizational Behavior Management*, 19:85-94.
- Keiser, Jocelyn. 2005. Gender in the pharmacy: Does it matter? *Science*, 308:1572.
- Kendall, P. (2004). Dangerous thinking: A critical history of correctional cognitive behaviorism. In (G. Mair, ed.). *What Matters in Probation*. Cullomton, Devon: Willan Publishing.
- Killien, Marcia, Judy Ann Bigby, Victoria Champion, Emma Fernandex-Repollet, Rebecca D. Jackson, Marjorie Kagawa-Singer, Kristin Kidd, Michelle J. Naughton, and Marianna Prout. 2000. Involving minority and underrepresented women in clinical trials: The National Centers of Excellence in Women's Health. *Journal of Women's Health and Gender-Based Medicine*, 9: 1061-1070.
- Kohlberg, Lawrence, Ann Colby, John Gibbs, Betsy Speicher-Dubin, and Dan Candee. (1979). *Standard form scoring manual*. Cambridge, MA: Harvard University Press.
- Kroner, Daryl and Jeremy Mills. 2001. The accuracy of five risk appraisal instruments in predicting institutional misconduct and new convictions. *Criminal Justice and Behavior*, 28: 471-489.
- Langan, Patrick A. and David J. Levin (2002). *Recidivism of prisoners released in 1994*. Washington DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Langan, Patrick A. and Bernadette Pelissier. 2001. Gender differences among prisoners in drug treatment. *Journal of Substance Abuse*, 13: 291-301
- Leonard, David K. and Jiming Jiang. 1999. Gender bias and the college predictions of the SATs: A cry of despair. *Research in Higher Education*, 40:375-407.

- Levrant, Ronald and Louise Silverstein. 2005. Gender is neglected by both evidence-based practices and therapy as usual. In (John Norcross, Larry Beutler and Ronald Levant, eds.), *Evidence based practices in mental health: Debate and dialogue on fundamental questions* (pp. 338-345). Washington, D.C.: American Psychological Association.
- Lewin, Miriam and Cheryl L. Wild. 1991. The impact of the feminist critique on tests, assessment, and methodology. *Psychology of Women Quarterly*, 15:581-596.
- Linehan, Marsha. 1993. Cognitive behavioral therapy for borderline personality disorder. New York, NY: Guilford Press.
- Lipsey, Mark W. 1992. Juvenile delinquency treatment: A meta-analytic inquiry into the variability of effects. In (Thomas D. Cook, Harris Cooper, David J. Cordray, Heidi Hartmann, Larry V. Hedges, Richard J. Light, Thomas A. Louis, and Fredrick Mosteller, eds.), *Meta-analysis for Explanation*. New York: Russell Sage Foundation
- Lipsey, Mark W. 2009. The primary factors that characterize effective interventions with juvenile offenders: A meta analytic overview. *Victims and Offenders*, 4:124-147.
- Lipsey, Mark, and David Wilson (1993). The efficacy of psychological, educational, and behavioral treatment: Confirmation from meta-analysis. *American Psychologist*, 48, 1189-1209.
- Lovins, Lori Brusman, Christopher Lowenkamp, Edward Latessa, and Paula Smith. 2007. Application of the risk principle to female offenders. *Journal of Contemporary Criminology*, 23: 383-393.
- Lowenkamp, Christopher T., Alexander M. Holsinger, and Edward J. Latessa. 2001. Risk/need assessment, offender classification, and the role of childhood Abuse. *Criminal Justice and Behavior*, 28:543-563.
- MacKenzie, Doris L. 2000. Evidence-based corrections: Identifying what works. *Crime and Delinquency*, 46:457-471.
- MacKenzie, Doris L., David B. Wilson, and Suzanne B. Kider. 2001. Effects of correctional boot camps on offending. *The Annals of the American Academy of Political and Social Science*, 578: 126-143.
- Manchak, Sarah, Jennifer Skeem, Kevin Douglas, and Mario Siranosian. 2009. Does Gender Moderate the Predictive Utility of the Level of Service Inventory-Revised (LSI-R) for Serious Violent Offenders? *Criminal Justice and Behavior*, 36: 425-442.
- Mauer, Marc, Cathy Potler, and Richard. Wolf. 1999. *Gender and justice: Women, drugs and sentencing policy*. Washington, D.C.: The Sentencing Project.
- McClellan, Dorothy, David Farabee, and Benjamin Crouch. 1997. Early victimization, drug use, and criminality: A comparison of male and female prisoners. *Criminal Justice and Behavior*, 24: 455-476.
- McConnel, Beth A. 1996. *The prediction of female offender recidivism with the Level of Supervision Inventory*. Unpublished honor's thesis, Queens University, Kingston, Ontario.
- Messina, Nina, Christine Grella, William Burdon, Michael Prendergast. 2007. Childhood adverse events and current traumatic distress: A comparison of men and women drug-dependent prisoners. *Criminal Justice and Behavior*. 34: 1385-1401.
- Messina, Nina, Christine Grella, Jerry Cartier, and Stephanie Torres. 2010. A randomized experimental study of gender-responsive substance abuse treatment for women in prison. *Journal of Substance Abuse Treatment*, 38: 97-107.

153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

- Mihailides, Stephen, Belinda Jude, and Eric Van den Bosshe. 2005. The LSI-r in an Australian setting: implications for risk/needs decision making in forensic contexts. *Psychiatry, Psychology and Law*, 12: 207-217.
- Morash, Merry, Timothy S. Bynum, and Barbara A. Koons. 1998. *Women offenders: programming needs and promising approaches*. Washington DC: National Institute of Justice, U.S. Department of Justice.
- Najavits, Lisa M. 2002. *Seeking Safety: A Treatment Manual for PTSD and Substance Abuse*. New York: Guilford Press.
- Najavits, Lisa, Gallop, R. & Weiss, R. (2006). Seeking Safety therapy for adolescent girls with PTSD and substance abuse: A randomized controlled trial. *Journal of Behavioral Health Services and Research*, 33: 453-463.
- Najavits, L., Weiss, R., Shaw, S. & Muenz, L. (1998) Seeking Safety: Outcomes of a new cognitive-behavioral psychotherapy for women with posttraumatic stress disorder and substance dependence. *Journal of Traumatic Stress*, 11, 437-456.
- National Association for College Admission Counseling. 2008. *Report of the Commission on the Use of Standardized Tests in Undergraduate Admission*. Arlington, VA: NACAC.
- National Institutes of Health. 1999. *Agenda for research on women's health in the 21<sup>st</sup> century*. Rockville, Md.: U.S. Department of Health and Human Services.
- Olds, David., Joanne Robinson, L. Pettitt, D. Luckey, J. Holmberg, R. Ng, K., Isacks, K. Sheff, and C. Henderson, C. (2004). Effects of home visits by paraprofessionals and by Nurses: Age 4 follow-up results of a randomized trial. *Pediatrics*, 114: 1560-1568.
- Orbis Partners, Inc. 2010. Women Offender Case Management Model: The Connecticut Project. Washington, D.C. U.S. Department of Justice, National Institute of Corrections.
- Owen, Barbara. 1998. *In the Mix: Struggle and Survival in a Women's Prison*. Albany, NY: State University of New York Press.
- Palmer, Emma and Clive. Hollin. 2007. The Level of Service Inventory-Revised with English women prisoners: A needs and reconviction analysis. *Criminal Justice and Behavior*, 34: 1385-1401.
- Petersilia, Joan. 2008. Influencing public policy: An embedded criminologist reflects on California prison reform. *Journal of Experimental Criminology*, 4: 335-356.
- Pew Center on the States. 2010. *Prison count 2010*. Washington, D.C. Pew Center on the States.
- Piquero, Alex., David Farrington, Brandon Welsh, Richard Tremblay, R., & Wesley Jennings. 2009. Effects of early family/parent training programs on antisocial behavior and delinquency. *Journal of Experimental Criminology*, 5, 83-120.
- Poling, Alan, Amy Durgin, Kelly P. Bradley, Lindsay K. Porter, Karen Van Wagner, Marc Weeden, and John J. Panos. 2009. Female's participation in psychopharmacology research as authors, editors, and subjects. *Experimental and clinical psychopharmacology*, 17: 105-112.
- Porter, Carl L., LeeAnn Christian, and A. Poling. 2003. Research brief: Some data concerning the reporting of participant's gender in the mental retardation literature. *Mental Retardation*, 41: 75-77.
- Prendergast, Michael, Elizabeth Hall, and Jean Wellisch. 2002. *Outcome Evaluation of the Forever Free Substance Abuse Treatment Program: One-year Post-Release Outcomes*. Washington, D.C.:

National Institute of Justice, U.S. Department of Justice.

President's Commission on Law Enforcement and Administration of Justice. 1967. *The challenge of crime in a free society*. Washington D.C.: U.S. Department of Justice.

Ramasubbu, Kumudha, Hitinder Gurm, and David Litaker. 2001. Gender bias in clinical trials?: Do double standards still apply? *Journal of Women's Health and Gender-Based Medicine*, 10:757-764.

Rathore, S., Y. Wang, and H. Krumholtz., 2002. Sex-based differences in the effect of digoxin for the treatment of heart failure. *New England Journal of Medicine*, 347 (18): 1403-1411.

Raynor, P. 2007. Risk and need assessment in British probation: The contribution of the LSI-R. *Psychology, Crime and Law*, 13: 125-138.

Reisig, Michael D., Kristy Holtfreter, and Merry Morash. 2006. Assessing recidivism risk across female pathways to crime. *Justice Quarterly*, 23:384-405.

Rettinger, Jill L. 1998. *A recidivism follow-up study investigating risk and need within a sample of provincially sentenced women*. Unpublished doctoral thesis, Carleton University, Ottawa, Ontario.

Richie, Beth E. 1996. *Compelled to Crime: The Gendered Entrapment of Battered Black Women*. New York: Routledge.

Ridker, P., N Cook, I. Lee, et al (2005). A randomized trial of low-dose aspirin in the primary prevention of cardiovascular disease in women. *New England Journal of Medicine*. 352(13): 1293-1304.

Salisbury, Emily J. and Patricia Van Voorhis 2009. Gendered pathways: An empirical investigation of women probationers' path to incarceration. *Criminal Justice and Behavior*, 36:541-566.

Salisbury, Emily, Patricia Van Voorhis, Emily Wright, and Ashley Bauman. 2009. Changing the probation experience for women offenders: Findings from the Women's Needs and Risk Assessment Project. *Women, Girls, and Criminal Justice*. 10: 83-84, 92-95.

*Sharif v. New York State Education Department*, 709 F. Supp. 345, 362 (S.D.N.Y. 1989).

Silverstein, Andrea L. 2000. Standardized tests: The continuation of gender bias in higher education. *Hofstra Law Review*, 29:669-700.

Simourd, Linda and Donald Andrews. 1994. Correlates of delinquency: A look at gender differences. *Forum on Corrections Research*, 6:26-31.

Smart, Carol. 1976. *Women, crime, and criminology: A feminist critique*. London, UK: Routledge and Kegan Paul.

Smart, Carol. 1982. The new female offender: Reality or myth? In (Barbara Price and Natalie Sokoloff, eds), *The criminal justice system and women*. (pp 105-116). New York, NY: Clark Boardman.

Smith, M. 1980. Publication bias and meta analysis. *Evaluation and Education*, 4: 22-24.

Smith, Paula, Francis T. Cullen, and Edward J. Latessa. 2009. Can 14,737 women be wrong? A meta analysis of the LSI-R and recidivism for female offenders. *Criminology and Public Policy*, 8: 183-208.

Smith, Paula, Paul Gendreau and Clair Goggin. 2009. Correctional treatment: Accomplishments and Realities. In (Patricia Van Voorhis, Michael Braswell and David Lester. eds.), *Correctional counseling and rehabilitation* (pp. 315-325). Cincinnati, OH: Lexis/Nexis.



153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

- Sternberg, Robert and Wendy Williams, 1997. Does the Graduate Record Examination predict meaningful success in the graduate training of psychologists. *American Psychologist*, 52: 630-641.
- Sue, Stanley and Nolan Zane. 2005. Ethnic minority populations have been neglected by evidence-based practices. In (John Norcross, Larry Beutler and Ronald Levant, eds.), *Evidence based practices in mental health: Debate and dialogue on fundamental questions* (pp. 338-345). Washington, D.C.: American Psychological Association. *Prison count 2010*.
- Tarvis, Carol. 1992. *The mismeasure of woman*. New York: Simon and Schuster.
- Task Force on Promotion and Dissemination of Psychological Procedures, Division of Clinical Psychology of the American Psychological Association (1995). Training and dissemination of empirically validated psychological treatment: Report and recommendation. *The Clinical Psychologist*, 48: 3-23.
- Taylor, Jill McClean, Carol Gilligan, and Amy Sullivan. (1995). *Between voice and silence: Women and girls, race and relationship*. Cambridge, MA: Harvard University Press.
- U.S. Government and Accounting Office. 1979. *Female offenders- Who are they and what are the problems confronting them?* NCJ 060496.
- Van Dieten, Marilyn. 2008. *Women Offender Case Management Model*. Washington DC: National Institute of Corrections.
- Van Dieten, Marilyn. 2011. From zero sum to win-win: How research on women advances our work in corrections. Plenary address to the International Community Corrections Association, September 12, 2011, Cincinnati, OH.
- Van Dieten, Marilyn and Patricia MacKenna. 2001. *Moving On Facilitator's Guide*. Toronto, Canada: Orbis Partners.
- Van Voorhis, Patricia. 2009. Next steps in gender-responsive classification. *Women, Girls, and Criminal Justice*, 10:81-88.
- Van Voorhis, Patricia. 2013. Women's Risk Factors and New Treatments/Interventions For Addressing Them: Evidence-Based Interventions in the United States and Canada. Paper presented at the 153<sup>rd</sup> Senior Seminar of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo, Japan, January 21 & January 22, 2013.
- Van Voorhis, Patricia and Brittany Groot 2010. *Predictive Validity of Women's COMPAS Scales Among Incarcerated Women in California—Final Report*. Cincinnati, OH: Center for Criminal Justice Research.
- Van Voorhis, Patricia and Lois Presser. 2001. *Classification of women offenders: A national assessment of current practices*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.
- Van Voorhis, Patricia, Ashley Bauman, Emily M. Wright, and Emily Salisbury. 2009. Implementing the Women's Risk/Needs Assessment (WRNAs): Early lessons from the field. *Women, Girls, and Criminal Justice*, 10:81, 82, 89-91.
- Van Voorhis, Patricia, Ashley Bauman, and Rachel Brushette. 2012. *Revalidation of the Women's Supplemental Risk/Needs Assessment: Results for the Rhode Island Department of Corrections, Prison and Pre-release Samples*. Cincinnati OH: Center for Criminal Justice Research.
- Van Voorhis, Patricia, Ashley Bauman, and Rachel Brushette. 2012. *Revalidation of the Women's Supplemental Risk/Needs Assessment: Results for the Iowa Women Offender Case Management*

*Projects.* Cincinnati OH: Center for Criminal Justice Research.

- Van Voorhis, Patricia, Rachel Brushette, and Ashley Bauman, A., 2012. *Revalidation of the Women's Risk/Needs Assessment: Results for the Missouri Department of Corrections, Probation, Prison, and Prerelease Samples.* Cincinnati, OH: Center for Criminal Justice Research.
- Van Voorhis, Patricia, Francis Cullen, F. and Brandon Applegate (1995). Evaluating interventions with violent offenders: A guide for practitioners and policy makers. *Federal Probation*, 59:1-11.
- Van Voorhis, Patricia, Emily M. Wright, Emily Salisbury, and Ashley Bauman. 2010. Women's risk factors and their contributions to existing risk/needs assessment: The current status of gender responsive assessment. *Criminal Justice and Behavior*, 34:261-288.
- Vidaver, Regina M., Bonnie Lafleur, Cynthia Tong, Robynne Bradshaw, and Sherry A. Marts. 2000. Women subjects in NIH-funded clinical research literature: Lack of progress in both representation and analysis by sex. *Journal of Women's Health and Gender-Based Medicine*, 9:495-504.
- Wainer, Howard and Linda S. Steinberg. 1992. Sex differences in performance on the mathematics section of the scholastic aptitude test: A bidirectional validity study. *Harvard Educational Review*, 62: 323-336.
- Wright, Emily, Emily Salisbury, and Patricia Van Voorhis, P. 2007. Predicting the prison misconducts of women offenders: The Importance of gender responsive needs. *Journal of Contemporary Criminal Justice*. 23: 310-340.
- Wright, Emily, Patricia Van Voorhis, Emily Salisbury, and Ashley Bauman. 2009. Gender-responsive prisons: Lessons from the NIC/UC Gender-Responsive Classification Project. *Women, Girls, and Criminal Justice*, 10: 85-87, 95-96.

# THE BANGKOK RULES: AN INTERNATIONAL RESPONSE TO THE NEEDS OF WOMEN OFFENDERS

*Piera Barzand\**



## I. INTRODUCTION

The main international standards relating to the treatment of prisoners, namely the Standard Minimum Rules for the Treatment of Prisoners,<sup>1</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>2</sup> and the Basic Principles for the Treatment of Prisoners<sup>3</sup> apply without discrimination but do not expressly highlight the needs of women prisoners. The profile of women prisoners is quite different from that of men and their requirements are different. Therefore, the specific needs and realities of all prisoners, including women prisoners, should be taken into account in the application of these international standards.

Unfortunately, practice has shown that, because of the fact that women prisoners are a small proportion of the overall prison population, they are often discriminated against in many ways and the rules included in the main international standards cannot be applied in all cases, often for practical reasons. At the same time, the number of women imprisoned is on the rise in many countries. Against this background, the specific requirements for addressing the situation of women offenders have been emphasized at the United Nations in various contexts.

In 2010, the General Assembly adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>4</sup> a set of rules responding to the needs of women offenders and prisoners. Bangkok Rule 1 supplements Rule 6 of the Standard Minimum Rules for the Treatment of Prisoners and stipulates that providing for the distinctive needs of women prisoners in the application of the Rules in order to accomplish substantial gender equality shall not be regarded as discriminatory. In fact, “the concept of equality means much more than treating all persons in the same way. Equal treatment of persons in unequal situations will operate to perpetuate rather than eradicate injustice.”<sup>5</sup>

In adopting the Bangkok Rules, the General Assembly recognized “that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult.” Thus, the Bangkok Rules also complement and supplement the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>6</sup> with a section covering the application of non-custodial sanctions and measures for women and juvenile female offenders, including on arrest and at pre-trial, sentencing and post-sentencing stages of the

---

\*Crime Prevention and Criminal Justice Officer (Penal Reform), Justice Section, Division for Operations, UNODC (Vienna). The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations.

<sup>1</sup>First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 22 August — 3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A; amended by the Economic and Social Council in its resolution 2076 (LXII) (addition of section E, entitled “Persons arrested or imprisoned without charge”).

<sup>2</sup>General Assembly resolution 43/173 of 9 December 1988, annex.

<sup>3</sup>General Assembly resolution 45/111 of 14 December 1990, annex.

<sup>4</sup>General Assembly resolution 65/229 of 21 December 2010, annex.

<sup>5</sup>Office of the High Commissioner for Human Rights, Fact Sheet No. 22, Discrimination against Women: The Convention and the Committee, Geneva, undated.

<sup>6</sup>General Assembly resolution 45/110 of 14 December 1990, annex. The Tokyo Rules are the main international instrument on alternatives to imprisonment, applicable without discrimination but with no mention of the specific requirements of women offenders.

criminal justice process.

This article will introduce some of the main issues concerning female crime trends as a background to the development of the Bangkok Rules and will describe their main provisions and their relevance for policy-makers and practitioners.

## II. WOMEN AS OFFENDERS

Generally crimes committed by women differ from male criminality. The differences can be seen in the nature of the crime, and its consequences, combined with the method, crime weapon, and choice of victim.

For a number of reasons, it would appear that women are far less likely than men to commit crime — a pattern that seems to hold true all over the world. While this is a fact, Mannheim<sup>7</sup> cautions us against considering female crime rates only from a comparative perspective as opposed to the more alarming trends of offences committed by men. It is important to consider women criminality *per se*.

Another mistake often occurring in comparing statistical data based on gender is to overlook the big differences among the various categories of offences and the age groups. While in general higher numbers of young men commit more offences than their female peers, among the elder population such difference is less obvious.<sup>8</sup>

Good statistics are at the foundation for sound decision making, but there is a dearth in statistics on women offenders. The fact that women account for only a small fraction of arrests and commit fewer crimes than males has been used as a justification for the neglect of women in criminal justice research. However, women who do enter the justice system, while fewer in number and less violent than their male counterparts, often become extensive users of the system. In focusing on the overwhelming number of males in the criminal and juvenile justice systems, programmes, policies and services often have failed to develop a diversity of options for dealing with the gender and culturally-specific problems of female offenders enmeshed in the system.<sup>9</sup>

Women offend for several reasons. Even in recent times, many studies have validated the traditional assumption that they mainly commit crime out of desperation and lack of resources. They may have a responsibility to support a family or have needs that are met by stealing or committing crime if they do not have access to opportunities to earn a decent living legitimately. Other reasons why women offend are to respond and react to assault or abuse out of fear for their lives. They might feel constrained or limited and have no other way to deal with things. As Morash<sup>10</sup> puts it “...socially disorganized neighbourhoods with inadequate education, inadequate job training, and lack of sustainable community-level employment can promote involvement in an alcohol- or drug-related lifestyle”.

In spite of recent advances, less information is available on female crime than on the “traditional” patterns and trends of male crime. Data are scarce and thus more difficult to gather and compare. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) aptly devote a section to Research planning, evaluation and public-awareness-raising to promote a better understanding of “the offences committed by women, the reasons that trigger women’s confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programmes designed to reduce reoffending by women.”<sup>11</sup>

<sup>7</sup> Hermann Mannheim, *Trattato di criminologia comparata*, Giulio Einaudi Editore, Torino, 1975, p.790-791

<sup>8</sup> Ibid.

<sup>9</sup> Bloom, Barbara E. & Covington, Stephanie S. , Gender-Specific Programming for Female Offenders: What is it and Why is it Important?, The Center for Gender and Justice, La Jolla, CA. Paper presented at the 50th Annual Meeting of the American Society of Criminology, November 11-14, 1998, Washington, D.C.

<sup>10</sup> M. Morash, (2006), *Understanding Gender, Crime, and Justice*, p. 164.

<sup>11</sup> The Bangkok Rules, Rules 67 — 69.

Traditionally, crimes committed by women have displayed a more emotional characteristic than those committed by men. In *Donne che uccidono*,<sup>12</sup> an Italian text of criminology of 1924 dedicated to women offenders, ample relevance is given to the emotional and psychological background of female murderers, who are portrayed as being hapless victims of compelling feelings and passions, stuck in a tight corset of social conventions and a high sense of honour.

Another aspect to be taken into account is that, until more recent times, female crime has been dealt with by men (policy-makers, police, judges). According to Mannheim,<sup>13</sup> men seem to have shaped criminal law to prevent and punish acts potentially harmful to their own interests. More or less consciously, other antisocial female conducts, deemed to be less serious, too pleasant or indispensable to men (such as prostitution), have received a more lenient consideration by the criminal justice system. At the same time, the criminalization of certain behaviour perceived to be expression of non-conformity to social rules (i.e. witchcraft) has been used, and it still is being used in certain countries, to target women.

Male legislators were aware of the women's position of inferiority until the twentieth century and have made efforts to protect them against some of the consequences of this lack of equality. For example, a provision of English law abrogated in 1925 presumed that a woman committing a serious offence (with the exception of murder and treason) in the presence of her husband must have been prompted by him and was thus entitled to a discharge.<sup>14</sup>

However, in more recent times the most common profile of a female offender would point to a woman committing petty, non-violent offences and coming from impoverished and marginalized parts of society, often with a past of emotional and physical abuse, mental health problems and alcohol or drug dependency.<sup>15</sup>

Most statistics available on female offenders in prison are from the United States of America and other affluent countries. More challenging is the identification of reliable statistics in developing countries, including the background information on each offender that would allow targeted programmes to facilitate the prevention of recidivism.

In the USA, in 2012 women represented 8.7%<sup>16</sup> of the total prison population. 60% of known female offenders are incarcerated for drug, theft and handling stolen property offences. 15% of sentenced female prisoners have previously been admitted to a psychiatric hospital and over 40% of sentenced women prisoners have been reported as being dependent on drugs in the year before coming to prison, while an estimated 20% of women in prison have spent some time in care.<sup>17</sup>

It should be noted that the number of arrests are unreliable criteria to track crime trends as they do not distinguish the roles women play in crime. Many females arrested for robbery or burglary acted as accomplices to male offenders. In 1993, a study of female burglars found that of the 105 burglars studied, only 18 were female. For the 18 women included in the study it was found that women typically committed burglaries with male partners, and that when they did, they usually played secondary roles to a boyfriend or husband. Interestingly, the same study also found that male burglars like to involve female partners because police assume burglars are male, thus creating less of a chance of getting caught.<sup>18,19</sup>

---

<sup>12</sup> Vincenzo Mellusi, *Donne che uccidono*, Fratelli Bocca Editori, Torino, 1924.

<sup>13</sup> See footnote No.7, *ibid.* p. 792.

<sup>14</sup> *Ibid.* p. 792.

<sup>15</sup> Penal Reform International Briefing No 3, 2008 (1)

<sup>16</sup> R. Walmsley, *Entire world — Female prisoners*, International Centre for Prison Studies, London, 2012, World Prison Brief, available at

[http://www.prisonstudies.org/info/worldbrief/wpb\\_stats.php?area=all&category=wb\\_female](http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_female).

<sup>17</sup> See <http://jantutor.hubpages.com/hub/WHY-DO-WOMEN-COMMIT-CRIME>

<sup>18</sup> See [http://www.castonline.ilstu.edu/krienert/CJS\\_339/Fall\\_2010/Module\\_2/Module\\_2\\_print.html](http://www.castonline.ilstu.edu/krienert/CJS_339/Fall_2010/Module_2/Module_2_print.html)

<sup>19</sup> Scot Decker, Richard Wright, Allison Redfern & Dietrich Smith. "A woman's place is in the home: Females and residential burglary", published August 2006 (available at <http://www.tandfonline.com/doi/abs/10.1080/07418829300091741>).

According to the World Prison Brief of the International Centre for Prison Studies,<sup>20</sup> a comprehensive source of statistics on prison population worldwide, in 2012 women accounted for between 25% and 0 % of the prison population in the 214 countries considered. It is worth mentioning that in Monaco the overall prison population was 12 persons, out of which 3 women, hence the highest percentage. The average percentage was between 2 and 9%. In Europe the median level is 4.9% (with high variation between countries) and there are about 100,000 women in prison every day.<sup>21</sup>

Women may still constitute a very small proportion of the general prison population worldwide but their numbers are increasing in tandem with the rise in the overall prison population in many countries. In some countries the number of female prisoners is increasing at a faster rate than that of male prisoners. For example, in the USA the number of women serving sentences of more than a year grew by 757 per cent between 1977 and 2004 — nearly twice the 388 per cent increase in the male prison population.<sup>22</sup> In England and Wales, the growth in the female prison population in the decade 1992 — 2002 far outstripped that of the male prison population. While the male prison population increased by 50%, the female prison population increased by 173%.<sup>23</sup>

In many countries, a growing number of women are being imprisoned for petty offences as a consequence of tougher criminal justice policies. In particular, drug-related offences are being criminalized and more seriously penalized, thus contributing to the increase of women in prison.

Another factor leading to higher numbers of women in prison are the so-called “moral crimes” in countries where legislation derives from certain interpretations of religious laws. For example, in Afghanistan, a report based on 58 interviews conducted in three prisons and three juvenile detention facilities with women and girls accused of “moral crimes” showed that almost all girls in juvenile detention had been arrested for “moral crimes,” while about half of women in Afghan prisons were arrested on these charges. These “crimes” usually involve flight from unlawful forced marriage or domestic violence. Some women and girls have been convicted of *zina*, sex outside of marriage, after being raped or forced into prostitution.<sup>24</sup>

Women are also increasingly likely to be detained pre-trial because of their difficulty in affording bail and the services of a lawyer. In many countries the proportion of women held in pre-trial detention is equivalent to or larger than that of convicted female prisoners in spite of the principle set out in international instruments that “pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.”<sup>25</sup>

### III. PAVING THE WAY TO THE BANGKOK RULES

The most well-known rules for the treatment of prisoners are without doubt the Standard Minimum Rules for the Treatment of Prisoners which were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, approved by the UN Economic and Social Council in resolutions in 1957 and amended in 1977.<sup>26</sup> They have proved to be an historic text and continue to provide a critical benchmark for the treatment of prisoners for many countries around the world. They were never intended to describe in detail a model system of penal institutions, but to seek only to set out what is generally accepted as being good principle and practice in the treatment of

<sup>20</sup> See footnote No. 16, *Ibid*.

<sup>21</sup> Kyiv Declaration on Women’s Health in Prison in Women’s Health in Prison, Correcting gender inequity in prison health, United Nations Office on Drugs and Crime and World Health Organization — Regional Office for Europe, 2009, p. 1.

<sup>22</sup> Handbook for prison managers and policymakers on Women and Imprisonment, Criminal Justice Handbook Series, United Nations publication, Sales No. E.08.IV.4, 2008, p. 2-3.

<sup>23</sup> Women and the criminal justice system: a report of the Fawcett Society’s Commission on Women and the Criminal Justice System, London, 2005, p. 5.

<sup>24</sup> See: “*I Had To Run Away*” *The Imprisonment of Women and Girls for “Moral Crimes” in Afghanistan*, 28 March 2012 <http://www.hrw.org/reports/2012/03/28/i-had-run-away>

<sup>25</sup> The Tokyo Rules, Rule 6.1.

<sup>26</sup> ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

prisoners and the management of institutions.

In the course of the years, two additional instruments have been adopted: the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>27</sup> and the Basic Principles for the Treatment of Prisoners.<sup>28</sup> Like the Standard Minimum Rules, they apply to all prisoners without discrimination. In truth however, these instruments have failed to draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

The requirements for addressing the situation of women offenders had been emphasized at the United Nations in various contexts. For example, in 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on the specific needs of women prisoners,<sup>29</sup> in which it recommended that in the implementation of the resolutions adopted by the Sixth Congress directly or indirectly relevant to the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution; that, in countries where it was not yet done, programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders; and that the United Nations, governmental and non-governmental organizations and all other international organizations should make continuing efforts to ensure that the woman offender was treated fairly and equally during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care.

The Seventh Congress,<sup>30</sup> the Eighth Congress<sup>31</sup> and the Ninth Congress<sup>32</sup> also made specific recommendations concerning women prisoners. In the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,<sup>33</sup> adopted by the Tenth Congress, Member States committed themselves to taking into account and addressing within national crime prevention and criminal justice strategies any disparate impact of programmes and policies on women and men (para. 11); and to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders (para. 12). The plans of action for the implementation of the Vienna Declaration<sup>34</sup> contain a separate section (sect. XIII) devoted to specific recommended measures to follow up on the commitments undertaken in paragraphs 11 and 12 of the Declaration, including that of States reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system.

In 2003, the General Assembly called for increased attention to be devoted to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they could be addressed.<sup>35</sup>

<sup>27</sup> General Assembly resolution 43/173 of 9 December 1988, annex.

<sup>28</sup> General Assembly resolution 45/111 of 14 December 1990, annex.

<sup>29</sup> See Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August—5 September 1980: report prepared by the Secretariat, United Nations publication, Sales No. E.81.IV.4, chap. I, sect. B, resolution 9.

<sup>30</sup> See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August—6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E, resolution 6 (on the fair treatment of women by the criminal justice system).

<sup>31</sup> See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August—7 September 1990: report prepared by the Secretariat, United Nations publication, Sales No. E.91.IV.2, chap. I, sect. A.5 (Basic Principles for the Treatment of Prisoners (see also General Assembly resolution 45/111, annex)); and *ibid.*, sect. C, resolutions 17 (on pretrial detention), 19 (on the management of criminal justice and development of sentencing policies) and 21 (on international and interregional cooperation in prison management and community-based sanctions and other matters).

<sup>32</sup> See A/CONF.169/16/Rev.1, chap. I, resolutions 1 (on recommendations on the four substantive topics of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders), 5 (on the practical implementation of the Standard Minimum Rules for the Treatment of Prisoners) and 8 (on the elimination of violence against women).

<sup>33</sup> GA resolution 55/59 of 4 December 2000, annex.

<sup>34</sup> GA resolution 56/261 of 31 January 2002, annex.

In the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted by the Eleventh Congress on 25 April 2005,<sup>36</sup> Member States declared that they were committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards (para. 8); and they recommended that the Commission on Crime Prevention and Criminal Justice should give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners (para. 30).

In a further resolution in 2006, the General Assembly stressed that “violence against women” meant any act of gender-based violence resulting in, or likely to result in, physical, sexual or psychological harm or suffering to women, including arbitrary deprivation of liberty, whether occurring in public or in private life, and urged States to review and revise, amend or abolish all laws, regulations, policies, practices and customs discriminating against women or having a discriminatory impact on women, and ensure that provisions of multiple legal systems complied with international human rights obligations, commitments and principles, including the principle of non-discrimination. The Assembly urged States to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention; and to provide training and capacity-building on gender equality and women’s rights for law enforcement personnel and the judiciary.<sup>37</sup> The resolution is an acknowledgement of the fact that violence against women has specific implications for women’s contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders, of which the Bangkok Rules take account.

It is worth recalling that the General Assembly, in its resolution 63/241 of 24 December 2008, called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment.

In adopting the Bangkok Rules in 2010, the General Assembly recognized the need to provide global standards with regard to the distinct considerations that should apply to women prisoners and offenders and a number of relevant resolutions adopted by different United Nations bodies, in which Member States were called upon to respond appropriately to the needs of women offenders and prisoners.

In its resolution 65/229, the General Assembly, recognizing that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social integration more difficult, also emphasized that, “when sentencing or deciding on pre-trial measures for a pregnant woman or a child’s sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious and violent.”<sup>38</sup> Consistently, the Bangkok Rules devote Section III to Non-custodial Measures, and thus complement and supplement not only the Standard Minimum Rules for the Treatment of Prisoners but also the main international instrument on alternatives to imprisonment, namely the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

The Bangkok Rules are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the probation service) involved in the administration of non-custodial sanctions and community-based measures.

As with the Standard Minimum Rules for the Treatment of Prisoners, in view of the great variety

<sup>35</sup> GA resolution 58/183 of 22 December 2003 entitled “Human rights in the administration of justice”.

<sup>36</sup> GA resolution 60/177 of 16 December 2005, annex.

<sup>37</sup> General Assembly resolution 61/143 of 19 December 2006 entitled “Intensification of efforts to eliminate all forms of violence against women”.

<sup>38</sup> Op. para. 9



of legal, social, economic and geographical conditions worldwide, it is evident that not all of the Bangkok Rules can be equally applied in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in how they are applied, in the knowledge that they represent, as a whole, the global aspirations considered by the United Nations as leading to the common goal of improving outcomes for women prisoners, their children and their communities.<sup>39</sup>

#### **IV. WHY ARE THE BANGKOK RULES RELEVANT TO WOMEN PRISONERS AND OFFENDERS?**

In most countries, prison regimes are designed predominantly for male prisoners. Imprisonment has a different impact on women than on men. A number of additional problems affect women in the criminal justice system, particularly when they are detained. Although pre-trial detention should be used as a measure of last resort, even women accused of petty non-violent offences often do not have the money required to access bail and are thus excluded from non-custodial measures. Most women committed to detention have children and this fact enhances their vulnerability, especially at the time of admission. Because they are not numerous, women prisoners are usually concentrated in a few facilities and may end up spending long periods far from home and their families. Furthermore, women's prisons are often converted, unsuitable buildings offering fewer facilities and fewer options for education and training than men's prisons. In spite of the fact that women frequently represent a low security risk, they are often kept in prisons under higher security than is needed and this further contribute to the emotional distress caused by the fact of being imprisoned. Many women prisoners have a past of abuse and victimization and their needs for treatment are often not recognized and met in prison. They may actually endure further mental and physical abuse, harassment and violence in prison.

Many countries do not have the required policies for the care of pregnant prisoners and of the babies and small children of imprisoned mothers, including family visits. Women at different ages require special health care and hygiene and this needs to be taken into account by national prison administrations.

The Bangkok Rules cover these and other issues affecting women prisoners and advocate the development of gender-specific options for diversionary measures and pre-trial and sentencing alternatives. Although the Bangkok Rules recognize numerous gender-specific needs of women prisoners, I will focus on four of the main areas developed by the Bangkok Rules.

##### **A. Pre-trial Detention and Non-custodial Measures.**

Rule 56 refers to the specific safety requirements of women under arrest or awaiting trial, who find themselves in a particularly vulnerable situation. In fact, sexual abuse and other forms of violence may be used, for example, as a means of coercion to extract confessions. Therefore, prison authorities must ensure that policies and rules aiming to safeguard prisoners against abuse are applied with particular care during women's pre-trial detention period. The impact of being held in pre-trial detention, even for a short period, can be devastating not only for the woman but also for her family, especially when she is the sole or primary caretaker of the children. Bearing in mind that, under international standards,<sup>40</sup> detention pending trial should be used as a measure of last resort, Rules 57 and 58 urge authorities to develop and apply gender-specific diversionary measures and pre-trial and sentencing alternatives for women wherever possible.

Rule 57 refers to the provisions of the Tokyo Rules as guides for the development and implementation of appropriate responses to women offenders. Rule 60 places emphasis on the need to devote enough resources to identify suitable alternatives for women offenders combining non-custodial measures with interventions addressing the underlying problems that have contributed to the women's

---

<sup>39</sup> The Bangkok Rules, Preliminary Observations

<sup>40</sup> See in particular Article 9 (3) of the International Covenant on Civil and Political Rights; Rule 6 of the Tokyo Rules and Principle 39 of the Body of Principles for the protection of All Persons Under Any Form of Detention or Imprisonment, which limit the use of pre-trial detention to very specific circumstances.

criminal conduct, such as “therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability and educational and training programmes to improve employment prospects.”

An important rule, addressed to the judiciary, is Rule 61 which recommends that “courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women’s caretaking responsibilities and typical backgrounds.”

Rule 62 reiterates the importance of ensuring equality of healthcare services in- and outside the prisons. Here, the provision of women-only, trauma-informed and gender-sensitive substance abuse programmes in the community is strongly advocated, both for crime prevention and for diversion and alternative sentencing purposes.

Rule 65 on juvenile female offenders confirms the important principle that institutionalization of children in conflict with the law should be avoided to the maximum extent possible. Furthermore, the gender-based vulnerability of juvenile female offenders should be taken into account in decision-making.

