




The Future of the Bangkok Rules

Barbara Owen, PhD
California State University-Fresno, USA
The 14th UN Congress on Crime Prevention and Criminal Justice
March 2021



Overview

Steps to expand the promise of the Bangkok Rules

- ❖ Confront gender inequities within prison systems
- ❖ Protect all women from discrimination and disadvantage
- ❖ Emphasize safety and dignity in all areas of practice
- ❖ Invest in robust non-custodial measures

Confront gender inequities within prison systems

Inside and outside: Gender discrimination is disadvantage

“Discrimination of scale”:

Women as a minority overall in system designed for men

Gender inequality is intersectional

Violence against women is based on gender inequalities

Protect all women from discrimination and disadvantage

Inequality inside

Challenges of age, physical and mental health, literacy

Minority group membership

- Language and culture
- Race and ethnicity
- Non-binary identity and sexuality
- Foreign nationals

Emphasize safety and dignity in all areas of practice

The continuum of violence during and after incarceration is a reality for many women globally.

UN Special Rapporteur on Violence against Women.

Source: Report of the Special Rapporteur on violence against women, its causes and consequences, “Pathways to, conditions and consequences of incarceration for women” (A/68/340), p. 4 ■

Emphasize safety

Conventional security can create gendered harms

Minimizing harm embedded in conventional operational practice through gender-sensitive and trauma-responsive operational practice

Includes

- *Policy review*
- *Staff training in trauma and behavior*
- *Trauma-treatment*
- *Gender-responsive discipline*

Emphasize Dignity

Further attention to:

Privacy

Hygiene needs

Clothing

Respectful speech and interactions with staff

Pregnancy and post-partum care

Strip searches

Develop robust non-custodial measures

Acknowledging gendered harms of imprisonment

Over-reliance and over-investment in imprisonment: Prison as the last resort

Principle of least restricted custody

Meets the goals of accountability and punishment while minimizing gendered harms of imprisonment

Aligns with lower level of risk presented by women

Non-custodial measures: The Evidence

External services such as education and training, housing supports, childcare and other resources that target pathway factors...

when combined with therapies and treatment opportunities that **support internal change** through treatment, therapy and other healing services...

produce the strongest positive outcome in terms of pro-social behavior, decreased problematic behaviors and overall success on supervision.

The time is now to invest in human rights protections and non-custodial measures

The future of the Bangkok Rules:

- Leadership and messaging

- Policy development, training and research

- Collaboration

Focus on the future by investing in human rights protections and all forms of capital via non-custodial measures