

TIJ
Thailand Institute of Justice
affiliated with the United Nations

"PRISONERS ON THE OUTSIDE": GENDER, DRUGS AND ELECTRONICALLY MONITORED PAROLE IN THAILAND

ABOUT
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PUBLISHED BY

Thailand Institute of Justice (Public Organization)
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October 2024
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Published in: Bangkok, Thailand

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BANGKOK, THAILAND 2024

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FOREWORD

The primary objective of this study is to develop a comprehensive understanding of the current implementation of the Thai government's electronic monitoring (EM) policy. The Department of Probation has extensively adopted EM equipment for operational use, with over 30,000 sets of equipment in circulation. Therefore, it is imperative to investigate and research the outcomes of their use. This research, conducted by the Thailand Institute of Justice, aims to gain additional information on the first-hand effects of EM equipment on both persons being monitored and probation officers responsible for their use. Through this study, the researchers aim to compare the practical outcomes of EM equipment use with the original government policy objectives and rationale. By doing so, the researchers hope to identify potential issues and shortcomings in the current policy governing the use of EM equipment and provide recommendations to improve the existing policy.

In investigating the potential gendered implications of electronic monitoring (EM) as a tool for rehabilitating ex-prisoners, the researchers conducted in-depth discussions with 34 probation officers and 43 parolees who were previously or currently monitored by EM equipment in various regions of Thailand. The study aimed to explore the impact of gender on pathways to imprisonment and the gendered implications on the effectiveness of EM in Thai probation, under the current operating conditions and policies in place in Thailand.

The Thailand Institute of Justice hopes that this study and its findings will be beneficial as an assessment of the use of EM equipment in Thailand's probation system, giving much needed clarity as the scope and scale for EM use has been expanding significantly in recent years. The report identifies challenges that have been brought about by the current policies and guidelines on EM use by the Department of Probation as well as by other policy overhauls, provides first-hand accounts of the experiences so far in implementing EM use, and contains a number of adjustments and recommendations which could be implemented in order for such resources as EM to be more effectively deployed in support of the goals of the probation system for the rehabilitation and reintegration of offenders into society and to ensure the sustainability of such reintegration by preventing recidivism. The Thailand Institute of Justice sincerely hopes that this report will serve as an anchor for future research and discourse on the issue as well as serve to inform policy-making within Thailand and beyond on successful implementation of EM use for women that is gender-sensitive, specific and effective.

ACKNOWLEDGEMENTS

The Thailand Institute of Justice (TIJ) wishes to acknowledge the Thailand Department of Probation's support and the individual probation administrations towards preparing and assisting this research project, including facilitating data collection and in-depth interviews with parolees. TIJ also wishes to extend gratitude to the probation staff who contributed valuable time to this project. Finally, the authors and TIJ would like to express their sincere thanks to all individuals who agreed to participate and openly shared their life stories with us.

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CHAPTER
01

INTRODUCTION AND PRIOR RESEARCH

Through in-depth discussions with 34 probation personnel and 43 women formerly imprisoned for a drug 'offence', this report presents findings from a study exploring how gender impacts pathways into prison and subsequent experiences of electronically monitored (EM) parole. In this introductory section, we set the scene by discussing how gender, discrimination, and oppression matter, influencing criminalisation, experiences of criminal justice and reintegration. We overview Thailand's EM parole system and the accentuation of gender equity in international norms, standards and best practices. Finally, we summarise prior pertinent research, noting most has focussed on the experiences of imprisoned women, leading to a sparsity of knowledge to inform non-custodial policy and practice.

1.1
GENDER INEQUALITY, DISCRIMINATION AND OPPRESSION

Gender inequality is the most pervasive form of social inequality in the world today. It cuts across all other forms of social inequality and results in the prevailing advantaging of men to the detriment of women (United Nations Development Programme, 2023a).

While individual women may experience success in various spheres, women as a distinctive social group are generally disadvantaged (Nash, 2009: 102). For example, women are collectively excluded from political, social, and economic positions of power; they are paid less for work of equal value to men, are more likely to live in poverty and experience unequal access to resources, goods, and services (United Nations Development Programme, 2023b).