## **B. Women Prisoners with Children**

Research from many countries has revealed that when mothers are imprisoned, the family will often break up, or as mothers are often the sole or primary caretakers within a family, alternative carers will need to be found. This may include state welfare services or institutions, thus feeding a cycle of institutionalization. Research has also indicated that the children of imprisoned parents are at greater risk of future incarceration themselves. In the United Kingdom, for example, it has been estimated that of 150,000 children who have a parent in prison, 75 per cent will end up committing a crime.<sup>41</sup>

It is a sad fact that most women prisoners have children.<sup>42</sup> Children may accompany their mothers into prison or they may have been left outside. Separating a mother from her baby has a traumatic and long-term effect on both. Children are a life-sustaining force for many prisoners and breaking the bond between the mother and the child is a terrible punishment for the woman. Children may be too young to comprehend the reasons for separation and are likely to suffer from acute emotional and developmental problems. On the other hand, the punitive, harsh environment of prisons is hardly appropriate for children and it can permanently damage the mental well-being of children.<sup>43</sup>

The exact figures of children affected by their mother’s imprisonment are not known. By means of example, the children of roughly 20,000 Brazilian women have their mothers in prison.<sup>44</sup> There is no fixed rule as to whether, and in what circumstances, it is in a child’s interest to be separated from a parent in prison.<sup>45</sup> Such decision should be based on an individualized, case-by-case analysis of the child’s best interests.<sup>46</sup>

The Bangkok Rules devote great attention to this fundamental problem of women prisoners and they are fully in line with the Convention on the Rights of the Child,<sup>47</sup> in particular as they refer to the

<sup>41</sup> See footnote No. 22, p. 17. At the same time, such children are more likely to have come from an environment characterized by unemployment, mental health problems and abuse, all factors that may increase the risk for a child to develop antisocial or criminal tendencies later in life.

<sup>42</sup> Ibid, p. 18 for percentage figures of mothers among the women prison population in several countries.

<sup>43</sup> See footnote No. 22, p. 20 - 21

<sup>44</sup> Oliver Robertson, The impact of parental imprisonment on children, Quaker United Nations Office, Geneva, April 2007, p. 8.

<sup>45</sup> Jean Tomkin, Orphans of Justice: In search of the best interests of the child when a parent is imprisoned: A Legal Analysis, Quaker United Nations Office, Geneva, August 2009, p.27-28. In Italy, for example, there is the possibility to delay detention of mothers of young children and to place an expectant mother or a mother with a child under the age of three under house arrest (until the child reaches 10 years of age), as an alternative to imprisonment.

<sup>46</sup> Oliver Robertson, Collateral convicts: Children of incarcerated parents, recommendations and good practice from the United Nations Committee on the Rights of the Child Day of General Discussion 2011, Quaker United Nations Office, Geneva, March 2012, p. 19.

best interests of the children in any situation.

Admission (Rule 2) is a very delicate phase for women prisoners, especially mothers. Rule 2.2 is dedicated to women with caretaking responsibilities for children, who prior to or on admission, should be permitted to make arrangements for their children, including a reasonable suspension of detention, taking into account the best interests of the child. The mother should also have access at this time to information and legal advice on alternative care arrangements and their long-term implications. When granting suspension of detention or sentence is not possible, authorities should at least consider the option of home leave, immediately on detention to allow for the requisite arrangements regarding childcare to be made.<sup>48</sup>

Supplementing Rule 7 of the Standard Minimum Rules for the Treatment of Prisoners, Rule 3.1 (Register) introduces the number and personal details of the children of a woman being admitted to prison to the information to be recorded at the time of admission. Beside the names and ages of the children, if they are not accompanying the mother, their location and custody or guardianship status should be recorded with the mother's permission. For this purpose, it is indispensable to explain to the women why such information is being gathered. This information can be extremely valuable in assisting with contact between the mother and the child living outside of the prison if required. At the same time, gathering data about the parental status of women prisoners can contribute to the tailoring of rehabilitation programmes for the women and to improve prison policies and services for the children in prison.<sup>49</sup> All information relating to the children's identity should be kept confidential and its use should always comply with the requirement to take into account the best interests of the child (Rule 3.2).

Rule 4 (Allocation) states an important principle: women prisoners should "be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking into account their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services." This touches upon a crucial aspect of rehabilitation, i.e. the importance of maintaining relations with the family. Women are often discriminated against in their allocation because of the small number of women's prisons in most countries and therefore experience immense challenges in maintaining contacts with their families.<sup>50</sup> According to Rule 4, prison authorities should endeavour to introduce the means to ensure that women are allocated closer to home or to the place where they would like to be eventually released. It is also important to consider the wishes of the woman concerned in view of the prisoner's frequent background of violence and abuse. Some women may wish to leave the past behind and move away from a partner that may have harmed them or contributed to their falling into crime.<sup>51</sup> The Guidance Document on the Bangkok Rules<sup>52</sup> recommend that, if a larger number of small units to house women offenders cannot be established, "consideration may be given to increasing the number of women's sections attached to men's prisons, with the requisite staffing, facilities and services, taking into account the gender specific needs of women prisoners outlined in the Bangkok Rules, in order to be in a position to house women closer to their homes."

Rule 9 (under 6. Health-care services, (a) Medical screening on entry) extends the requirement of undergoing a health screening to any child accompanying the woman prisoner. Such screening should be administered preferably by a child health specialist and should determine any treatment and medical needs, including any specific primary healthcare and psychological support requirement due to their deprived and low socio-economic backgrounds. Rule 9 also refers to the need for suitable care (a least

---

<sup>47</sup> See in particular Article 3 (3) of particular relevance for courts and other bodies when deliberating on whether a child should remain with the parent in prison or be separated from the parent and be provided with alternative care.

<sup>48</sup> Commentary to the Bangkok Rules in United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, published by "Enhancing Lives of Female Inmates — The ELFI Project, Bangkok, Thailand, 2009, Rule 2.2

<sup>49</sup> Tomris Atabay, Guidance Document on the Bangkok Rules, Working document, Penal Reform International, London, 31 May 2012, p. 33.

<sup>50</sup> See footnote No. 48, Commentary to the Bangkok Rules, Rule 4.

<sup>51</sup> Ibid.

<sup>52</sup> See footnote No. 49, p. 34.

equivalent to that in the community) to be provided. This Rule is in line with Article 12 of the International Covenant on Economic, Social and Cultural Rights and Article 24 of the Convention on the Rights of the Child (right of the child to the enjoyment of the highest attainable standard of health). Wherever possible and in the best interests of the child, such screening should be undertaken in the presence of the mother to alleviate the anxiety of both the child and the parent.<sup>53</sup>

Other Rules expanding the relevant Standard Minimum Rules for the Treatment of Prisoners (37-39, in this case) to take into account the requirements of women prisoners with children are Rules 26 and 28 on family visits (under 8. Contact with the outside world). Rule 26 reiterates the importance of encouraging and facilitating the women prisoners' regular contact with their families, including their children. Such contact is at the basis of the women's mental well-being and is functional to the success of any rehabilitation programme.<sup>54</sup> Reference is also made to the need for authorities to adopt measures to reduce the impact of separation from families by introducing flexibility in the application of prison regulations and rules on visits and other means of communication in view of the disadvantages caused by the allocation of women prisoners far away from their homes.<sup>55</sup>

Rule 28 refers to the visits involving children, taking into account the mothers' and their children's emotional needs for close physical contact and the importance of a child-friendly environment for children visiting their mothers to mitigate the austere environment and the stressful situation for the child. The conditions of visits should make these positive experiences, to be repeated frequently so as to limit the trauma and distress associated with having an imprisoned mother and to maintain contacts between families and prisoners. For example, open visits should be the norm rather than the exception, especially when children are involved. Individual risk assessment may facilitate the identification of those prisoners posing a security risk to be excluded from open visits. The staff's friendly and understanding attitude towards the visiting children may also contribute to a less stressful experience.

In the section on Prison Regime, Rule 42.3 advocates that "particular efforts should be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison." The participation in such programmes should be based on sufficient flexibility of the prison regime so as to accommodate the mothers' breastfeeding or childcare schedules.

In the Standard Minimum Rules for the Treatment of Prisoners only Rule 23 mentioned the needs of pregnant women, breastfeeding mothers and mothers with children in prison, without providing much guidance. The Bangkok Rules greatly expand on this topic devoting to it an entire section (Rules 48 — 52). Rule 48 focuses on the needs of pregnant or breastfeeding mothers, their entitlement to receive qualified advice on health and diet, adequate and timely food, a healthy environment and regular exercise opportunities. The post-natal medical and nutritional needs of a special category of women, i.e. those who have recently given birth but whose babies have remained outside, are also considered in Rule 48.3.<sup>56</sup>

Rules 49 — 52 cover the delicate question of whether to allow children to stay with their mothers and until what age. Such difficult decisions should be taken on an individual basis considering the best interests of the child, taking into account the prison conditions and the quality of child care available outside of prison if the child does not stay with the mother. Rule 49 also stresses the important principle that "children in prison with their mothers should never be treated as prisoners", a fact seldom reflected by prison policies, staff training and budget allocations.

Even when children are staying with their mothers in prison, mothers are usually not allowed to

<sup>53</sup> See footnote No. 48, Commentary to the Bangkok Rules, Rule 9.

<sup>54</sup> Rule 44 foresees that "in view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them".

<sup>55</sup> See footnote No. 49, p. 77-78.

<sup>56</sup> Additionally, Rule 39 (under Juvenile female prisoners) extend to pregnant juvenile female prisoners the entitlement to receiving support and medical care equivalent to that provided for adult female prisoners. Taking into account the fact that they may be a greater risk of pregnancy-related complications because of their age, their health shall be monitored by a medical specialist.

spend enough time with their children because of strict rules and prison schedules. Rule 50 stresses the importance of providing the maximum possible opportunities to women prisoners to spend time with their children when they are staying in prison with them.

Children living with their mothers in prison should be entitled to ongoing health-care services, including vaccinations and preventive care. Their development should be monitored by specialists, in collaboration with community healthcare services, to assess any negative effects of living in a closed institution (Rule 51.1). Rule 51.2 emphasizes another crucial issue, i.e. that “the environment provided for such children’s upbringing shall be as close as possible to that of a child outside of prison”. This implies in practice not only prison nurseries and play areas decorated and furnished in a child-friendly manner, but also programmes to facilitate the children’s socialization outside of the prison (e.g. attendance of a regular kindergarten in the community, organization of excursions to public green areas and playgrounds, etc.) usually in cooperation with non-governmental organizations and volunteers.

Rule 52 focuses on one of the most difficult moments for women prisoners: the separation from their children. In the majority of countries mothers can keep their babies with them in prison up to a certain age, which differs from country to country, normally up to three years, but in some countries up to six years and sometimes longer. Rule 52 reiterates that decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws. Being that this is a very delicate decision, particular care must be exercised to protect the child, undertaking the removal with great sensitivity<sup>57</sup> and only after having made appropriate arrangements for the child’s care outside. Once children leave the prison and are placed with family or alternative care, frequent contacts between the children and their mother prisoners should be facilitated through prison visits and access to home leave when there are no exceptional security concerns.

Rule 64 (Section III, Non-custodial Measures), indicates that, where possible and appropriate, preference should be given to non-custodial sentences for pregnant women and women with dependent children. Custodial sentences should be considered only when the “offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.”<sup>58</sup>

### **C. Women Prisoners and Safety**

The Bangkok Rules recognize the central importance of safety requirements for women prisoners. Under the Rules of General Application, Section 7 (Rules 19 — 25) is entitled Safety and Security and it supplements rules 27 to 36 of the Standard Minimum Rules for the Treatment of Prisoners<sup>59</sup>, including by providing specific guidance on searching procedures (Rules 19 — 21) to ensure that women prisoners’ dignity and respect are protected. Searches are one of the most sensitive and potentially traumatic moments of a prisoner’s life, particularly for women prisoners.<sup>60</sup> Where permitted at all, invasive body searches and strip searches<sup>61</sup> should only be carried out if absolutely and legally necessary and never on a routine basis.<sup>62</sup> While no prisoner should be humiliated or required to strip completely during a search, additional sensitivity is required in the case of women, as they are likely

---

<sup>57</sup> For additional recommendations on children leaving prison see Oliver Robertson, *Collateral convicts: Children of incarcerated parents, recommendations and good practice from the United Nations Committee on the Rights of the Child Day of General Discussion 2011*, Quaker United Nations Office, Geneva, March 2012, p. 29 -30.

<sup>58</sup> See also the African Charter on the Rights and Welfare of the Child, 1999, Art. 30; the Council of Europe, Parliamentary Assembly recommendation 1469 (2000), on Mothers and babies in prison, adopted on 30 June 2000; and the Human Rights Council resolution 10/2 of 25 March 2009, entitled “Human rights in the administration of justice, in particular juvenile justice”.

<sup>59</sup> In this context it is important to recall Standard Minimum Rules 8 (a) on the separation of male and female prisoners and 53 (3) on the supervision of women prisoners by women staff.

<sup>60</sup> The principle that persons should only be searched by the same gender has been stressed, *inter alia*, by the Human Rights Committee, General Comment 16 on Article 17 of the International Covenant on Civil and Political Rights.

<sup>61</sup> A strip search refers to the removal or rearrangement of some or all the clothing of a person so as to permit a visual inspection of a person’s private areas. This definition distinguishes strip searches from invasive body searches, which involve a physical inspection of the prisoner’s genital or anal region (Commentary to the Bangkok Rules, Rule 19)

to feel particularly humiliated by an intimate search. Furthermore, the experience may be extremely distressing if they have been sexually abused in the past. Rule 20, acknowledging the harmful psychological and possible physical impact of invasive body searches, recommends the development of alternative screening methods, such as scans.

Rule 21 highlights the importance of the professionalism, competence and sensitivity of prison staff tasked with the searches of children in prison with their mothers and children visiting prisoners. In fact, the potential trauma for the child deriving from a search carried out without respect and dignity can be immense. Children staying with their mothers in prison should be searched only when justifiably necessary and with sensitivity. A pat-down search can be used to search visiting children, explaining the reasons for the search of the child. A child should be searched in full view of his/her mother and should never be subjected to invasive body searches.<sup>63</sup>

The adverse psychological and even physiological effects of solitary confinement have been stressed in various international fora.<sup>64</sup> Such harmful effects are likely to be amplified in the frequent case of women prisoners with pre-existing mental healthcare needs or who have developed mental health problems in prison. In the case of women with infants and breastfeeding mothers in prison, the distressing impact of solitary confinement also penalizes their children by separating them from their mothers, while for pregnant women it may expose them to health complications. Thus, Discipline and Punishment, Rules 22 — 23 supplementing Standard Minimum Rules 27 — 32, expressly exclude the applicability of close confinement and disciplinary segregation to these categories of prisoners (Rule 22). Rule 23 also excludes the prohibition of family contacts, especially with children, from the disciplinary sanctions permitted for women prisoners. As mentioned before, regular contacts with their children and families are extremely important for the mental well-being and the rehabilitation of women prisoners. Prohibiting contacts between the woman prisoner and her family would also punish the family and children in violation of their best interests.

Rule 24, supplementing Standard Minimum Rules 33 and 34, clearly prohibits the use of any kind of body restraint (such as shackles) during labour, during birth and immediately after birth. Unfortunately this practice seems to be still common in some countries, in spite of the strict regulation on the use of instruments of restraint in the Standard Minimum Rules and the fact that women in labour or during and right after birth are unlikely to escape but may be harmed by the restriction of movement in these critical phases.<sup>65</sup>

Going beyond the provisions of Standard Minimum Rules 35 — 36, Rules 25.1 and 25.2 underline States' responsibilities regarding complaints of abuse, including sexual abuse. These provisions are of great relevance as they provide guidance to prison authorities in the application with regard to women prisoners of Article 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>66</sup> It takes into account the fact that women are particularly vulnerable to abuse in prison and that they are usually afraid of complaining for fear of retaliation.

Rule 25.3 expands Standard Minimum Rule 55 on Inspection, recommending that inspectorates, visiting or monitoring boards or supervisory bodies monitoring the conditions of detention and treat-

<sup>62</sup> See also the Statement on Body Searches of Prisoners, World Medical Association, adopted by the 45<sup>th</sup> World Medical Assembly, Budapest, Hungary, October 1993 and revised at the 170<sup>th</sup> Council Session, Divonne-les-Bains, France, May 2005.

<sup>63</sup> See footnote No. 49, p. 69.

<sup>64</sup> See e.g. Istanbul Statement on the Use and Effects of Solitary Confinement, adopted on 9 December 2007 at the International Psychological Trauma Symposium, Istanbul, annexed to the Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/63/175 of 28 July 2008. See also the Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268 of 5 August 2011.

<sup>65</sup> See footnote No. 49, p. 72.

<sup>66</sup> Article 13 stipulates that "each State Party should ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and have his case promptly and impartially examined by its competent authorities. Steps should be taken to ensure that the complaint and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given".

ment of women prisoners shall include women members. This should serve to improve the understanding of women prisoners' needs and to make it more comfortable for women prisoners to share their concerns, especially on gender specific issues.

#### **D. Women Prisoners and Health**

Women prisoners often have greater primary healthcare needs in comparison with men. In fact, the majority of women prisoners usually come from socially disadvantaged communities and groups. They tend to be young, unemployed, with little education and to have dependent children.<sup>67</sup> Large percentages of women prisoners have a history of victimization and mental health care needs, including drug use.<sup>68</sup> Widespread domestic violence against women and sexual abuse are common backgrounds of women prisoners. It is widely recognized that imprisonment has a devastating impact on women's mental health, generating new problems and exacerbating existing ones, especially for women with children. Therefore, women are at higher risk to harm themselves and to attempt suicide.<sup>69</sup> The Bangkok Rules take these aspects into account and promote the establishment of mental health services oriented to the gender-specific needs of women prisoners. Likewise, they also expand the provisions of the Standard Minimum Rules for the Treatment of Prisoners to reflect the specific needs of women prisoners in term of healthcare and hygiene. Furthermore, women tend to serve short sentences because they usually commit less serious non-violent offences. Their turnover is high and this also poses additional challenges to health services offered in prison. Many drug-using women prisoners neglect their health while outside prison<sup>70</sup> and this, coupled with the frequent occurrence of sexual violence, sex work and unsafe sexual practices in this segment of the population, make women prisoners particularly vulnerable to HIV and other sexually transmitted diseases.

Under the Rules of General Application, sections 5 on Personal Hygiene and 6 on Healthcare Services are prominent. Rule 5 supplements Standard Minimum Rules 15 and 16, while rules 6 to 18 supplement Standard Minimum Rules 22 — 26 which are limited to general principles on hygiene and healthcare in prison, only mentioning gender-specific healthcare needs in relation to pregnancy and birth and the establishment of nurseries. The Bangkok Rules take stock of the advances made since 1955 with regard to the provision of general healthcare in prisons, including the prevention, treatment and care of HIV/AIDS, as well as the progress made in understanding the gender-specific health needs of women prisoners.

Rule 5 stresses the need to ensure ready access to sanitary and washing facilities, safe disposal arrangements for blood-stained articles, as well as provision of hygiene items, such as sanitary towels/pads.<sup>71</sup> Such measures are not only useful to promote health and prevent disease, but also to maintain the sense of human dignity of women prisoners.

Rules 6 — 9 expand the requirement of medical screening on entry foreseen in the Standard Minimum Rules to take into account the gender-specific healthcare needs of women prisoners. For many women in low-income countries, this may be the first medical examination they undergo because of barriers and discrimination in accessing basic healthcare services in the community. Such initial screening is vital to diagnose any physical or mental illness requiring immediate attention (e.g. presence of sexually transmitted diseases or blood-borne diseases; reproductive health complications; post-traumatic stress disorder and suicide risk; drug dependency; etc.) but also to identify any signs of ill-treatment, including sexual abuse, in previous detention or custody and take appropriate action.<sup>72</sup> Rule 8 emphasizes the importance of respecting the right of women prisoners to medical confidentiality at all times, including the right to refuse vaginal examination and not to share information about their

---

<sup>67</sup> Briefing on the UN rules for the treatment of women prisoners and non-custodial measures for women offenders ("Bangkok Rules"), Penal Reform International and Quaker United Nations Office.

<sup>68</sup> See footnote No. 22, p. 8 — 9: for example in the United Kingdom 80% of the women prisoners suffer from diagnosable mental health problems and 66% are drug dependent or use alcohol to dangerous excess. In 2002, 75% of the women entering European prisons were problematic drug and alcohol users.

<sup>69</sup> Ibid, p. 10.

<sup>70</sup> Jan Palmer, Special health requirements for female prisoners in Health in prisons, A WHO guide to the essentials in prison health, World Health Organization Regional Office for Europe, 2007, p. 157.

<sup>71</sup> See footnote No. 48, Commentary to the Bangkok Rules, Rule 5.

reproductive health history.<sup>73</sup>

Rules 10 - 11 refer to gender-specific health care and introduce important requirements, such as the equivalence of care provided to women prisoners to the services available in the community. Bearing in mind the prevalence of sexual abuse in the past of many women prisoners, it is essential that they have a right to request to be examined or treated by a woman physician or nurse to the extent possible. In situations when this is not possible, a woman staff member shall be present during the examination (although, as a rule, only medical staff should be present during medical examinations).

As the Commentary to the Bangkok Rules notes, Rule 12 “takes account of the reality that in many prison systems women prisoners’ unique mental healthcare needs are not adequately understood or treated; symptoms are addressed rather than the underlying reasons that lead to mental health problems. Too often women are prescribed medication to overcome their distress or depression, rather than being provided with psycho-social support, based on individual assessments.”<sup>74</sup> For women prisoners requiring long-term or specialized treatment, where appropriate and possible, preference should be given to treatment in the community with adequate security measures, taking into account the negative impact of imprisonment on mental health.

Rule 13 underlines the need for prison staff to be aware of times when women prisoners may be more susceptible to mental distress and depression (e.g. upon admission, after separation from a child, etc.) and to be trained on how to respond to women’s needs with understanding.

HIV/AIDS is a major health issue in prisons and a relatively recent one, which is not reflected in the Standard Minimum Rules for the Treatment of Prisoners. Thus, Rule 14 considers the women’s particular physical vulnerability to HIV and the risk of mother-to-child transmission. It recognizes the need to support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.<sup>75</sup>

Rule 15 deals with another crucial problem affecting the mental health of many women prisoners, i.e. substance abuse. A large number of women prisoners worldwide require treatment for substance abuse. If left untreated, these women are more likely to reoffend. Thus, access to treatment programmes designed for women offenders becomes essential to support their rehabilitation. The UNODC Drug Abuse Treatment Toolkit, “Substance abuse treatment and care for women: Case studies and lessons learned” provides additional recommendations for a comprehensive approach to substance dependence programme planning and development.<sup>76</sup>

Due to the already mentioned higher prevalence of mental health problems and substance addiction, together with the negative impact of separation from their families, women prisoners are more likely to attempt suicide or to harm themselves than men. Rule 16 asserts that gender-specific strategies for the prevention of suicide and self-harm, as well as specialized support to those at risk, shall be part of a comprehensive policy of mental healthcare in women’s prisons.

Rule 17 addresses the importance of education and information on the preventive healthcare. Considering the low education level and awareness among most women prisoners, this is extremely important. Prisons may offer the opportunity to educate women on how to reduce their risk to develop sexually transmitted or blood-borne diseases.

<sup>72</sup> See footnote No. 49, p. 37 and p. 41: The Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104 of 20 December 1993) proclaims that States should “exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”. This obligation is reflected in Rule 7.

<sup>73</sup> For example, in some countries disclosing information on an out of marriage pregnancy or childbirth may cause stigmatization or even be considered as criminal offences. In many countries, abortion is criminalized.

<sup>74</sup> See footnote No. 48, Commentary to the Bangkok Rules, Rule 12.

<sup>75</sup> See also: UNODC, WHO, UNAIDS (2206) HIV/AIDS Prevention, Care, Treatment and Support in Prison Settings, A framework for an effective national response.

<sup>76</sup> United Nations; New York, 2004 (available at [http://www.unodc.org/docs/treatment/Case\\_Studies\\_E.pdf](http://www.unodc.org/docs/treatment/Case_Studies_E.pdf)).



Finally, Rule 18 stipulates that women prisoners shall have access to preventive healthcare services, including screening for breast and cervical cancer as frequently as in the community (equivalence of care principle).

## **V. CONCLUSIONS**

The Bangkok Rules are of historical importance for having compiled under one instrument all the provisions addressing the various gender-specific issues of women prisoners. Although they are one of the most recent sets of standards in criminal justice, as they become better known all over the world it is expected that policy-makers and reformers will endeavour to take the necessary measures to implement them in full.

It is for me an honour to start the promotion of the Bangkok Rules in this region. In fact the first meeting on the sensitization of policy-makers and senior prison staff on this important instrument will take place next month in Bangkok and will mark the beginning of a worldwide series of activities, generously supported by the Kingdom of Thailand, aimed at better understanding the needs of women prisoners and the challenges of prison administrations in addressing them.

As most countries have been inspired by the Standard Minimum Rules for the Treatment of Prisoners in their prison policies, I am sure that the Bangkok Rules will represent a beacon guiding Governments in their reform efforts to improve the treatment of women prisoners.

# TOO MANY WOMEN IN PRISON: A CASE STUDY OF AN EFFECTIVE TREATMENT OF FEMALE INMATES IN THAILAND

*Dr. Nathee Chitsawang\**



## I. INTRODUCTION

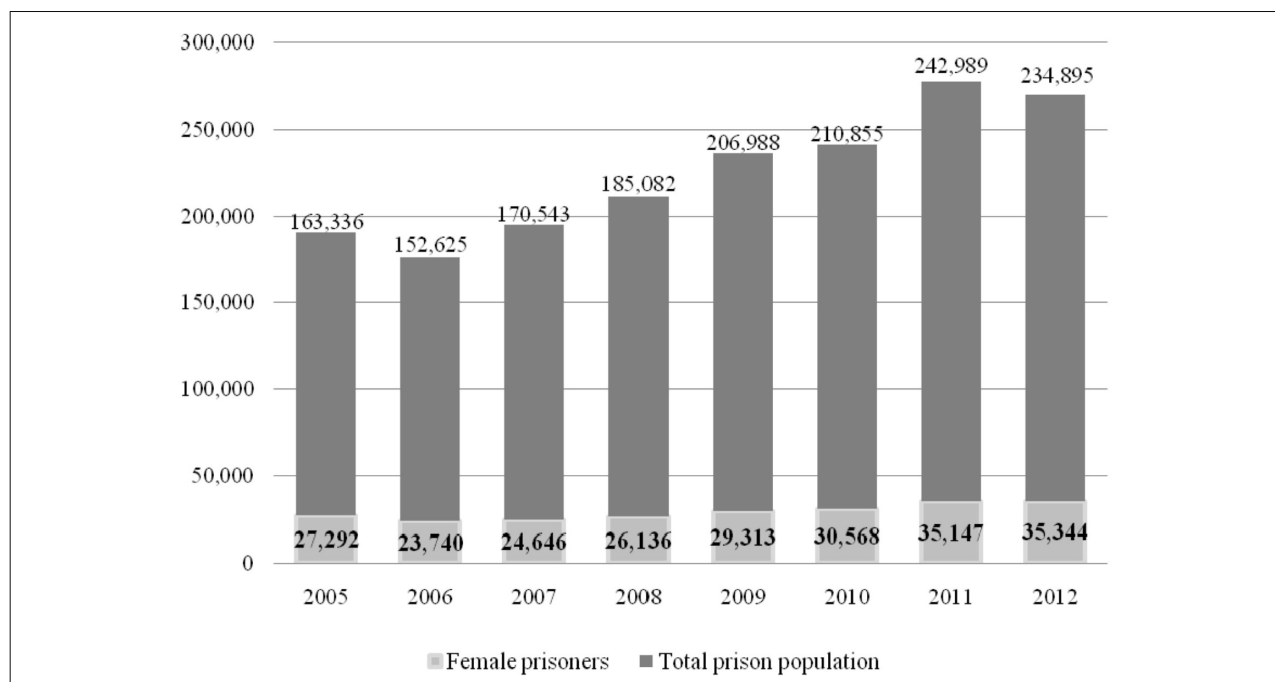
Thailand is generally considered as one of the countries which has a large number of women incarcerated in prisons and correctional institutions. Conversely, the prison capacity and the number of prison officers are clearly insufficient which together cause an unavoidable circumstance in the Thai prison system: “too many women in prison”.

The objectives of this paper are to discover the effective treatment programmes of women prisoners in Thailand which might offer some good examples for the programmes provided to female prisoners in other countries. Furthermore, in the final part, this paper discusses another possible step to alleviate the prison overcrowding problem, which not only helps to improve the treatment programmes of women prisoners, but also assists with the implementation of the Bangkok Rules in Thailand.

## II. FEMALE PRISON POPULATION IN THAILAND

About 20 years ago, the female prison population in Thailand was quite small. During that period, it seemed that the Thai prison system did not confront many complicated problems about the treatment of women prisoners. At that time, the focus of the prison authorities was on the male prisoners, who were the majority of the total prison population. Nevertheless, the situation has changed in the last decade as the number of female prison inmates has increased in particular since 2006.

Figure 1: Number of Female Prisoners Compared to the Total Prison Population, 2005 — 2012



Source: The Centre of Prisoner Statistics, Planning Division, Department of Corrections

\*Deputy Director, Thailand Institute of Justice, Ministry of Justice, Thailand.

The reason why there have been many women behind bars in Thailand is that in the past 15 years the number of female-committed crimes has dramatically increased, affecting the prison administration and the treatment of female prisoners directly, in particular when the prison settings and physical conditions of most facilities were designed for male prisoners, who have dominated Thai prison system for a long time. To illustrate, the prisons and correctional institutions for men in many provinces initially had a small, separate unit to keep the women in custody at the total capacity of about 30 — 60 prisoners in each prison, but in reality nowadays this figure might rise to 200 — 300. Therefore, the same old prison settings do not have enough space to incarcerate the increasing female prison population. Besides, the former treatment and rehabilitation programmes provided to the female inmates seem quite inadequate. Although there are various new female correctional institutions or more units built for female prisoners, it is obvious that they are still not sufficient.

As the female prisoners are detained in an overcrowded place designed for men, there are, therefore, some real difficulties. For instance, the female inmates apparently lack opportunity to gain access and participate in various rehabilitation programmes, education and vocational training, religious and mental development programmes, pre-release programmes and so on. Compared to the male prisoners, they have their own specific areas, i.e. the education and vocational training units, the prison canteen and a central area for doing some physical exercise and other activities. It is clearly seen that the rehabilitation programmes and treatment activities for female prisoners who are incarcerated in men's prisons are inadequate. At present, 68 men's prisons have their own zones or units specially separated for the custody of female prisoners. Among these, 9 of them have permanent and complete buildings. Furthermore, there are 8 female correctional institutions which are establishments for women in several parts of Thailand.

Although Thailand has various women's prisons situated in different regions of the country to provide the female prisoners with the same level of appropriate and meaningful treatment programmes as male inmates, there are also some obstacles. In the first place, it is argued that female prisoners must not be sent to the correctional facilities far away from their homes, creating difficulty for them to keep contact with their families and children because of the huge travelling expenses which can have negative impacts on female prisoners and the relationships within their families, in particular the ongoing development of young children. In addition, in cases of the pregnant inmates and prisoners with babies or young children, they do not want to be away from their children. As such, the prison authority has to create special programmes for taking care of prisoners' babies and the children residing in prison, as well as the programmes for the mothers behind bars at the same time.

Apart from the obstacle of the custody of female inmates, there is also a serious challenge in terms of the shortage of female prison officers since the total number of female prisoners has increased, but the government, on the contrary, does not have any plan to increase the manpower for the public sector. More importantly, some of the female officers do not perform the custodial task of female inmates. In fact, approximately 70% of them work in offices doing administrative jobs, such as dealing with finance and accounting as well as producing paper documents. They are normally used to replace the understaffed male officers who have to work inside custodial units. Consequently, there are only about 2 — 4 female staff working in a female unit within men's prisons where more than 100 female inmates are detained. In some large female inmate units, there might be 7 — 8 female officers working in a 700 — 800 inmate unit. Under these circumstances, the female prison officers have to work in genuine hardship, with difficulty and at risk for catching numerous diseases behind bars. On top of that, it seems very hard for the female staff to have a chance to launch any treatment programmes to develop and rehabilitate the female inmates because each day they must spend most of their time keeping the inmates in custody without prison riot or escape. As for the rehabilitation programmes, they tend to be done by outside people to help the prison officers.

### III. EFFECTIVE TREATMENT PROGRAMMES

It is worth mentioning that due to the royal kindness and gracious works of *HRH Princess Maha Chakri Sirindhorn* and *HRH Princess Bajrakitiyabha*, who have explicitly acknowledged the importance of correctional work and have initiated many treatment programmes in particular the initiatives for female offenders, there are various rehabilitation programmes in Thai prisons in order to enhance

all fundamental aspects of female prisoners' lives, including vocational and education training programmes, mental development and welfare. To put it briefly, these programmes aim at preparing the prison inmates to be ready for their new lives after release and cover the areas of:

- Education — the educational programmes range from the basic level, vocational education, degree level at the Open University to some courses on foreign languages
- Vocational training — there are varieties of vocational training programmes for female prisoners, such as handicraft making, cooking, fashion design and Thai massage
- Recreation and mental development — basically, the recreation activities behind bars include art, music and sport. Some examples of the projects are the Art for All Project, prison choir, female boxing, etc.
- Changing and improving the lives of inmates

Besides the treatment programmes involving many activities — education, vocational training, recreation and sports — recently Thai female prisoners have also been provided with rehabilitation based on the idea of changing and improving the inmates' lives, especially through the Kamlangjai Project and Sufficiency Economy Project, which can be useful for the inmates during the pre-release period.

Interestingly, from my point of view, there are several noticeable features of the treatment programmes of women prisoners in Thailand. In the first place, as previously mentioned, female prisoners had not been the primary focus of Thai prison system in the past; most of the treatment programmes provided to female prisoners, therefore, tended to be the same programmes or the similar projects given to male prisoners. In many cases, the programmes were actually planned and launched initially only for male inmates and were then expanded to a group of female prisoners. The following part, which discusses some examples of the effective treatment programmes in Thailand, supports this point because many of them are the programmes provided for both male and female prisoner groups.

Secondly, many successful treatment programmes for female prisoners were created with the help and cooperation of other agencies, from both the public and private sectors. These can be considered as one of the key factors leading to the effective implementation of the programmes provided in prisons. As mentioned earlier, when the Thai prison system has experienced the prison overcrowding crisis and the shortage of prison officers, it seems almost impossible for the people in Thai corrections to perform the rehabilitation work successfully by their own efforts.

Among all rehabilitation programmes which have been implemented, the often-quoted examples of the outstanding programmes for women prisoners in Thailand are:

#### **A. Music Therapy**

Music Therapy is a project participated in by both male and female prisoners, particularly those who committed crimes against the Narcotic Laws as it is believed that the choir singing can provide the prisoners with some mental development. To join the programme, a group of female prisoners from 5 women's correctional institutions have been trained to sing in a choir by the instructors from a Christian organization. It is argued that the music can help them to better train their own minds and improve many social skills. Normally, choirs of approximately 40 — 100 inmates are composed of the women prisoners from various institutions. They are often allowed by the prison authorities to perform the choir concerts outside prisons on numerous special occasions which have received positive responses from the public. Because of this, the inmates can be proud of their capability and finally see their own values. In addition, when they are released, the instructors from the Christian organization usually provide them accommodation in a halfway house and find jobs or academic institutions for them to work or further their studies.

#### **B. Art for All**

In 2005, HRH Princess Sirindhorn established the *Art for All* project in order to provide an

alternative way of rehabilitation to inmates by teaching art. In cooperation with the Art for All Foundation, the Thai Department of Corrections has arranged Art Camps in many prisons and correctional institutions, supporting all inmates to learn and spend time on art activities, such as drawing, singing, playing Thai musical instruments, and so on.

The Art for All Foundation was initiated in 1997 by the Dean of the Faculty of Fine and Applied Arts, Chulalongkorn University, in cooperation with ESCAP, and the Office of the National Culture Commission, which established an art programme by using art as a vehicle for developing the art skills and talents of both handicapped and non-handicapped individuals, who all take part in activities ranging from music and the visual and creative arts to dance, drama and literature. They are encouraged to use their imaginations and to explore new ideas. It is a project which promotes humanitarian values and does not discriminate on the basis of gender, race or religion.

The project firstly began in Klongprem Central Prison in 2005 where 120 inmates, both male and female, from various ethnic, religious, and educational background, and having committed various offences, were selected to attend the Art Camp programme in order to develop their art and social skills by resolving differences and improving their relationships with each other.

Within the Art Camp, everyone could see an atmosphere of mutual support and a favourable environment filled with smiles, laughter, applause and joyfulness of inmates, owing to the fact that they could learn how to share, give and take, and listen to other people. More importantly, they could recognize the value of themselves as human beings.

### **C. Educational Development**

Basically, the major objectives of prison education are to keep inmates meaningfully busy, to improve the quality of life in custody and to achieve something useful, i.e. skills, knowledge, understanding, social attitudes and behaviour that will last beyond prison and may lead to employment or further training. Therefore, education in prisons has been universally recognized as a global trend in international corrections. It is believed that education for all is a right, and restriction of one's freedom does not suspend that right.

In Thailand, educational programmes for inmates are acknowledged as crucial and indispensable activities in every prison. Each correctional facility must manage its space to set up an education unit, school or classroom which offers various learning courses to inmates. The course syllabus must be approved by the Office of the Non-Formal and Informal Education, Ministry of Education, ranging from courses for illiterate people to many high-school or vocational-education courses. Basic education can alleviate some of the problems caused by low levels of literacy and verbal ability, and social education may help inmates to cope better with frustration.

As for the higher education, from 2005 — 2006 the Department of Corrections was actively cooperating with Sukothai Thammathirat Open University, the most well-known Open University in Thailand, to provide the inmates with actual formal education. Then Mahasarakham University also came to join with the DOC in holding the academic classes which were all similar to the classes outside for normal students. Many inmates have been interested in signing up for all of these courses.

Moreover, Mahasarakham University has initiated a project to offer Master's Degree courses in 2011. By doing so, the inmates and prison officers can participate in the same classes. The qualified and recruited inmates will be transferred to Mahasarakham Provincial Prison to participate in this programme. Apart from the lessons and courses, to support the education in prisons, the DOC has established many projects to help the learning inmates, especially in terms of academic resources. For example, *Prom Panya Libraries*, which adhered to HRH Princess Maha Chakri Sirindhorn's belief that inmates should gain their fundamental rights to learn and to be able to catch up with the outside world through reading, have been established, in collaboration with Matichon Newspaper Group, an extensive collection of books and magazines covering various fields, ranging from education, arts, literature, religion, health and living.

Another project to support educational programmes for inmates and to offer inmates a chance to

spend their years of incarceration productively is the *Self Access Learning Centres*, which is a collaborative project with Ruamrudee International School. These centres are separated into three sections, the library, computer stations and classrooms, which serve as facilities for the inmates' independent study. Inmates are encouraged to make use of an array of resources and to turn to prison officers or volunteer tutors for advice and support. At present, 54 centres have already been running nationwide.

#### **D. Prison as a Home of Meditation**

Thai prisons have adopted an alternate approach to bring calm to the minds of inmates, and to let them start thinking over and learning from the mistakes in their lives, as well as to change their behaviours as they enter a new world. This approach is *"Dhamma practice and doing meditation"*.

Between 2003 and 2007, meditation and dhamma practice had been introduced to inmates at large with the famous slogan: *"Prison as a House of Dhamma"*. It was the application of Buddhist teachings, in particular regarding the mental treatment and rehabilitation of inmates, by letting them engage in meditation and dhamma practice, and by learning religious principles to understand themselves and live peacefully as well.

