A Decade of the Bangkok Rules: Advancements, Challenges and Opportunities in Europe

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Contents

• Trends in Use of Prison
• Framework of Rules in Europe
• Jurisprudence Of European Court of Human Rights
• Challenges
• Good Practices
In Europe latest statistics show

• Women represent 5% of people in prison

• In countries with at least one million inhabitants, the highest percentage is 7.9% (Russian Federation) and the lowest is 2% (Albania).

• In 27 countries female probation clients represent 10.7% of the total probation population
Trends in Female Imprisonment Selected Countries 2010-2019
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European Prison Rule 34

34.1 Specific gender-sensitive policies shall be developed and positive measures shall be taken to meet the distinctive needs of women prisoners in the application of these rules.
Do EPRs Go Far Enough?

- The Bangkok Rules include comprehensive guidance on the treatment of women prisoners. There is no direct European equivalent to them.” (Commentary to EPR)

The CPT considers that the time is ripe for the CoE to develop specific rules for women in detention, building on the United Nations’ 2010 Bangkok Rules. (Annual report 2019)
Gender Mainstreaming

Gender Equality in the Penitentiary System

Good to know

In around four-fifths of prison systems around the world, female prisoners constitute between 2% and 9% of the total prison population. In Europe, this percentage is 6.1% and is one of the lowest after Africa. See for data: World Female Imprisonment List (2017)

- The female prison population has increased by 38% since 2000, against 10% for the male prison population
- 24.2% of female inmates are in pre-trial detention
- In 2014, female probation clients represented 12.6% of the total probation population, 3.9% minors and 10.6% foreigners. See the Council of Europe Annual Penal Statistics (2013): SPAPE L: Prison Populations, Fact Report
- Women are often imprisoned for acquisitive/misappropriatory crime and are less likely to be found guilty of serious violence and criminal damage. This is reflected in the sentences
- As female prisons are lower, the distance to home community might be larger for women prisoners which can affect their family relations, including a huge impact on their children.
- Many female inmates have been victims of violence and abuse prior to the imprisonment.
- Women in detention are more prone than men to self-destructive behavior, including suicide.
European Court of Human rights

• National legislation permitting deferral of a prison sentence for mothers, but not fathers, of young children was justified in order to take account of the particular bond between a mother and her child during the first year of the child’s life Alexandru Enache v. Romania, 2017

• Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children (Korneykova and Korneykov v. Ukraine, 2016), a principle which is enshrined in the Court’s child care case-law (X v. Latvia [GC], 2013).

• Public interest to exempt female offenders from life imprisonment by way of a general rule due to the needs of women for protection against gender-based violence, abuse and sexual harassment in the prison environment, as well as the needs for protection of pregnancy and motherhood. (Khamtokhu and Aksenchik v. Russia 2017)
Challenges: Recent Examples from CPT

- Transferring women and their children made them prone to intimidation and verbal abuse by male prisoners (GR)
- No gender-specific medical screening for women upon admission e.g. no questions were asked by the health-care team about sexual abuse or other gender-based violence and cervical cancer screening was not offered. (DK)
- One male custody officer assigned to the surveillance post for women as well as being assigned to a surveillance post for men, which meant that for most of the time, women could not seek assistance in case of need. (MD)
- More needs to be done to develop the range of non-gender-stereotyped purposeful activities available to female prisoners. (ESP)
- Women prisoners held in segregation clearly in need of urgent care and treatment in a psychiatric facility, and should not have been in a prison environment, let alone segregated for extended periods. Prison staff not trained to manage the highly disturbed women.: (UK)
- The importance of developing an alternative prison policy oriented toward women’s particular biological and gender-specific needs and vulnerabilities. The Catalan regional authorities should take active steps to develop a gender specific approach towards women prisoners. (ESP)
Good Practices
Mother and Child Accommodation

- Lithuania
- Bulgaria
**Plans for Scotland**

- New Women’s National Facility for people with complex needs and five Community Custody Units aimed at helping women remain connected with communities.
- Gender-specific and consistent trauma informed environments and services
- A reduction in the number of women imprisoned

**England and Wales**

- Fewer women coming into the criminal justice system
- Fewer women in custody (especially on short-term sentences) and a greater proportion of women managed in the community successfully
- Better conditions for those in custody
- Civil Society: One Small Thing
Part of UK solution to COVID-19: New Single Rooms for Women Prisoners at Askham Grange
To expand women’s prisons is idiotic and inhumane. We should phase them out

Sonia Sodha

The government has overturned the commitment to reduce the number of women in jail. This ignores how female offenders are very different from their male counterparts.

Most children are uprooted from their home when their mother goes to prison. Photograph: Anne-Christine Prohpia/Alamy Images

Does aspiring to equality mean treating people equally or differently? This is a question that has long divided right and left.