Gender is socially constructed, and prevailing norms of femininity and masculinity allow men to maintain their political, social, and economic privileges. This does not imply that there is a deliberate, conscious plot by men to maintain the reigning gendered system. It simply means that men are privileged by the current arrangements and have little motivation to change them. The gendered pattern of oppression evident in societies around the world is referred to as patriarchy, "a system of relationships, beliefs, and values embedded in political, social, and economic systems that structure gender inequality between men and women" (Nash, 2020: 102). Here, attributes seen as 'feminine' or relating to women are undervalued, while masculinity, as it is done by men, is privileged. Patriarchal relations shape the private and public spheres, ensuring that men dominate and women are subjugated (Nash, 2020: 102).

For example, patriarchy is the foundation of violence against women in families, intimate relationships, and communities (Stark, 2009; United Nations, 1994).

The United Nations (1979) *Convention on the Elimination of All Forms of Discrimination against Women* directs all signatory States to take all appropriate means and, without delay, implement a policy of eliminating discrimination against women..." and that the Member States must "take all appropriate measures...to ensure the full development and advancement of women...on a basis of equality with men." Further, temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination." This is because equal treatment does not always lead to an equal result.

Equality demands that everyone has the right to be treated the same. Namely, women and men should be provided with equal access in all spheres of life. However, equal access is not enough to bring about equality because women and men have different needs and experiences, and these discrepancies must be addressed. Providing women and men with the same opportunities is the first step. However, for true gender equality to be achieved, there is a need for gender equity. Gender equity is the process of being fair to women; it is about accepting differences between men and women, acknowledging that different people need different things to be successful, and recognising that we all start from somewhere different. Gender equity means that we must consider the distinctive life experiences and needs of women and make compensation for historical and ongoing gendered oppression and disadvantage.

To put this another way, the lower status of women in society constitutes an impediment and provisions must be made to redress this before women can capitalise on the opportunities provided. Gender equity serves to level the playing field and empower women. Therefore, we can say that gender equity is essential to achieving true equality for women (World Economic Forum, 2023).

1.2 GENDER, CRIMINALISATION AND JUSTICE

To meet the goal of gender equity in criminal justice, we must first understand how women come into conflict with the law. Understanding this is important because it helps us develop policies and practices that better address women's needs. Numerous researchers in Southeast Asia and Thailand have now mapped the life pathways leading to women's criminalisation. These studies reveal a particular and shared gendered backstory in the lives of justice involved women that is different from men (Evans, 2018: 41-43; Jefferson & Jeffries, 2022; Jeffries & Chuenurah, 2018; Jeffries & Chuenurah, 2019; Jeffries et al., 2019; Jeffries et al., 2020; Jeffries et al., 2021; Jeffries et al., 2022; Miller & Mullins, 2008: 229-232; Russell et al., 2020; Russell et al., 2022; Wattanaporn & Holtfreter, 2014). Women's criminalisation is underpinned by a grouping of interrelated life-history factors comprising victimisation and trauma, substance abuse and other mental health problems, male influence and control, limited education, poverty, familial caretaking responsibilities, limited access to justice, and other adverse life experiences in childhood and adulthood. Although men's pathways are characterised by many of these same factors, women's experiences are gendered and distinct.

Consider victimisation and associated trauma. Studies of imprisoned women report higher victimisation rates (i.e., physical, sexual, and emotional abuse) and trauma exposure than in the general female population. Moreover, in contrast to male prisoners, victimisation and trauma experiences are more common, start earlier, and last longer for women (DeHart, 2008; Lynch et al., 2012; Owen et al., 2017; Stalans, 2009). Many criminalised women are victims of gender-based violence perpetrated against them during childhood and adulthood, usually by male family members or intimate partners. Domestic violence, for example, is linked to women's criminalisation in both direct and indirect ways. Women may be directly coerced or threatened by abusive partners into committing acts considered criminal by the State, or they may come into conflict with the law by 'taking the fall' for these men—often out of fear, loyalty, love, or a combination of these (Jeffries & Chuenurah, 2019; Jeffries et al., 2019; Jeffries et al., 2021; Jeffries et al., 2022; Jeffries et al., 2024). Indirectly, domestic violence can have a negative economic impact, limiting victimised women's financial means and leading them to prison for engaging in acts of economic survival (Stalans, 2009; Thailand Institute of Justice, 2018, p 6; Jeffries et al., 2024).

In addition to victimisation, research shows that compared to their male counterparts, justice involved women suffer more adverse childhood (e.g., parental abandonment and loss, poverty) and adulthood events (e.g., relationship dysfunction, financial stress). Victimisation, trauma, and other life adversities can spearhead mental health problems and associated substance misuse (as a form of self-medication), which then results in women coming into conflict with the law (Artz et al., 2012; Cherukuri et al., 2009; Drapalski et al., 2009; Jeffries et al., 2019, Owen et al., 2017).