Four years after it was first introduced in prisons across the country, dhamma lessons have proved useful in calming aggressive behaviour. Many inmates said that they could have peace of mind by meditation, especially when they had the opportunity to learn to meditate.

The four-month motivational course of the Department of Corrections, called the *"Dhamma Practice Programme: DPP"*, which was launched in June 2005, is among a growing list of alternative and diversionary criminal justice programmes designed to change the behaviour of inmates, which can lead to less misconduct in prison, fewer repeat offenders and lower prison costs. The aim of the programme is to reform the minds of Buddhist inmates in prisons around the country.

In 2006, the Department of Corrections signed a memorandum of understanding (MOU) with eight organizations in support of the DPP: Maha Dhera Association; Maha Chulalongkorn Buddhism College; Maha Makut Rachavitayalai Buddhism College; Wat Sai Ngam Meditation Centre; Department of Religions; The Office of National Buddhism; the Centre for Ethical Power Promotion and Development and the Centre for Ethics Promotion of the Office of Civil Service Commission.

An evaluation of each training course has been done by many agencies, for example, the Department of Corrections, the participating prisons and detention centres, the Ministry of Justice, The Office of National Buddhism, the Centre for the Promotion and Development of Morality and National Solidarity, Sai-ngarm Temple and other temples where participating prisons are located. Obviously, many inmates who were enrolled in the first dhamma course all agree that participation in the DPP helped them to become calmer because they can control their anger and find the right way to deal with it.

#### **E. Sports Behind Bars**

Sport offers various benefits, both physical and mental, to players. Considering the physical aspect, playing a sport can contribute to one's physical well-being and build up immunity against all diseases. At the same time, in terms of the mental aspect, sports can calm one's muddled thinking. Sports can help the players relax and have fun playing games, as well as promoting good and positive thinking. Besides, in the social world, playing sports can help people make new friends and spend time in much more useful ways. It also teaches people to learn good sportsmanship; how to lose, win and forgive in games, and how to treat each other with respect.

When the Department of Corrections has introduced sports to people behind bars, in particular by giving chances to inmates to play sports, the inmates' lives have been changed in a sense that in the past they tended to spend their free time doing prohibited activities, i.e. gambling, fighting, finding the way to escape and wasting their time day by day. But now the inmates can concentrate on playing and practising sports which, therefore, is considered as a "positive security". Moreover, one of the results is that sports can help inmates to have physical and mental strength. They do not have time to muddle and plan for any escape.

In 2004, there was a special sport competition for inmates in order to find the winners as the representatives of "Corrections Club" to attend and compete in "Thailand National Games Sport Competition". Accordingly, the first *Sports behind Bars* competition was set up at the Central Correctional Institution for Young Offenders in Thanyaburi. The inmates who had won in each region of the country would come to compete in Bangkok in two kinds of sports: boxing and *sepak takraw*. Since then, "Sports behind Bars" has been held every year and has gradually added more types of games to the competition. It could be said that the project could give birth to many rising stars of amateur boxing in Thailand.

However, it is believed that the most successful amateur boxer in history is Samson Sor Siriporn, who was crowned the World Boxing Council female light-flyweight champion by defeating a Japanese fighter. Samson also became Thailand's first world boxing champion while behind bars. In 2007 she was released from prison on parole and is now working in the world of professional boxing.

Samson Sor Siriporn, the former light-flyweight World Boxing Council (WBC) Female Champion is the perfect example showing the successful outcome of the rehabilitation programmes for female offenders in Thailand. In 2002, the Department of Corrections created a new idea for training female inmates to be boxers by establishing a boxing camp in the Women's Correctional Institution for Drug-Addicts because of the belief in searching for their hidden talents. After being operated for several years, the Department has started the female boxing tournament between prisons, and occasionally invited professional boxers from outside to enhance the experience of female-inmate boxers. Finally, the boxing match on 3 April 2007 led to the victory of Samson, who was the first female world champion while incarcerated. It could be said that Samson's new life has inspired other female inmates to pursue the path to success with the opportunity given by the Department of Corrections.

#### **F. Mother and Children Projects**

This type of project seems different from the above-mentioned treatment programmes because of the fact that it was actually set up for women prisoners. In fact, this specific initiative can highlight the special needs of female inmates behind the prison walls. It was the gracious work of HRH Princess Bajrakitiyabha who initiated the "*Quality Pregnancy*" project at the Central Women Correctional Institution by asking the Thai Red Cross College of Nursing to provide educational services to improve the conditions of pregnant inmates to prepare them for giving birth and raising their babies. Also, the project "*Raising Good People Starting from the First Year*" was set up to provide knowledge about child-rearing and proper child development, and to simultaneously encourage the mothers to assume quality parental roles for their children. It is believed that the inmate mothers will have close ties with their children, promoting good relationships, creating good consciences and a sense of responsibility for their children.

#### **G. Improving Health Conditions and Developing-Mind Projects**

Besides the provision of specific projects for the pregnant inmates and their children, HRH Princess Bajrakitiyabha is also interested in the improving the health conditions of the elderly inmates, especially the health of their eyes. Accordingly, she initiated the programme called "*The Gift of Sight is the Gift of Life*" at the Central Women Correctional Institution with support from the Rutnin-Gimbel Excimer Laser Eye Centre to provide eye check-ups, eye glasses, pterygium and cataract surgery, as well as eye care tips for preventive measures.

Moreover, she also believed in the fundamental necessity of developing the state of mind of prison inmates. "*The Body and Mind Development with the Seeds of Life and Kindness Project*" was launched because of the belief that the way to help the female inmates to return to having full lives and really being able to stand on their own is to be able to realize their own value, the finding of their desire and their potentials within themselves. It is considered to be the development of mind and body for internal capital of each individual including the nurturing of the seeds of love and kindness to grow in the mind, which will be the foundation for living their lives in prison and after release.

The Body and Mind Development with the Seeds of Life and Kindness Project is aimed to develop the value of self of women inmates to realize their potentials to change themselves in creative ways to free their lives from the chain of thinking, belief, social context and the lure of temptation from the

consumerist society that tries to gain control over them.

#### **H. Vocational Training Projects: Teacher behind Bars; Café Restaurant; Fashion Lady**

The vocational programmes for female inmates have been continuously developed and produced satisfactory outcomes. One of them is *Chuan Chom Thai Restaurant*, which was first launched at the building in front of the Central Women Correctional Institution as a dining place serving Thai dishes prepared by female inmates. The most famous dishes, which have been tasted and recommended by many food columnists, are *Phad Thai* (stir-fried rice noodle) and *Khai Pa Loh* (sweet stewed egg and pork). Also, there are hairdressing and barber shops with spa and massage services provided by female inmates, as well as the prisoners' product shop in the same area as the vocational training centre. Recently, all same styles of services have been operated in other women's correctional institutions around the country and are very well-known among customers for their high quality of service.

Furthermore, the project "Teacher behind Bars", or *Kru* (teacher) *Kon Kook* (inmate) in Thai, has been launched to promote social acceptance towards prisoners and ex-offenders. By doing that, female inmates are brought into the local areas to provide ordinary people with teaching of vocational knowledge and skills acquired in prison. The training courses include Thai cooking, homemade bakery, Thai massage and painting. The comprehensive strategy is to give opportunities to female prisoners to perform productive activities outside prison so that the public would gain a growing understanding and acceptance of inmates. As far as the project has carried out, many people are interested in attending the courses and usually give the Department favourable feedback.

Also, as it is widely accepted that women tend to be interested in clothes and fashion, the "Fashion Lady" project was carried out by providing the female inmates with fashion designing and dress-making courses trained by fashion experts. Later, there was an event called "Lady Designer" to let the talented female inmates show their outstanding dresses. The clothes designed and made by the inmates were worn on the runway show by leading models in Thailand and other famous people in society who wanted to show support to the female prisoners.

#### **I. Kamlangjai Project: Bringing the Sufficiency Economy Philosophy to be Applied in Prison**

Apart from inspiring and helping female inmates in prison to receive better care and treatment for themselves and their babies, to have good health and hygiene, to get higher education and vocational training and to give the inmates great inspiration for changing their behaviours and attitudes towards offending, another apparent benefit of the Kamlangjai Project initiated by HRH Princess Bajrakitiyabha also includes the pre-release programme preparing the offenders to return to live peacefully in society. In other words, the Kamlangjai Project attempts to narrow the gap between prison and community life so that prisoners can gradually re-adjust to their normal lives outside the materially deprived settings more effectively. By doing so, the re-entry programme is provided in the open prisons whose environment appears almost similar to the external society.

It is believed that this is an innovative initiative in terms of the fact that most pre-release programmes in the past seemed to be carried out in closed prisons which have a secure perimeter and protected environment, while the Kamlangjai Project, on the contrary, focuses on the treatment of prison inmates in open prisons by providing them with a training programme based on the "*Sufficiency Economy*" philosophy, which teaches them a new way of thinking, as well as vocational training in particular agricultural skills in order to finally result in a total reduction in recidivism of inmates.

Generally speaking, the first impact of the Kamlangjai Project is an improvement in prisoners' attitudes and their ability to become self-sufficient. To put it simply, prisoners can realize that they cannot wait for assistance from other people but they must try to stand on their own two feet. In addition, the prisoners are able to apply what they have learned to daily activities such as making life plans, balancing income and expenditures, cutting excessive spending, reducing costs by producing home-grown products, and planning for the future. On top of that, the Kamlangjai Project arranges group sessions among prisoners in which they develop coaching strategies and share opinions and experiences. This helps them to gain a deeper understanding of a "*self-sufficient*" way of life. This shift in thinking is the real achievement of the Kamlangjai Project because it is this way of thinking which can actually help them after release. Wherever they go and in whatever job they do, they will be better

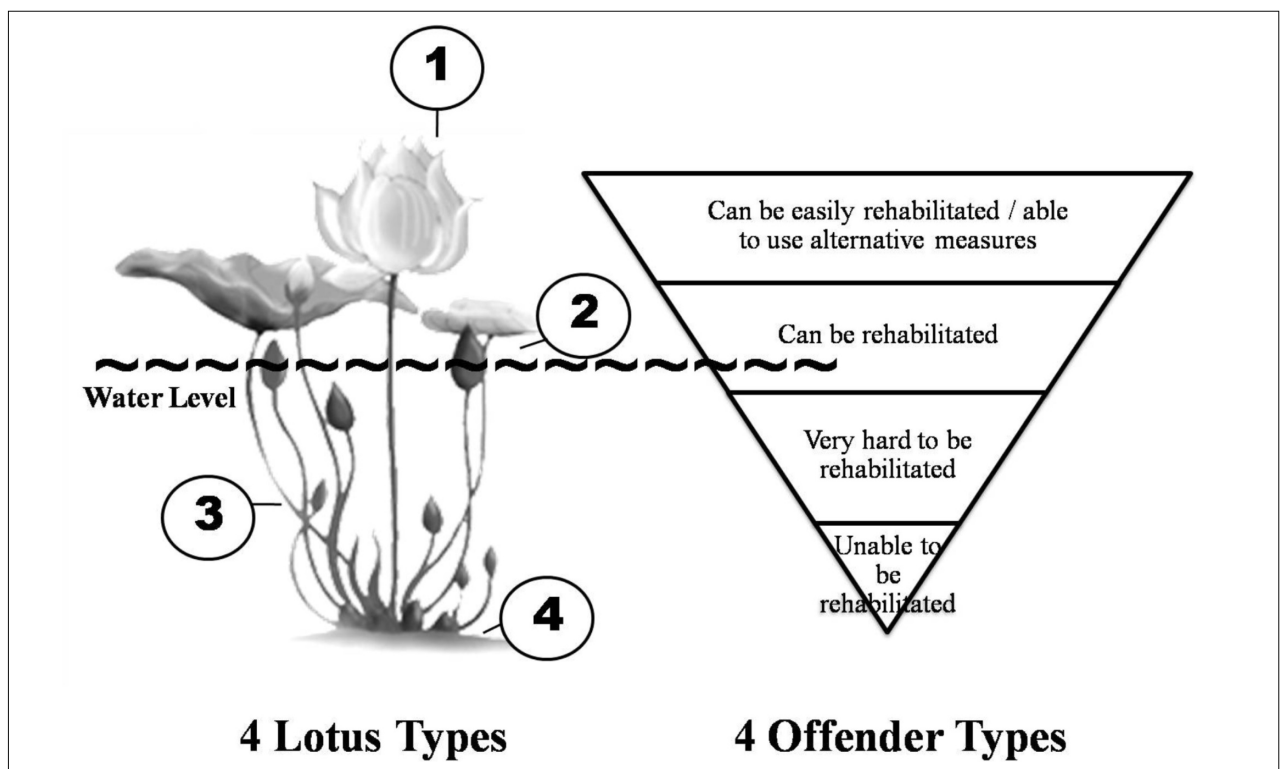


prepared to handle situations and make better decisions. At present, the project has been carried out in four open prisons: Khao Rakam Open Prison, Doi Rang Open Prison, Khao Plong Open Prison and Khae Noi Open Prison. Among these four open prisons, "*Khae Noi*" is the only open prison for female inmates. It is situated in Phetchabun Province in the lower northern part of Thailand.

#### IV. FOUR TYPES OF "LOTUS": FOUR PRISONER GROUPS

From the previous part which gave some examples of the successful treatment programmes of female inmates in Thailand, there might be some reasonable doubts about the possibility of those programmes, whether they could really rehabilitate the women offenders or not, and to what extent. To offer a possible answer, I will explain a key concept called "*the 4 lotus types*". It is one of the principles of Buddhism using the metaphor of the lotus flower as people. By so doing, all people will be classified into four different groups based on their wisdom and the ability to learn and understand.

Picture 1: The Metaphor of Offenders as the Four Lotus Types



As illustrated in picture 1 on the left side, there are four types of lotus flowers at different positions: 1) the lotus above the water level; 2) the lotus at the water level; 3) the lotus under the water; and 4) the lotus at the bottom of the sticky mud. According to one of the Buddhist teachings, these four lotus flowers at different positions can refer to each group of people as well as the prisoners.

##### A. The Lotus above the Water Level

The first lotus, above the water, can get the rays of sunshine and bloom easily like a genius who can understand what she or he learns easily. Similarly, in terms of the offender it means that he or she can be rehabilitated easily. In some cases, diversion or alternatives to prison can be used.

##### B. The Lotus at the Water Level

The second lotus bud at the water level needs some time to grow out above the water level, to get the sunshine and bloom. This is like a person who does not understand at first but will understand after the second, or maybe third, attempt. Compared to the offender type, this person can be changed after receiving several treatment programmes but might need more time and efforts than the first prisoner group.

### **C. The Lotus under the Water**

The third lotus, under the water level and coming out from the mud, it needs a long time to grow out above the water before getting the sunshine and blooming. This is like a person who does not understand when he or she tries to learn but must try again and again, like never giving up. Finally, he or she is able to understand. This type then refers to a prisoner who finds it very hard to change himself or herself to become a law-abiding citizen.

### **D. The Lotus at the Bottom and under the Mud**

Lastly, the lotus under the mud does not have the ability to grow out from the mud, so it is simply a food for fish and tortoises. This is like a person who tries very hard in his or her studies but has no ability to understand. This is similar to an inmate who is unable to be rehabilitated and therefore tends to be dangerous to the society as there is a high possibility that he or she will reoffend.

From the concept of four types of lotus linking to some different groups of prisoners, it can be argued that the treatment programmes will be highly effective and successful when they are provided to the first and second groups of prisoners (like the lotus flowers above the water and at the water level). Fortunately, it seems that the majority group of women prisoners in Thailand can be categorized as the first and second lotus types, which means that they can gain many benefits from the treatment programmes. Also, there are some female inmates who can be given alternative measures instead of being sent to prisons. Therefore, if the prison system has a good categorizing system of the female prisoners, the treatment programmes will be more successful. Also, it can lead to more use of diversion measures which can help the prison overcrowding problem in Thailand.

## **V. ALTERNATIVES TO PRISON AND THE IMPLEMENTATION OF THE BANGKOK RULES**

Although there are various effective treatment programmes for female prisoners in Thailand, it is crucial to point out that they are not enough. The most serious problems of female prisoners still exist: prison overcrowding and the shortage of prison staff. It is believed that these treatment programmes will not be able to succeed in the future. Also, the difficulty in achieving the implementation of the Bangkok Rules in Thailand will increasingly arise if there are still more and more female offenders sentenced to imprisonment. Therefore, the Thai prison system must increasingly use alternative measures or diversion to select those women who should not be sent to prison so that they receive alternatives to imprisonment.

Currently, there is no effective measure for providing alternatives to prison in the Thai criminal justice system. Consequently, it is seemingly unavoidable for female offenders to be continuously sent to prisons or correctional facilities. In fact, even when the laws allow using the alternatives to imprisonment (for example probation and detention in other places which are not prisons/correctional institutions under the Criminal Procedure Code, section 89, paragraphs 1 and 2), these practices have not been adopted seriously or used often enough. As a result, the number of female prisoners in prisons keeps growing every year.

The lack of widespread implementation of the alternatives to prison comes from the fact that the wider society and people in the criminal justice system do not truly understand the crucial importance of these measures for providing female prisoners with special treatment due to the limitation of custodial settings, their physical differences and the social roles of men and women, particularly the pregnant inmates and female prisoners who have to raise their young children in prison are treated more poorly than the male inmates.

Nevertheless, it is believed that due to the Bangkok Rules, Thailand will increase its efforts to use the diversion or alternatives to prison more often because it is obvious that the major obstacle to putting the Bangkok Rules into practice is the overcrowding of the female prison population in Thailand.

## **VI. CONCLUSION**

Female prisoners in Thailand have been provided with many treatment programmes, including education and vocational training, recreation activities, health and mind development, as well as the provision of ways to change their attitudes and ways of living. However, although the Thai prison system has tried continually to conduct many effective treatment programmes for female prisoners, and to give all inmates another chance in their lives in order to have successful reintegration, it seems that their treatment and custody cannot be developed as effectively and successfully as possible because of prison overcrowding and insufficient staffing. Hence, the necessary step to improve the situation is increasingly to apply alternative measures to prison or diversion from the criminal justice system, which will also be useful for the implementation of the Bangkok Rules in Thailand.

# KEY ISSUES OF WOMEN PRISONERS: LESSONS LEARNED FROM THAI PRISONS

*Dr. Nathee Chitsawang\**



## I. INTRODUCTION

It could be said that the treatment of women prisoners has been ignored by people in the criminal justice system for a long time as the female prison population is usually outnumbered by men. Although recently there is a general rise in the number of female inmates in many countries around the world, it still would not trigger any noticeable change in their treatment. More importantly, it seems that there is an insufficient focus on the special needs of female prisoners which are fundamentally different from the needs of male prisoners.

This paper aims to briefly explore the major aspects of female inmates in Thailand and offer some examples of their movement and changes, particularly the adaptation to the problems and the greater awareness of this issue of female prisoners among Thai society, which has been primarily caused by the gracious work of *HRH Princess Bajrakitiyabha*, who has dedicated her great knowledge and remarkable ability to work closely with the *Kamlangjai Project*. In addition, in the final part, the topic of the implementation of the *Bangkok Rules* in Thailand will be discussed, especially the overall strategies and the factors facilitating its successful implementation. It is hoped that people from other countries who are interested in the treatment of women prisoners will gain benefits from learning about Thailand's experiences.

## II. CURRENT ISSUES FOR WOMEN PRISONERS IN THAILAND

In order to precisely understand the female inmates in Thailand, there are various significant topics which should be highlighted. They can range from the inmates and their problems to the programmes and projects provided. To be more specific, the current issues regarding the women prisoners in Thailand are discussed below.

### A. Prison Overcrowding

The most important issue is that there is a prison overcrowding crisis affecting the female prison population which is likely caused by the fact that Thailand is generally considered as one of the countries which has the largest number of women incarcerated in prisons while the total prison capacity available is clearly insufficient.

According to the 2011 World Female Imprisonment List of the International Centre for Prison Studies (ICPS), it was found that in terms of the proportion of male and female prisoners, the percentage of female prisoners in Thailand was about 14.6% of all prison population and was ranked number seven in the list of countries having the highest percentage of female prisoners in the world.

---

\*Deputy Director, Thailand Institute of Justice, Ministry of Justice, Thailand.

153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

Table 1: List of the Countries Having the Highest Percentage of Female Prisoners

	Country	Percentage of Female Inmates (%)
1.	Maldives	21.6
2.	Hong Kong — China	20.0
3.	Bahrain	18.5
4.	Andorra	16.4
5.	Macau — China	14.8
6.	Qatar	14.7
7.	Thailand	14.6

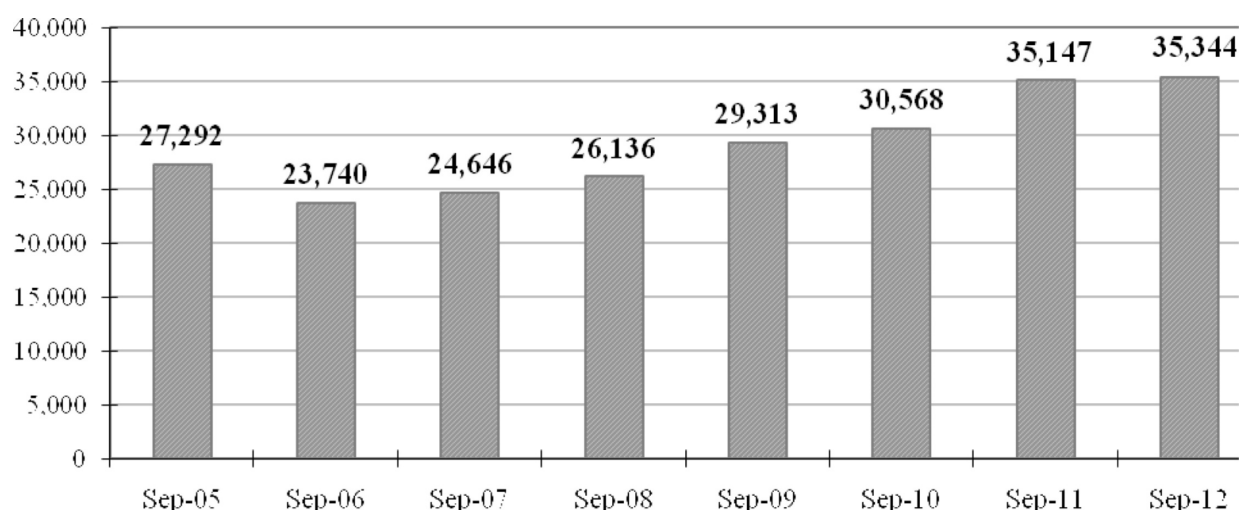
Source: Walmsley, R. (2011) World Female Imprisonment List (2nd Edition),  
International Centre for Prison Studies (ICPS)

With respect to the establishments for women prisoners, it should be noted that in reality there are two types of correctional facilities for women prisoners: women's correctional institutions, or prisons for only female inmates, and secondly, a small female prisoner unit existing inside the same perimeter of a men's prison, but their areas are clearly separated from each other. While the first type has the total of 8 women correctional institutions, the latter has 21 composed of 7 large units and 14 small units for women inmates in men's prisons.

As for the large women's prisoner unit, it can range from 700-1,000 prisoners, and the smaller one can detain approximately 300-700 inmates. The most severe overcrowding tends to happen in the small unit in men's prisons in which its total capacity should be only 50-70 female inmates. On the contrary, in practice it has been doubled to incarcerate about 100-300 women. As a consequence, the female prisoners have been imprisoned in a tiny space, without an area for taking physical exercise or doing other activities, such as education and vocational training programmes, because the establishment was initially designed to imprison only 50 people.

Apart from the fact that all prisons and correctional institutions for women in Thailand have been extremely crowded, it is worth noting that the female prison population is increasing. As illustrated in Figure 1, it is clear that since September 2006 the number of female prisoners has gradually increased from 23,740 to 35,344 in 2006 and 2012, respectively.

Figure 1: Female Prison Population (including remandees), 2005 — 2012



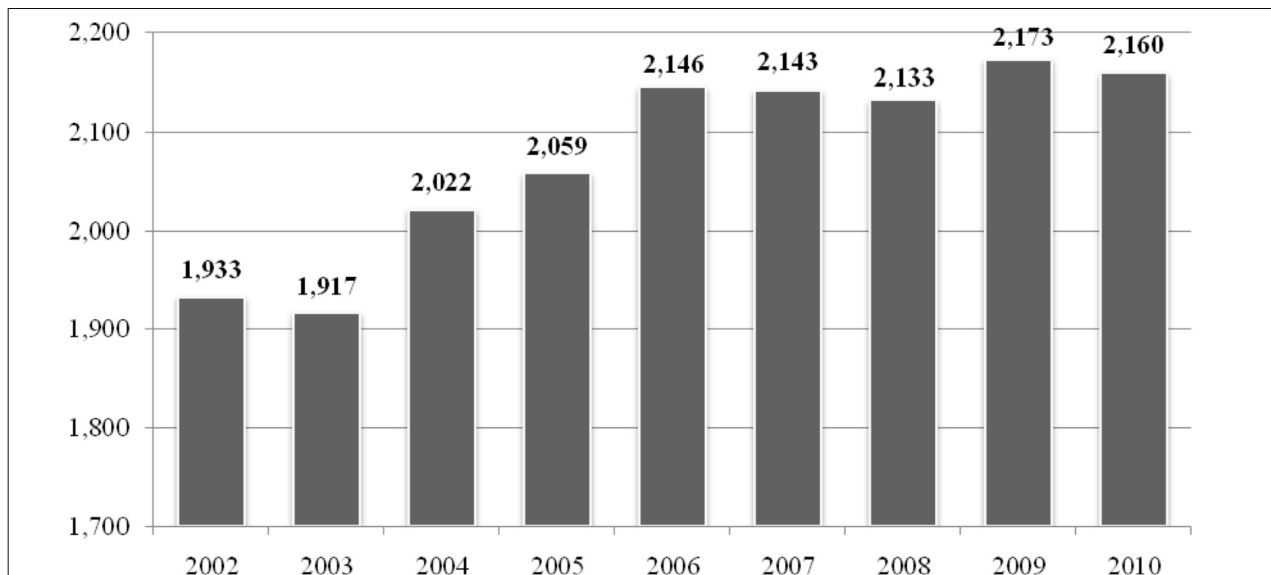
Source: The Centre of Prisoner Statistics, Planning Division, Department of Corrections

It is believed that the reason why the female prison population in Thailand has been gradually rising year by year is that the women tend to be tricked or lured into the drug trade. Presently, about 82% of all female inmates are drug-related offenders, while 65% of the total prison population in Thailand committed crimes against the Narcotic Laws. Another reason causing the large female prison population in Thailand is that there is no effective measure for providing alternatives to prison in the Thai criminal justice system. Consequently, it is seemingly unavoidable for the female offenders to be continuously sent to prisons or correctional facilities. In fact, even when the laws allow using the alternative-to-imprisonment measures, for example probation and detention in other places which are not prisons/correctional institutions under the Criminal Procedure Code, section 89, paragraphs 1 and 2, these practices have not been adopted seriously or used often. As a result, the trend is an increasing number of female prisoners in prisons every year.

### B. Shortage of Staff

The second key issue for Thai women prisoners is that there is a serious challenge in terms of the shortage of female prison staff since the total number of female prisoners has increased but the government, on the contrary, does not have any plan to increase the manpower in the public sector. The statistics in Figure 2 show that the number of female officers has been quite steady, which is very different and completely disproportionate to the rising number of female prisoners in Figure 1.

Figure 2: Number of Female Officers at the Department of Corrections, 2002 — 2010



Source: Personnel Division, Department of Corrections

More importantly, in practice many of the female officers do not perform the custodial tasks for female inmates. In fact, approximately 70% of them work in office buildings, doing some administrative jobs, such as dealing with finance and accounting as well as producing paper documents. They are normally appointed to replace the understaffed male officers who have to work inside the custodial units. Consequently, there are only about 2 — 4 females working in a female unit within men's prisons where more than 100 female inmates are detained. In some large women's units, there might be 7 — 8 female officers working in a 700 — 800 inmate unit. Under these circumstances, the female prison officers have to work in genuine hardship, with difficulty and at risk of catching numerous diseases behind bars. On top of that, it seems very hard for the female staff to have a chance to launch any treatment programmes to develop and rehabilitate the female inmates because each day they must spend most of their time on disciplinary and security matters, such as preventing prison riots and escapes.

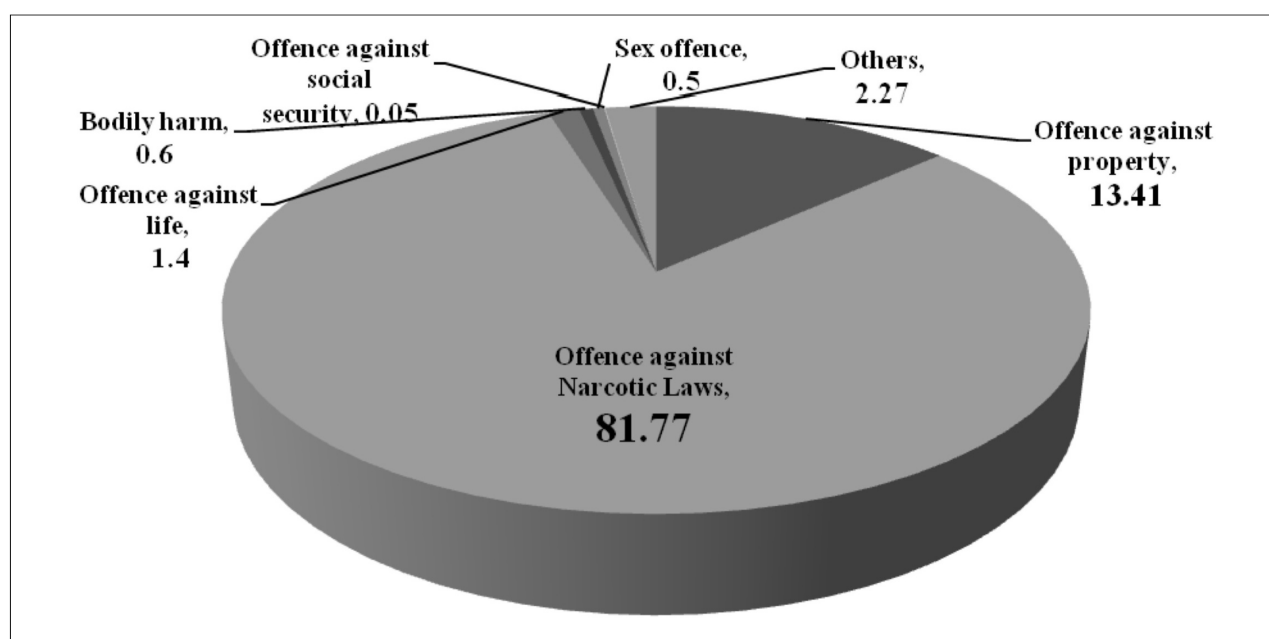
### C. Characteristics of Women Prisoners

Interestingly, if it is necessary to explain and specify some characteristics of female prisoners in Thailand, from my point of view, they can be described as: "drug-related; economic problems; un-

employed; being deceived; and harmless". The first reason is that normally the majority of female prisoners are offenders convicted for crimes against the Narcotic Laws.

Figure 3 below shows the offence types and their percentages committed by female convicted prisoners. The statistics, collected on 31 May 2012, indicated that among all 25,912 convicted female inmates, about 81.77%, or a total 21,189, were offenders convicted for crimes against the Narcotic Laws.

Figure 3: Percentage of Convicted Female Inmates Classified by Offence (as of 31 May 2012)



Source: The Centre for Prisoner Statistics, Planning Division, Department of Corrections

According to the statistics on female inmates convicted for drug offences in Tables 2 and 3, the majority of them were involved in methamphetamine (approximately 95%), particularly by selling and possessing for selling drugs (nearly 74%).

Table 2: Number of Female Inmates Convicted for Crimes against Narcotic Laws Classified by Type of Drugs (as of 31 May 2012)

Type of Drugs	Number of Female Convicted Inmates
Heroin	287
Cannabis	146
Opium	33
Methamphetamine	20,235
Inhalant	6
Morphine	0
Cocaine	188
Others	294
<b>Total</b>	<b>21,189</b>

Source: The Centre for Prisoner Statistics, Planning Division, Department of Corrections

Table 3: Number of Female Inmates Convicted for Crimes against Narcotic Laws Classified by Type of Drug Offence (as of 31 May 2012)

Type of Drug Offence	Number of Female Convicted Inmates
<b>Category “Drug Use”:</b>	
- Use	415
- Possession	2,047
- Both use and possession	2,208
<b>Category “Selling”:</b>	
- Selling	6,973
- Possession for selling	8,704
- Others	842
<b>Total</b>	<b>21,189</b>

Source: The Centre for Prisoner Statistics, Planning Division, Department of Corrections

Regarding the range of age, the majority of female convicts are from two age groups: 20 to 30 years of age; and 30 to 40 years of age. Alternatively, it can be concluded that more than half of the female prison population in Thailand is in the age range between 20 and 40 years old.

Table 4: Number of Convicted Female Inmates Classified by Age (as of 31 May 2012)

Age	Number of Female Convicted Inmates
Less than 18 — 20 years	809
More than 20 — 30 years	10,094
More than 30 — 40 years	8,857
More than 40 — 50 years	4,763
More than 50 — 60 years	1,067
More than 60 years	322
<b>Total</b>	<b>25,912</b>

Source: The Centre for Prisoner Statistics, Planning Division, Department of Corrections

Another reason to confirm that Thai female prisoners tend to be harmless is that more than half of them (about 61 per cent) were given relatively short prison sentences ranging from less than 3 months to 5 years. This means that they did not commit violent crimes and were perceived as not dangerous for society.



153RD INTERNATIONAL SENIOR SEMINAR  
VISITING EXPERTS' PAPERS

Table 5: Sentence of Female Convicted Inmates (as of May 31, 2012)

Sentence/Length of prison sentence	Number of Female Convicted Inmates
Less than 3 months — 2 years	6,570
More than 2 — 5 years	9,280
More than 5 — 10 years	4,178
More than 10 — 15 years	1,583
More than 15 — 20 years	1,085
More than 20 — 50 years	3,015
Life imprisonment	195
Death penalty	6
<b>Total</b>	<b>25,912</b>

Source: The Centre for Prisoner Statistics, Planning Division, Department of Corrections

In a nutshell, all above-mentioned tables and figures support my previous description of Thai women prisoners at the beginning of this part to the extent that they are acknowledged as drug sellers, young adults, harmless due to short prison sentences and so on.

#### D. Treatment Programmes

It is also important to highlight the rehabilitation of women prisoners as there have been various successful treatment programmes in Thai prisons. Generally speaking, these programmes aim at enhancing all fundamental aspects of female prisoners' lives, including vocational and education training programmes, mental development and welfare. Furthermore, they are provided to prepare the prison inmates to be ready for their new lives after release. In short, the rehabilitation programmes for women in the Thai correctional system cover the areas of:

- *Education*: the educational programmes range from the basic level, vocational education, degree level at the Open University to some courses in foreign languages.
- *Vocational training*: there are varieties of vocational training programmes for female prisoners, such as handicraft making, cooking, fashion design and Thai massage.
- *Recreation and mental development*: the recreation activities behind bars basically include art, music and sports. Some examples of the projects are: "Art for all" project; prison choir; female boxing, etc.
- *Changing and improving lives*: in addition to treatment programmes involving many activities, such as education, vocation, recreation and sports, recently Thai women prisoners have also been provided with the rehabilitation based on the idea to change and improve the inmates' lives, especially the Kamlangjai Project and Sufficiency Economy Project, which can be useful for the inmates during the pre-release period.

(More information about the treatment programmes of women prisoners in Thailand can be found in the paper: "Too many women in prison: a case study of an Effective Treatment of Female Inmates in Thailand").

It is crucial to point out that in reality all treatment programmes mentioned above cannot be launched similarly in every prison and correctional institution even though there are some positive outcomes as there are several limitations in terms of the shortage of staff, budget and physical conditions in prison settings. Combined with some current issues of women prisoners discussed earlier,

the increasing female prison population in the last six consecutive years can lead to more difficulties of providing the women prisoners with effective custody and treatment. Therefore, the Kamlangjai Project can be considered as a major initiative to effectively deal with these difficulties.

### **III. KAMLANGJAI PROJECT**

Before the Kamlangjai Project was initiated in 2006, the condition and status of women prisoners had not gained sufficient attention. At that time, the Thai prison system still placed a low priority on the treatment of female prisoners as the difficulties in providing male prisoners with effective custody and treatment were usually dominant and placed in a top list of priority. Because of this, it could be said that the turning point was the Kamlangjai Project initiated by HRH Princess Bajrakitiyabha who recognized the root of the problems about the custody and treatment of female prisoners, which tended to be immensely complicated and more sensitive than those of male inmates. The aims of the project are to give considerable assistance and provide development opportunity to female prisoners while they are behind the prison walls and also to those prepared to be released from prisons. At present, this project has been formally established in many prisons and correctional institutions nationwide. To put it briefly, the Kamlangjai Project has created various new perspectives on the treatment of female prison inmates, which had never happened before.

Furthermore, HRH Princess Bajrakitiyabha also started a project called “Enhancing Lives of Female Inmates: ELFI” to raise the standards for the treatment of female prisoners. ELFI is an international project which can trigger a worldwide change in the insufficient standards of the treatment of female inmates. It should be noted that these standards are very crucial and necessary as the UN Standard Minimum Rules for the Treatment of Prisoners were created more than 50 years ago. Obviously, there are some parts of the minimum rules which are outdated and inappropriate to the world today. More importantly, they cannot respond to the basic and specific needs of female inmates. Because of this, HRH Princess Bajrakitiyabha had initiated the idea to develop the Draft UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, which were finally approved and adopted by the 65th United Nations General Assembly. The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders are usually known as the Bangkok Rules, which were named for the place where the rules were initially developed.

### **IV. LESSONS LEARNED FROM THE KAMLANGJAI PROJECT**

The Kamlangjai Project has been carried out in many prisons and women’s correctional institutions in Thailand in order to improve the custody and treatment of female prisoners and to support the project to be widely acknowledged at the international level through an ELFI project which later led to the formulation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. From my experience in working in the project, there are some interesting lessons which can be learned from its implementation so far as follows:

#### **A. Special Needs**

According to my increasing experience of working closely and focusing on the topic of women prisoners, it is obvious that female inmates have special needs and basic necessities which are more sensitive and clearly different from men’s, particularly the maternity issue which previously had not received special attention by many people in Thai corrections and also in some other countries. For this reason, in the past there had been no apparent difference between the treatment of female and male prisoners. More importantly, in some cases women prisoners had been treated worse than men or below the treatment standard due to the physical condition and environment of prison and also the fact that women prisoners were usually the minority of the prison population. Although there has been an increase in the number of women prisoners recently and their problems appear to be spotted easier, it can be argued that they still did not receive much attention. In other words, the prison authority might not be keenly interested in overcoming the problems about women prisoners.

#### **B. Non-Violent Offenders**

In Thailand, it is believed that the majority of female prisoners are not the real criminals. To put it simply, many of them do not have a true criminality. In fact, they perpetrated crimes because of

economic and financial necessity, in particular those crimes committed against the Narcotic Laws (see above, Figure 3 and Tables 2 and 3). Normally, they tend to be just an inmate group categorized as small-scale drug dealers, which is about 82–85% of the total female prison population. It is found that among these women prisoners, some of them had been deceived into possessing, selling or delivering drugs; and some had been tempted into joining drug gangs on the grounds that they could earn huge amounts of money. Having said this, there might also be a small number of female inmates who were large-scale drug dealers or professional drug offenders.

As shown in Figure 3, besides a group of drug-related criminals, the others were those convicted of crimes against property usually caused by the high and chronic stress of dealing with economic and financial problems as women must become more financially responsible for their own lives and their families as well. Also, there are some women prisoners who committed crimes against life and bodily harm particularly against their husbands or boyfriends. In the latter case, it is found that the majority of them had been mentally and physically abused for a long time by men. Because of this, they believed that they must do something to stop the experience of being victims of abuse. To put it simply, the women are often recognized as *“both offenders and victims at the same time”*. In brief, it can be argued that there is just a small group of female inmates who are real criminals or are genuinely bad or evil. For this reason, the treatment and custody of female prisoners tends to be much easier than that of men.

### C. In Need of Diversion

Some aspects of the demographic characteristics of the prison population can reflect the criminal justice system of each country. To be more specific, if a nation has many prisoners who in reality should not have been strictly imprisoned in correctional establishments, it can be assumed that this country apparently lacks the legal mechanism and effective measures for analyzing and classifying offenders before sending them to prisons. For instance, in the case of Thailand, it is found that there are many female prisoners who should not have been incarcerated in prisons, but they were finally sent to do time inside prison walls because there is no effective diversion or alternative measure and efficient classifying system. As a result, there are too many women in Thai prisons who exceed the total capacity of correctional facilities, leading to the overcrowding crisis. Inevitably, it causes serious difficulties in the custody and treatment of women prisoners, especially in terms of facilitating the implementation of the Bangkok Rules. Central to this point is that the first step, in my opinion, in order to successfully implement the Bangkok Rules in Thailand, is the proper use of alternative measures or diversion in the criminal justice system. In other words, any country which does not try to employ the alternative measures will find it extremely difficult to put the Bangkok Rules into practice.

### D. Negative Attitudes

Previously, Thai society had a specific view of the offenders, particularly in a negative way. For example, Thai people tended to believe that all offenders must be severely punished for their crimes. Therefore, the idea of providing prisoners with rehabilitation and treatment programmes was perceived as a soft measure on criminals since many ordinary people who were in an underprivileged group of the society did not have opportunities as good as the prisoners did, or the same special assistance that the inmates received. However, since the Kamlangjai Project was implemented, it seems that people have changed their attitudes towards prisoners due to the charismatic personality and gracious works of HRH Princess Bajrakitiyabha. Crucially, the Thai people have seen and realized that even the royal family is interested and truly dedicated to work on helping prisoners. Accordingly, Thai society should begin to pay more attention, to view the inmates in the better way, and to lend their hands to inmates, as well as to provide them with some mental support. Many activities in the Kamlangjai Project have been overwhelmingly supported by the public and private sectors which are willing to help the project, including commercial companies, a group of actors, artists, writers, academics and researchers as well. To give some examples, the “Bra Charity”, a campaign aiming to donate ladies’ underwear and lingerie to women prisoners, was participated in by many leading department stores. Also, the “Kamlangjai Foundation Fund” has received increasing donations from many people and private companies who want to help the prisoners.

In fact, in the initial phase of the Kamlangjai Project, HRH Princess Bajrakitiyabha expressed some concern that the activity could have run into resistance from society if the project had targeted all groups of prison inmates to obtain special assistance. Because of this, the Kamlangjai Project in an early

period tended to focus on a group of mothers in prisons and their accompanying babies and children because this issue was very sensitive. Obviously, people in Thai society quite agreed that the women prisoners' babies and children did not do anything wrong and should not be punished in prisons like their mothers. For this reason, many parties were willing to support the project. After that, other activities have been added to the Kamlangjai Project such as the campaigns for improving health and hygiene of women prisoners, for giving the inmates inspiration, and vocational training, as well as the pre-release programmes and so on.

#### **E. International Cooperation**

The massive support of the Kamlangjai Project, which obtained international recognition and led to the adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, can confirm to some extent that the problem of women prisoners does not occur only in Thailand but also happens at a universal level. It is clear that many countries encounter the same type of difficulty regarding the treatment of female prisoners as there are some similarities in the characteristics of their women offenders, especially their special needs. Moreover, the women prisoners do not usually have real criminality or aggressive behaviours. As a consequence, the international cooperation in enhancing the standards in the treatment of women prisoners in all nations is absolutely crucial. By so doing, it possibly can elevate the next level of development in prison systems of human beings.

### **V. IMPLEMENTATION OF THE BANGKOK RULES IN THAI PRISONS**

It was the first time that Thailand could perform the key role in successfully bringing about one of the United Nations standards and norms to be internationally recognized: "The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders" or usually known as "The Bangkok Rules". Basically, these rules should be adhered to by all nations as recommended guidelines for the treatment of female prisoners in their own countries.

In Thailand, it could be said that the adaptation of the Bangkok Rules is still in the beginning phase. Although it is not officially compulsory for all countries to apply the rules, Thailand as the country originally proposing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, which were approved by the 65th U.N. General Assembly, should be able to show its capability to become the role model for other nations in implementing all relevant measures and performing prison work in accordance with the rules as much as possible.

However, it must be accepted that Thailand is still a developing country. Some of the measures on the custody and treatment of prisoners have achieved relatively slow progress compared to other western nations. As such, Thailand has to focus its efforts on improving the treatment of prison inmates in various aspects but must be still in the consideration of the "less eligibility" principle, which works properly on the characteristics of Thai society. To put it simply, the treatment given a prisoner should not be superior to that provided a member of the lowest significant social class in the free society.

To put it briefly, the implementation of the Bangkok Rules in Thailand can be separated into two different levels of strategies: macro and micro frameworks.

#### **A. Macro Level**

At the macro level, or the broader picture of the Thai criminal justice system, there has been an increasing effort to use diversion or alternatives to prison more often because it is believed that the major obstacle to putting the Bangkok Rules into practice is the overcrowding of the female prison population in Thailand. Therefore, it is absolutely crucial to find more alternatives to prison for women prisoners, such as the following measures:

- The increasing adoption of the temporary release measures during court proceedings by using the Electronic Monitoring (EM) devices to raise society's confidence
- The measures on detaining offenders in places other than prisons must be employed more

often; for example, home detention by using EM to monitor the offenders

- The greater use of suspension of sentences by placing the offenders on probation and by using EM, which will be able to convince the courts to become more confident of putting the offenders on probation instead of sending them to prisons
- There shall be more prisoners who get parole together with probation by using EM in cases where there are still some doubts about placing the prisoners on probation

#### **B. Micro Level**

In a lower level of analysis, generally there are many practical approaches and processes to help the implementation of the Bangkok Rules in Thailand, in particular those relevant to each individual and agency within the criminal justice system. To give some examples:

- There must be at least a prison which becomes the “role model” of the correctional establishment succeeding in the implementation of the Bangkok Rules. From my perspective, the unit of women prisoners at Ratchaburi Central Prison possesses the highest capability to perform this role. By doing this, the prison authority must develop the settings and relevant issues in order to accomplish the adoption of all 70 rules in this unit
- The following step is to select other prisons to become the next role models after the success at Ratchaburi Central Prison, especially those 12 prisons which have already participated in the Kamlangjai Project, and HRH Princess Bajrakitiyabha previously went to work on the project. Besides these 12 correctional facilities, other prisons are ready and are already well prepared to implement the Bangkok Rules, so they should also participate. In fact, according to the plan, it is hoped that in the future on an annual basis there will be about 10 prisons which should be able to consecutively achieve the implementation of the Bangkok Rules
- It is also profoundly important to launch training programmes to provide the prison officers nationwide with useful knowledge and new perspectives on the prisoners in order to make them better understand how to work properly and effectively with women prisoners in accordance with the Bangkok Rules
- In terms of academic and scholarly approaches, there is a plan to conduct many studies and much research regarding the implementation of the Bangkok Rules in Thai prisons by hiring professional experts from other countries to work as the advisors of the study

However, in order to effectively implement the Bangkok Rules it seems particularly complicated since there are various relevant factors which can lead to the success of the practical implementation. Therefore, I conducted a small study to explore the critical factors influencing the adoption of the Bangkok Rules in Thai prisons which will be discussed in the subsequent part.

#### **C. Crucial Factors Facilitating the Implementation of the Bangkok Rules in Thai Prisons**

The key questions which I wanted to find the answers to were how to successfully implement the Bangkok Rules in Thailand, particularly in the sphere of prison work and what factors could assist in the implementation. As a result, I decided to undertake an informal study during my time as a visiting lecturer for a training programme at the Department of Corrections.

The data were gathered from 200 female prison officers from four groups of different sessions who participated in the training programme. The programme was called “*Working by conforming to the United Nations Rules for the Treatment of Women Prisoners*”, which was held at the Correctional Staff Training Institution. The participants had completed the questionnaires and then joined in a group discussion, which in turn became useful material for the qualitative data analysis. The study found that the crucial factors affecting the success of the Bangkok Rules implementation are as follows:

##### **1. Prison Overcrowding**

The majority of prison officers stated that overcrowding in prisons was the greatest obstacle to the

adoption of the Bangkok Rules in Thailand. As previously discussed in the earlier parts, the Thai prison system has encountered a prison overcrowding crisis for a long time among both male and female prisoners. In addition, according to the statistics (see Figure 1), since 2006 the female prison population has gradually increased because of the fact that more women have entered into the vicious cycle of crime, in particular crimes committed against the Narcotic Laws. This rising trend tends to occur every year. The chronic problem is that the number of prison officers and prison facilities are still almost the same.

The inverse relationship between the increasing female prison population and understaffing, together with the stagnant number of prisons, poses real difficulties in following many rules of the Bangkok Rules, especially about 20 rules regarding the medical service and the proper care for the children living with their mothers who are inmates in prisons.

Accordingly, the most necessary condition in implementing the Bangkok Rules in Thailand is that the number of women prisoners must be somewhat decreased by various possible alternative-to-prison measures. This idea is actually in the line with the Bangkok Rules, which clearly support the proper use of non-custodial measures. At present Thailand had already amended the related laws which can facilitate the idea, particularly section 246 and section 89 paragraphs 1 and 2 of the Criminal Procedure Code related to other places used to detain inmates instead of prison. In terms of the other measures, they should be adopted, such as probation and parole as well as temporary and conditional release by using the electronic equipment, which can enhance the public confidence in the custody of prisoners in the community. It is believed that if the number of female inmates can be decreased by these alternatives to prison, the Bangkok Rules will be more efficiently implemented. Hence, it is quite obvious that the most crucial factor in implementing the Bangkok Rules in Thailand is that the number of women prisoners must be decreased by various alternative-to-prison measures.

## 2. Actual Situation and Atmosphere in Prison

The actual situation or atmosphere in prison is another crucial factor. This can refer to both the specific atmosphere and the current situation in each correctional facility, and also the overall atmosphere of all prisons or the prison system in the country. To give an example, when there are drugs and mobile phone smuggling prevention strategies, the prison atmosphere is entirely surrounded by a custody-oriented ambience and strict regulation. All correctional establishments tend to enhance the security measures by assigning most of their prison staff to conduct the thorough search at the main prison gate for visitors and vehicles and also inside the prison units to prevent the contraband smuggling. Consequently, other types of activities, i.e. education and vocational training, recreation and social welfare activities, as well as the medical service and a good care of children staying with their inmate-mothers, have been rather limited or more strictly monitored. In other words, under these circumstances, the operation in terms of the rehabilitation and other non-custodial activities, including the implementation of the Bangkok Rules, seems to receive little attention and gets affected to some extent. For instance, Rule 28 states that:

### *Rule 28*

*Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.*

As previously discussed, under the circumstance that all prison visits must be strictly provided and the prison authority maintains a custody-oriented atmosphere to prevent the smuggling of the contraband and all prohibited items into prison, it seems that the children who visit their mothers in prison cannot have a positive experience or even have physical contact with their mothers behind bars.

The possible solution for this issue might be that all prisoners should be appropriately and effectively classified. The good classification procedures shall be able to separate a group of dangerous prisoners, who pose high risks for causing trouble and disturbances, to be strictly kept in custody while another group of well-behaved inmates can be imprisoned in a facility which promotes the rehabilita-

tion or creative activities in a less custody-oriented atmosphere and hence can work in accordance with the Bangkok Rules.

### 3. The Number of Prison Officers and Support from Various Sectors

The majority of participants in this study tended to agree that the adoption of the Bangkok Rules will not be successful if the prison authority cannot get adequately prepared in terms of the availability of manpower and the right attitudes of prison staff, although doing so is an official policy of the Department or even under direct orders from the prison directors.

As partly mentioned above, the shortage of prison officers has been the major obstacle of the Department of Corrections for the last ten years as the prison population, conversely, has gradually increased from about 160,000 in 2003 to nearly 230,000 in 2012. Further, the quantity of correctional establishments has risen from 125 to 143. On the contrary, the number of prison officers has not been proportionately added because of the government policy to freeze the total number of civil servants in the public sector.

To alleviate the crisis, the Department of Corrections has tried to recruit more government employees, but there are still some legal limitations on the grounds that they are not legitimately regarded as civil servants. Therefore, according to all relevant laws and regulations, due to their status as government employees, they could not fully perform custodial work in prisons. In reality, it is very normal to see a small group of prison officers working in prison units compared to the considerable number of prisoners. For example, in a large prison where many units are clearly separated, there are about 1,000 inmates controlled and supervised by nearly 10 prison officers.

Obviously, understaffing can lead to some difficulties in working in accordance with the Bangkok Rules. To illustrate, one of the Bangkok Rules states:

#### *Rule 13*

*Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.*

It must be noted that if the number of prison officers are still inadequate, it is almost impossible for the prison staff to be fully aware of times when the female inmates suffer the above-mentioned distress or to provide active support in time as mentioned in the rule.

Moreover, the prison operation in accordance with the Bangkok Rules must be also derived from the cooperation from the prison officers working in other sections of prisons, as well as the clear policy of the prison executives. In order to provide the inmates with many rehabilitative programmes and development activities, it seems that more officers from custody units, supervision sections and other divisions must also engage in facilitating the programme events. Having said this, the prison officers in the female prisoner unit usually have not gained full support because other officers tend to perceive that the assistance is an extra burden apart from their normal duties. Because of this, it is very important that all individuals behind bars must have the same attitude towards the inmates and similar understanding as well as the explicit policy from the prison executives so that they all can work harmoniously towards the common direction.

### 4. Knowledge, Understanding and the Recognition of the Importance of the Bangkok Rules

Another crucial factor influencing the dedicated work on implementing the Bangkok Rules is the knowledge, understanding and recognition of the importance of the Bangkok Rules. It is believed that normally the prison officers, who have been working hard for a long time in the custody of inmates causing most of the trouble in prisons, tend to personally have a specific negative perspective of prisoners. To put it simply, this group of prison officers maintains that all prisoners cannot be changed in a positive way. In other words, no matter how many treatment programmes are provided by the prison authority, the prisoners will never be successfully rehabilitated. Hence, the rehabilitative activity is actually an unnecessary and burdensome task. This view was largely found among the prison staff, both male and female, who have been working in the prison service and quite close to the

inmates for a long time. The negative attitude is indeed a major obstacle for the implementation of the Bangkok Rules. Although these prison officers do not completely obstruct the Bangkok Rules project, they choose to apparently ignore it and do not provide any support. They just focus on their routine functions and pass the time each day without thinking of the effective results of their work.

This difficulty could be overcome by providing the prison officers with more knowledge and a better understanding about the concept and ideology of the treatment of female prisoners in accordance with the Bangkok Rules. Furthermore, it should be noted that many prison staff still do not have enough profound knowledge of the Bangkok Rules, which in turn leads to the lack of support for and dedication to the adoption of the rules. For instance, some male prison officers or even the female officers, who do not have any official role in adopting the rules, do not provide enough assistance or are not willing to give support. Accordingly, it appears seemingly inevitable to provide them with the complete knowledge of the advantages and the significance of the implementation of the Bangkok Rules.

#### 5. Motivation in Prison Officers

According to the questionnaires and the group discussion of the participants, the majority of them suggested that the personal motivation was very important. It should be highlighted that to work in accordance with the Bangkok Rules can be accomplished successfully by the strong motivation of the practitioners, not because of the perception that it is a demanding task that they must fulfill. As already discussed, the shortage of prison staff has continuously existed, and the prison officers have to work very hard around the clock. In each unit, there might be only 3 — 10 officers managing about 100 prisoners. Most of their daily working hours are usually spent on completing routine and repetitive missions. Therefore, to assign the correctional officers with new and challenging duties, they must be extremely motivated. By doing so, it is very necessary to highlight the real benefits of this project for the development of correctional work in Thailand, which can be greatly improved to the international standard. If it succeeds, all practitioners taking part in the adoption of the Bangkok Rules will be truly honored and appreciated for their work. Also the officers who are dedicated and devote a great deal of effort should be well paid and properly rewarded so that they will gain great inspiration and encouragement to keep working. In Thailand, last year the prison officers at the practitioner level from Ratchaburi Central Prison had an opportunity to do a study tour in Singapore as it was a prison achieving the most remarkable progress in the implementation of the Bangkok Rules. In cases of other prisons, there might be different types of motivation and reward, namely job promotion, the chance to receive special training, scholarships to study or to be trained, and study or exchange visits, etc. Although there is a wide range of motivating factors, it is very necessary for the prison officers to be well motivated in order to succeed in adopting the Bangkok Rules.

## VI. CONCLUSION

To sum up, Thailand has encountered various difficulties in managing women prisoners, especially the prison overcrowding and the shortage of staff. On top of that, there seems to be a general neglect of special needs and the treatment of female inmates. However, due to the Kamlangjai Project initiated by HRH Princess Bajrakitiyabha, some major changes have occurred. Apart from the increased awakening and awareness of the women prisoners, the project also led to the adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. Thailand as the leading nation in proposing the Bangkok Rules must perform a major role in supporting the implementation of the rules worldwide. Having said this, firstly Thailand must be able to work in accordance with the rules in our own country, which tends to primarily rely on various key factors. It is hoped that these findings could be regarded as guidelines for other countries in order to overcome their own nations' difficulties or to focus on their key factors, which can help them to succeed in the implementation of the Bangkok Rules.



---

## PARTICIPANTS' PAPERS

---

### TREATMENT OF FEMALE OFFENDERS

*Leandro Zaccaro Garcia\**

#### I. FEMALE OFFENDERS IN THE CORRECTIONAL SYSTEM

The treatment of female offenders in the correctional system has not received much attention because of their small population in comparison with male offenders. However, the population of female offenders is on the rise in many countries recently, especially in Brazil, which has increased the need for effective policies of treatment of women prisoners.

Due to their biological and psychological differences, female offenders require special consideration and different treatment while inmates in the correctional system. The United Nations is aware of such demand and issued, in December 2010, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

##### A. The Brazilian Correctional System

The Brazilian prison system has a total population of 549,577 inmates, of which 513,538 are men and 36,039 are women. The population is divided into 1,420 penitentiary units nationwide. Each state is responsible for the maintenance of its units, and only 4 units are under the control of the federal government, and that only accepts male prisoners.

##### B. Women Offender Status in Brazil

Brazil currently has 36,039 women prisoners in state units located in 27 states of Brazil. These women are in prisons, agricultural and industrial colonies, public chains, custody hospitals for psychiatric treatment and sheltered houses, varying according to the prison sentence.

The regime and the place of imprisonment vary according to the numbers below:

- State Penitentiary System (Public Chains) — Preventive custody: 12,986 women offenders.
- State Penitentiary System (Prisons) — Closed regime: 16,229 women offenders.
- State Penitentiary System (Agricultural and Industrial Colonies) — Semi-open regime: 4,716 women offenders.
- State Penitentiary System (Sheltered Houses) — Open Regime: 1,605 women offenders.
- Custody Hospitals for Psychiatric Treatment: 503 women offenders.

It is necessary to emphasize that in the Brazilian prison system there are only 21,936 vacancies available to women. Given the current population of 36,039 women inmates, we conclude that there is a deficit of 14,103 places, creating a picture of overcrowding in prisons.

According to the Penitentiary Information System (INFOPEN), female inmates are divided according to the following characteristics:

---

\*National Penitentiary Department, Ministry of Justice, Brazil.

1. Age:

- 18 to 24 years old: 10,030
- 25 to 29 years old: 8,382
- 30 to 34 years old: 7,295
- 35 to 45 years old: 6,742
- 46 to 60 years old: 2,728
- +60 years old: 294
- Not reported: 568

2. Skin color / Ethnicity:

- White: 13,113
- Black/Mixed: 21,600
- Asian: 105
- Indigenous: 55
- Other: 1,166

3. Schooling:

- Illiterate: 2,382
- Literate: 4,486
- Elementary School Incomplete: 16,584
- Elementary Complete: 3,294
- High School Incomplete: 4,433
- High School Complete: 3,312
- Higher Education Incomplete: 496
- Higher Education Complete: 212
- Post Graduation: 20
- Not reported: 820

4. Type of crime:

- Crimes against persons: 3,792
- Crimes against property: 9,697
- Sex crimes: 261

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

- Crimes against public peace: 372
- Narcotics: 20,178
- Firearms: 466
- Other: 1,273

Based on the data above, we can see that in Brazil the majority of women prisoners are young, between the ages 18 and 29 years old, are black/mixed, have incomplete elementary school, and committed the crime of drug trafficking, which leads to the conclusion that social exclusion and the entry into criminal practice are associated factors.

It is necessary to highlight that according to studies conducted by the Ministry of Justice, most women became involved in drug trafficking due to their companions (husbands or boyfriends) or as “mules” for transport.

## II. WOMEN INCARCERATION POLICY

The President, Dilma Rousseff, has shown particular concern for female incarceration, both in terms of prison overcrowding and the quality of the treatment, given the specificities of women. Accordingly, to address the deficit in Brazilian prison capacity, the Federal Executive created the National Program of Prison System Support, which was regulated by Ordinance No. 522, November 22, 2011. The programme has the following goals: eliminating the deficit in prison capacity in female prisons and reducing the number of prisoners in police stations and transferring them to prisons with skilled physical structures (including correctional personnel) for the faithful compliance of relevant laws. Consequently, the programme will generate jobs by constructing and staffing new prison units to house female offenders. To meet the programme's goals, there was an authorization of financial support in the order of R\$ 1.1 billion *reais* by the year 2014.

Therefore, with the implementation of the programme, the projection is to eliminate the deficit in prison capacity in female prisons and significantly minimize the ratio of prisoners per vacancy by the end of 2014, resulting in an increase of over 48,000 (forty-eight thousand) new jobs in the State prison systems and in the Federal District.

In addition to the actions of the National Plan of Prison System Support, which will have federal resources and state counterparts, the Master Plan of the Penitentiary System also will induce an increase in the number of jobs, strictly following the plans and schedules established by the states.

These new jobs will follow the specifications of Resolution nº 09/2011 of the National Council of Criminal and Penitentiary Policy (*CNPCP — Conselho Nacional de Política Criminal e Penitenciária*), which provides for nursery units designed to attend to arrested and imprisoned pregnant women and their sons and daughters, considering the specific needs of the public in this condition. The structure for children up to two years old includes nursery spaces for children between two and seven years old and spaces that enable early childhood education, called *creches*. In penal units with a capacity of up to 500 inmates, these spaces should be provided for a minimum of 20 children and, in the case of units with more than 500 vacancies, should provide 5% of total vacancies. This module will have quick access to the Health Module. Another specific provision is the Beauty Module, located in the Multipurpose Module, and the dimensioning of toilets in greater proportion, considering the needs of women. Both male and female units are planned with Education Modules, Health Modules, Service Modules, and other necessary assistance to the prisoners and their visitors.

Still, the National Health Program for the Penitentiary System (*PNSSP — Programa Nacional de Saúde no Sistema Penitenciário*) provides health care for mothers and children, and the referred units for pregnant women, nursing mothers and their children to be covered by health care activities. Accordingly, the units currently enabled, with 260 teams registered, have the ability to attend to a maximum of 7,500 (seven thousand five hundred) women under custody and to provide guidance in

primary care for first time mothers, including those in the official care network. The Ministry of Justice has been working on two strategies:

- equipping units for maternity and child care, ensuring 100% coverage by 2012 in all states
- effective inclusion of this population in the *Stork Program Network (Programa Cegonha)*, from the Ministry of Health, ensuring access to 100% of pregnant women, nursing mothers and children up to 2 years of age

The question about female gender is one of the primary goals of the Master Plan of the Penitentiary System. Furthermore, in 2011 the National Penitentiary Department (*DEPEN*) released the Effective Rights Project for Women in the Penitentiary System, which aims to develop policies especially for females, including pregnant women's specific needs.

In 2009, by virtue of Law No. 11,942, there was a change in the Brazilian Penal Execution Law, improving the focus on the particularities of the arrested women. In this case it is important to understand that several aspects were omitted by the previous law, especially in relation to child protection, like: spaces for medical monitoring of women, especially during pregnancy and post-partum and newborn care; nurseries where imprisoned mothers could take care of their children, even breast-feed them for at least six (6) months; a section for pregnant and labouring women and for providing daycare to children older than six (6) months and less than seven (7) years, in order to assist helpless children whose guardians are arrested, with special care by qualified personnel in accordance with guidelines adopted by educational laws.

During the same period, Resolution 04/2009 *CNPCP (Conselho Nacional de Política Criminal e Penitenciária)* was issued, which provides rules for the custody and care of the children of incarcerated women, considering the environment of human development, providing enough adequate space to allow healthy child development and a quality relationship between mother and child; continuity of the maternal bond, which should be considered as a priority in all situations; breastfeeding, understood as an act of psychological and physical impact, should be treated as a priority, because it depends on the health of the mother's body and the mental health of the child.

Most state prisons have no physical structure suitable to child care. In many cases the children stay in the cell next to their mother during the execution of the sentence. Although some states have spaces for nurseries/mother and child care, there is no national regulation of such structures. This reality will be modified after the implementation of Resolution nº 04/2009 *CNPCP* and nº 09/2011, which obliges the installation of nurseries and child care units in all female state prisons.

Another initiative in regard to the issues of female incarceration was the creation of a Special Commission, linked to the Penitentiary Politics Office of the National Penitentiary, which is tasked to develop proposals and actions to the Strategic Project of the Ministry of Justice: Enforcement of Women's Rights in the Penitentiary System. In conjunction with the Interministerial Group (Ministries of Justice, Health and Social Development) formed for the development of integrated policies aimed at incarcerated women, the agenda will work specially with child care as a priority.

#### **A. State Government Policies**

Implementation of public policies and presentation of projects recommended for the funding bids available. The Federal Government provides funds to the states through the National Penitentiary Fund (FUNPEN), by signing agreements, and states are responsible for the construction of the units and the implementation of policies targeting female offenders.

#### **B. Challenges**

Expanding coverage of assistance and health modules to 100% of the female incarcerated population and integrating with the *Stork Program Network*, *SUS* (Public Health System) and their regional health care networks.

**C. Possible Solutions**

Investment in seventeen (17) States not yet covered by maternal and infant modules (solution to be effective in 2012 and 2013); integration of local care networks into the Stork Program Network through an agreement between the Ministry of Justice and Ministry of Health, to take effect between 2012 and 2013.

# BRAZIL AND THE BRAZILIAN CORRECTIONAL SYSTEM

*Leandro Zaccaro Garcia\**

## I. BRAZIL AND THE BRAZILIAN CORRECTIONAL SYSTEM

### A. Brazil

Brazil, officially named the “Federative Republic of Brazil”, is the largest country in South America, and the fifth largest in the world in land area. It has 47% of the territory of the South American continent, and a population of over 192 million inhabitants. Its official language is Portuguese and is currently the only Portuguese-speaking country in South America. With an extensive coastline (7,491 kilometers), Brazil still has borders with 10 countries: Venezuela, Guyana, Suriname and French Guiana to the north, Colombia to the northwest, Bolivia and Peru to the west, Argentina and Paraguay to the southwest and with Uruguay to the south.

Brazil was discovered by the Portuguese on 22 April 1500, and became a colony of exploitation of the Portuguese Crown. Its independence was declared on 7 September 1822 by Dom Pedro I, the Portuguese emperor, and became a republic on 15 November 1889 through a military coup organized by Marshal Deodoro da Fonseca — the first president of Brazil. The country has experienced two dictatorships: one civil, governed by Getúlio Vargas in the period from 1930 to 1945, and a military dictatorship, between 1964 to 1984.

The Brazilian economy is the largest in South America and in the Southern Hemisphere and is the sixth largest in the world in nominal GDP (Gross Domestic Product), with the value of US \$2.492 trillion. Its GDP per person (PPP) is US \$11,181, and the official currency is the “real”. The country is developed in the agricultural, mining, manufacturing areas and services, besides having vast manpower and a large job market. The main export products are: aircraft (Embraer and Helibrás), motorcycles and cars (Fiat, Volkswagen, General Motors, Ford, Hyundai, Renault, Peugeot, Citroen, Mitsubishi, Harley-Davidson, Honda, Yamaha, Kawasaki), shoes, alcohol, sugar, orange juice, soybeans, coffee, steel and iron ore. It should be noted that Brazil has the second largest business aviation market in the world, behind only the United States, the second largest global market for mobile telephony and the second largest commercial television network in the world, Rede Globo. The country is still part of a group of four emerging economies called “BRICs” (Brazil, Russia, India and China) and, in 2050 Brazil will reach a GDP of US \$11.3 trillion, placing it as the fourth largest economy in the world.

As mentioned earlier, the current population of Brazil is approximately 192 million inhabitants, of which 83.75% of the population is in urban areas. The population is concentrated in the southeastern areas (79.8 million) and Northeastern (53.5 million). The country’s most populous cities are São Paulo, with 11,376,685 people, Rio de Janeiro with 6,390,290 and Salvador with 2,710,608 inhabitants. Brasília, the federal capital, ranks fourth with a current population of 2,648,532 inhabitants. In racial terms, 47.7% of the population identifies themselves as white, 7.6% as black, 43.1% as mixed race, 0.4% as indigenous and 1.1% of Asians. Brazil has the largest Japanese community outside the territory of Japan, with more than 1.6 million Japanese citizens and Brazilian citizens of Japanese descent.

The current Federal Constitution, written in 1988, defines the country as a presidential federal republic formed by the Union (Federal Government), the Federal District and 26 states, with 5,564 cities. The capital of Brazil is Brasília, located in the Federal District, and the current President is Ms. Dilma Rousseff, successor of Mr. Luiz Inácio Lula da Silva.

---

\*National Penitentiary Department, Ministry of Justice, Brazil.

## **B. Brazilian Correctional System**

The Ministry of Justice is part of the structure of the Federal Government and, in accordance with Decree No. 6.061/2007, is the highest body responsible for matters relating to the defence of the legal system, political rights and constitutional guarantees, judicial policy; rights of Indians; narcotics; Public Safety (Federal Police, Federal Highway Police, Railway Federal Police); planning, coordination and administration of the national penitentiary policy, citizenship, immigration and foreign matters; Consumer and Indian Affairs Ombudsman Offices, full and free legal assistance to the needy, prevention and repression of money laundering; and assistance to the Presidency. The Ministry was established on 3 July 1822, and the current Minister of Justice is Dr. José Eduardo Cardozo.

The National Penitentiary Department (DEPEN) integrates the structure of the Ministry of Justice and is responsible for monitoring the application of the rules of criminal enforcement nationwide, supervision and inspection of state prisons, as well as oversight and coordination of federal penitentiaries; the Ministry supports Brazilian states in the deployment of the units and the training of personnel in the prison system, manages the Brazilian prison policy, takes care of resources from FUNPEN - National Penitentiary Fund and hosts the National Council on Criminal and Penitentiary Policy (NSCLC - CNPCP). Currently the post of Director General of DEPEN is occupied by District Attorney Dr. Augusto Eduardo de Souza Rossini.

Brazil currently has 1,420 prison units distributed throughout the country, and the vast majority are managed by the states. Only 4 units of maximum security (Supermax) are managed by the Federal Government through the Federal Prison System, designed to house highly dangerous criminals who have proven involvement with organized crime. Among the units are:

- Prisons: for criminals sentenced to imprisonment in a closed regime
- Agricultural and Industrial Colonies: for criminals sentenced in a semi-open regime
- Public Chains: for inmates arrested in preventive custody
- Custody Hospitals for Psychiatric Treatment: for criminals with mental illness or with incomplete or delayed mental development
- Sheltered houses: for inmates sentenced to deprivation of liberty in the open regime, or limited to weekend

According to INFOPEN — Penitentiary Information System, Brazil currently has 549,577 inmates, of which 513,538 are men and 36,039 are women. Of these, 3,992 are foreigners of various nationalities from all parts of the world. The division of inmates by type of crime is:

- Crimes against persons: 60,579
- Crimes against property: 249,655
- Sex crimes: 21,096
- Crimes against public peace: 8,344
- Narcotics: 116,768
- Firearms: 29,056
- Other: 64,079

Having completed this general overview, the material in the individual presentation addresses and further analyses aspects of the treatment of female offenders.

# TREATMENT OF FEMALE OFFENDERS IN JAMAICA

*Joycelyn Roach-Spencer\**

## I. INTRODUCTION

“Three meals per day, no rent to pay, no husband to obey” is a quote used by a poetic adult female offender incarcerated at the Fort Augusta Adult Correctional Centre, Jamaica in 1989. The occasion was a talent concert at the prison and each female was asked to creatively describe something positive about being in prison. This quote represented the common views of the prison population at the time; approximately 90% of the population being females from the lower socioeconomic strata of society, unemployed or underemployed and a significant number of them being victims of abusive relationships. The most common crimes committed then were lower-level crimes such as simple larceny, wounding and a few domestic related murders, and rehabilitation options were limited mainly to basic education and skills training.

Today, the Jamaican female population has more than doubled, the profiles of female offenders have changed significantly to incorporate professionals from every strata of society and crimes now committed by females are more of a high profile and serious nature to include pre-meditated murders, fraudulent activities and crimes relating to the dangerous drug trade; hence, the needs of a female in prison today far surpass those for mere food, free lodging or a haven from abusive relationships and include those complex needs for social and psychological interventions.

In this regard the Department of Correctional Services, Jamaica, (the arm of the Ministry of National Security entrusted with the mandate to keep offenders safe, while facilitating their rehabilitation and reintegration) is challenged with limited resources to provide adequate opportunities for the rehabilitation of these women, and not only for the adult female offenders in institutional care but for juveniles as well as those with alternative sentences to incarceration who are supervised in the community.

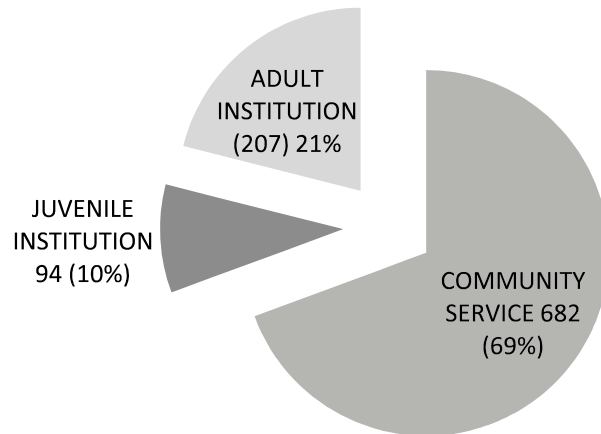
Currently, the Department of Correctional Services' total female population is 983, or just about 10% of the total offenders' population. Females in Correctional Services Care are housed in the Adult Institution (207/21%), the Juvenile Institution (94/10%) or supervised in the Community on Alternative to Custodial Care orders or on parole (682/69%).

---

\*Overseer (Acting), Department of Correctional Services, Jamaica.



## DCS TOTAL FEMALE POPULATION 2012



## II. ADULT FEMALES IN INSTITUTIONAL CARE

Adult females in institutional care are housed at the Fort Augusta Adult Correctional Centre, which is the only adult female Correctional Centre in Jamaica. Built by the English in the 1740's as a fortress to guard the Kingston Harbour, this facility had suffered many tragedies and lay abandoned for several years. The building was renovated in 1954 and used as a minimum security institution, housing male prisoners in the past. It was later retrofitted in February 1988 and commissioned to be used as the female prison. This facility was built to accommodate two hundred and fifty (250) inmates and has since maintained an average of two hundred and twenty-five (225). The population has exceeded its capacity and gone over the three hundred (300) mark on one occasion.

In fulfilling its mandate of maintaining security, the Department of Correctional Services has done exceptionally well in securing its female offenders, with no escapes over the last twenty (20) years and only two (2) cases of escapes in the last thirty (30) years or so.

### A. Most Common Offences Committed by Adult Females

It has been said that females commit different types of crimes than men, and statistics within the Department of Correctional Services have revealed that the most common crimes committed by adult females over the years are drug related, forgery/embezzlement and larceny. Most offenders at Fort Augusta are usually emotional at the onset of incarceration, missing their children and the uncertainty of what to expect in prison, but over time have made Fort Augusta "a home away from home"

The phrase "home away from home" is an all encompassing one and in a prison context such a home not only caters to the basic needs of food, clothing and shelter, but other factors which contribute to the rehabilitation of the offender have been considered. Research suggests that a true test of good prison management includes the number of meaningful activities in which the inmates are involved. The Department of Correctional Services is cognizant of this fact, and rehabilitation of inmates is paramount, as is outlined in its mission and vision statements.

### B. Rehabilitation Programmes

Rehabilitation programmes at Fort Augusta Adult Correctional Centre include a wide range of skills training, such as cosmetology, shoemaking, clothing and textiles, and educational programmes, such as basic computer training and academics up to secondary-school level. The women are selected for these areas based on prior experience in the field and/or demonstrated interest and the ability to participate in the programmes.

In their skills training areas, inmates are encouraged to perform at their maximum ability, as officers often utilize the products and services they provide at a subsidized cost, a percentage of which goes to the inmates' accounts. Currently there is a hair salon where the inmates are taught cosmetology in partnership with HEART-Trust/NTA, and cooking is taught at the home economics centre, where the inmates bake their own bread and cakes. In the sewing and textile department, they make their own uniforms, sheets and nightgowns. An old dorm is presently being reconstructed into an arts and crafts centre.

### **C. Corrections Week Exposition**

The inmates are given the opportunity to display their items of creativity at an exposition during "Corrections Week", held yearly during the month of October. This exposition is held outside the institutions, usually at a popular public venue, and members of the public are invited to view the displays of items prepared by these inmates: jams and jelly preserves, hand-crafted items, draperies and bedding sets. Several expressions of surprise by attendees to this event have been noted at the high-quality displays, and several purchases have been made during this venture. Given the usually poor public perception of imprisonment, this exercise dispels some of the myths and uncertainties of incarceration and points critics to evidence-based rehabilitation activities that take place "behind the walls."