Many criminalised women have limited education, leading to poor employment prospects and, in turn, economic precariousness. Poverty is feminised, which means that women are more likely than men to live with financial hardship (United Nations Women, 2023). Economic underprivilege plays a major role in many women's pathways to prison and often intersects with family caregiving responsibilities. With low levels of education and restricted job prospects, women can find themselves imprisoned because of actions they have taken to support themselves and their families (Artz et al., 2012; Cherukuri et al., 2009; Jeffries & Chuenurah, 2018; Jeffries & Chuenurah, 2019; Russell et al., 2020).

Imprisoned women are commonly mothers and, recurrently, their family's main source of financial support. This is particularly so in non-western nations where women's familial caretaking extends beyond Western ideals of the nuclear family. Women are often faced with sole responsibility for their children (children's fathers regularly abandon them), parents, grandparents, and other extended family members. In Thailand, there are cultural expectations placed on women to meet the needs of both immediate and extended family (Angeles & Sunanta, 2009).

Research also shows that women regularly come into conflict with the law because of intimate and familial relationships. Many women are in prison because they have found themselves entangled in the criminalised actions of the men in their lives (most frequently an intimate partner), and often, women's roles are secondary (Berko et al., 2010; Jeffries & Chuenurah, 2019). Finally, we know that in contrast to men, women's generally lower education levels and associated poverty constrain their ability to access justice or take advantage of corrupted criminal justice systems (Cherukuri et al., 2009; Jeffries & Chuenurah, 2019; Russell et al., 2020).

At its core, pathways research has highlighted how patriarchal social structures play out in the lives of criminalised women, oppressing them through interpersonal, family, and state-sanctioned abuses (e.g., poverty). Rather than pathologising women and seeing their behaviours as something inherent at the individual level, women's criminalisation is located within social structural forces profoundly connected to gendered power relationships and associated access to resources. Women, it is argued, are frequently criminalised for exacting behaviours of survival within contexts of patriarchal oppression (Daly, 1994; Jeffries et al., 2024; Owen et al., 2017; Willison & O'Brien, 2017).

Throughout history, justice-involved women, have been afterthoughts, often ignored because of their small numbers, making them a relatively invisible or forgotten population (Owen et al., 2017; United Nations Office on Drugs and Crime, 2023). As a result, criminal justice systems across the world have shown little evidence of gender sensitivity in policy or practice, leading to discrimination, social exclusion, and violations of human rights (United Nations Office on Drugs and Crime, 2023). The absence of gender-sensitive perspectives results in systems that are structurally blind to gender-specific challenges and harms within the field of criminal justice. Gendered needs must be paid more attention to, better understood, and adequately reflected in law, policy, service systems, and infrastructure. We must recognise not only women's pathways into the criminal justice system but also the differential gendered impacts of being criminalised (Owen et al., 2017; United Nations Office on Drugs and Crime, 2023). After extensive research, we now know that women generally experience imprisonment and societal re-integration differently from men (Owen et al., 2017; Thailand Institute of Justice, 2021; United Nations Office on Drugs and Crime, 2023).

Most prisons and prison regimes have been established for the male majority, making women's gender-specific needs peripheral. Subsequently, imprisonment can be an especially harsh experience for women, further compounding the trauma and marginalisation that led them to prison in the first place (Owen et al., 2017; Thailand Institute of Justice, 2021; United Nations Office on Drugs and Crime, 2023). For example, as primary caregivers in their families, women often experience intense distress when separated from loved ones due to incarceration. Those with histories of victimisation may also feel particularly vulnerable and fearful of further harm within the prison environment (Arditti & Few, 2008; Owen et al., 2017; United Nations Office

on Drugs and Crime, 2023). It is, therefore, important that rehabilitative efforts in prison pay attention to the pathway that women have travelled (Thailand Institute of Justice, 2021). Prison systems should, for example, support rather than rupture women's familial relationships and assist women in healing, rather than exacerbating their trauma (Owen et al., 2017; Thailand Institute of Justice, 2021).