### **D. External Examinations**

Academics is also an essential part of the rehabilitation programmes, and as a test of their academic knowledge, the inmates are allowed to sit for external examinations in subject areas including English language, mathematics, biology, social studies and accounts at the Caribbean Secondary Examination Certificate (CSEC) level where the Government pays for the exams. The results have always been encouraging over the years where students earned top grades in accounts and biology.

### **E. Medical Services**

In addition to rehabilitation, a medical facility for health care is available at the institution for inmates' access. A medical doctor who visits at least twice per week is assigned to the institution to attend to inmates medical needs. All inmates are seen as early as possible after admission and afterwards on a needs basis. Referrals are made for inmates to attend public hospitals and to see specialists when necessary. A psychiatrist is also assigned and is available on call when the need arises. Correctional officers are specially trained as medical orderlies and are strategically placed on each work shift. These officers are the inmates' first contacts and are able to address their basic needs, while making an assessment for further medical attention. Female inmates who are pregnant are closely monitored; they attend prenatal clinics at public hospitals and are escorted and guarded at the hospital by correctional officers until the delivery of their babies. They are then located in a maternity dormitory at Fort Augusta with their babies. The mothers are allowed to keep their babies with them for a period of three months or longer based on the circumstances, after which a suitable family member can be granted temporary custody of the child. This is done to allow the mother some time to bond with her baby, a critical element in the child's development.

### **F. Family Visits**

Family visits form another aspect of the Department's treatment of offenders, and in keeping with a human rights approach to incarceration, females enjoy the benefits of social visits, whereby they are allowed a "face to face" encounter with their loved ones, as opposed to their male counterparts in maximum security institutions who are given a more restricted type visit (separated by a glass window). Convicted females are given two (2) visits per fortnight, whilst those awaiting trial are given two (2) visits per week. This is in accordance with prison rules and regulations and is necessary to facilitate a continued link between the inmate and her friends and family.

### **G. Visits From Interest Groups**

The Department of Correctional Services not only facilitates family visits but also visits from voluntary and religious organizations, visiting committees, local and international human rights organizations, medical interest groups and the media from time to time. One regular visiting group is a religious group. Every Sunday, a church service is held in the Fort Augusta Chapel and inmates are delighted to be involved and make this a ritual. This is not surprising as research has shown that

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

women use religion as a coping strategy for stress more than their male counterparts and that the strength of their religious faith influences coping with daily stressful activities. (Pante, Saucedo & Rice, 2001).

#### **H. Sports Day**

Another stress-relieving activity at Fort Augusta is Sports Day. This is an annual event funded by various interest groups and stakeholders. This event is usually held during the month of April and allows for competition among inmates in cheerleading activities and track and field events. This fosters a spirit of collaboration as inmates work together to ensure that their group emerges the winner. This is a healthy practice as inmates forget their differences during this time and develop a harmonious relationship which is necessary for living with each other in a small space, in some instances for years. Incorporating staff participation, as well, builds an atmosphere of trust and fosters good interpersonal relationships between officers and inmates, an aspect of dynamic security which proves to be more effective in prison than physical security.

#### **I. Foreign Nationals**

Inmates are treated equally and there is no discrimination as it relates to race or culture. At the Fort Augusta Adult Correctional Centre, foreign nationals form approximately 30% of the population of females and are largely from the United Kingdom, United States of America and other Caribbean countries and are usually incarcerated on drug-related charges. A few exceptions are those who breach immigration laws and overstay their visits. Once a foreign national is admitted to the institution, the respective embassy is notified and a visit usually takes place within 24 hours after admission. Embassy Representatives make contacts with family members of inmates as it relates to purchasing tickets and other personal matters, and subsequent follow up visits are done.

#### **J. Loss of Privileges**

"Prisoners are sent to prison as punishment and not for punishment" is a truism in the DCS, and in recent years human rights groups have been keen watch dogs for any such breach; however, violations of prison rules and regulations usually attract punishment. Punishment for adult female offenders includes the loss or reduction of privileges such as special visits, television and the loss of remission. Remission is the deducted portion of a stipulated sentence granted to convicted persons being incarcerated. A person being imprisoned for the first time is granted one third of his/her sentence off as remission, while for a person imprisoned two or more times, one quarter of his/her sentence is reduced as remission. This is in keeping with the Corrections Act and can be enforced upon any reported breach of prison rules and regulations for which the offender is charged and found guilty. Adjudication is done by the Superintendent in charge of the institution, who can take a maximum of thirty (30) days off as remission. The Commissioner of Corrections can deduct a total of ninety (90) days.

### **III. FEMALE JUVENILES IN INSTITUTIONAL CARE**

The population of juveniles in custodial care as of December 2012 stood at 379. Of this amount, 345 were males and 94 were females. Due to inadequate space, especially for "high-risk" females, some juveniles are housed in adult institutions; 40 at the Fort Augusta and 16 at the Horizon Adult Remand Centre. Although this practice is in breach of the Child Care and Protection Act, which guides the treatment of children in conflict with the law; in both situations, juvenile females are kept in a separate dormitory/block from adults, and treatment of these juveniles is consistent with what obtains with other juveniles in the Juvenile Correctional Centres.

#### **A. Most Common Reasons for Juvenile Females' Incarceration**

The reasons that juvenile females are incarcerated have been consistent over the years, and in order of most common reasons, those deemed to be "Uncontrollable" by the courts tops the list, followed by those charged for breaking and entering (burglary), larceny and wounding.

The Armadale Juvenile Correctional Centre was the primary facility for juvenile females until May 2009 when the facility was destroyed by fire, an unfortunate incident which claimed the lives of seven girls and injured thirteen others. The then Prime Minister Bruce Golding ordered the facility closed and the remaining girls were temporarily located at the Stony Hill Heart Academy. Since then they were

transferred to Diamond Crest Juvenile Correctional Centre, a new facility acquired by the DCS on the southern coast of the island, which was renovated and currently houses 38 females.

At Diamond Crest, educational and skills training form the base of the rehabilitation programmes, which is mandatory for a child up to 16 years old by law. The institution is headed by a superintendent trained in Social Work and supported by a cadre of specially trained correctional officers. A welfare case manager is assigned to the juveniles and plans programmes for them, including family days, programme activities celebrating Child's Month, Christmas dinner and other beneficial interventions.

#### **B. Behaviour Modification Programme**

A Behaviour Modification Programme is in place at the Diamond Crest Juvenile Correctional Centre. This programme operates on the principle of Reinforcement Theory, which promotes desired behaviour and reduces undesired behaviour by giving rewards for good behaviour and punishment for poor behaviour. Rewards include home leave, television in dormitory and extra visits while punishment includes the withdrawal of privileges.

### **IV. FEMALES IN COMMUNITY CARE**

Females in Community Care are those who are given non-custodial sentences by the Court and are supervised within a community setting by Probation After Care Officers. As of December 2012, the number of females in community supervision was 682 and their non-custodial sentences included the Community Service Order, Probation Order, Supervision Order, Suspended Sentence Supervision Order and Community Service Order.

#### **A. Community Service Order**

A Community Service Order is one in which a convicted person 12 years or older is given an order by the judge to work without pay in a community service organization, for example schools, hospitals, children's homes or golden age facilities. They are supervised by Probation Officers and carry out tasks such as painting, gardening, cleaning or working with the elderly. Community Service Orders carry a minimum of 40 hours to a maximum of 360 hours for a single offence and no more than 480 hours if the offender is convicted for more than one offence. If the offender neglects to perform his or her duties, the order may be revoked by the court, and the offender may be fined or sent to prison.

#### **B. Suspended Sentence Supervision Order**

A judge may order that a person who is granted a sentence of three years or less serve such a sentence in the community, supervised by a Probation After Care Officer.

#### **C. Parole**

Parole is a "post-prison" status whereby an inmate is released from prison prior to the expiration of his or her release date and is allowed to serve the remainder of the sentence in the society under the supervision of a Parole Officer. In Jamaica, the Probation Officer supervises parolees as well as probationers. Persons are eligible for parole if they are serving a sentence of 12 months or more and can make a written application to the Parole Board after serving one third of the stipulated sentence. A person serving a life sentence is eligible for parole after serving seven years or after serving a specific period stipulated by the court. Parole can also be revoked if an offender breaches the conditions, and the offender can be sent to prison to serve the remainder of his or her sentence.

#### **D. Benefits of Non-Custodial Sentences**

One main benefit of non-custodial sentences is its cost effectiveness. The government pays approximately \$776,723 more per annum to maintain each custodial client than it pays for a non-custodial client (DCS Annual Report, 2008). Other benefits include the absence of the stigma of being incarcerated and the opportunity afforded to the offender to continue working and taking care of his or her family while making a positive contribution to society. Counselling, guidance and monitoring of these offenders by Probation Officers assists them to make better choices, thus reducing the incidence of reoffending.

## V. CHALLENGES

### A. Adult Female Offenders

Challenges with the adult females include the smuggling of prohibited articles into the institution, usually cellular phones and drugs/ganja. The practice of same sex relationships in the institution is also an issue since this gives rise to jealousy resulting in tension and frequent fights among the women. Additionally, the lack of family support for some inmates causes them to be withdrawn and angry, thus becoming rebellious and uncooperative with staff in carrying out their sentencing plans.

### B. Juvenile Female Offenders

As it relates to the juveniles, the main challenge is the continued practice of housing juveniles in adult institutions due to lack of preferred space for them. Many in civil society believe that it is unfortunate that juveniles have to be in prison in the first place and more so in less than ideal conditions. Two incidents involving juveniles in state care which have sparked outrage and cause for serious concerns are the deaths of seven girls at Armadale Juvenile Correctional Centre and the recent suicide committed by a juvenile at the Horizon Adult Remand Centre. The Department of Correctional Services has since completed the Suicide and Self-Harm Policy Document to guide staff members' actions in any such future cases. Counselling of juveniles and staff members has also been ongoing.

### C. Community Services Female Offenders

The benefits of non-custodial sentencing far outweighs any challenges; however, some instances of shortfall in the system have been noted to include offenders not reporting to Probation Offices at designated times, offenders not completing their community service hours and instances of parolees reoffending, who had to be recalled.

## VI. CONCLUSION

Finally, not much attention has been given to the Treatment of Female Offenders as a separate subject, or as any different from the treatment of male offenders for that matter, mainly due to ignorance of the need for any special treatment or lack of will to do so. This practice can change, however, with knowledge of emerging evidence to the contrary.

The call has also been echoed for a new approach to sentencing of females from custodial to more non-custodial forms. Already the evidence of cost-effectiveness has been demonstrated and the benefits to be gained from being in the community and being able to take care of one's family while contributing positively to society cannot be overlooked. For those who must be incarcerated for the protection of society, the fostering of continuous family ties must be practised by allowing children to visit their parents and have family counselling to mend broken relationships or maintain functional ones. Additionally, changing the face of retributive justice to a restorative justice approach will help to mend relationships between victims and offenders and provide some healing/closure for both (Zehr, 2002).

Interestingly, the property on which the female prison is located has been sold to facilitate a new government initiative and an alternative location is currently being renovated to accommodate the females housed at Fort Augusta. It is noted that within this new location, the authorities will be better able to embrace a new approach to prison management; including the separation of juveniles from adults (which is a human rights issue). Plans are currently in place to implement an "Incentive and Earned Privileges Scheme", a reward and punishment approach to behaviour modification, which will empower inmates to behave appropriately without constantly been coerced into doing so. With increased resources, the DCS will be able to examine the options of making special location and intervention provision for vulnerable females, drug addicts and those with mental health challenges.

As it relates to the juveniles, incarceration should be the last resort, and psychologists believe that children graduate to a higher level of disorder and crime while in prison. As signatories to the various conventions to protect our children, the Government is under pressure from interest groups to review The Child Care and Protection Act with a view of removing the word "uncontrollable" in referring to juveniles' behaviour. Many believe this is a vague definition that gives some parents a free ticket to send their children into state care for the simplest misdemeanour and not take the responsibility to

guide their children's development.

Internationally, modern thinkers in criminal justice suggest new ways of approaching offender management; the call by Her Royal Highness Princess Bajrakitiyabha of Thailand for the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) is one such initiative. Other experts note that centuries of practising archaic methods in crime prevention have propelled youths down the path of recidivism and urges "agents of change" to consider a new approach to protect the public and promote youth development (Corrections Today, 2012).

Organizations with proven best practices in the treatment of female offenders, the Department For International Development (DFID), a UK Government Department, and the Japan International Cooperation Agency (JICA), of Japan, are among the countries committed to promoting development and the reduction of poverty in poorer countries, and have invested significantly in the training of personnel from the DCS. It is hoped that these investments in human resources will have a multiplying positive effect and that the Department of Correctional Services Jamaica will be able to improve its practices in the treatment of female offenders, consistent with its Vision, Mission and Correctional Process.

## VII. REFERENCES

- Corrections Today. (2012). Best in the Business. American Correctional Association.
- Department of Correctional Services, Jamaica. (2006). Annual Report.
- Department of Correctional Services, Jamaica. (2008). Annual Report.
- Pante, T.G., Saucedo, B. & Rice, C. (2001). The association between strength of religious faith and coping with daily stress. *Pastoral Psychology*. 49, 291-299
- Planning Institute of Jamaica. (2011). Economic & Social Survey Jamaica.
- Siegel, L. (2006). *Criminology*. Canada: Thompson Wadsworth.
- The Child Care and Protection Act, Jamaica (2004).
- Zehr, H. (2002). *The Little Book of Restorative Justice*. United States of America: Good Books.

# OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

*Joycelyn Roach-Spencer\**

## I. INTRODUCTION

Jamaica is profiled in the tourism arena as a paradise island in the sun. Located 90 miles south of Cuba and 600 miles south of Florida, it is the largest island in the Caribbean, measuring 4,411 square miles and has a population of approximately 2.6 million people. Jamaica is best known for its tropical climate, beautiful beaches, warm friendly people, delectable cuisine, legends in reggae music (for example, Bob Marley) and icons in sports (for example, Usain Bolt). However, the island has its own challenges of social ills, chief of which are crime and violence. Crime transcends its boundaries as a phenomenon in recent years, giving rise to more criminals, thus demanding a serious response from the criminal justice system.

### A. Criminal Justice System

The structure of the criminal justice system incorporates the police, the courts and correctional services, through which the legal process of criminal justice is administered. Presently, criminal justice in Jamaica is retributive in nature; its primary focus is to punish criminals for offending society as swiftly and severely as possible. This form of justice has its roots in the Choice Theory, which posits that criminals make conscious decisions to commit offences and as a consequence they should be given equal punishment for the crimes they commit (Siegel, 2006); hence, the main focus is on catching the criminal, taking him/her to court for trial and then sending him/her to prison as punishment.

#### 1. The Role of the Police

First in the criminal justice process is the function of the police, who are responsible to make arrests. In this crime fighting task the police play a reactive role, usually arriving at the scene after a crime is allegedly committed. The police then interview witnesses, collect evidence and make an arrest if there is probable cause to do so. Probable cause means that there is a reasonable link between a specific person and a particular crime. If this is determined, the suspect is arrested and taken into custody. In Jamaica, the Jamaica Constabulary Force (JCF) is the arm of the Ministry of National Security entrusted with the undertaking of maintaining law and order and protecting life and property. The JCF is supported by two subsidiaries: the Island Special Constabulary Force (ISCF) and The Jamaica Rural Police Force, commonly called the District Constables.

#### 2. The Role of the Courts

After the police make an arrest, it is within the Courts that key decisions about the case are made. The judge adjudicates the matter at a trial with a jury, a prosecutor and a defence attorney to determine the guilt or innocence of the accused. Guilt is determined “beyond a reasonable doubt” and sentences are then determined. However a convicted person has the right to appeal his or her sentence and/or conviction. In Jamaica there are several courts, though the Constitution provides that the Supreme Court has original jurisdiction in all civil and criminal matters; decisions of this court can be appealed to the Court of Appeal. Other lower courts are the Resident Magistrate Court (RM), the Gun Court, Family Court, Juvenile Court and the Coroner’s Court.

#### 3. The Role of Correctional Services

After the court process is completed, the Correctional Services is the final destination for a convicted person, who can either be in custodial care (being supervised within a correctional institution or in non-custodial care (being supervised in the community). The Department of Correctional Services

---

\*Overseer (Acting), Department of Correctional Services, Jamaica.

is a relatively new term in Jamaica. Prior to 1975, the Prison Service, the Probation Service and the Approved Schools operated as separate entities. In an effort to make a direct connection among the three, and to be better able to address the rehabilitation needs of offenders, an administrative decision was taken to merge all three entities to form the Department of Correctional Services (DCS). Operating as one arm of the Ministry of National Security, the DCS is responsible for the safekeeping of prisoners and wards and to facilitate their rehabilitation and reintegration into society. In keeping with the new focus on rehabilitation of offenders, the Criminal Justice Reform Act was passed in Parliament in 1978 and made provision for non-custodial sentences to be added as an alternative to incarceration in some cases. In addition to the Criminal Justice Reform Act, the Department is governed by other Acts, including the Corrections Act, the Child Care and Protection Act, the Parole Act and the Probation of Offenders Act.

The Commissioner of Corrections is the Head of the DCS and is accountable to the Minister of National Security to carry out its mandate given in the Mission Statement, Vision Statement and Correctional Process (see Appendix 2). The Commissioner is assisted by two deputies: the Deputy Commissioner responsible for Custodial Services and the Deputy Commissioner with responsibility for Human Resources and Community Services.

## **II. CUSTODIAL SERVICES**

The Custodial Services Arm of the Department is tasked with the responsibility of keeping offenders safe, while facilitating their rehabilitation. This Arm consists of eight Adult Correctional Centres and four Juvenile Institutions. Each institution is headed by a Superintendent "A" who along with his/her team takes care of the daily operations of his/her institution. The team comprises ranked Correctional Officers, including basic grade Correctional Officers, Corporals, Staff Officers, Overseers, Assistant Superintendents, Superintendents "B", who are trained in custodial care, social work, and other specialized areas such as Medical Orderlies. Other non-ranked members of staff include medical doctors, teachers, counsellors and chaplains.

The institutions are classified according to level of security needed (maximum, medium or low) and also based on the gender of the offender. The table on page 135 compares the actual prison population in adult and juvenile institutions with ideal capacity.

The total prison population as of December 2012 was 4,347. Of that number, 3,968 were adults and 379 were juveniles. Of the total adults, 3,761 were males and 207 were females. The total number of male juveniles was 285 while the total number of female juveniles was 94. Overcrowding has always been a problem in the two largest male institutions, with the Tower Street Adult Correctional Centre operating at almost twice its capacity. It is of note however that the other institutions are operating far below their ideal capacities, which is noted by the Department, and activities are in place to examine the classification issues whereby the lower facilities can be better utilized.



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

IDEAL CAPACITY COMPARED TO ACTUAL POPULATION					
Adult Institutions	Type	Classification	Ideal Capacity	Actual Population	Remarks
Tower Street A.C.C.	Male	Maximum	850	1,653	
St Catherine A.C.C.	Male	Maximum	850	1,227	
Fort Augusta A.C.C.	Female	Maximum	250	207	Adult
Tamarind Farm A.C.C.	Male	Medium	350	196	
South Camp A.C.C.	Male	Maximum	250		
Richmond Farm A.C.C.	Male	Low/Open	300	179	
New Broughton S.R.A.C.C.	Male	Open	50	27	
Horizon AR/C.C.	Male/Female	Maximum	1,036	479	male
<b>Total Adult Population</b>			<b>3,886</b>	<b>3,968</b>	
A.C.C. — Adult Correctional Centre, S.R.A.C.C. — Sunset Rehabilitation Adult Correctional Centre, A.R. /C.C. — Adult Remand Correctional Centre.					

Juvenile Institutions	Type	Classification	Ideal Capacity	Actual Population	Remarks
Rio Cobre J.C.C.	Male	Maximum	120	103	
Hill Top J.C.C.	Male	Maximum	98	84	
Metcalfe Street S.J.C.C.	Male	Maximum		98	
Armadale (now Diamond Crest) J.C.C.	Female	Maximum	45	38	
*Horizon A.R./C.C.	Male/Female	Maximum		16	female
*Fort Augusta A.C.C.	Female	Maximum		40	
<b>Total Juvenile Population</b>			<b>555</b>	<b>379</b>	
A.C.C. — Adult Correctional Centre A.R. /C.C. — Adult Remand Correctional Centre, S.J.C.C.					

### III. COMMUNITY CARE

The main function of Community Corrections is the supervision of offenders within the community settings who are given non-custodial sentences by the courts, such as Probation Orders, Supervision Orders, Suspended Sentences Supervision Orders and Community Service Orders. They also supervise inmates on parole. There are 16 Probation After Care Offices across the island, each headed by Senior Probation After Care Officers and staffed by probation officers who plan work schedules for offenders. They also offer counselling, monitoring and guidance to assist them in making better choices.

The inmate population in community care as of December 2011 was 5,250 (Community Services Annual Report, 2011).

### IV. THE INSTITUTION I WORK IN

#### A. Profile of the Horizon Adult Remand Centre

Prior to 2002, this property, located at 68 Spanish Town Road in Kingston, Jamaica, was used as a manufacturing complex called “Things Jamaica”. Due to the overcrowding of persons awaiting trial in the police lock-ups, it was refurbished to a “state of the art” status, and was commissioned to be used as an Adult Remand Centre. It was then named Horizon Adult Remand Centre (H.A.R.C.) and placed under the management of the Department of Correctional Services (DCS).

The legislation was revised in 2005 to allow the Remand Centre additional functions such as securing “high risk” convicted inmates and providing safekeeping of foreign nationals in breach of immigration laws. It now performs dual functions as an Adult Remand Correctional Centre.

Though the facility was built to house one thousand and thirty-six (1,036) remandees/inmates, including 32 females, it has always operated below its capacity, averaging 450 inmates.

There are two Security Blocks (Block 1 and Block 2). Each block has twelve (12) security posts, and each security post has eight (8) cells. Each cell can hold six (6) persons, excepting the cells on the third floor of each block known as the Mezzanine. This area is smaller in measurement, and each cell has accommodation for four (4) persons.

The categories of persons housed at Horizon include remandees, convicted inmates, safekeeping (foreign nationals), appellants, male juveniles and female juveniles.

Horizon is headed by a Superintendent “A” with a staff complement of two Superintendents “B”, three Assistant Superintendents, Overseers, Staff Officers, Corporals, COI’s Imprest holder and a house mother for the juveniles.

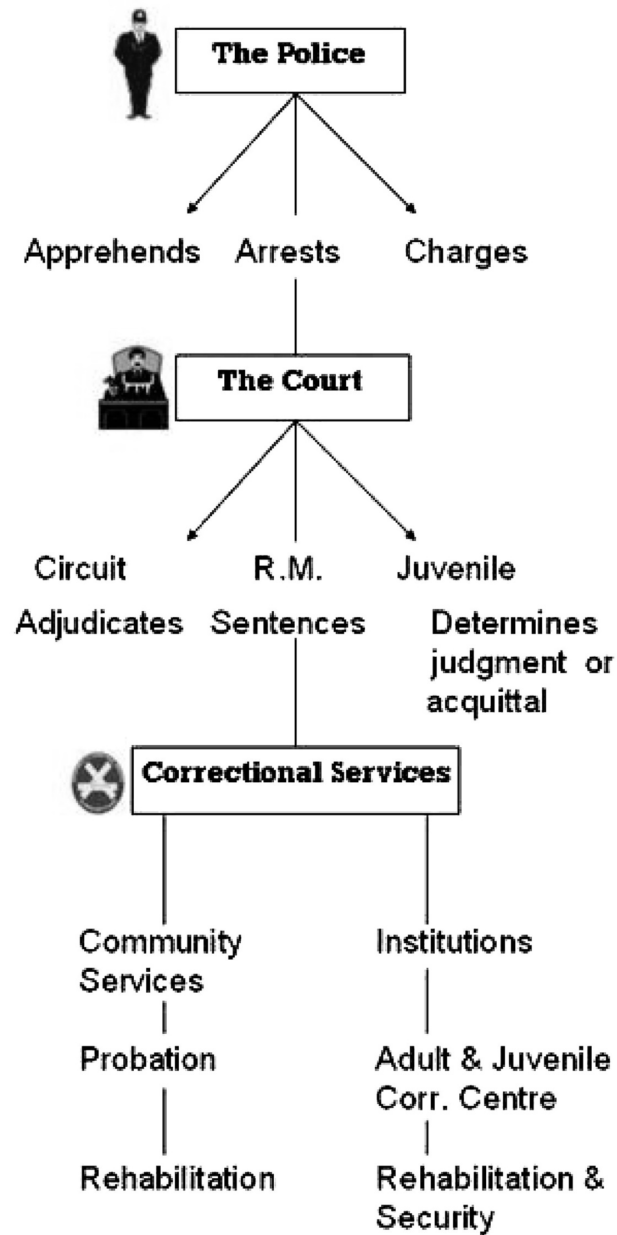
Other categories of workers at Horizon are Jamaica Defence Force (JDF), Security Guards, the Institution’s Medical Doctor, Welfare Case Manager, Teacher, Psychiatrist and Chaplain.

The core functions of a Correctional Officer include maintaining security and safety of the inmates/remandees in his/her care at all times and assisting in the rehabilitation process of inmates and the treatment of inmates/remandees with equity and decency, while attending to their welfare.

## **B. Brief Description of My Work**

In the capacity of Overseer, I supervise lower rank Correctional Officers (Staff Officers, Corporals and basic grade Correctional Officers) to ensure that the institution’s goals are realized. I currently work in the Personnel Department and carry out administration duties including detailing of staff for various posts on a daily basis. As part of my job description, I also visit Officers at their homes who have been absent from duty without leave or who may be ill and unable to attend work or are admitted to hospitals. I then prepare and submit reports to the superintendent accordingly. Additionally, I assist in the staff development training at the institution, conduct and review evaluation reports and assist in the training of new recruits to become Correctional Officers.

The Criminal Justice System includes:





## The Department of Correctional Services (DCS) Vision, Mission and Correctional Process

### VISION STATEMENT

We are serving the needs of all our clients by creating and facilitating opportunities for their empowerment and rehabilitation, resulting in a more peaceful, caring and productive society.

### MISSION STATEMENT

To contribute to the safety and protection of our society by keeping offenders secure and facilitating their rehabilitation and reintegration as law-abiding citizens, while developing a professional and committed staff.

### CORRECTIONAL PROCESS

One which provides to those in our care a relevant, structured, therapeutic environment to facilitate their empowerment and rehabilitation to become peaceful, responsible and productive members of society.

## MAP OF JAMAICA



# TREATMENT IN JUVENILE TRAINING SCHOOLS FOR GIRLS IN JAPAN

*Hirohisa Katayama\**

## I. OUTLINE OF GIRLS ADMITTED TO JUVENILE TRAINING SCHOOLS

### A. System of Juvenile Training Schools (JTS)

#### 1. Definition of Delinquent Juveniles in Japan

In Japan, “delinquent juveniles” are defined as juveniles under 20 years of age who committed penal code offences and pre-delinquent juveniles. Specifically, delinquent juveniles include “juvenile offenders” aged 14 or over and “juveniles of illegal behavior” under 14 years of age; “pre-delinquent juveniles” refers to juveniles who have exhibited such behaviour, being deemed likely to result in future offences or violations of criminal laws and regulations, in light of personal character or environment due to a tendency to disobey the lawful supervision of guardians, and so on.

As most delinquent juveniles newly admitted to JTS are over 14 years of age, this paper will focus on the treatment of JTS for delinquent girls from 14 to 19 years of age. In Japan, juveniles of 14 years of age are typically second-year students in junior high school (eighth grade). Twenty years of age is the age of majority (i.e. the age of adulthood).

#### 2. Flow of Juveniles’ Admission to JTS

Since the procedure of delinquent juveniles’ admission to JTS is complicated in Japan, the following explanation only touches on the typical flow. The police and the public prosecutor, as the criminal investigators, should refer all cases of juvenile offenders to the family court. The prefectural governor or the directors of child guidance centers can also refer juveniles of illegal behaviour and pre-delinquent juveniles to the family court.

The family court may order a family court probation officer to conduct an investigation of the juvenile’s family environment. In addition, when it is necessary to conduct a hearing, the family court determines whether protective detention is necessary, which is committing the juvenile to a juvenile classification home (JCH), and the family court may require classification of the juvenile’s predisposition by psychologists at the JCH. In light of the result of the investigation and classification of predisposition, the family court may determine to place the juvenile under protective measures.

The Juvenile Law prescribes three protective measures: 1. probationary supervision, 2. commitment to a support facility for development of self-sustaining capacity or to a children’s home, and 3. commitment to a JTS. Other than referring the case to the public prosecutor for a criminal trial, commitment to a JTS is the most severe disposition for delinquent juveniles because it involves confining juveniles in an institution for treatment.

#### 3. JTS for Girls

In Japan, JTS are single-sex facilities which accommodate either boys or girls. There are 9 JTS for girls placed equally in each district all over Japan. This placement of JTS reflects the thought that it is important for juveniles to maintain good relationships with their families for rehabilitation. Because of the high concentration of medical staff, Medical Juvenile Training Schools, of which there are only two in Japan, accommodate both boys and girls, but they are generally divided into boys’ and girls’ living quarters at the institution.

---

\*Deputy-Superintendent, Aikoh Juvenile Training School for Girls, Japan.

## **B. Characteristics of Girls Admitted to JTS**

### **1. Decrease in Delinquent Girls**

The number of girls cleared for non-traffic penal code offences in 2011 decreased significantly to 43.1% in 2002, and their percentage of the total population of the same age group in 2011 also decreased to 50.6% of that in 2002. The number of pre-delinquent girls who were given guidance by the police also decreased from 981 in 2002 to 442 in 2011, and the number of girls referred by police for Stimulant Drug Control Law violations, which is the largest one of the special law offences, sharply decreased from 423 in 2002 to 115 in 2011. In addition, the number of girls referred by the police for prosecution under the Poisonous and Deleterious Substances Control Law violations, such as abusing or possessing paint thinner or other substances, dramatically decreased from 1,075 in 2002 to 40 in 2011. As a result, the number of girls committed to JTS decreased from 554 in 2002 to 329 in 2011, which is a decline of about 59.4%.

Judging from the fact that the 2011 population of girls between 14 and 20 years of age declined to just 85% of the 2002 population, the number of delinquent girls is decreasing faster than the girls' population in the same age group. In connection with these statistics, the number of girls admitted to JTS is also decreasing.

### **2. Trends of the Type of Delinquency**

In 2011, the number of girls cleared for penal code offences was 14,921, and 329 girls were committed to JTS, accounting for 2.2% of the number of cleared girls. The composition of cleared girls by the type of delinquency is different from that of girls admitted to JTS. Larceny makes up the biggest percentage of delinquency in cleared girls, which is 73.2%. 13.9% were cleared for embezzlement, 5.2% for assault, 1.6% for fraud and 0.9% for extortion.

On the other hand, for girls admitted to JTS as penal code offenders, the percentage of larceny offenders is only 35.7%, and that of bodily injury and assault is also 35.7%, while the ratio of extortion is 10.1%. For all girls admitted to JTS, the percentage of larceny offenders is 21.6%, and that of bodily injury and assault is the same. The percentage of Stimulant Drug Control Law violations as special law offences is 20.7%, and the percentage of pre-delinquent girls is 10.6%. In addition, the ratio of cleared girls for heinous offences — including homicide, robbery, arson and rape — in all penal code offences of female juveniles is only 0.4%, or 55 girls, but the ratio of girls committed to JTS for heinous offences for all girls admitted to JTS is 6.4%, or 21 girls. We should provide treatment for admitted girls based on their above-mentioned characteristics. We further recognize that the number of girls cleared for Stimulant Drug Control Law violations largely decreased to 27% in the last 10 years, and the number of girls committed to JTS for the same delinquency also decreased to 38% in the same period.

### **3. Age Trends**

We should not overlook the effect of age or the developmental stage on juvenile delinquency. According to the statistics in 2011, 22.8% of those admitted to JTS were 16 year olds (the largest percentage of girls admitted), and 15 year olds were 20.1% of those admitted. In the last 10 years, the trend of girls' ages when newly committed to JTS did not show a specific tendency though there was some fluctuation. This situation was different from the trend of the composition of age of cleared girls. That is, the number of 14 and 15 year olds has been increasing, while the number of 16 and 17 year olds has been decreasing.

On the other hand, there are some characteristics in the relationship between age and the type of delinquency in girls admitted to JTS. These relationships can be seen by the difference of the type of delinquency in girls admitted to JTS under 16 and over 17 years of age.

For those under 16 years of age, the largest percentage of girls were admitted to JTS for bodily injury and assault, but for those over 17 years of age, the largest percentage were admitted for drug offences.

As a result, the percent distribution of offences of delinquent girls admitted to JTS who are 17 years of age or over is almost equal to that of adult females, as the number of Stimulant Drug Control Law

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

violations is the largest followed by larceny. In other words, the guidance for girls under 16 years of age should focus on preventing violent delinquency; for girls over 17 years of age, we should make greater efforts to educate on drug abuse.

Of course, the number of girls committing larceny is large in all age groups. Seventy-seven percent of girls who committed larceny engaged in shoplifting and 18% of them stole vehicles, such as bicycles, and so on. We should take such detailed modes of larceny committed by girls into consideration in order to provide appropriate treatment for them.

#### 4. Family Conditions of Girls

We must not overlook the relationship between girls and their families, especially their mothers, in the correctional education for girls. According to the result of the *Comprehensive Study about Causes of Delinquency* by the Cabinet Office in 2009, compared with the general group of girls, delinquent girls share the characteristic of having poor family support because most of them come from single-parent families without a father.

In addition, the study points out characteristics of delinquent girls which are different from those of delinquent boys. There are many female juveniles who have experiences where they were exposed to violence from parents in their childhood; they do not want to be like their mothers (the same sex parent), and they feel that their parents do not love them. In light of the reality in JTS, those results are convincing.

It is the bad relationship between a girl and her mother that is regarded as the risk factor for delinquency in the early part of youth (adolescence), at the time of junior high school and the early days of high school, and such a bad relationship is also considered as a risk factor for mental disorders. On the other hand, for male delinquent juveniles the negative image of parents is not so remarkable, and that point shows the difference between boys and girls.

According to the statistics of the Ministry of Justice (MOJ) for newly admitted juveniles to JTS, twice as many girls than boys were diagnosed with some mental problem, and overall 20% of girls received such diagnoses in 2011.

Considering family relations and the negative factors coming from those relations, it is necessary for delinquent girls to experience the support of adult females who are role models for the girls as a part of the correctional education for female juveniles in JTS. In other words, delinquent girls must be raised appropriately by ideal adult females. In Japan, we call such actions to “bring up again” or “grow up again”, and it is also important for girls to improve their relationships with their parents, especially their mothers.

#### 5. Discussion from the Viewpoint of Relapse Prevention

In Japan, various studies — for example, the study by the Research and Training Institute, MOJ, in the White Paper on Crime 2011 — points out that one of the most serious causes of reoffending by juveniles is the revival of associations with delinquent peers.

To prevent resuming acquaintances with undesirable friends, as mentioned above, it is important for juveniles, especially for girls, to find a place to call their own, not only in their homes but also in their schools or places of work. Most delinquent juveniles drop out of school because they do not feel comfortable there, which comes from a lack of scholastic abilities. Therefore, we should consider such situations for preventing commission of delinquency again. Of course, juveniles must acquire the skill to construct appropriate human relationships in order to refrain from resuming associations with delinquent peers.

## II. MEASURES DEvised TO DEAL WITH PROBLEMS OF DELINQUENT GIRLS IN JTS

### A. **Targets for Correctional Education**

In the former part, the following points are clarified as issues for correctional education for

delinquent girls in JTS:

- Focusing on violent behaviour of junior juveniles and drug abuse of senior juveniles
- Being accepted and supported by adult females as the model for girls
- Improving the relationship with the juvenile's parents, especially her mother
- Recovering and promoting scholastic ability
- Acquiring the skill to construct appropriate human relations

In the latter part, measures devised to deal with those targets will be discussed, based on the present treatment in JTS for girls in Japan.

### **B. Treatment Focusing on the Violent Behaviour of Junior Juveniles and Drug Abuse of Senior Juveniles**

In JTS, correctional education for each juvenile is carried out based on an individualized treatment plan, and problems of violent behaviour and drug abuse are mainly dealt with in the programme for improving the juvenile's ways of thinking and attitude towards social life. The outline of the correctional education system is shown below.

When juveniles are admitted to JTS, instructors formulate an individualized treatment plan as a correctional education plan for each juvenile based on (1). the results of classification in JCH, (2). the report of the social environment investigation by the family court, and (3). information from the juveniles themselves immediately after admission to JTS.

Instructors set goals of correctional education from the viewpoint of relapse prevention and decide contents and methods of training for developing step-by-step instructions to achieve those goals. Programmes dealing with violence of junior juveniles consist of both group guidance and individual guidance. The programmes include contents to have juveniles understand their own impulsiveness, to have them learn how to control their emotions, to have them consider the harmfulness of violent actions from the viewpoint of victims, and so on.

On the other hand, the newly developed programme for drug-abusing juveniles started last year. This programme is based on cognitive behavioural therapy, and it is different from the programme for adults. The programme for juveniles emphasizes guidance for parents, and it is not placed as an independent programme but as one of the core programmes within comprehensive treatment programmes in JTS.

Incidentally, when correctional education is carried out, we should not forget the girls' strong feelings that they are victims and the necessity of addressing these feelings. As a matter of course, most girls committed to JTS have the status of victimizer. At the same time, however, a lot of girls admitted to JTS are also victims; throughout their life histories, they have received ill-treatment or have been exposed to violence, including sexual abuse or crime. As a result, such a sense of victimhood based on their own experiences may obstruct their ability to think about their own victimizing behaviour. Therefore, we must firstly make girls take care of their own feelings about their bitter experiences. After that, while grasping girls' feelings, and having girls consider their delinquency and victimization at the same time, we can realize effective correctional education.

Considering those situations, the next section will discuss the importance of accepting and supporting girls sufficiently.

### **C. Being Accepted and Supported by Adult Females as the Model for Girls**

The foundation for the treatment system of JTS in Japan consists of the dormitory system and the individual instructor system, and those systems make it possible for adult females to serve as role models for the girls. The dormitory system means that juveniles belong to a dormitory in place of their



## 153RD INTERNATIONAL SENIOR SEMINAR PARTICIPANTS' PAPERS

home, and the dormitory staff members are in charge of caring for the juveniles who live together in the dormitory. Juveniles wake up in the dormitory, go to classrooms or vocational practice rooms in JTS during the daytime, go back to the dormitory in the evening, and interact with each other until bedtime around 9:00 p.m.

Generally, each dormitory accommodates 10 to 20 juveniles, and about 6 instructors are assigned to each dormitory. They take turns being on duty in the dormitory and take care of juveniles 24 hours a day, playing the role of parents. In the daytime, dormitory instructors also provide juveniles with academic education, vocational training, physical education, and so on. Dormitory instructors are, so to speak, role models as parents and working members of society.

On the other hand, the role of an individual instructor for juveniles under his/her charge is to assess and understand the juveniles' problems, to evaluate the level of attainment of the juveniles' respective targets, to manage the relationship between juveniles and parents, and to guide the educational or vocational choices and the life planning after release from JTS. An individual instructor is, so to speak, a coordinator or a counsellor for arranging contents and methods of correctional education, and for advising the suitable future of each juvenile through grasping the juvenile's detailed information in all fields. Juveniles may look upon instructors as their guardians.

It is necessary for instructors to establish close rapport with juveniles early after the admission, and to deepen understanding about juveniles as soon as possible. It is not easy for instructors, however, to build such relationships with girls because they have distrust of adults coupled with their sense of victimhood, as mentioned above. Therefore, instructors should start by accepting girls' present situations for constructing relationships, and after establishing rapport with the girls, instructors are asked to develop guidance step by step with a supportive attitude towards the girls.

In order to play such roles, JTS staff members are required to have strong abilities to provide guidance counselling for the girls. As a rule, JTS instructors for girls are employed from successful candidates of the employment examination for professional staff in the MOJ. Most of them may have completed some university or graduate school courses related to human science, like psychology, sociology, pedagogy, social welfare, and so on. Because they should have such expertise, they are strongly expected to acquire various practical guidance skills continuously through the systematic staff training courses.

The problem we recognize is that there are poor measures of bridging the gap between the life in JTS and life at home after the juveniles' release, especially when the adult role model is changed from the instructor to the juvenile's mother. Thus, it is important for girls to improve their relationships with their mothers; this point will be addressed in the next section.

### **D. Improving the Relationship with the Juvenile's Parents, Especially Mothers**

According to the statistics of the MOJ in 2011, the ratio of female juveniles whose only guardians were their mothers was over 45% for girls newly admitted to JTS, and the ratio was larger than that of male juveniles (39%). Incidentally, in 2002, the ratio of female juveniles newly admitted to JTS whose only guardians were their mothers was about 34%, and that of male juveniles was about 27%. Judging only from these numbers, it is clear that the parental situation of juveniles committed to JTS has grown more and more severe over the last ten years. In addition, although there are not adequate statistics, many instructors feel that the numbers of parents who have no proper advisor or who are mentally unstable are increasing. In those cases, all that the parents can do is to maintain their own lives, and they seem unable to take care of their children.

Originally, the JTS had no legal authority to directly advise the juveniles' parents, so instructors had to deal with them as a part of correctional education for juveniles. Fortunately, in 2007, a new provision was added to the Juvenile Training School Law, which permits instructors of JTS to guide or advise parents directly, and various measures have been started.

It is essential for girls, as stated before, to improve their relationships with their parents, especially their mothers, for preventing delinquency. Accordingly, it is necessary for JTS to guide parents not

passively but actively, and to support parents for constructing new relationships with juveniles early after their admission to JTS, foreseeing their family life after release.

#### **E. Recovering and Promoting Scholastic Ability**

In Japan, compulsory education is carried out until children reach 15 years of age, i.e. graduating junior high school. However, the percentage of students who go on to high school is over 90% at present, and a variety of licenses or certifications beneficial for job hunting often require being over 18 years of age, and in Japan the age of adulthood is 20 years of age. Moreover, the scholastic ability suitable for the age is also connected with finding a place and appropriate friends in school.

Considering such social situations, it is important to provide opportunities for academic study not only for junior high school students committed to JTS but for all juveniles who are committed to JTS after graduating from junior high school. JTS has a system in which full-time and part-time licensed staff teach academic subjects, and they can tailor their individual teaching styles according to each juvenile's scholastic ability and desired life path after release. Since 2007, juveniles in JTS have been able to take the certificate examination for students achieving the proficiency level of high school graduates. This is of great significance because the opportunity of getting a national academic qualification is offered to juveniles even in the correctional institution. That examination is effective as it gives juveniles a practical target for academic learning.

On the other hand, in JTS, academic education has only been provided for junior high school students, and not for graduates of junior high schools. In the future, however, we need to put a great deal of effort into the academic education of graduates from junior high schools because the progress of basic scholastic ability may help juveniles obtain useful qualifications for job hunting, and to go to high school, vocational school, or university. In addition, the advancement of scholastic ability has the function of improving self-respect and increasing self-confidence. As a result, that function must be useful to decrease the possibility of recommitment of delinquency, so the importance of academic education cannot be overemphasized. Of course, we need to take into account that, for juveniles newly admitted to JTS, the ratio of girls whose IQ scores are under 80 was 34% in 2011, which is higher than the ratio of boys, 19%.

#### **F. Acquiring the Skill to Construct Appropriate Human Relations**

In JTS, measures to train skills for constructing appropriate human relations are social skills training (SST) and role-playing. Juveniles learn how to refuse temptation from undesirable peers after release, how to behave appropriately in the workplace, and how to communicate with other students in school or with family, and so on. Because it is not sufficient for juveniles only to acquire the skill of constructing adequate human relations, juveniles should try to use and develop the skill for smoothing the interchange of feelings through experiences in daily life. Therefore, the task we must tackle is to prepare circumstances where juveniles can learn adequate human relations through life in JTS. In order to realize this task, it is important for us to always maintain the instructors' high ability for managing dormitories and the institution.

### **III. CONCLUSION**

Social conditions and public services for juveniles after release from JTS are not enough to prevent their recommitment of delinquency, considering the present situation of Japanese society. Only the juveniles and their parents are responsible for recommitting delinquency or not recommitting it. Because Japan is now confronted with the sharp progress of aging, we are apprehensive that people may fail to notice the importance of raising juveniles, since many are preoccupied with the problem of aging. Enriching education for children means not only constructing the educational system, but it also means recognizing once again the importance of all people involved in raising children in society.

# INSTITUTIONAL TREATMENT OF FEMALE OFFENDERS IN KENYA

*Olivia L.A. Onyango-Israel\**

## I. INTRODUCTION

Kenya's prison establishment and practices borrowed heavily from British colonial penal philosophy whose emphasis was retribution and incapacitation of offenders with very cruel and inhumane penalties. Women offenders faced even worse forms of abuses due to the absence of requisite female-responsive programmes. Culture and traditional stereotypes stigmatized them both during and after imprisonment, turning female offenders into pariahs upon release.

The 1963 political independence from the British colonial system marked a major watershed on the prison practices and treatment of offenders in Kenya. A new philosophy of rehabilitation was adopted. This resonated well at the policy level; however, the implementation of the principles in line with various international conventions and treaties on the treatment of offenders remained wanting as the prison establishment continued with its old practices. Prisons on the whole remained centers of brutality, physical and emotional torture. In a word, rather than being correctional centers, the prison system evolved as emotional graveyards of the inmates.

The emerging globalization and the internationalization of correction institutions blew a new wind of change necessitating, *mutatis mutandis*, a review of our penal systems to move in sync with acceptable best practices. In tandem, the Kenyan government adopted a series of reforms tailored specifically to meet international standards. Despite the milestones, debate is hot among scholars on the reforms. On the one extreme are those who contend that inadequate legislation and lack of sound capital outlay is to blame for the slow implementation of desired programmes. This argument is, however, given a generous *reductio ad absurdum* by scholars such as Austin, J.B. and Donahue, T. (1992: 69, 116-118) et al. who posit that certain treatment options for female offenders do not require funds at all. The "problem" in their very considered opinion has more to do with lack of creativity and conservative nature among prison managers than funds. Further, they blame the dearth of knowledge on the part of prison authorities on how to promote successful outcomes in the treatment and management of female offenders. Complicating an already very sorry state is the fact that correctional institutions receive the least in overall national budgetary allocation and are seldom talked about unless when there is either a jailbreak or an epidemic.

A number of international interventions have lately emerged, mainly through conventions (Bangkok Rules, 2010), legislation and funding to help alleviate challenges that affect the institutional treatment of female offenders. It is expected that with strict adherence to the principles of international laws and the UN conventions, most of the shortfalls in the treatment of female offenders will be mitigated. The Bangkok Rules recognize (in par. 11) that, "not all of the rules can be equally applied in all places and at all times". Nonetheless, correctional responsibilities should permit sufficient enjoyment of human rights and individual respect and dignity of offenders.

This paper is an attempt to examine the current situation on the institutional treatment of female offenders in Kenya, the inherent challenges and a search for possible solutions and to determine the extent to which the country has domesticated the provisions of the Bangkok Rules and other best international practices.

---

\*Officer-in-Charge, Kamiti Medium Security Prison, Kenya.

## II. STATUS OF FEMALE-COMMITTED CRIMES IN KENYA

Traditionally, the area of female inmates had not received much attention in the country due to the relatively small population of female offenders as compared to their male counterparts. However, the rapid increase in the number of female offenders has *ipso facto* occasioned the need for viable structures for treatment of female offenders. Cole (2002) and Barbara, R.P (2004) posit that the status of female offending is a reflection of the extent to which social pillars are upheld and the efficacy in which the criminal justice system is able to restore order within a society. Currently, a number of institutional reforms are taking place within the police, the judiciary and the prison departments. The need for these reforms had been revamped after the devastating post-election violence which was associated with a failed criminal justice system<sup>1</sup>.

Female offenders in Kenya make up to about 18% of the total prison population with the number increasing from 10,857 in 2004 to 18,112 in 2012. They also account for up to 4% of all violent crimes in Kenya (Kenya Police Crime Statistics, 2011). More women are getting increasingly involved in crimes that hitherto were male dominated. Most female offenders are from poor backgrounds with low social status. The majority of them are illiterate, mainly from broken families. In certain cases, an abusive past and residence in urban centers also predispose some females to commit crime. Female crimes in Kenya are diametrically opposed to those of their male counterparts. Whereas males have a tendency to be involved in violent crimes and other serious acts of subversion, female offences are less severe. Christine, A.O, (2010) and Barbara, R. P., (2004), established that the majority of females commit offences including assault, loitering, littering, hawking, and illicit alcohol brewing and sale. Presently, a number of females have been arrested for crimes such as prostitution, child neglect, child trafficking, drug trafficking, economic fraud and homicide. The offences notwithstanding, those arrested find themselves assigned to one of the eighteen (18) women's prisons in the country with Langata and Shimon La Tewa maximum security women's prisons housing inmate populations of between 2,000 and 3,500 offenders.

## III. INSTITUTIONAL TREATMENT OF FEMALE OFFENDERS

Prior to the adaptation of the Bangkok Rules, Kenya had domesticated specifically the UN Standard Minimum Rules on the Treatment of Prisoners (SMR), 1955, the Geneva Declarations on Human Rights (UDHR) of 1948. These conventions and rules set minimum standards for the admission, containment and rehabilitation of offenders within the correctional institutions.

### A. Admission of Female Offenders in Correctional Institutions

Accordingly, in light of the Bangkok Rules, inmates are classified on the basis of their age, health, special needs and security concerns so as to define suitable rehabilitation programmes and appropriate provisions for each category of offenders. Inmates are also informed about their responsibilities, human rights, and avenues to seek recourse in case of need or abuse.

### B. Containment of Female Offenders

In line with the UN Standard Minimum Rules for the Treatment of Prisoners, (1955: Rule 8a), the Kenya Prison Act (CAP. 90), and the Bangkok Rules (2010: Rule 5), female offenders in Kenya are separated in female only institutions. The department, with various partnerships, has provided facilities and materials for women's specific hygiene needs, including sanitary towels, and a regular supply of water and electricity. There are separate wards for those inmates who are old, lactating, pregnant or suffering from mental illness. Offenders are issued free toiletry and sanitary towels and adequate food rations. A number of children who accompany their mothers benefit from day care institutions, adequate water and electricity supplies and are accommodated in separate dormitories.

### C. Infrastructural Provision in the Treatment of Female Offenders

The Kampala Declaration (1996) and the department's strategic plan have become the necessary tools in the extensive infrastructural upgrades in most women's prisons in the country. Most of the old colonial structures have been transformed into modern accommodation facilities in the effort to create

<sup>1</sup>See Kriegler- [www.kas.de](http://www.kas.de), Philip Ransley- [www.administrationpolice.go.ke](http://www.administrationpolice.go.ke) and Waki reports.

safe, secure and humane conditions for female prisoners. Further, there has been improvement in the transport system from the colonial lorry pick up (*black mariamu*) to modern humane buses. The creation of the Directorate of Prisons Health Services has also seen the improvement of healthcare delivery in all prison institutions.

#### **D. Recruitment Policy and Available Skills**

The recruitment policy within the Kenya Prison Service is guided by the national Constitution (2010) and Public Service Act, which provide for gender parity and engagement of competent officers within the civil service. Even though there has been concerted effort to attain gender parity within the Kenya prison service staff, little has been attained especially in key rehabilitation departments. There are staff deficiencies in carrying out new demands in the treatment of female offenders.

#### **E. Rehabilitation Programmes for Female Offenders in Kenya**

Skill acquisition as a sufficient and necessary plank in rehabilitation programmes is being implemented through partnerships with various NGOs, stakeholders and the international community. The philosophy behind these rehabilitation programmes is to prepare prisoners for community reintegration in line with the Kenya prison reform agenda and various provisions contained in international covenants.

#### **F. Treatment of Female Offenders with Substance Abuse Cases**

Substance abuse treatment is a priority need of the majority of female offenders in the country. Management of these offenders remains a big challenge for prison authority in Kenya. For proper management more specific information concerning incarcerated offenders with alcohol and drug problems is needed. As a corollary to alcohol and drugs, HIV/AIDS has further complicated the plight of female offenders.

#### **G. Treatment of Female Offenders with HIV/AIDS**

To respond to the HIV/AIDS pandemic the prison department in 2007 developed a comprehensive policy to manage HIV/AIDS among its staff, inmates and the immediate communities. The policy's main agenda is to provide screening and intervention programmes for effective management of those infected and affected by the scourge.

#### **H. Treatment of Juvenile Female Offenders**

Juvenile female offenders, however, are contained together with adults. This has impacted negatively their reformation and subsequent reintegration. Institutional treatment interventions for youthful female offenders in Kenya includes psychosocial therapy, skills training, formal schooling, reintegration, empowerment, HIV/AIDS therapy, and pre- and post-natal services, and pre-school services for the children accompanying their mothers in prisons.

In a nutshell, the driving philosophy behind the rehabilitation programmes entails a mosaic of formal education for juvenile offenders; informal education for illiterate adult inmates; vocational training (industrial and farm enterprises); psychosocial therapy (general and spiritual counselling); business and commercial education; recreational activities including sports and indoor games; talent development; and remote parenting.

### **IV. CHALLENGES AND PROBLEMS**

The prison department faces numerous problems in its effort to offer scientific evidenced-based treatment for female offenders. The basis of these problems lies with either the institutional or structural arrangement prevailing in the prison facilities. Of serious concern is the lack of necessary tools and resources for assessments, or tests, that are designed to identify the needs accommodated or addressed by correctional institutions which are immanent in identifying what services would be most beneficial to female offenders. Besides the uncoordinated manner in which partners in the criminal justice system dispense of their work, there is lack of policy framework to regulate and coordinate the functions of all the criminal justice agencies and to harmonize their functions. Every agency independently pursues its policy agenda without due consideration of the effect of their activities on other institutions. This uncoordinated approach to addressing justice issues leads to problems in the other

sector.

The other challenge that affects delivery of humane treatment to female offenders is lack of sufficient infrastructure and human resources. Most of the prison facilities were designed and built during the colonial era with a completely different philosophy for the treatment of offenders. The process of modernizing and developing existing physical infrastructure, which is one of the pillars of the current department strategic plan, is being implemented.

Overcrowding still remains a big challenge as it stretches the meager resources in prison institutions leading to poor sanitation, the prevalence of communicable diseases and abuse in personal decency of the inmates. Where certain rehabilitation programmes are being offered, their impact is affected due to obsolete facilities. For instance, the provision of education is affected by lack of stationary, modern books and libraries.

The Kenyan justice system has seen a number of high profile women engaged in criminal activities that previously were associated with men. This category of offenders includes well educated, highly trained professionals with very sound financial backgrounds. The prison department does not have any rehabilitation measures for such offenders although their numbers are on the rise.

## V. POSSIBLE SOLUTIONS

Timely delivery of justice is key as one of the strategies for decongesting prisons. The courts should hasten the delivery of justice and use the alternative sentencing mechanism to settle disputes other than custodial sentences. The community service order which is available in the country needs to be fully implemented, and petty offenders should be given non-custodial convictions. There is a need for enhanced partnerships to attract funding which can then be used to improve the infrastructure and human resource requirements for effective implementation of rehabilitation programmes. Continuous training and exchange programmes for prison staff are critical to enable them to adopt new treatment options for female offenders. Additionally, female offenders should be exposed to viable and labour market responsive courses.

## VI. CONCLUSION

The treatment of female offenders mirrors the manner in which the community is dealing with the socioeconomic affairs that affect the nation. Whenever proper and humane treatment programmes are accorded to female offenders, peace, security and economic posterity is achieved and vice versa. Whereas the prison reforms targeting female offenders in Kenya are commendable, a lot still needs to be done to adapt creative programmes and international best practices such as development of gender-responsive policies, programmes and practices to ensure progressive and social reintegration of offenders. Finally, offenders come from the societies, and community participation in their full reintegration is imperative. The public must therefore be included to ensure the elimination of the psychosocial, economic, and cultural barriers that remain a hindrance to the full implementation of effective rehabilitation programmes for female offenders.

## VII. REFERENCES

- Austin, J., Bloom, B., and Donahue, T. (1992), *Female Offenders in the Community: An Analysis of Innovative Strategies and Programs* (Washington, DC: National Institute of Corrections).
- Dantzker and Hunger (1999), *Types of Crimes amongst Female* (London: Sage Publications).
- G.O.K (2010), *Economic Survey* (Nairobi: Government Printing Press).
- G.O.K (Various Issues), *Statistical Abstracts* (Nairobi: Government Printers).
- G.O.K (2011), *Crime Statistics in Kenya*, Police Annual Report (Nairobi: Government Printers).

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

- International Seminar on Prison Conditions in Africa (1996), *The Kampala Declaration on Prison Conditions in Africa* (Kampala, Uganda).
- KNCHR (2011), *Crime Trends in Kenya* (Nairobi: Oxford University Press).
- Lear, K. and Abdalla, B. (2009), *Social Policy Development* (Nairobi: Oxford Printing Press).
- Simon, R.J (1995), *Women and Crime* (Lexington: Lexington Books).
- Simon, R.J. and Landis, J. (1991), *The crimes women commit, the punishments they receive*. (Lexington: Lexington Books).
- Smart, C. (2000), *Women Crime and Criminology* (London: Routledge and Kengal Paul).
- United Nations (2010), *UN Rules for the Treatment of Women Prisoners and Non Custodial Measures for Women Offenders* (New York: United Nations).
- Worrall, A. (1990), *Offending Women: Female Lawbreakers and Criminal Justice System*, (London: Routledge).

# OVERVIEW OF THE KENYAN CRIMINAL JUSTICE SYSTEM (CORRECTIONS)

*Olivia L.A. Onyango-Israel\**

## I. INTRODUCTION

Kenya's criminal justice system establishes the flow of criminal procedure among partners and defines the role of each of them in the management of offenders. The purpose is to attain societal peace and posterity by advocating for respect of the rule of law. The main partners in the criminal justice system in Kenya are the community, the police (investigation and arrest); the judiciary (judicial procedure); the probation and aftercare service (community treatment), the prison service (reformation, rehabilitation and reintegration).

The Kenya Prison Service traces its origin to the colonial programmes that were designed to pacify the restive and recalcitrant African natives. The system inflicted some of the harshest punishments and was hardly concerned with any concrete rehabilitation and subsequent reintegration of offenders. However, the philosophy has shifted from retributive to restorative justice, and today Kenya is implementing programmes for humane containment and social rehabilitation of offenders.

## II. THE KENYA PRISON SERVICE

The Kenya Prison Service is a department in the office of the Vice President and Ministry of Home Affairs and functions under the Prison Service Act (CAP. 90) and Borstal Acts (CAP. 92) Laws of Kenya. The department's primary responsibility within the criminal justice system is to contribute to public safety and security by ensuring safe custody and social rehabilitation of offenders for community reintegration.

In the implementation of this mandate, the Kenya Prison Service has ratified several international conventions and treaties including the Universal Declarations of Human Rights (1948) and the UN Standard Minimum Rules for the Treatment of Prisoners. Kenya has also ratified continental and regional conventions, such as the Kampala Declaration (1992) and the Ouagadougou Protocol of 2004 on the treatment of offenders.

## III. STATISTICAL INFORMATION

The Kenya Prison Service has one hundred and eight (108) prison institutions of which eighteen (18) are women's prisons, eighty-seven (87) are for male offenders, while three (3) are for juvenile male offenders — two Borstal Institutions and one Youth Corrective Training Centre (YCTC). The current inmate population is about 55,800 against established capacity for 18,600. There are a total of 18,400 members of staff out of which 4,812 are female officers.

## IV. CLASSIFICATION OF KENYAN PRISONS

The classification of Kenyan prisons is detailed in the Kenya Prison Standing Orders Chapter 69, which specifies prisons as Closed, Semi-Closed, Borstal Institutions or Youth Corrective Training Centres. Closed Prisons (also known as Main Prisons) are Maximum Security Prisons containing offenders serving long terms of imprisonment or convicted of serious subversion or violent offences.

Prisoners are classified and assessed on the basis of the level of security needs, the age of the

---

\*Officer-in-Charge, Kamiti Medium Security Prison, Kenya.



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

inmates and length of sentence of offenders. The semi-closed prisons contain prisoners serving medium terms of imprisonment with less-serious offences of subversion and violent nature.

Kenyan Correctional Institutions are also divided by gender (i.e. male and female prisons). These prisons are further subdivided depending on which dominant rehabilitation programme (farm or industrial) is being administered.

## **V. PARTNERSHIPS**

The Kenya Prison Service has crucial membership and linkages which contribute largely on policy directions and capacity requirements in the treatment of offenders. These include memberships in various regional correctional organizations and linkages with NGOs and governments. African Correctional Services Association (ACSA), International Corrections and Prisons Association (ICPA), United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) among others.

## **VI. CHALLENGES**

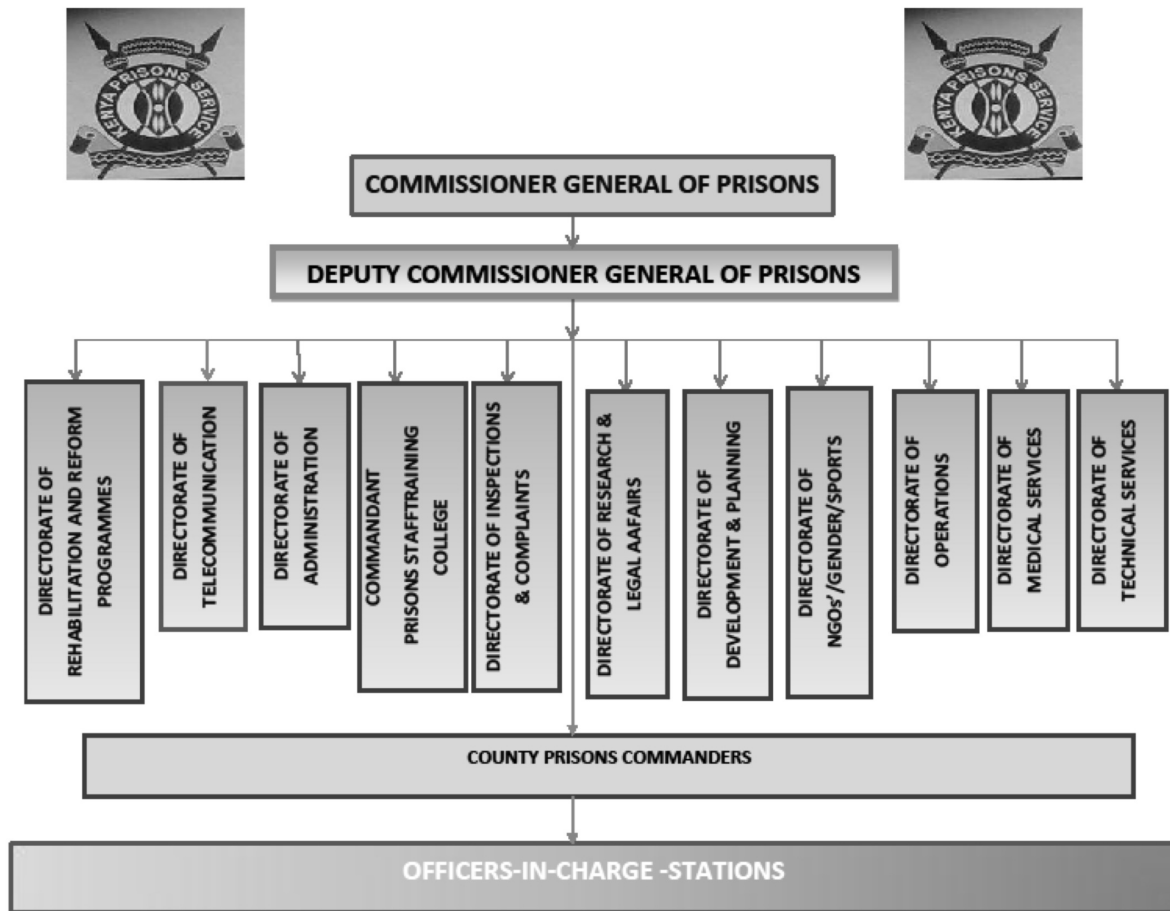
A number of challenges have been experienced within the prison service. These include: congestion, inadequate resources, uncoordinated linkages with other criminal justice systems, and inadequate female-responsive programmes.

## **VII. CONCLUSION**

The role of corrections as a vital pillar in the delivery of the criminal justice system needs to be reassessed in terms of relevant programmes for offenders and sound partnerships with all stakeholders, including the immediate community. These programmes, while espousing the virtues and tenets of various conventions on human rights and prison practices, should ensure sustained social reintegration of offenders into society with a hope of peaceful and prosperous nations.

## APPENDIX A

### The Organization of the Kenya Prison Service



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

**APPENDIX B**

**Kenya's Convicted Prison Population by Gender**

AGES	2004		2005		2006	
	Male	Female	Male	Female	Male	Female
Under 16	166	-	2	0	1,077	2
16-17	3,706	351	3,293	548	4,455	367
18-20	19,134	2,874	16,685	2,198	20,710	2,797
21-25	27,921	3,780	30,440	4,333	27,838	3,894
26-50	19,846	3,290	33,339	4,298	37,005	5,666
50 +	8,559	562	5,936	624	6,700	613
<b>TOTAL</b>	<b>78,432</b>	<b>10,857</b>	<b>89,689</b>	<b>12,001</b>	<b>97,785</b>	<b>13,349</b>
<b>GRAND TOTAL</b>	<b>89,289</b>		<b>101,696</b>		<b>111,134</b>	

AGES	2007		2008		2009	
	Male	Female	Male	Female	Male	Female
Under 16	38	9	154	0	24	25
16-17	5,115	414	1,959	263	2,890	207
18-20	22,621	3,212	16,225	2,690	21,770	2,453
21-25	30,122	4,011	20,471	2,472	30,822	4,247
26-50	35,102	6,223	29,339	3,257	32,970	3,856
50 +	6,549	671	11,301	283	8,286	482
<b>TOTAL</b>	<b>99,547</b>	<b>14,540</b>	<b>79,449</b>	<b>8,965</b>	<b>96,762</b>	<b>11,270</b>
<b>GRAND TOTAL</b>	<b>114,087</b>		<b>88,414</b>		<b>108,032</b>	

AGES	2010 (provisional)	
	Male	Female
Under 16	43	17
16-17	2,139	413
18-20	17,605	1,784
21-25	24,499	3,526
26-50	27,519	3,901
50 +	6,557	628
<b>TOTAL</b>	<b>78,362</b>	<b>10,269</b>

*Source: Kenya Prisons Service Department*

## APPENDIX C

### Classification of Kenya Prisons

#### Classification Mode and Prison Types by Numbers (Kenya)

	Classification	Particulars/ Basis/method	Number
1	Closed prisons (main security prisons)	High risk and long sentence offenders	5
2	Semi-Closed (medium security prisons)	Sentences from 6 months to 5 years	100
3	Borstal institutions	Juvenile offenders	2
4	Youth Training and Correctional Centres	For non-convicted offenders	1
	<b>Total</b>		<b>108</b>

# **TREATMENT OF FEMALE INMATES AT CORRECTIONAL INSTITUTIONS FOR WOMEN**

*Celso S. Bravo\**

## **I. HISTORY OF BUCOR**

The Bureau of Corrections, formerly known as the Bureau of Prisons, was created under the Reorganization Act. No 1407 dated 1 November 1905. The Prison Law which is its underlying formal and legal support is found in sections 1705 to 1751 of the Revised Administrative Code of the Philippines.

The Bureau of Corrections (BuCor) is an agency under the Department of Justice tasked to effectively safe-keep and rehabilitate national prisoners — those sentenced to three (3) years and one (1) day and above. It is composed of seven (7) operating institutions strategically located all over the country to accept national prisoners from the nearest region.

The country's penal institutions started during the Spanish regime when Spanish penal laws, contained in royal decrees, ordinances, rules and regulations, were extended to the country. The main insular penitentiary was the Old Bilibid Prison in Manila constructed in 1874 and formally opened by a Royal Decree in 1865. The San Ramon Prison in Zamboanga City was next established in 1869, originally to confine Muslim rebels, but was closed during the Spanish-American War, and reopened in 1898. Under the American Regime, the Iwahig Penal Colony (formerly called Iuhit Penal Colony) in Puerto Princesa, Palawan was established in 1904.

Eventually, the Bureau of Prisons was created under the Reorganization Act of 1905, effective 1 November 1905, under the Department of Commerce & Police, and was then transferred to the Department of Public Instruction. The prison law, which was enacted pursuant to the provisions of Sec. 1705-1751 of the Administrative Code of 1917, finally placed the Bureau of Prisons under the Department of Justice.

Due to the increasing inmate population, more prisons and penal colonies were created and placed under the supervision of the Bureau of Prisons, namely: the Correctional Institute for Women (CIW) in Mandaluyong, Rizal, established in 1931 by authority of Act No. 3579 purposely to confine female national offenders; the Davao Penal Colony on 21 January 1932 in accordance with Act No. 3732 and Proclamation 414 series of 1931. The Old Bilibid Prison was transferred to Muntinlupa in 1935 and was renamed the New Bilibid Prison in 1940. The Sablayan Penal Colony in Mindoro Occidental was established on 27 September 1954 under Proclamation 72, and the Leyte Regional Prison was established on 16 January 1973 under Proclamation 1101. With the approval of PD 28 on 25 October 1972, which established the regional prisons, all existing national penal institutions were converted into regular prisons and penal farms.

On record, the first head of the prison was Lt. George Wolf, an American, from 1909-1910; while the first Filipino Director was Ramon Victorio, 1923-1930. Our present Officer-In-Charge is the Deputy Director of the National Bureau of Investigation, Rafael Marcos Z. Ragos.

To emphasize the new trend in modern penology, the Bureau of Prisons was renamed the Bureau of Corrections pursuant to Executive Order No. 292 dated 22 November 1989.

The Correctional System in the Philippines is composed of six (6) agencies under three (3) distinct

---

\*Officer-In-Charge, Medium Security Compound, Bureau of Corrections, Department of Justice, the Philippines.

and separate executive departments of the National government, namely:

- The Department of Justice — under this are the Bureau of Corrections, the Parole and Probation Administration, and the Board of Pardons and Parole
- The Department of Interior and Local Government — under this are the Bureau of Jail Management and Penology, which runs the city, municipal and district jails; and the provincial jails through their respective provincial governments
- The Department of Social Welfare and Development — under this is the Child's Program Bureau which oversees youth rehabilitation centers

It is envisioned that in the years to come, BuCor will be a modern, secured and professional correction institution which is characterized by a more responsive prison system geared towards the humane and spiritually guided rehabilitation of inmates, for their reintegration into the mainstream of society.

## **II. OBJECTIVES OF THE BUREAU OF CORRECTIONS**

The main responsibility of the Bureau is to carry out its twin objective — custody (safekeeping) and rehabilitation of national offenders. It has an authorized *plantilla* positions of 2,362 personnel — 1,441 custodial personnel, 776 administrative personnel and 142 members of the medical staff. It is headed by a Director and assisted by 2 Assistant Directors. With a population of 37,168 inmates as of November 2012, statistics show that literally, the ratio of inmates to custodial personnel is 72:1.

## **III. THE CORRECTIONAL INSTITUTION FOR WOMEN**

On 14 February 1931, the Correctional Institution for Women (CIW) was born. It is administered and managed by a Penal Superintendent. It was the sole institution dedicated to women offenders serving more than three (3) years' imprisonment. The CIW housed 270 inmates who originally came from the Old Bilibid Compound. It was in 1982 when a fire blazed through CIW due to faulty wiring, which practically destroyed the main facility. More than a year later, reconstruction was completed and on 26 September 1983 a new building was erected.

Over the decades, the number of inmates ballooned exponentially but the facilities remained the same. The CIW inmates grew to more than 2,000 from 270 inmates in 1931. Dormitories with single beds had to be replaced with two bunk beds that could accommodate four people at a time. Common areas were converted into dormitories to give room to the growing population. Inmates said goodbye to some of their hallways and their mess hall to relieve the congestion problem. It was on 16 June 2003 and 18 September 2007, when the CIW welcomed a new extension building at Mandaluyong City and CIW-Mindanao, respectively, that helped the issue of congestion, but it did not solve it. Today CIW-Mandaluyong has 2,008 inmates with an inmate-to-guard ratio of 69:1, and CIW-Mindanao has a total of 286 inmates and has an inmate-to-guard ratio of 21:1.

### **A. The Reception and Diagnostic Center**

The Reception and Diagnostic Center, which is the receiving arm of the Bureau, admits and classifies national prisoners for a period of 60 days (including a 5-day quarantine period). Inmates undergo psychiatric, psychological, medical, and other examinations. They are classified as: Maximum, Medium or Minimum based on their security status.

Upon arrival at the CIW, the prisoners are immediately brought to the Receiving Office where they are turned over officially to the Receiving Officer by their escorts, either from the guards of the Bureau of Jail Management and Penology (BJMP) or from the Provincial Guards. In the Receiving Office, they go through routine inspection of articles in their possessions. Those which they are not allowed to keep, like money, drugs and medicines, shall be taken and entered in their prison record. Receipts will be issued by the Receiving Officer. Drugs and medicines are given to the medical officer for his proper dispensation. The rest of the articles shall be returned to the prisoners upon their release unless they

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

request their disposal before such time.

They are next photographed for identification purposes, given a haircut and are issued available prison uniforms and equipment. They are then taken into quarantine for five (5) days. While under quarantine, they go through identification procedures, undergo thorough medical and physical examinations to determine their physical capacity to work, and get necessary medications if found suffering from any ailment, segregated from the rest and hospitalized if necessary.

**B. Inmates' Welfare**

A special accommodation for pregnant CIW inmates is afforded. Whenever practicable, however, arrangements shall be made for children to be born in a hospital outside the prison. An infant born while the mother is serving a sentence in the CIW may be allowed to stay with the mother for a period of time not exceeding one (1) year. After the lapse of said period, if the mother of the infant fails to place the child in a home of her own, the superintendent shall make arrangements with the Department of Social Welfare and Development or any other social welfare agency for the infant's care. As far as practicable, the CIW shall have a nursery staffed by qualified personnel, and no female prisoner shall be subject to any disciplinary measure which might affect her unborn or nursing child.

As to its male counterparts, female inmates are introduced into institutional life by means of a well-planned orientation programme. The Reception and Diagnostic Center (admission center) using all appropriate means shall make available to them, educational, recreation, and religious facilities, as well as group lectures on prison rules, citizenship training and personal care. This is designed to help them adjust themselves to prison life. At the same time that they go through the orientation process, they shall be interviewed and examined by members of the classification staff to determine their weaknesses, capabilities, interests and are eventually assigned work assignments.

**C. Good Conduct Time Allowance**

As a reward for good conduct, diligence and loyalty, male and female inmates may have their sentences diminished or reduced in the manner provided under the following schedule:

For good conduct, a prisoner will be entitled to five (5) days for each month of good conduct during the first two (2) years of imprisonment; eight (8) days for each month from the third to the fifth year of imprisonment; ten (10) days for each month from the sixth to the tenth year of imprisonment; and fifteen (15) days from the eleventh and successive years of imprisonment;

A prisoner, who has attained the classification of colonist or trustee, shall be entitled to an additional five days' good conduct time allowance for each calendar month, while the prisoner retains his or her classification, in addition to the credit allowance authorized in the preceding paragraph. A prisoner serving a life sentence classified and retaining the classification of a colonist or trustee, shall have his or her sentence automatically modified to thirty (30) years. However, for misconduct, a colonist or trustee may forfeit all special credits and the modification of his or her sentence.

A special time allowance for loyalty, consisting of a deduction of one fifth of the period of the sentence, shall be granted to any prisoner who — having evaded the service of the sentence on the occasion of disorder resulting from conflagration, earthquake, explosion, or other similar catastrophe or during a mutiny, in which the prisoner has not participated — shall have voluntarily surrendered to the authorities within forty-eight (48) hours, following the issuance of a proclamation announcing the end of such calamity.

As a general rule, the twin mandate of the Bureau of Corrections as earlier stated, is to keep and rehabilitate the inmates until they are released by due process of law; to care for them while they are incarcerated; to reclaim them by environment and association, by intellectual and moral instructions, by industrial and practical teaching; and to train them to earn honest livelihoods in the future, thus preparing them for re-entry into society as cured women mentally, physically and morally. They are trained so that they will in the ordinary course of events be law-abiding and self-supporting members of society.

True to its main goal, to rehabilitate and not punish its inmates, “The Open House” was created. It was a rare privilege extended to the female offenders doing time in prison. This policy enabled female relatives and minor children to stay overnight at the Institution on special occasions. Soon after, the inmate’s perception gradually changed. They embraced the programme and discipline followed. It is because of that discipline and love for others that in spite of the dense population, the dormitories have remained organized and clean without a whiff of unpleasantness.

#### **D. Rehabilitation Programmes**

The first step in our rehabilitation effort is to provide the basic needs of inmates as human beings. The other steps in the rehabilitation process are the provision of work programmes, health care, education and skills training, recreation, sports, and religious guidance.

The chaplain service caters to the religious needs of inmates and personnel. Each of the prisons and sub-colonies has one organic chaplain and a church to undertake various religious worships and formations.

Health care for the inmates is provided through the NBP hospital and six other prisons’ mini-hospitals/clinics. Serious cases that cannot be handled are referred to any government hospital in Metro Manila.

The inmate work programme keeps the inmates busy, provides them money for their personal expenses and family, and helps them acquire livelihood skills.

CIW’s holistic approach to rehabilitation involves religion, education, livelihood and social skills — all of which are needed for the inmates’ preparation for their release.

The inmates began getting involved with improving themselves and their home — the CIW. Because of a lack of funds, the CIW administration has resorted to creative means to improve its facilities. The CIW has seen facilities being fixed or constructed with the help of the employees and inmates — hand in hand.

The men and women of the CIW have created something that not a lot of prisons have — a family. There is a genuine love present between the inmates and employees of the CIW. The success and staying power of the CIW boils down to one universal concept — love.

The Correctional Institution for Women (CIW) believes that the transformation of the inmates begin with proper rehabilitation. The first step of which is when the prisoner admits wrongdoings and accepts the situation. It is only through acceptance that the process can start.