Reintegration, like pathways to, and experiences of, imprisonment, is a gendered phenomenon because women's lives post-release are distinct from men's (Brown & Bloom, 2009: 315; Cobbina, 2010: 211; Thailand Institute of Justice, 2021). Covington (2001) specifies that gender differences in pathways to prison are inherent in re-entry. Formerly incarcerated women have multifaceted and intersectional needs distinct from those of men stemming largely from victimisation, substance abuse, mental illness, economic marginality, and their need to reconnect with families, particularly their children (Arditti & Few, 2008; Cobbina, 2010). More explicitly, the research literature on re-integration highlights the following as being the foremost needs among formally incarcerated women: 1) obtaining stable and secure housing, 2) reconnecting and maintaining healthy relationships with families, intimate partners, and friends, 3) securing employment and financial security, 4) healing from trauma, mental health problems and substance abuse, 5) normative community acceptance, 6) post-release support (Thailand Institute of Justice, 2021).

It is essential to take affirmative action to ensure that women in conflict with the law have equal access to the rights and services available to men. Affirmative action also acknowledges the need for special considerations to achieve fairness. Equity requires recognising and responding to gendered differences. Women often enter the justice system from disadvantaged positions, and their needs differ from those of men. Addressing these needs is not a matter of preferential treatment—it is key to achieving gender-equitable outcomes. Taking steps to meet women's specific needs is not discriminatory; it is necessary to eliminate or significantly reduce the structural and systemic discrimination they face (United Nations Office on Drugs and Crime, 2023).

1.3
GENDER, NORMS, STANDARDS, BEST PRACTICE AND THAILAND'S SYSTEM OF EM PAROLE

Over the last several decades, the number of women who are being imprisoned has surged worldwide (World Prison Brief, 2023). Criminalised women are no longer as invisible as they once were, and concurrently, there has been increasing recognition of their human rights (Penal Reform International & Thailand Institute of Justice, 2021; United Nations General Assembly, 2010). Just over a decade ago, the *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders*, also known as the Bangkok Rules, were adopted by the 193 countries at the United Nations General Assembly (2010). The Bangkok Rules are described as a "landmark step in adapting the 1955 *Standard Minimum Rules for the Treatment of Prisons* to women offenders and prisoners" (Barberet & Jackson, 2017: 214). Until their adoption, international human rights standards had not properly reflected the specific gendered needs of women, both as prisoners and regarding alternatives to imprisonment (Penal Reform International, 2013).

The 70 Bangkok Rules complement the *United Nations Standard Minimum Rules on Non-Custodial Measures* (the Tokyo Rules) and the *United Nations Standard Minimum Rules on the Treatment of Prisoners* (the Nelson Mandela Rules) and provide a practical and aspirational set of human rights principles via a set of directives to policymakers, legislators, sentencing authorities, and correctional institutions (Chuenurah et al., 2022). There is recognition that criminalised women are especially vulnerable, that women in conflict with the law have different needs from men, are generally non-violent, subsequently pose minimal risk to society, and that existing systems of corrections are patriarchal (Jeffries & Jefferson, 2022, pp. 7-8). Here, once again, the importance of gender equity and affirmative action is made clear in Bangkok Rule 1, which states:

> For the principle of non-discrimination, embodied in Rule 6 of the Standard Minimum Rules for the Treatment of Prisoners to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory.

Bangkok Rule 1 is based on the recognition that justice involved women are disadvantaged by gender and as such, in practice, affirmative action is necessary to ensure equal access to all services and rights that men enjoy. Affirmative action is about special consideration (equity) being extended to women. Taking measures to compensate for women's subjugation by treating them differently to men is not discriminatory but essential to eliminate or reduce gendered discrimination and harm to a minimum.

The Bangkok Rules consider, amongst other things, high levels of victimisation, trauma, substance abuse, mental ill-health, poverty, women's primary childcare responsibilities, and reproductive health care needs. They advocate for gender-specific prison programs, policies, and practices, that support women's well-being, rehabilitation, and reintegration and for the increased use of non-custodial measures. Detention should be used only as a measure of last resort, and women in conflict with the law should not imprisoned unnecessarily (Barberet & Jackson, 2017; Carlen, 2012; Gundy & Baumann-Grau, 2013: 11-12; Penal Reform International, 2013; United Nations Office on Drugs and Crime, 2020).

Since the adoption of the Bangkok Rules, efforts to implement affirmative action have gained momentum in response to the discrimination experienced by women in the criminal justice system. These efforts have included the development of gender-responsive, women-centered correctional strategies that acknowledge the patriarchal factors contributing to women's criminalisation. As a result, correctional policies, programs, and practices have been adapted to better address the specific needs of women (Chuenurah et al., 2022; Jeffries & Jefferson, 2022). This also requires considering the specific vulnerabilities of different groups of women based on, for example, ethnicity, sexual orientation, age, or other 'minority' statuses (Pravattiyagul, 2022; Rao et al., 2022; Russell et al., 2022).