The CIW has Reformation Programs, Performing Arts Groups and inmates’ organizations that equip inmates with the necessary tools to ensure the institution’s goal — the re-entry of inmates to their respective communities as spiritual, obedient and productive citizens.

Inmates have the opportunity to join counselling sessions, prayer meetings and recollections, hear Holy Mass, and participate in Bible groups and other religious activities. Non-Catholics are welcome at the Institution. Inmates are encouraged to practice their own religion as long as they are within the bounds of the freedom of religion.

Inmates are motivated to pursue their education at the CIW. The institution’s education programme consists of a Computer Literacy Program, Vocational Courses from the Technical Education Skills and Development Authority (TESDA) and the Alternative Learning System of the Department of Education: Basic Literacy, Lower Elementary Education (Grades 1-3), Advanced Elementary Education (Grades 4-6) and Secondary Education (High School).

The Education Program covers 25%-30% of inmates. The CIW also has year-long events that the inmates enjoy like the Linggo ng Wika, Sportsfest, Teacher’s Day and festivals, to name a few. The CIW makes certain that the inmates experience the same activities that students outside the institution



153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

experience as well.

Inmates who have gone through the programme have been promoted to being instructors themselves after being evaluated.

Those programmes open doors for inmates to generate income while inside the institution. The various agro-industrial projects allow the inmates to discover skills they may not have known prior to being incarcerated. The women are exposed to poultry and livestock farming, bead making, sewing, candle making and much more.

Projects like bead making highlight the imaginativeness of the women. Intricate bag designs and adorable key chains are just some of the women's creations that have proved to be popular. The Philippine flag design continues to be a crowd pleaser and has been used in different ways, like cell phone charms, coin purses and ballpoint-pen holders. The beaded products are so popular that they have even reached the shores of Dubai, the United Kingdom and Kuwait.

Besides daily morning workouts, the CIW promotes sports and exercise through its readily available activities, like volleyball, badminton and table tennis. The institution also holds annual sporting events to compliment the programme. There are also indoor games that less active inmates can enjoy as well.

The CIW houses several performing-arts groups that the inmates can join. Music is an integral part of the rehabilitation process. There are six performing groups at the institution: the Ati-atihan and Drums & Lyre, the Crossband Band, the CIW Dance Troupe, Tunog Kawayan, the CIW Music Ministry, and the CIW Chorale. These groups perform during special events at the institution or when there are visitors.

The CIW Dance Troupe gives homage to our roots with their repertoire of modern and Filipino dances. The Troupe practices every day and updates their choreography on a monthly basis. The mix Filipino dances like singkil with contemporary music like Madonna showcasing an unforgettable performance.

Medical and dental checkups are available to the inmates through the infirmary. There are also medical missions throughout the year that the inmates engage in, thanks to the CIW's partner groups and organizations.

With the success of these programmes in play, the inmates have better chances of adjusting and being assimilated into their communities after their release.

# PHILIPPINE CRIMINAL JUSTICE SYSTEM

*Celso S. Bravo\**

The Philippine Government has organized and established institutions which serve to maintain peace and order. These institutions are responsible for preventing crimes, enforcement of laws, and apprehension and prosecution of those who violate the law. If the courts of law find them guilty of committing a crime, they shall be confined in order for those people to be rehabilitated and to be reintegrated into the community as law abiding citizens.

These institutions organized by the Government have incorporated themselves in order to establish a Criminal Justice System. This system is composed of: the Law Enforcement, Prosecution, Court, Corrections and the Mobilized Community. Law Enforcement effects the arrest of those people who violated the law. The Prosecution considers the background to determine whether the person arrested for violating a law should be prosecuted. The Court is the cornerstone of the system wherein it determines whether the person charged with a criminal offence is guilty or not.

When the courts of law find an individual guilty of violating the law, a sentence shall be imposed upon him, not to change the criminal's attitude, but as a penalty. When a person has been proven guilty beyond reasonable doubt, he or she must be placed in confinement for the protection of the criminal and for the community's welfare. Criminals are considered prisoners while they serve their sentences imposed by the court for transgressing the law.

Prisoners are classified as National or Insular Prisoners, whose sentences are more than three (3) years to death and who will serve his or her sentence at the National Penitentiary. Based on the Bureau of Corrections reception procedures, female convicts will serve their sentences at the Correctional Institution for Women at Madaluyong City, while male convicts will serve their sentences at any of the country's correctional institutions, namely: San Ramon Prison & Penal Farm, Zamboanga; Iwahig Prison & Penal Farm, Palawan; Davao Prison and Penal Farm, Dajuli, Davao del Norte; New Bilibid Prison, Muntinlupa; Sablayan Prison and Penal Farm, Sablayan Occidental Mindoro, and Leyte Regional Prison, Leyte.

Before a convict can enter a penal institution, the convict must first undergo admission and classification procedures. The operating manual of the Bureau of Corrections mandates the submission of the following documents: (1) Commitment Order from the Court or Mittimus; (2) Court Decision of the Case; (3) Information filed by the City/Provincial Prosecutor; (4) Certificate of Detention, if any, from the City, Provincial and/or Municipal Jail where the prisoner was previously detained.

The prisoner will then be received at the Reception and Diagnostic Center (RDC), and the prisoner's identity will be examined through submitted photographs and fingerprints. The authenticity of the documents will also be carefully examined. The inmates will also be photographed and fingerprinted by RDC staff for comparative and records purposes of the Bureau of Corrections. After the prisoner is admitted, the prisoner will stay at the RDC for a total of sixty (60) days. The inmate will be placed first in a quarantine cell for at least five days (5) wherein the prisoner will be medically examined to determine illness and, if found to have infectious or contagious diseases, he shall be immediately confined in the hospital until his recovery. After the quarantine, the inmate shall remain at the RDC for a period not exceeding fifty-five (55) days, wherein the inmate shall undergo orientation of prison rules and regulations, the condition of prison life, and institutional programmes for their early release. A staff interview will be conducted by the Psychiatrist, Sociologist, Educational Counselor, Vocational

---

\*Officer-In-Charge, Medium Security Compound, Bureau of Corrections, Department of Justice, the Philippines.

Counselor, Chaplain, Medical Officer, and Custodial or Correctional Officer. All the facts and data gathered during the staff interviews will be used as the basis for classification, diagnosis, and planning for the treatment programme of the prisoner. After the staff interview, a Staff Conference will be called for the purpose of discussing the treatment programme of the prisoner, and the inmate will be informed about their findings and recommendation for his rehabilitative programme.

An admission Summary will be submitted by the RDC to the penal superintendent which contains the legal accountabilities of the case of the prisoner, criminal history, social history, physical history, vocational interest, competence, experience and training, educational qualification, religious background and interests, recreational interests, psychological characteristics and other behavioural characteristics. The recommended treatment programme will also be attached, which will serve as a guide in the execution of the treatment programme at the operating institution. All of these things will be submitted by the RDC to the Penal Superintendent and to the operating institution to which the prisoner may later belong.

The operating institution is the actual cell assignment where the prisoner shall be placed. Before the inmate can enter the operating institution, he or she shall first be classified as to what security classification he or she belongs. All information about the convict and the result of the examinations conducted will be used by the Classification Board for the security classification of the prisoner. The classification board is composed of the following: the Penal Superintendent as Chairman; The Chief of the Reception and Diagnostic Center as Vice-Chairman; the NBP Medical Officer, the Chief Education Section, the Chief Agro-Industries Section as members and the Chief Overseer of the Penal Colony as Secretary. The Chief of Agri-Industries' role in the classification process is to ascertain whether work programmes granted to inmates are viable considering their security statuses.

The prisoners are classified in the operating institution into maximum-security offenders, medium security offenders, and minimum-security offenders. The purposes for the classification of offenders are: 1) To separate offenders who by reason of their criminal record or derogatory character are likely to exercise a bad influence on other offenders; 2) To separate offenders who by gravity of their offences have been sentenced to longer periods of imprisonment and therefore require a more secure facility; and 3) To divide and segregate the offenders into classes to facilitate their rehabilitative treatment.

Maximum-security offenders include offenders who are highly dangerous as determined by the Classification Board, which requires a high degree of control and supervision. Under this category are those: (1) sentenced to death, (2) those whose minimum sentence is 20-years, imprisonment, (3) remand inmates or those inmates whose cases are still under review by the Supreme Court or Court of Appeals and inmates whose sentences are over 20 years, (4) those with pending cases, (5) recidivists, habitual delinquents, escapees, (6) those confined at the Reception and Diagnostic Center, (7) those under disciplinary punishment or safe keeping, and (8) those who are criminally insane or those suffering from severe personality or emotional disorders that make them dangerous to fellow inmates and prison staff.

Medium-security offenders are those who cannot be trusted in less secured areas and whose conduct or behaviour requires minimum supervision. Under this category are: (1) those whose minimum sentences are less than 20 years' imprisonment; (2) remand inmates or detainees whose sentences are below 20 years, (3) those who are 18 years of age and below, regardless of the case and sentence, (4) those who have two or more records of escapes (they can be classified as medium security inmates if they have served eight years in the maximum-security camp after they were recommitted; those with one record of escape must have served five years in the maximum-security camp), (5) first-time offenders sentenced to life imprisonment (they may be classified as medium security if they have served five years or less in a maximum-security prison, upon recommendation of the Superintendent; those who were detained in a City and/or Provincial Jail for five years are not entitled to said classification).

Minimum-security offenders are those who can be reasonably trusted to serve their sentences under less restricted conditions. Under this category are: (1) those with a severe physical handicap as certified by the chief medical officer of the prison, (2) those who are sixty-five years old and above, without pending cases and whose convictions are not on appeal, (3) those who have served one-half (1/2) of their

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

minimum sentence or one-third (1/3) of their maximum sentence, excluding the Good Conduct Time Allowance (GCTA), and (4) those who have only six months more to serve before the expiration of their maximum sentence.

# TREATMENT OF FEMALE OFFENDERS IN SINGAPORE

*Goh Chin Mien\**

## I. TREATMENT OF FEMALE OFFENDERS

### A. Status of Female-Committed Crimes

The Singapore Prison Service (SPS) oversees 13 male and one female prison, the Changi Women's Prison (CWP). On 31 December 2011, a total of 1,194 females were incarcerated in CWP.

As of the end of November 2012, the breakdown of offences committed by females is shown in Figure 1 below.

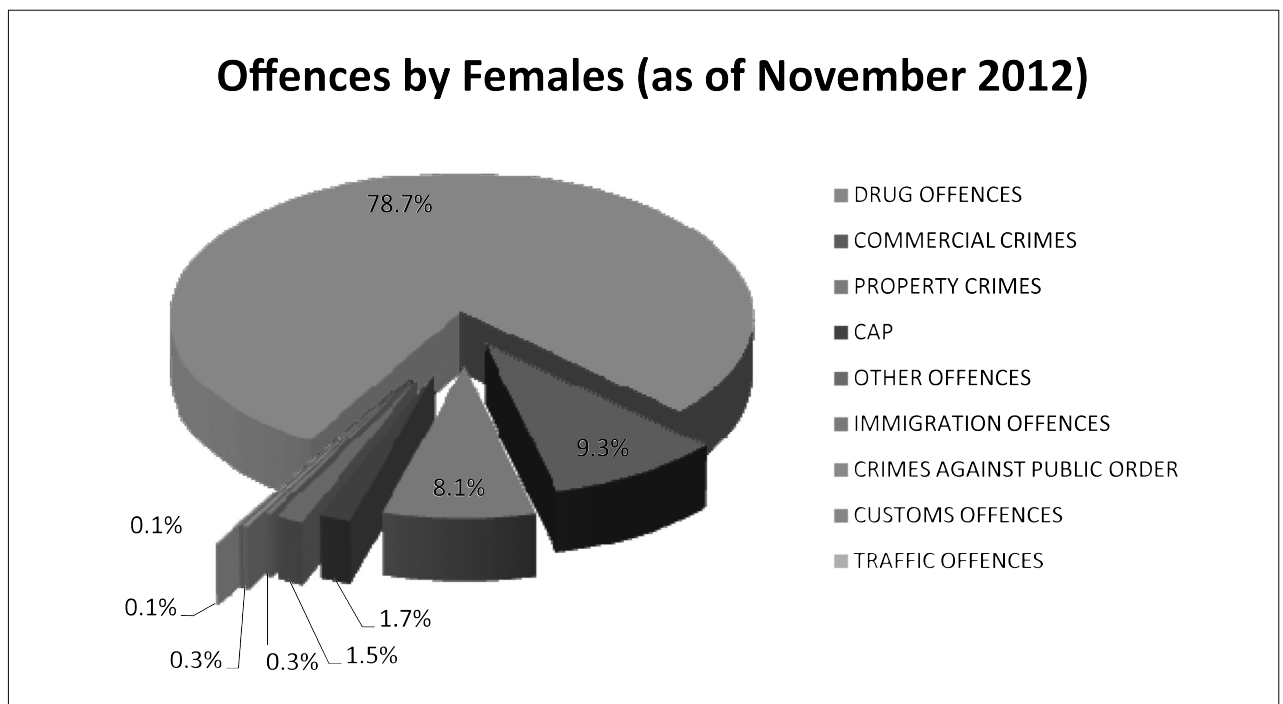


Figure 1: Breakdown of offences committed by females as of November 2012

For the same period, the demographic details of the female offenders are shown in Figures 2 to 4:

\*Assistant Director, Psychological and Correctional Rehabilitation Services Division, Singapore Prison Service.

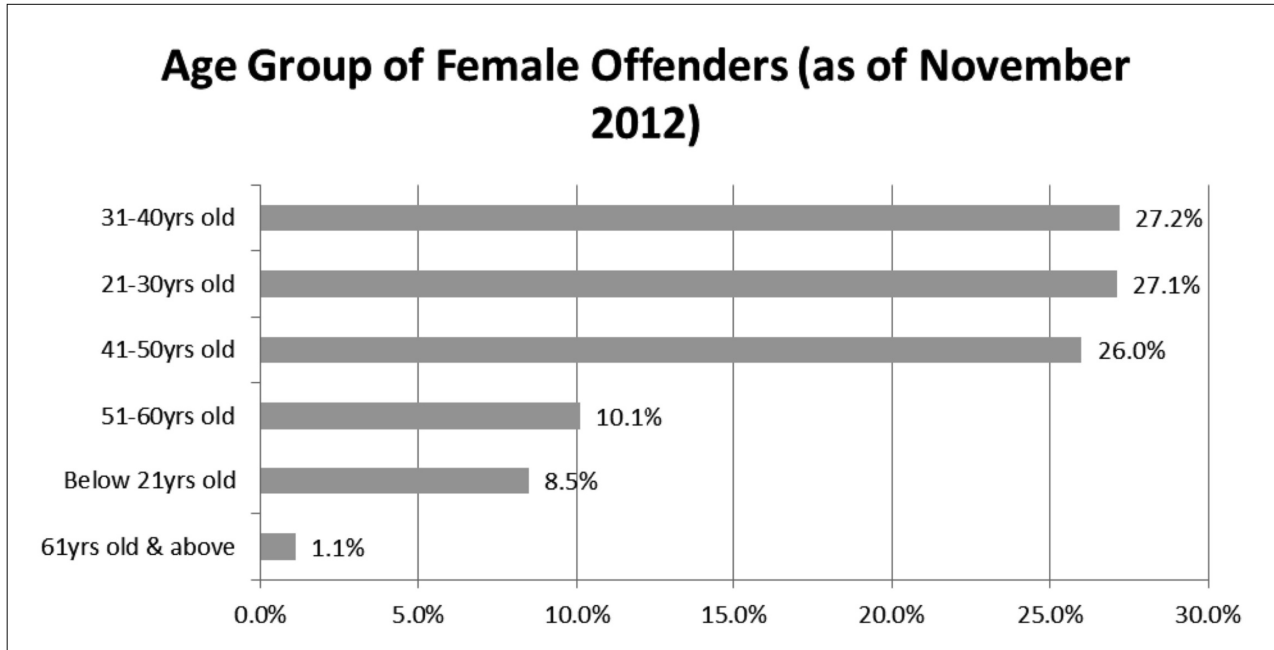


Figure 2: Age group of female offenders (as of November 2012)

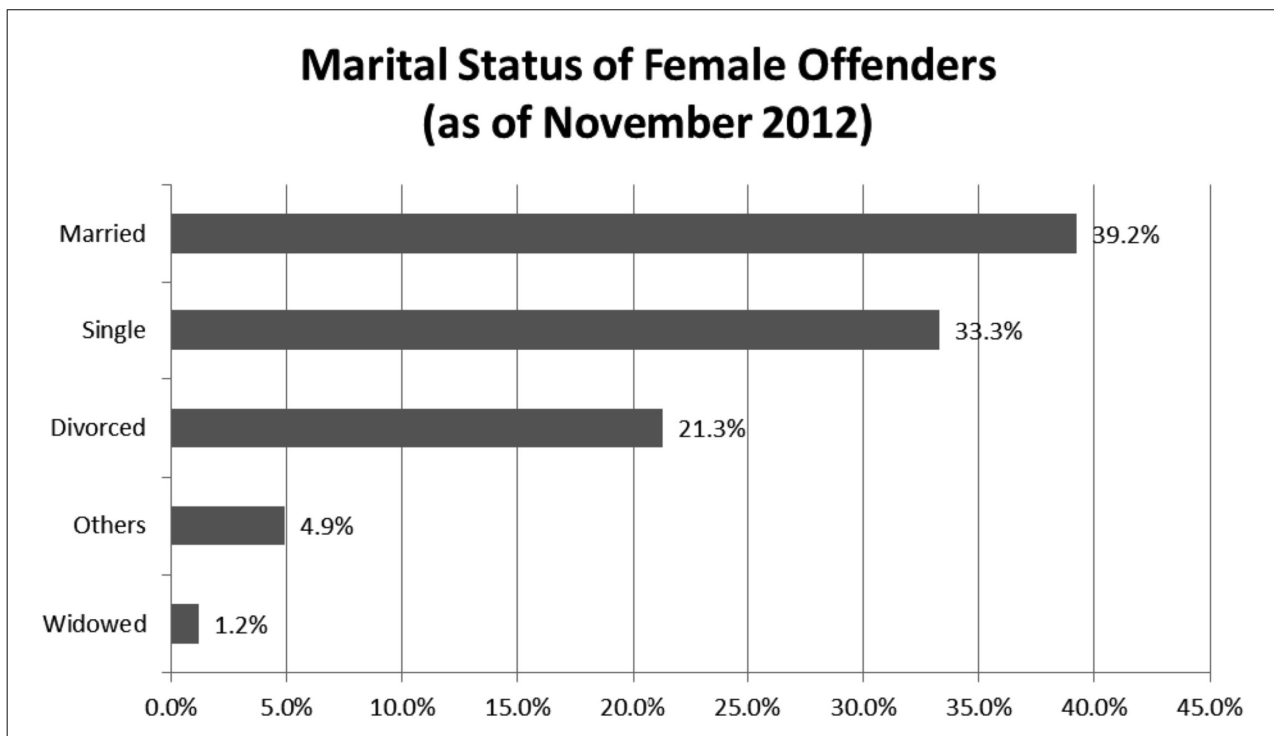


Figure 3: Marital status of female offenders as of November 2012

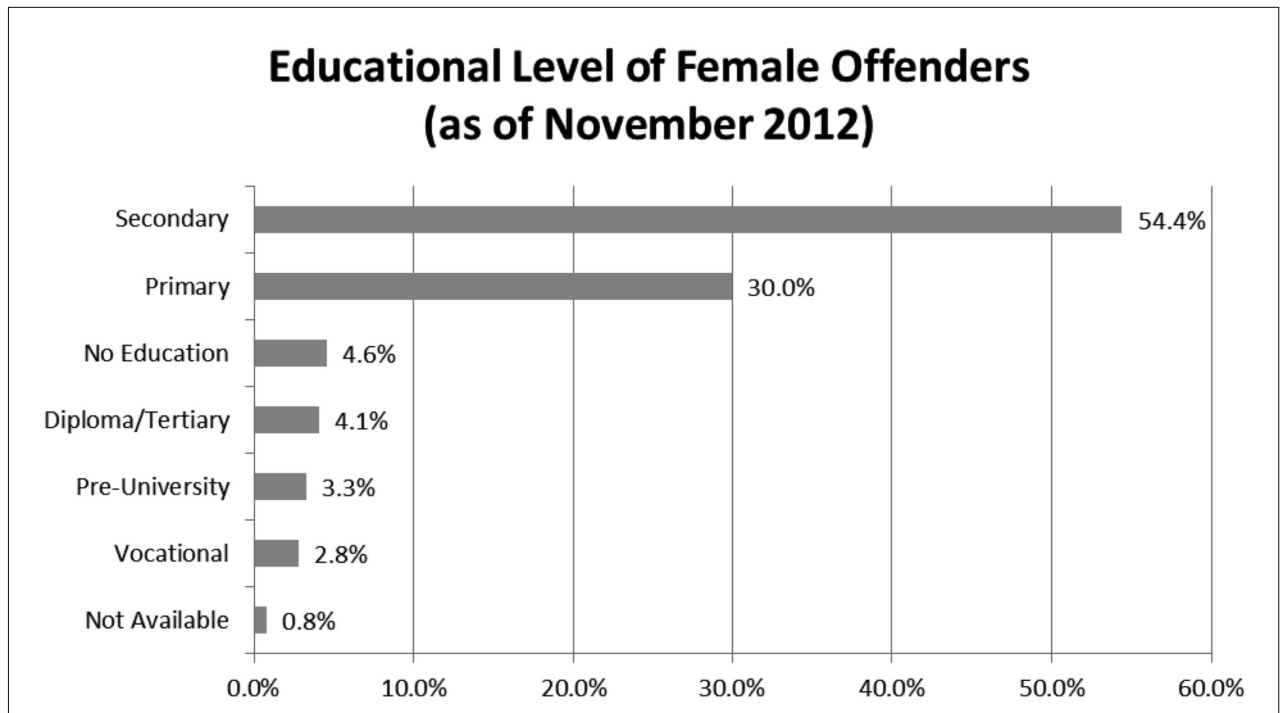


Figure 4: Educational level of female offenders as of November 2012

A profiling and gender responsive assessment study is currently being carried out in the CWP. The preliminary analysis of a sample of 102 female inmates showed that a high percentage, 42%, had experienced emotional distress. Despite the significant number, only 22% said that they had received treatment for their distress. From the same sample, 45% reported a history of physical, emotional or verbal abuse. Additionally, 36% turned to substance abuse to help them cope with stress. From these, there seemed to be a general lack of emotional regulation and adaptive coping skills. Further, there is likely to be a relationship between emotional distress and substance abuse, as well as victimization and substance abuse.

### **B. Basic Principles of Female Offender Treatment**

Two overarching frameworks guide SPS's rehabilitation and treatment efforts. The Rehabilitation Framework divides the process into three main components: in-care, halfway care and aftercare.

The second framework is the risk-need model in the treatment of offenders, the current dominant approach in the correctional rehabilitation field. In essence, treatment systematically targets dynamic risk factors associated with recidivism, and treatment intensity is determined by the offender's risk level (Andrews & Bonta, 1998). Four principles underpin the model: risks, needs, responsivity and professional discretion (Andrews & Bonta, 1998). The risk, need, responsivity (RNR) model is the overarching framework that guides intervention efforts, complemented by other theories such as the Good Lives Model and desistance theory.

The General Personality and Cognitive Social Learning (GPCSL) perspective underlies the RNR model of offender assessment and rehabilitation (Bonta & Andrews, 2007). Accordingly, approaches such as cognitive-behavioural theories and relapse prevention model, etc. have been the main theoretical bases for development of psychology-based treatment programmes, called specialized treatment programmes (STPs) in SPS. Furthermore, there has been compelling empirical evidence of the efficacy of such approaches in treatment of substance abuse and pro-criminal attitudes. Proponents of RNR and GPCSL have argued that the model is applicable to women (Bonta & Andrews, 2007).

Traditionally, the same treatment programmes have been used with both male and female offenders in SPS. To cater to responsivity issues of females, modifications have been made to the original programme, such as the use of more gender-specific examples and smaller group sizes. Gender-studies

scholars have found that females have different risks and needs than men (Blanchette, 2004; Blanchette & Brown, 2006; Bloom, Owen & Covington, 2003; Covington, 2000; Hardyman & Van Voorhis, 2004). It would then stand to reason that the same programme designed for men would be limited in its efficacy for women. The RNR model and the underlying GPCSL perspective might be gender-neutral, but effective treatment for female offenders might require a gender-specific approach.

### **C. Human-Rights-Related Issues**

According to the United States Department of State's Country Reports on Human Rights Practices for 2011, the only identified problem pertaining to prisons in Singapore was that mandated caning was allowable for some crimes. The same report found that prison and detention centre conditions generally met international standards. Other human-rights issues relating to criminal justice in Singapore highlighted by Amnesty International in its Annual Report 2012 were detention without trial and the death penalty. In Singapore, all women are exempted from the caning, though they are subjected to detention without trial and the death penalty.

In 2008, the Quaker United Nations Office (QUNO) of Human Rights and Refugees published a commentary on women in prison. Among 21 areas highlighted by the report, those significant to Singapore include non-discrimination between male and female prisoners, security classification and strip searching.

As mentioned in the previous section, female prisoners in SPS generally receive the same programming as male prisoners. According to the 2008 QUNO report, this would constitute discrimination, which follows from male-orientated programming: a failure to properly assess, understand and address the particular needs of women prisoners.

As there is only one facility for female offenders in Singapore, it is necessarily a maximum security prison. This means that some female prisoners are being housed in a more onerous environment than warranted by their security classification.

The 2008 QUNO report described routine strip-searching as unnecessarily harsh. In CWP, this is carried out on a regular basis as a security measure.

### **D. Institutional Treatment (Juveniles/Adults)**

Under the Rehabilitation Framework, treatment of offenders begins during the in-care phase, which refers to the period of an inmate's incarceration or detention that is served out physically in a prison or drug rehabilitation centre. In-care is further divided into four phases: admission, deterrence, treatment, and pre-release.

#### **1. Admission**

All inmates enter the prison system at the admission phase, when they are classified according to their security risks and rehabilitation needs. A customized treatment plan, the Personal Route Map (PRM), will be charted for each inmate according to his/her individual needs and risks. The PRM records the inmate's progress in programmes that he/she requires or has gone through during incarceration. Male inmates are assigned to institutions according to their security risk. As there is only one facility for female offenders, all females will serve their incarceration or detention in CWP, a maximum-security institution.

Under SPS's assessment framework, the Level of Service/Case Management Inventory (LS/CMI) is used to assess general risks of offending, followed by screening for specific risks if applicable. The case management portion has provisions for gender-specific issues, as well as concerns that are common to females, such as parenting and victimization. The only specific risk being screened for female offenders now is substance abuse, as screening tools for other specific risks such as violent and sexual offending are not validated for women. Since 2011, the youth version of the LS/CMI has been used on juvenile offenders below the age of 21. The YLS/CMI was adopted because it was found to be more sensitive to youth risks and needs, which are different from adults', yielding more accurate assessments.

The LS/CMI was designed to be a gender-neutral tool and some studies have found it to be valid



for females (Andrew, Dowden, & Rettinger, 2001; Dowden & Andrew, 1999; Holsinger, Lowenkamp, & Latessa, 2003) while other studies have produced conflicting results (Blanchette, 2005; Olson, Alderde, & Lurigio, 2003; Salisbury, Van Voorhis, & Spiropoulis, 2009). Gender studies scholars have argued that gender-neutral assessment frameworks do not adequately assess needs of women, leading to inaccurate risk assessments.

Given the paucity of appropriately validated tools, in particular for specific risks, that could be used on the local female offender population, inaccurate risk assessments could certainly be a danger. An additional danger could be that needs specific of females are not detected, and therefore are left unmet.

## 2. Deterrence

The deterrence period is meant to be a time for inmates to experience the rigours of incarceration for deterrent effect, so minimal programmes are available. It is also intended to be a time for inmates to adapt to prison life, reflect on their actions and prepare for the treatment phase.

## 3. Treatment

In this phase, inmates are allocated programmes according to their risks and needs identified through PRM. Programme allocation is based on availability and priority. Initially, STPs were designed in such a way that each programme was focused on a single need, such as criminal attitudes and thinking, substance abuse and dependence, sexual offending, etc. In theory, inmates could attend more than one STP, according to their needs. In practice, issues such as length of incarceration or detention and resources available limit inmates to one treatment programme each. Recently, with the realization that inmates usually have multiple needs, programmes have been designed to integrate different needs.

As mentioned earlier, female inmates undergo the same STPs as the male inmates, with some modifications. Those currently available at CWP are the integrated criminogenic programme, a substance abuse and dependence programme, a criminal attitude/thinking programme, as well as a youth criminal attitude/thinking programme. Some provisions have been made to improve the STPs' fit with female inmates, according to the responsivity principle. For instance, as females tend to be more relational, group sizes are kept smaller to promote a safe therapeutic environment. Further, a systemic perspective may be adopted when working with women, expanding the focusing beyond the individual to also include significant relationships and people. Safety is also important so that issues such as trauma and victimization may be attended to. These are especially crucial if they are factors in female inmates' recovery and reintegration into their communities.

Youth female offenders between the ages of 18 and 21 are also housed in CWP. The same rehabilitation framework and RNR principles are applied to them, and they undergo STPs specifically designed for youths. The youth STP is still based on general personality and cognitive social learning theories, with an additional developmental psychology perspective to take into account their life stages.

Youth offenders are subjected to a different regime than the adults, and hence are segregated from the adult population. However, being in the same facility has diminished the efficacy of a youth-centric regime, a challenge posed by their small numbers. For instance, they could be on the same housing unit landing as the adults, which makes it difficult for staff to adhere strictly to the different regimes.

In addition to psychology-based interventions, other treatment and approaches are also available for the rehabilitation of inmates. Educational opportunities and vocational training aligned with national policies and standards are provided to enhance inmates' employability. Vocational training takes into account gender-differences by bringing in those that are more popular with women in the general population. VWOs and vendors are engaged to provide family programmes to improve and maintain the relationships between female inmates and their families. Volunteers conduct various programmes from regular religious counselling to ad hoc art therapy and workshops on dressing and image.

Overall, female offenders undergo the same treatment as male offenders, although some modifications and provisions are made in recognition of gender differences. There are not as yet any pro-

grammes specifically designed for female offenders.

#### 4. Pre-release

In this final component of the in-care phase, inmates are given programmes that prepare them for reintegration into the community upon their release. Programmes during this phase focus on equipping inmates with knowledge and skills necessary for living in the community, such as money management and job seeking skills. Additionally, VWOs also provide information and referral services to inmates who might benefit from their assistance after release.

### **E. Community-based Treatment (Juveniles/Adults)**

Community-based treatment is carried out in the halfway care and aftercare phases of the Rehabilitation Framework.

#### 1. Halfway Care

This phase refers to the end of an inmate's incarceration where the inmate, if found suitable, may be selected to undergo halfway-care programmes and serve out his or her remaining sentence or detention order in the community. These community-based programmes (CBP) allow inmates to work outside prisons while residing in their homes, a halfway house, or a work release camp (under the purview of SPS), under supervised conditions. This period provides inmates with opportunities for gradual reintegration into the community, thereby forming the vital bridge between institutionalization and full freedom. In 2011, a total of 1,807 inmates were placed in CBPs.

Compared to the options for male offenders, those for female inmates are much more limited. Female inmates participate only in the residential and the halfway house schemes of the CBP. Due to operational constraints, the only work-release camp does not house female inmates. Halfway houses in Singapore are operated along gender lines, and are faith or ethnicity-based. Of the eight halfway houses that are part of the Halfway House Service Model, only one is for women.

Inmates in CBPs continue to receive supervision as well as support. During this phase, inmates who have undergone STPs continue to receive booster sessions to reinforce their learning and application. All inmates placed in CBPs also have a Reintegration Officer (RO) assigned to them, playing the roles of enforcer as well as case manager.

Community-based programmes for adults are based on suitability, while it is part of the sentence for youth offenders. All youth offenders are released on supervision for a minimum period of one year to a maximum period of two years, depending on their progress when on supervision. They too, are expected to be meaningfully occupied, either with work or studies. ROs also support and monitor them at this time.

#### 2. Aftercare

The aftercare refers to the immediate period subsequent to an inmate's release from the custody of the SPS. During this period, ex-inmates will be provided with support to reintegrate into the community.

The CARE Network was formed in 2000 to coordinate and improve the effectiveness of the efforts of the many agencies engaging in rehabilitative works for ex-offenders throughout Singapore. Its main objectives focus on ex-inmates, as well as the community. It coordinates assistance for ex-offenders as well as mobilizes and facilitates the community to support them in their reintegration with society.

### **F. Treatment for Women with Specific Offence Types**

#### 1. Drug Offences

At present, offenders with drug offences undergo a moderate intensity STP that targets substance abuse: the Drug Abuse Treatment Programme (DATP). The programme's theoretical bases include CBT, the relapse prevention model, the transtheoretical model, motivational interviewing and group dynamics. There are plans to review the DATP in 2013 to enhance its effectiveness.

In 2012, an integrated programme targeting substance abuse and criminal attitudes/thinking for

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

those assessed to be at high risk was implemented in CWP. The programme was modelled after a violence intervention programme called the ManAlive, and based on CBT, the Good Lives Model, desistance theory and narrative practices.

2. Property Offences

Inmates who commit property offences and who also have a history of substance abuse assessed to be at high risk are eligible for the integrated criminogenic programme mentioned earlier. For those without a history of substance abuse, and of lower risk, they would be suitable for a single-focus STP that targets their criminal attitudes/thinking.

3. Others

Due to the very small numbers, there are currently no treatment programmes for other offences, such as violent and sexual offending.

**G. Treatment for Women with Special Needs**

1. Mental Disorders

SPS adopts the medical model for the treatment of inmates with mental disorders, in line with the national treatment model. CWP is equipped with a dispensary where inmates have access to medical care around the clock, and the psychiatrist is available once a week. Inmates with mental disorders may be housed in a ward in CWP, or sent to a secure ward in a public hospital if necessary.

At present, psychiatric care for female offenders lags behind that for male offenders, who have access to a specialized housing unit designed for the rehabilitation of mental illness. In 2007, there were plans to set up a similar unit in CWP as well, but they were not ultimately realized. This year, efforts have been renewed to set up such a unit for female offenders.

There have been efforts to complement pharmacotherapy, for example, with psychotherapy, but they have unfortunately not been sustained due to operational and resource constraints. For example, a gender-specific rehabilitation programme to address the treatment needs of female inmates with mental health issues was conducted from 2007 to 2011, but was discontinued due to the limited outreach and the considerable strain on the staff delivering the programme, who did so on top of their regular workload.

2. Self-Injurious Behaviours

Behavioural issues, including self-harm behaviours, are usually addressed using an interdisciplinary approach. Officers, counsellors, psychiatrists and other service providers collaborate to design an intervention plan to reduce the frequency and severity of this behaviour. Inmates who engage in self-injurious behaviours are also monitored around the clock to ensure their safety.

3. Pregnancy, Childbirth and Child-Rearing

Pregnant female inmates in CWP have access to obstetrics and gynaecology (O&G) services, and the dispensary is equipped with O&G equipment. Medical staff specializing in O&G services offer their care twice a month. Further, pregnant inmates are separated from the regular population in the housing unit and receive dietary as well as nutritional supplements. For delivery, inmates are sent to public women's and children's hospitals.

Newborns usually return with the inmates' family members who are willing and able to care for them from the hospital. In cases where this is not feasible, alternative care options will be explored with the inmates, including foster care and adoption. In exceptional instances when inmates reject alternative care for their newborns, they are allowed to have their newborn with them in CWP until other acceptable care can be found. The maximum age that children may stay with their mothers is three years of age.

Inmates and their infants are separated from the regular population, and they receive necessities for the care of the infants. A room in the housing unit is designated as a play area for the infants, who can access it for half an hour every day. If no caregiver is identified at the end of three years, the state child welfare agency will intervene.

## H. Female Staff

CWP is staffed exclusively by women, whose stints there are usually the result of a policy of regular job rotation. Due to the large number of female staff needed, a significant proportion of newly recruited female staff is sent to CWP in their first posting. In training school, female staff members do not receive additional coaching on working with female offenders. Consequently, they face a steep learning curve as they not only contend with applying what they have learned in training school, but may also struggle with applying to females what is essentially jailcraft for male offenders.

SPS staff receive regular on-the-job training, which is the best opportunity to enhance their competency in working with female offenders. Learning and development needs peculiar to each institution are identified and met at this platform. Further, staff in new postings are assigned mentors, who are senior staff, to ease their transition as well as show them the ropes. While laudable, such efforts could be insufficient to manage female offenders effectively, in the face of gender differences. A more robust and rigorous training curriculum and structure is needed.

## I. Challenges and Obstacles

There is growing awareness of gender differences in offenders and offender treatment in SPS and increasing efforts to cater to the specific needs of women offenders. Beyond modifying existing interventions that were designed with male offenders in mind, effective treatment for female offenders ought to be developed specifically for women. This means, among other things, clearly identifying their needs, pathways to offending and interventions that have been found to work well with them.

Before that is achieved, limited support and resources at present means that many efforts have not been sustained. Frequently, such initiatives originated from the ground up, representing true needs. Sadly, the lack of support on systemic levels has curtailed the outreach and obstructed the sustainability of these efforts.

The female offender situation poses a particular challenge to programme development and sustainability with its small numbers and highly diverse needs. Economies of scale are rarely reaped, so it is of little wonder that it does not attract investment.

## II. RESOURCES

1. Singapore Prison Service website: <http://www.prisons.gov.sg>
2. Yellow Ribbon Project website: <http://www.yellowribbon.org.sg>
3. CARE Network: <http://www.carenetwork.org.sg>
4. Correctional Service Canada — Publications: <http://www.csc-scc.gc.ca/text/pblcttl-eng.shtml>
  - A) Corrections in general — Compendium 2000 on Effective Correctional Programming: <http://www.csc-scc.gc.ca/text/rsrch/compendium/2000/index-eng.shtml>
  - B) Women Offenders
    - Women's Corrections: <http://www.csc-scc.gc.ca/text/prgrm/fsw/fsw-eng.shtml>
  - C) Community Corrections
    - Federal Community Corrections Strategy: <http://www.csc-scc.gc.ca/text/faits/03-12-eng.shtml>

## III. REFERENCES

Andrews, D. A., & Bonta, J. (1998). *The psychology of criminal conduct* (2nd ed.). Cincinnati: Anderson.

153RD INTERNATIONAL SENIOR SEMINAR  
PARTICIPANTS' PAPERS

- Andrews, D. A., Dowden, C., & Rettinger, L. J. (2001). "Special populations within corrections." In J. A. Winterdyck (Ed), *Corrections in Canada: Social reactions to crime* (pp. 170-212). Toronto, Ontario, Canada: Prentice Hall.
- Blanchette, K. (2004). "Revisiting effective classification strategies for women offenders in Canada." *Feminism & Psychology*, 14, 231-236.
- Blanchette, K., & Brown, S. L. (2006). *The assessment and treatment of women offenders: An integrative perspective*. Chichester, UK: Wiley.
- Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research practice and guiding principles for women offenders*. Washington, DC: USDOJ, National Institute of Corrections.
- Bonta, J. & Andrews, D. A. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation*. Retrieved 16 December 2012 from [http://www.publicsafety.gc.ca/res/cor/rep/\\_fl/RiskNeed\\_2007-06\\_e.pdf](http://www.publicsafety.gc.ca/res/cor/rep/_fl/RiskNeed_2007-06_e.pdf).
- Covington, S. (2000). "Helping women to recover: Creating gender-specific treatment for substance-abusing women and girls in community corrections." In M. McMahon (Ed.), *Assessment to assistance: Programs for women in community corrections* (pp. 171-233). Lanham, MD: American Correctional Association.
- Dowden, C., & Andrews, D. A. (1999). "What works for female offenders: A meta-analytic review." *Crime & Delinquency*, 45, 438-452.
- Hardyman, P. L., & Van Voorhis, P. (2004). *Developing gender-specific classification systems for women offenders*. Washington, DC: USDOJ, National Institute of Corrections.
- Holsinger, A. M., Lowenkamp, C. T., Latessa, E. J. (2003). "Ethnicity, gender, and the Level of Service Inventory-Revised." *Journal of Criminal Justice*, 31, 309-320.
- Olson, D. E., Alderden, M., & Lurigio, A. J. (2003). "Men are from mars, women are from Venus, but what role does gender play in probation recidivism?" *Justice Research & Policy*, 5, 33-54.
- Salisbury, E. J., Van Voorhis, P., & Spiropoulis, G. (2009). "The predictive validity of a gender-responsive risk/needs assessment." *Crime & Delinquency*, 55, 550-585.

# **THE SINGAPORE CORRECTIONAL SYSTEM**

*Goh Chin Mien\**

## **I. SINGAPORE PRISON SERVICE — PART OF THE HOME TEAM**

The Ministry of Home Affairs (MHA) is responsible for the safety and security of Singapore. The Singapore Prison Service (SPS) is part of the Home Team together with nine other law enforcement agencies and statutory boards: the Singapore Police Force, the Central Narcotics Bureau, the Internal Security Department, the Home Team Academy, the Singapore Civil Defence Force, the Casino Regulation Authority, the Immigration and Checkpoints Authority and the Singapore Corporation of Rehabilitative Enterprises.

## **II. MISSION AND PURPOSE**

The mission of SPS is being the key partner in criminal justice, to protect society through the safe custody and rehabilitation of offenders, cooperating in prevention and aftercare. In Singapore, imprisonment serves the purposes of a) punishment, b) deterrence, c) incapacitation and d) reformation.

Imprisonment is punishment; hence Singapore prisons are spartan and the incarceration regimes are strict. Imprisonment also incapacitates by denying offenders the opportunity to reoffend. The strict and stringent regime in Singapore prison should deter those who are incarcerated from reoffending after release, as well as individuals in the community from offending. The SPS aims to be a transformational place to rehabilitate and support offenders in their reintegration into communities to lead crime-free lives. In these ways, SPS executes justice, reduces reoffending and prevents offending.

## **III. SINGAPORE PRISON SERVICE TODAY**

SPS oversees 14 prisons: 13 male institutions and one female institution. Some of the institutions serve as drug rehabilitation centres (DRCs) as well, which are facilities for the treatment of first- and second-time drug offenders. As of 31 December 2011, the total prison population was 11,308, convicted mainly of drug and property-related offences. The DRC population makes up about 11% of the total inmate population. Since peaking at 18,000 in 2002, the prison population has been on a steady decline.

In 2011, 1,376 penal inmates and 431 DRC inmates were placed in the community-based programmes, in which inmates are allowed to work outside prison while residing in their homes, halfway houses, or work-release camps, under supervised conditions. The programmes provide an opportunity for suitable inmates to have a gradual transition from incarceration to complete freedom. In the same year, the CBP completion rate was 93.4%.

Recidivism in Singapore is defined as the percentage of local inmates detained, convicted and imprisoned again for a new offence within two years from their release. The overall recidivism rate for the release cohort of 2009 was 26.7%.

Since the late 1990s, SPS has adopted a “clusterisation” strategy to achieve better resource and offender management, by co-locating all prisons in one location in a super prison-complex. First operationalized in 2004, the Changi Prison Complex currently comprises two clusters of five different prison institutions each. There will be four clusters in total when the complex is fully operational.

---

\*Assistant Director, Psychological and Correctional Rehabilitation Services Division, Singapore Prison Service.

#### IV. REHABILITATION FRAMEWORK

The SPS Rehabilitation Framework was developed in 2000 as an operating model to guide offender reformation efforts. It articulates a structured and comprehensive approach for all rehabilitation efforts, and ensures optimization of our limited resources by allocating programmes based on risks and needs of prisoners. The Framework is based on the philosophy that:

- Offenders' reintegration potential is maximized through the building of family and/or social ties and the delivery of programmes targeted at improving prisoners' offending behaviours, attitudes and skills
- Rehabilitation begins from the time an offender first enters the prison system and continues even after release, underlining the importance of aftercare programmes and services for ex-offenders

With the approach of through-care in mind, the Framework comprises three distinct phases: in-care, halfway care and aftercare. SPS collaborates closely with other government organizations and community partners to ensure the seamless transfer of care of offenders and integrated support of offenders in the community.

##### A. In-care

In-care refers to the period of an inmate's incarceration or detention that is served out physically in a prison or drug rehabilitation centre of the Singapore Prison Service. In-care comprises the following four phases:

###### 1. Admission

All inmates enter the prison system at the Admission Phase, where they are classified according to their security risks and rehabilitation needs. A customized treatment plan, the Personal Route Map (PRM), will be charted for each inmate according to his or her individual needs and risks. The PRM records the inmate's progress in programmes that he or she requires or has gone through during incarceration.

###### 2. Deterrence

During the Deterrence Phase, minimal programmes are given to inmates, so that they may experience the rigours of incarceration for deterrent effect. It would also allow them time to adapt to their incarceration or detention, reflect on their past actions and prepare for their treatment phase.

###### 3. Treatment

During the Treatment Phase, inmates are allocated programmes according to the needs and risks identified through their PRM. Programme allocation is based on the programme availability and priority.

###### 4. Pre-Release

During the Pre-Release Phase, inmates are given programmes that prepare them for reintegration into the community upon their release.

##### B. Halfway Care

The Halfway Care phase refers to the period near the end of inmates' incarceration, where inmates, if found suitable, may be selected to undergo halfway care programmes and serve out their remaining sentences or detention orders in the community. This period provides inmates with opportunities for a gradual reintegration into the community, thereby forming the vital bridge between institutionalization and full freedom.

##### C. Aftercare

Aftercare refers to the immediate period subsequent to an inmate's release from the custody of SPS. During this period, ex-inmates will be provided with support to reintegrate into the community.

## **V. CONCLUSION**

SPS aspires to achieve more than punishing and incapacitating offenders. It contributes to the prevention of offending and reduction of reoffending by deterring and reforming offenders. Successful rehabilitation and reintegration involve more than SPS and the offenders, so SPS has always actively engaged offenders' families and the larger community. In this way, SPS truly plays a key role in the criminal justice system.



---

## REPORTS OF THE SEMINAR

---

### **GROUP 1**

#### **IMPLEMENTING THE “BANGKOK RULES” — FOCUSING ON PROTECTING HUMAN RIGHTS BY IMPROVING THE LIVING ENVIROMENT OF FEMALE OFFENDERS**

---

<b>Chairperson</b>	Ms. Olivia Achieng ONYANGO	Kenya
<b>Co-Chairperson</b>	Mr. Padma Prasad PANDEY	Nepal
<b>Rapporteur</b>	Ms. Joycelyn Eugenie ROACH-SPENCER	Jamaica
<b>Co-Rapporteur</b>	Mr. Leandro ZACCARO Garcia	Brazil
<b>Members</b>	Mr. Sharif Uddin AHMED	Bangladesh
	Mr. NAKAO Takayuki	Japan
	Mr. NISHIMORI Eiji	Japan
	Mr. FUJITA Hiroshi	Japan
	Mr. KATAYAMA Hirohisa	Japan
	Ms. Marisol MENDEZ Cruz	Mexico
	Ms. Chirapohn KHAGATHONG	Thailand
<b>Adviser</b>	Prof. YOSHIMURA Koji	UNAFEI

---

### **I. INTRODUCTION**

Group 1 started the discussions on 25 January 2013. The Group by consensus elected Ms. Olivia Onyango as its Chairperson, Mr. Padam Prasad Pandey as Co-Chairperson, Ms. Joycelyn Roach-Spencer as its Rapporteur and Mr. Leandro Zaccaro Garcia as Co-Rapporteur.

The Group accepted one of the member's suggestions of having two sub-groups as a strategy to effectively and efficiently complete the task. The subgroups were divided in regard to the area of professionalism, that is the Judicial Group and the Correctional Group. After three sub-group sessions, the whole group gathered again to allow the sub-groups to present their findings and to finalize the group workshop report together.

The Group also agreed to conduct its discussions about the main theme, “Implementing the Bangkok Rules — Focusing on Protecting Human Rights by Improving the Living Environment of Female Offenders”, following the agenda: 1) Gender Sensitivity: Protecting the Human Rights of Female Offenders; 2) Issues on Dependent Children of Women Offenders; 3) Medical, Health and Hygiene Services Unique to Women; 4) Issues Relating to Vulnerable Female Offenders: Juveniles, Foreign Nationals and other Minority Groups; 5) Personnel; 6) Social Relations; 7) Research and Study.

### **II. SUMMARY OF THE DISCUSSIONS**

#### **A. Gender Sensitivity: Protecting the Human Rights of Female Offenders**

Most of the participants agreed that gender sensitivity has not been a priority in the treatment of female offenders in their respective countries. As it relates to accommodation, except for Japan and Kenya, all females are housed in institutions originally built for men, which have been retrofitted to accommodate females, and in some cases there are no separate institutions for female offenders who are housed in shared facilities with men, though in separate cells.

In the pre-sentencing phase, with the exception of Nepal, where only female police officers can arrest female offenders, other participants did agree that there is no gender sensitivity to police arrest, and, as a rule, the male police officers are allowed to arrest females.

The participant from Mexico stated there is a General Committee with representatives of the judicial, executive and legislative branches which visits the prisons and the jails to ensure that the matters relating to female safety, dignity and fundamental rights are protected. Other participants agreed that there are similar committees in their own countries for this purpose. From the Japanese perspective, however, judges visit not to ensure the human rights condition but only to improve their

understanding about the criminal justice system, including corrections.

Also, several participants stated that the judges do not actually take into consideration gender issues when sentencing females, and in that respect, some judges employed a “hard line” approach even though operating within their authority. For example, the participant from Brazil stated that even though there is a Penal Code, which provides a minimum and maximum sentence for each crime, some judges always impose the maximum sentence without much thought. The participant from Nepal stated that there is no provision under the law for alternative sentencing to imprisonment, and the court has the power to consider mitigation factors only in cases of intentional homicide and not other cases. In Japan, participants agreed that prosecutors are authorized to drop cases even with enough evidence to secure a conviction, taking into consideration the specific needs of the female offender.

At the end of discussions most participants agreed that some judges will always take a “hard line” approach and apply the maximum penalty, while others will use their discretion and consider sentencing options by using their own consciences, but while following the Penal Code within the law. According to the participant from Thailand, the court uses both sentencing guidelines, or *Yee-tok*, and the Penal Code to decide the penalty to be imposed. Although such guidelines are not legally binding and do not officially limit the discretion of the judge, in practice they are widely used to ensure the uniformity of sentencing policy.

The participant from Kenya said that in her country, the law forbids the judges from applying the death sentence (hanging) to pregnant female offenders.

In institutional care, most of the participants stated that safety and security measures have improved over the last decade, and abuses of female offenders have been minimized. Whereas in the past it was the norm to verbally and sometimes physically abuse offenders, now in some countries it is possible to see evidence of positive changes based on initiatives of ongoing training following the international human rights standards and the application of sanctions on guilty correctional officers who abuse their powers.

In the case of Japan, participants stated that the government is sensitive to the needs of female offenders, and in that regard appropriate facilities have been built to house female offenders and rehabilitation programmes are offered. All participants agreed that searches are usually conducted appropriately whereby only female officers are allowed to search female offenders and care is usually taken to protect and respect the dignity of the female especially as related to “strip” searches. Though rehabilitation programmes are offered, not enough attention is given to inmates’ areas of interest, but rather to the availability of programmes, and certification in skilled areas is limited or lacking.

## **B. Issues on Dependent Children of Women Offenders**

The Group discussed the matter of dependent children. Some participants stated that in the pre-sentencing phase, the judges are sensitive in this regard and will consider non-custodial sentencing and other sentencing options, depending on the type of crime and the conditions of the female offender. The participant from Kenya stated that the provisions in the Kenyan laws are sensitive to juvenile offenders by having juvenile courts and family division courts.

About institutional care of mothers and children, most participants stated that provisions are made in the best interest of the child to live in prison with their mothers, but in such cases the duration of the stay in these institutions varies from between 3 months to 6 years, depending on the laws within each country.

Most of participants agreed that basic health and nutritional care are provided for the children and mothers. For women who are pregnant upon admission, they are usually sent to pre-natal clinics, monitored throughout their pregnancies and deliver their babies at public hospitals.

## **C. Medical, Health and Hygiene Services Unique to Women**

Most of the participants agreed that basic medical services and standard hygiene materials are provided by institutions. Participants however differed on the matter of treatment of gender-specific

153RD INTERNATIONAL SENIOR SEMINAR  
REPORTS OF THE SEMINAR

health issues. Some stated that specific medical exams, such as pregnancy tests, pap smears, screening and mammography, are not offered to female offenders, and are only done in extreme cases, like in the detection of a disease, while others stated that efforts are made to have this done.

In most of the countries, the Government tries to provide comprehensive health care for female offenders. However, there are shortages of doctors who work in correctional institutions because their pay is much lower in comparison with private medical practitioners.

All participants agreed that the Kenyan approach in training doctors and nurses as correctional officers is a good one. However much needs to be done in the assessment of mental health of female offenders, since much attention is not paid to the background checks for history of sexual, physical abuse, and eating disorders, which in some cases, according to the lecture of Dr. Tazuko Aoshima, is linked to female drug and sex crimes.

#### **D. Issues Relating to Vulnerable Female Offenders**

##### **1. Juveniles**

Most of the participants agreed that juveniles who are in conflict with the law are taken to juveniles courts and are committed to juvenile institutions, though in some countries space is limited and juveniles have to be housed in adult institutions, whereby education and vocational training are sometimes not available. The participant from Jamaica stated that education of juveniles in correctional institutes is mandatory, according to the Child Care and Protection Act, and is adhered to. In the case of Kenya, the participant stated that there are no juvenile facilities for girls, and efforts are made to send juveniles to probation hostels, as failure to keep them in community care will result in their being sent to an adult institution.

The Japanese participants stated that the Juvenile Training School provides appropriate counseling and educational/vocational training for juvenile female offenders.

Also according to the participant from Mexico, there are specialized bodies in the Attorney General's Office, the Court of Justice, and the Public Defender's Office responsible to attend to the juvenile offenders.

Most participants agreed that correctional policies need to be more focused on mental health issues of juveniles and need to adopt more precise assessment tools for suicide and self-harm tendencies. The participant from Jamaica said this issue is currently receiving priority attention in her country following the recent suicide of a female juvenile and subsequent suicidal attempts by other female juveniles of the state.

##### **2. Foreign Nationals and other Minority Groups**

The group agreed that there is no stated or obvious discrimination as it relates to foreign nationals or other minority groups in each country; however in some cases language barriers prevent basic communication from taking place, and it becomes necessary for Correctional Officers to receive some basic foreign language training to alleviate this problem.

#### **E. Personnel**

Most participants agreed that the training system is the same for both male and female Correctional Officers and also agreed that, based on the recommendation of visiting expert lecturer Ms. Piera Barzano from the UNODC, female staff should be specifically trained to be sensitive to the particular needs of female offenders in an effort to better assist them. The participant from Brazil stated that, in some cases, it is not possible to train people to be sensitive; that sensitivity is an inborn trait or acquired based on family and community upbringing, not only in professional training. After discussion, the group concurred that the best practice is to recruit women who have the interest and skills to work with women; skills for example in social work and psychology as opposed to persons with financial backgrounds.

#### **F. Social Relations**

The group agreed that one of the ways to maintain social relationships between female offenders

and society is through family visits and other visits from interest groups and other social organizations. All participants stated that this practice is maintained to some extent within their countries; however the practice of restrictive visits is still ongoing in some countries, and this practice needs to be revisited to adopt a “more humane” type of visitation with female offenders and their relatives, especially their children.

According to the participant from Nepal, their Supreme Court in the case of *Setu Social Development and Human Rights Forum and others vs. Prime Minister*, 11 April 2011, regarding conjugal visits, ruled that, under the constitution, women in prison also have the right to reproduce, and, accordingly, ordered the government to provide conjugal visits within prison. Other countries practicing conjugal visits are Mexico and Brazil.

#### **G. Research and Study**

All the participants concluded that research conducted within their respective countries involves mostly the collection of data and statistics, relating to issues such as numbers and types of offences, ages and profiles of offenders. But such research is not in depth enough to cover relevant topics and is not useful for policy making in criminal justice administration. Lack of proper implementation of policies is also an issue in most countries. In the case of Kenya, however, there is the Kenyan Women Judges Association, which undertakes women-focused research and studies supported by the judiciary. The results help to guide their policy and the treatment of female offenders.

### **III. CONCLUSION**

At the end of the discussion, the Group concluded that the facilities currently used to house females were not designed for female offenders and lack the basic amenities to address gender-specific needs. It is clear that not much attention has been paid to the treatment of female offenders. In fact, according to visiting expert lecturer Dr. Patricia Van Voorhis, no significant research could be found on female offenders in order to influence the policy changes, even though statistics point to the significant increase of female offenders over the last decade.

In an effort to improve the living conditions of female offenders in prisons, the issue of overcrowding has to be addressed starting with the pre-sentencing stage, with the application of alternative measures to custodial sentencing, so that prison space can be reserved only for violent female offenders and those serving longer sentences. Additionally, gender specific rehabilitation programmes need to be implemented not only as a means of having females working inside the prison, but with a view towards certification in skills areas that will adequately prepare them to be self-reliant upon their release.

### **IV. RECOMMENDATIONS**

After discussion, the Group agreed on the following recommendations:

**A.** In the field of research, governments should do an extensive and in depth study on incarcerated female offenders, to understand the profiles of these offenders, and to develop more efficient policies to address their specific needs.

**B.** The training of personnel for female correctional units should include gender-specific components and should target female applicants who have the interest, personality and relevant skills to work in a care-based organization. Working conditions of correctional officers must be improved and issues of poor salary and remuneration must be addressed.

**C.** There needs to be greater collaboration among agents of the criminal justice system (Police, Prosecution Office, Courts and Corrections) in an effort to address diversion from imprisonment, thus reducing overcrowding within the female units.

**D.** There is a need for periodical judicial inspection with a view to seeing the conditions of female inmates and, accordingly, submitting a report to the competent authority for addressing the needs of the inmates.

153RD INTERNATIONAL SENIOR SEMINAR  
REPORTS OF THE SEMINAR

- E.** There is a need for public campaigns to sensitize public opinion, especially policy makers, that punishment is not only through imprisonment, but also through the application of alternative measures, following the Restorative Justice approach.
- F.** The authorities should construct separate prisons for female offenders which are more appropriate to address female needs and preferably smaller, more community-based institutions, which are more cost-effective and beneficial in keeping female offenders near their homes and families.
- G.** Correctional Services should be empowered to provide medical facilities within each institution to address special medical care for female offenders, especially in the area of gynecology and mental health care.
- H.** The relevant government bureaus, departments or ministries should ensure that senior female staff members are given opportunities to work at the ministry level, whereby they can be influential in policy changes and the decision-making process to improve the female correctional system.
- I.** Juvenile female offenders must be separated from adult female offenders, and age appropriate programmes must be administered following the Japanese example of Juvenile Training Schools.
- J.** Correctional Departments should partner with relevant stakeholders, in both the public and private sectors, in an effort to optimize treatment for female offenders in the areas of mental health care, drug treatment programmes, and prospective employers to ensure the continuity of care of offenders after their release.
- K.** Visiting justices and human rights organizations should regularly visit female institutions to ensure that they are compliant with minimum human rights standards for the treatment of female offenders.
- L.** There is a need for all stakeholders — Correctional Services, Public Prosecutors, Judges as well as other national and international organizations — to be sensitized regarding the “Bangkok Rules”, as a means to collectively improve female-offender treatment.

## GROUP 2

### REHABILITATION PROGRAMMES FOR FEMALE OFFENDERS — FOCUSING ON REDUCING REOFFENDING OF FEMALE OFFENDERS

---

<b>Chairperson</b>	Mr. Celso Singayan Bravo	Philippines
<b>Co-Chairperson</b>	Mr. Sakamaki Ryotaro	Japan
<b>Rapporteur</b>	Ms. Goh Chin Mien	Singapore
<b>Co-Rapporteur</b>	Ms. Luiza Cristina Fonseca Frischeisen	Brazil
<b>Members</b>	Mr. Naser Abdulsalam Alsaraireh	Jordan
	Ms. Hannah Maingi	Kenya
	Mr. Uddhav Prasad Pudasaini	Nepal
	Ms. Mary Onyechi Oche	Nigeria
	Ms. Losa Bourne	Samoa
	Ms. Tomida Akino	Japan
	Mr. Watanabe Yoshio	Japan
	Professor Tashiro Akiko	UNAFEI
<b>Adviser</b>		

---

## I. INTRODUCTION

Historically, the treatment of female offenders had not received sufficient attention due to their small population in comparison with male offenders. However, the population of female offenders is on the rise in many nations recently, which has increased the demand to enhance treatment of female offenders.

The offences committed by females differ from those committed by males in terms of the types of offences or the motives for the offences. Arising from biological and psychological differences, female offenders require special consideration of human rights issues and appropriate treatment meeting their needs — both in the institution and in the community.

This report is the culmination of the learning points from the Senior Seminar and the experiences of the group participants. This group concentrated on the topic “Rehabilitation Programmes for Female Offenders — Focusing on Reducing Reoffending of Female Offenders”. The discussion was conducted according to the following agenda: 1) Characteristics of female-committed offences; 2) Effective assessment/classification methods for female offenders; 3) Necessary rehabilitation programmes for female offenders and 4) Surrounding issues of rehabilitation programmes of female offenders.

## II. SUMMARY OF THE DISCUSSION

### A. Characteristics of Female-Committed Crimes

The resolution of a problem is likely to be facilitated by starting with a clear definition and sound understanding of the issue at hand. In the case of reducing reoffending of female offenders, the profile of female offenders and the crimes they commit should be established.

#### 1. Types of Offences Committed by Females

In the majority of the nine countries represented in this group, a significant proportion of the female offenders committed theft-related and illicit-drug-related offences. Further, female offenders in most of the countries are generally less likely to commit crimes of a violent nature. In countries with a higher rate of violent crimes committed by female offenders, the social and cultural background of the country seemed to play a part. In most of the countries, female offenders have lower rates of recidivism.

#### 2. Social Background of Females Who Commit Crimes

With the exception of Japan, which enjoys a high rate of literacy among the people, female

offenders in the other countries tend to be poorly educated. Many of them lack vocational skills and face difficulties with employment. It is no surprise that most of them are economically disadvantaged too. Detailed data from half of the countries revealed consistent findings that a significant proportion of female offenders have mental health issues, as well as histories of victimization.

## **B. Effective Assessment/Classification Methods for Female Offenders**

Assessment is crucial to identifying services that offenders need, and the costs of inappropriate assessment are high (Van Voorhis, 2013). The result is a poor fit of clients to programmes and services, leading to the waste of valuable resources (Van Voorhis, 2013). Assessment will yield the level of risk, or likelihood that a person may reoffend, as well as the targets for intervention. Assessments in countries with advanced corrections systems, such as Canada and the United States, utilize statistically derived assessments, also known as actuarial assessments.

Actuarial assessments can contribute to decision-making at various points in the criminal justice procedure. They can help determine sentencing during the sentencing phase, in allocation of treatment during incarceration, and in ascertaining suitability for parole during pre-release. Since assessment also illuminates targets for interventions, its value extends beyond decision-making: it can guide interventions and supervision conditions that will promote the rehabilitation of offenders. To fully harness the benefits of actuarial assessment, countries are committed to advocating for its use within the criminal justice system. Highlighting empirical evidence may help to further this cause.

### **1. Risks and Needs of Female Offenders**

To achieve reductions in reoffending, intensive interventions should be reserved for offenders of at least moderate risk of reoffending. This is known as the *risk principle*. Further, interventions should target factors that are related to future offending, known as the *needs principle*.

Emerging research has identified female-specific needs that have been overlooked by gender-neutral assessment protocols. Consequently, no programmes are available for such needs of women. Effective assessment for female offenders must accurately identify their needs, regardless of whether they are gender-neutral or gender-specific. As gender-neutral risk factors are well-established, efforts should now be directed towards identifying those unique to women.

Current research identifies the following risks and needs factors that are gender-neutral (Bonta & Andrews, 2007):

1. Criminal history
2. Antisocial personality pattern
3. Pro-criminal attitudes
4. Social support for crime (e.g. criminal friends)
5. Substance abuse
6. Family/marital relationships (e.g. poor family relationships)
7. School/work (e.g. poor performance)
8. Pro-social recreational activities (e.g. lack of involvement in pro-social recreational activities)

Van Voorhis and her associates (2013) identified risks and needs factors that are specific to women:

9. Mental health history
10. Depression/anxiety (symptoms)
11. Psychosis/suicidal (symptoms)
12. Child abuse (institutions)
13. Adult victimization (community)
14. Relationship dysfunction
15. Parental stress (community)
16. Housing safety (community)

The same research recommends an assessment of female offenders' strengths: self-efficacy, family support, parental involvement, and educational assets (Van Voorhis, 2013). There should also be

consideration of a history of victimization (domestic abuse, sexual abuse) to be assessed by certified psychologists (Van Voorhis, 2013).

## 2. Effective Assessment for Female Offenders: Development, Improvement and Maintenance

The group agreed that classification and assessment were necessary and separate processes. All the countries carry out classification of offenders based on information related to demographics, offence and sentence, with the intention to inform management and treatment decisions. However, only one country, Singapore, conducts actuarial assessment to identify the risks and needs of offenders. Even then, the same assessment tool, the Level of Service/Case Management Inventory, is being used with both male and female offenders.

Accordingly, the group identified measures to develop and introduce effective assessment tools for female offenders: capacity-building and policy-setting. Countries which are not yet carrying out actuarial assessment of female offenders prioritize the recruitment of mental health specialists, training for staff to raise awareness of gender differences and equip with skills to engage female offenders, as well as nurturing research capabilities. Within each country, various agencies may work together. For example, the academia could be leveraged to enhance research capabilities. Externally, countries may wish to form partnerships with one another to share information and knowledge. For all countries, policies on gender-sensitive practices will facilitate the development and introduction of effective assessment tools for female offenders. Furthermore, policies will improve and maintain the assessment methods in the years to come.

## **C. Rehabilitation Programmes Necessary for Female Offenders**

Identifying the needs of female offenders is only part of the equation, the other being suitable programmes and resources to address them. Effective assessment should be the basis for treatment decisions, such as the type of treatment and the intensity of treatment to be provided.

### 1. Developing the Necessary Rehabilitation Programmes

The group acknowledged the importance of diversionary alternative sentencing measures for female offenders. With their lower risk of reoffending and disadvantaged socio-economic backgrounds, some female offenders may not require incarceration. For them, diversionary measures such as probation, community service orders and parole could be considered. Additionally, alternative sentencing measures may be adopted for the protection of female offenders when necessary, given the high prevalence of the experience of victimization.

A survey of the programmes in each country indicated that all the countries have in place educational, vocational, and healthcare programmes, as well as pre- and post-release plans for social reintegration. Some countries should be commended for their efforts to help offenders maintain contact with their families, as many female offenders have children and place high importance on relationships. However, in most countries, the available programmes do not target criminogenic needs. Even in countries with such programmes, they tend to be gender-neutral and not gender-specific.

All the countries agreed that the foremost task in the development or introduction of the necessary rehabilitation programmes is to be familiar with the profiles and needs of the female offenders of each country. The group proposed to engage female offenders, including ex-offenders, to discover their needs and how they preferred to be helped. At the same time, the group suggested the use of scientific methods and reference to current literature. Information systems should be in place to store and share such valuable data.

Countries which do not currently have programmes targeting criminogenic factors aim to implement interventions that address the needs of female offenders. The needs include gender-neutral ones such as criminal thinking and substance abuse, as well as gender-specific ones such as mental health issues, victimization, dysfunctional relationships, etc. Even with gender-neutral risk factors, there appear to be gender-differences in the experiences and pathways to offending. For example, in terms of mental health problems, more female offenders experience mood disorders than male offenders. In another instance, female offenders tend to use substances to help them cope with the effects of victimization, while male offenders tend to have different motivations for substance use. Such nuances



must be taken into consideration so as to provide appropriate interventions.

Psychological methods such as cognitive-behavioural therapy (CBT) have been found to be effective in forensic treatment. However, such methods were employed based on existing knowledge of offending, which has hitherto been derived overwhelmingly from male offenders. Now that we have more knowledge of gender differences, CBT may be limited in its ability to fully address the complex issues of female offenders; methodologies in addition to CBT ought to be explored. A holistic approach is necessary when considering the needs of female offenders, considering psychology, physiology, social and economic background, etc.

A prime example of a gender-specific aspect is childcare. Most female offenders have children and most of them will return to the community as parents after their release. To aid reintegration, female offenders who do not have adequate parenting skills would benefit from programmes to help them parent better. This has significant positive potential as the literature points to the likelihood of drug-dependent women having difficulties in nurturing their children and the risk of intergenerational transmission (Morita, 2013).

## 2. Considerations for Delivery of Rehabilitation Programmes

Care has to be taken when delivering rehabilitation programmes to female offenders. In countries where female offenders are often significantly disadvantaged economically and socially, basic needs may be prioritized over rehabilitation needs. Service providers ought to be aware of issues that affect more female offenders than male offenders, such as experiences of victimization and worries over childcare. An attendant consideration is the need to recruit more female staff to work with the increasing number of female offenders.

## 3. Evaluation and Monitoring of Rehabilitation Programmes

There is a general consensus among the countries on the importance of monitoring and evaluating programmes to ensure programme integrity and measure programme outcomes in objective ways. This information will allow countries to determine if programmes are suitable for their female offender populations to determine where and how programmes can be further improved and to promote the sustainability of programmes.

Structures, plans and minimum standards have to be in place to facilitate monitoring and evaluation. The group recommends that a team be appointed to be responsible for monitoring and evaluation. All stakeholders should be engaged in the process of setting structures, plans and minimum standards. They include, but are not limited to, ministries, inmates who participated in the programmes and corrections staff. There is also value in engaging ex-offenders who are maintaining crime-free lives to identify factors that contributed to their desistance from crime.

## **D. Issues Surrounding Rehabilitation Programmes of Female Offenders**

Several issues surround the rehabilitation programmes of female offenders. The first relates to improving the work environment for, and capacity-building of, staff. The next issue pertains to coordination between agencies and the third, international cooperation. To ensure sustainability, the group proposes the establishment of a unit dedicated to the rehabilitation of female offenders.

### 1. Staff

Staff are the backbone of rehabilitation programmes. Just as we accept that female offenders have distinctive needs, it is equally imperative that we embrace that staff — in particular female staff — contend with distinctive obstacles as they carry out their mission of rehabilitating female offenders. Their issues must be attended to in order to attract and retain staff. Efforts must be made to initiate and maintain engagement with staff working in female institutions, especially female staff.

In some countries, the reality for staff working in female institutions is that they tend to work in facilities that are few and far between, often in less accessible areas. This means that they are more likely to be far away from family and friends. Such separation is exacerbated for female staff due to their lifespan development (i.e. milestones throughout the life of an individual) and cultural norms such as marriage, childbirth and childcare. Consequently, female staff working in female institutions may

choose to resign and focus on their families when they find themselves unable to manage both work and family. A possible resolution that has helped to retain female staff in some countries is to increase work opportunities for them, for example working in institutions for male offenders.

Since female offenders have different needs than male offenders and require different treatment, the same basic training for staff working with male offenders is insufficient. Additional training on gender-specific corrections should be provided for staff who will work in institutions for female offenders.

The group is of the opinion that institutions for female offenders should be staffed mainly by female staff but should include male staff as well. Rules and ordinances to govern contact between male staff and female inmates should be established for the latter's protection. The intention is to avoid the creation of an artificial environment devoid of male presence, which is different from reality. For female offenders who had traumatic or otherwise unpleasant experiences with men, stable and reliable male staff present as opportunities for corrective experiences which may contribute towards their reintegration after release.

Given the above reality, female staff may experience a significant level of stress; hence remedial as well as preventive measures should be in place. Psychological help could be offered to female staff in need. Preventive measures include improving the work environment such as having institutions for female offenders in more accessible locations and having recreational facilities for their well-being.

## 2. Interagency Coordination

The first step in interagency coordination is to identify stakeholders involved in the rehabilitation and reintegration of female offenders. Some examples include agencies of the criminal justice system, medical practitioners specializing in obstetrics and gynaecology, mental health care professionals, halfway houses, and human rights officials. In essence, governmental and non-governmental agencies that offer services frequently used by women should work together.

Coordination is necessary to facilitate meaningful cooperation among the multitude of agencies. Regular platforms at various levels, from local to national, should be created. Information pertinent to the rehabilitation of female offenders ought to be accessible to relevant parties. Some examples include pregnancy, childbirth and childcare. Childcare issues must be attended to expeditiously to ensure the well-being of children, which would in turn contribute to the mental well-being of female offenders.

## 3. International Cooperation

The group is keen on international cooperation to promote and sustain rehabilitation of female offenders. Research and knowledge is especially valuable and the internet is an extremely useful platform for sharing and dissemination. Being an active member of international bodies is another useful step. Its benefits include the exchange of information and expertise so that countries learn from one another. Additionally, such membership entails obligations and adherence to standards. Being open to checks and enquiries will keep member countries vigilant and promote independent development, reducing the danger of over reliance on international aid.

International cooperation is especially relevant to the treatment of foreign female offenders. If they can be better rehabilitated in their home countries, efforts should be made to ratify conventions on the transfer of prisoners, or establish bilateral agreements to do so. Platforms can be established among countries to share information on the existence of agreements and status of transfers, etc.

# III. CONCLUSION AND RECOMMENDATIONS

## A. Conclusion

In many countries around the world, female offender rehabilitation has not received the same level of attention as that for male offenders. This should not be the case. This group recognizes the risks and needs of female offenders and wants to realize equal treatment for them. Gender-specific classification, assessment and treatment are imperative and long overdue.

## **B. Recommendations**

To realize equal treatment of female offenders, this group makes the following recommendations.

### **1. Assessment**

Assessment should utilize gender-specific actuarial assessment tools. This represents the best method available today to objectively determine a female offender's risk of reoffending, as well as her needs that require treatment so as to reduce the likelihood of reoffending. When assessing female offenders, gender-specific factors such as history of victimization, physiology (pregnancy, childbirth, etc.) and mental health (mood disorders, self-harm, etc.), should be considered.

### **2. Treatment**

Treatment of female offenders must focus on female-specific needs to achieve reduction in female recidivism. As their issues tend to be multi-faceted and complex, a holistic approach that takes into account psychology, physical and mental health, social and economic backgrounds, interpersonal relationships, well-being, etc., is necessary. For the best effect, established methodologies such as cognitive-behavioural therapy should be adopted, along with other approaches that are responsive to female needs, such as trauma care. Treatment considerations can begin at sentencing, with more community-based options such as probation and parole being made available for low-risk female offenders.

### **3. Wider Context — Environment**

Efforts must also be made in a wider context to facilitate the assessment and treatment of female offenders. Increasing resources for capacity-building is a top priority. In terms of infrastructure, more facilities near to communities are needed to house the increasing number of female offenders. More staffing, especially female officers and specialists, is needed to carry out the rehabilitation work. Training has to be enhanced to include knowledge of female offender characteristics and skills to work with them, such as motivational interviewing techniques. Specialists should receive training in the use of gender-specific assessment tools and gender-sensitive treatment methodologies.

Another priority is expanding the knowledge base of female offender treatment, in particular the development of research capabilities. Gains can be enhanced through sharing of information, research findings and good practices, internally between stakeholders and externally between countries.

Female offender rehabilitation will benefit from strengthened partnerships and cooperation between agencies, both local and international, as well as the various stakeholders. Community support can be garnered through raising awareness of the female offender situation among the public and engaging them through activities such as crime prevention events.

## **IV. REFERENCES**

- Bonta, J. & Andrews, D. A. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation*, <[http://www.publicsafety.gc.ca/res/cor/rep/\\_fl/Risk\\_Need\\_2007-6\\_e.pdf](http://www.publicsafety.gc.ca/res/cor/rep/_fl/Risk_Need_2007-6_e.pdf)> accessed 16 Dec. 2012.
- Morita, N. (2013). *Psychological aid for drug-dependent women*. Presentation on 4 February 2013 at the 153rd Senior Seminar of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders.
- Van Voorhis, P. (2013). *Women's risk factors and new treatments/interventions for addressing them: Evidence-based interventions in the United States and Canada*. Paper presented at the 153rd Senior Seminar of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders.



## APPENDIX

- 
- 
- COMMEMORATIVE PHOTOGRAPH***
- ***153rd International Senior Seminar***
- 
- 

UNAFEI



# The 153rd International Training Course



## **Left to Right:**

### **4th Row**

Ms. Sakai (Chef), Mr. Kawai (Chef), Ms. Suzuki (Staff), Ms. Yamada (Staff), Mr. Fukuta (Staff), Mr. Miyazaki (Staff), Ms. Iwakata (Staff), Ms. Hichiguro (Staff), Mr. Inoue (Staff), Mr. Yamamoto (Staff)

### **3rd Row**

Mr. Honda (Staff), Mr. Sugiyama (Staff), Mr. Katayama (Japan), Mr. Fujita (Japan), Mr. Nakao (Japan), Ms. Oche (Nigeria), Mr. Sakamaki (Japan), Mr. Nishimori (Japan), Mr. Watanabe (Japan), Mr. Zaccaro Garcia (Brazil), Mr. Fujita (Staff)

### **2nd Row**

Mr. Furuhashi (Staff), Ms. Mendez Cruz (Mexico), Ms. Fonseca Frischheisen (Brazil), Ms. Bourne (Samoa), Ms. Maingi (Kenya), Ms. Onyango (Kenya), Mr. Pandey (Nepal), Mr. Pudasaini (Nepal), Mr. Alsaraireh (Jordan), Mr. Ahmed (Bangladesh), Mr. Bravo (The Philippines), Ms. Roach-Spencer (Jamaica), Ms. Tomida (Japan), Ms. Goh (Singapore), Ms. Khagathong (Thailand)

### **1st Row**

Mr. Hagiwara (Staff), Prof. Yanaka, Prof. Tada, Prof. Tsunoda, Prof. Tashiro, Ms. Barzanò (UNODC), Dr. Van Voorhis (United States), Director Sakuma, Dr. Chitsawang (Thailand), Deputy Director Kiyono, Prof. Yoshimura, Prof. Yoshida, Prof. Izumi, Prof. Iwashita, Mr. Schmid (LA)