As recognized by Crenshaw (1991, 2012), women at the margins face systems that foster sexism and other forms of discrimination simultaneously, such as racism and heterosexism. Their experiences cannot be separated into either -ism. Thus, an intersectional approach must consider multiplicative forces of oppression holistically rather than separately (Boppre, 2019: 201). For example, in Thailand, see Rao et al.'s (2022) intersectional research on imprisoned ethnic minority women, Russell et al.'s (2022) study of older women's pathways to prison, Jeffries et al.'s (2023) studies on the criminalisation of Phu-Ying-Kham-Phet and Tomboys and Pravattiyagul's (2022) exploration of transgender prisoner experiences. To date, however, most of the attention paid to women in corrections has focussed on their lives behind bars. This has led to a sparseness of knowledge that can inform policy and practice about non-custodial measures.

EM was first piloted in Thailand in 2013 as a diversionary sentencing measure. It was later expanded into all stages of the criminal justice process, i.e., pre-trail as a condition of bail, as part of a person's sentence and post-release for those on parole. Currently, EM is predominantly utilised in the latter scenario. Parole is underpinned by the tenets of rehabilitation, reintegration and recidivism reduction. According to the Department of Probation (2023), parole is a "community-based rehabilitation measure that supports former offenders adjust to life in the community, motivates them to behave in a disciplined manner", reduces recidivism and in turn, "allows them to become a resource for the country." In 2020, Justice Minister Somsak Thepsutin announced that from mid-September, EM anklets would be used to solve the overcrowding problem in prisons (The Nation, 2020). It was also argued that EM could support parole by further protecting "society from re-offending", "enhance[ing] rehabilitation and re-integration", and "promoting the treatment of offenders in accordance with international norms and standards" (Department of Probation, 2023; The Nation, 2020).

Around the time of Justice Minister Somsak Thepsutin's announcement, women's prisons were nearly 340% over capacity, with around 80% of the population behind bars for contravening illicit drug law (Jeffries & Chuenurah, 2016, p. 6; Jeffries & Jefferson, 2022, p. 3). Thus, most women on EM parole will have served time for drug offending. Supchokpul (2018, p.40) notes that the Ministry of Justice advocates for the use of EM as a tool to "more effectively address and solve the underlying factors relating to drug offences [through rehabilitation rather than punitive measures] and may be "especially beneficial for female offenders."

Being granted parole is subject to "specific behaviour requirements (e.g., not to associate with certain people, not to use drugs) and supervision for a minimum duration of one year, but not exceeding the remaining term of imprisonment (Department of Probation, 2023). Currently, nearly everyone who is released on parole will be subject to EM. The rules and regulations state that "a convict whose parole period is less than 30 days shall not wear EM", but "a convict whose parole period is more than 30 days to one year shall wear EM until the convict finishes the remainder prison sentence", and "a convict whose parole period is more than one year shall wear EM for at least one year." The conditions attached to EM parole are as follows:

1. A convict whose guardian resides in the same province as the prison from which the convict was released must immediately report to the provincial probation office and have an EM bracelet attached.
2. A convict whose guardian does not reside in the same province as the prison from which the convict was released must immediately report to the provincial probation office and have an EM bracelet attached before reporting to the probation office in the province where the guardian lives within three days.
3. A convict must obey the rules.
4. A convict must work legally/in good faith.
5. A convict must follow the probation officers' instructions.
6. A convict is not permitted to leave their restricted zone.
7. A convict is not permitted to be involved with gambling or alcohol.
8. A convict is not permitted to use substances, drugs, firearms and explosives.
9. A convict is not allowed to visit any prisoners who are not their relatives.
10. A convict must not associate with people who have tendencies to commit crime.
11. A convict shall receive probation training (if required) and comply with any special conditions (if required) such as curfew, speed limits, area limits, etc.

(Manual for using Electronic Monitoring (EM) in the mission of the Probation Department, Department of Probation, 2021)

Regarding gender, non-custodial measures and international standards and norms, the Bangkok Rules are clear that such measures must be rehabilitative and meet women's gender-specific needs. Rule 60 specifically states that non-custodial measures [should be combined with] interventions to address the most common problems leading to women's contact with the criminal justice system. These may include 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. Such programmes shall take account of the need to provide care for children and women-only services. Further, for women with a history of substance misuse, Rule 62 directs that non-custodial measures should include the "provision of gender-sensitive, trauma-informed, women-only substance abuse treatment programmes in the community" while Rule 63 states that decisions regarding early conditional release (parole) must account for women prisoners' caretaking responsibilities and other gender-specific needs (United Nations General Assembly, 2010). Bangkok Rule 47 instructs the provision of additional post-release support in co-operation with services in the community for women who need "psychological, medical, legal and practical help to ensure their successful social reintegration", and Bangkok Rule 55 says "post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups."

Further, in terms of non-custodial best practice, the United Nations Office on Drugs and Crime (2020, p.18) states that release from prison must be considered for women at "the earliest possible stage" with specific measures put in place to support and protect them post-release from victimisation, stigmatisation, familial abandonment and subvert other obstacles to successful reintegration. Women should be linked to community services to support them following release from prison. Care should be provided to women at risk of violence, and various stakeholders such as NGOs and probation services should be involved in ensuring ongoing support services (United Nations Office on Drugs and Crime, 2020, p.54). More intrusive responses, including electronic monitoring, must only be used as an exception, a last resort that is imposed if this serves public safety (United Nations Office on Drugs and Crime, 2020, p. 29 & 50). When EM is used, gender-responsive considerations need to be applied, or else EM can be harmful and detrimental to women. For example, it is important to consider that EM can result in feelings of stress, stigma and shame and negatively impact women's families and other loved ones (United Nations Office on Drugs and Crime, 2020, p. 56). When setting conditions and reviewing breaches, there must be consideration of gender-specific factors such as women's caregiving responsibilities and income-earning obligations (United Nations Office on Drugs and Crime, 2020, p. 55). Conditions should not set women up to fail. Electronic monitoring is most effective when combined with other support provisions in the community, when probation staff are committed to rehabilitation and have the discretion and thus flexibility to meet women's changing needs, including not having to report minor breaches to higher authorities (e.g., court, parole boards) (United Nations Office on Drugs and Crime, 2020, p.29 & pp. 55-56).

1.4
GENDER AND EM PAROLE: PRIOR RESEARCH

To date, explorations of EM in Thailand have been scoping exercises in which the potential advantages/disadvantages of EM as an alternative to prison are debated, studies examining the technological problems and limitations of EM and one narrow exploration of women (Tantikul, 2020; Supchokpul, 2018; Siriwato and Poonyarith, 2017). Thus, as argued by Tantikul (2020: 7-8), there is "insufficient knowledge" about the impacts of EM and "more in-depth lived-experience studies are urgently needed to inform practice." Worldwide research on women and EM is limited (Gonzalez et al., 2020; Holdsworth & Hucklesby, 2014; King & Gibbs, 2003; Maidment, 2002). Most studies have been conducted on men's experiences of EM in Europe or the English-speaking West.

Taken together, research about women shows that EM has little or no impact on the probability of re-arrest or reducing substance misuse (Gonzalez et al., 2020). However, compared to men, women are more likely to express a willingness to comply with EM conditions because they are especially fearful of the consequences of non-compliance, while men are more likely to 'push' boundaries (King & Gibbs, 2003, p. 119). However, compliance rates could be lower amongst women because EM is an inflexible tool that treats all those monitored equally without consideration of gendered variance. (Holdsworth & Hucklesby, 2014, p. 15). For example, EM equipment makes no distinction between leaving designated areas to parent or to 'offend.' Women are more likely than men to report non-compliance as a result of domestic responsibilities, and they frequently seek support from probation staff for breaching or needing to vary conditions due to familial obligations and emergencies (Holdsworth & Hucklesby, 2014: 15). Women may ask for more flexibility to go outside designated areas to take their children on outings. When denied, children may experience this as rejection because it appears as though their mothers are continuously making up excuses (Maidment, 2008). Other examples include mothers breaching curfews because they needed to go to the shop to buy supplies or had to fetch children, who were refusing to come home from elsewhere (Holdsworth & Hucklesby, 2014). It is noted that lone mothers with no one else to call on are likely at the highest risk of breaching due to parenting responsibilities (Maidment, 2008).

Further, women's specific needs have not been considered concerning the EM equipment itself. EM devices are large and cumbersome to wear because they were designed by men, for men. (Holdsworth & Hucklesby, 2014). Women are much more likely than men to change the type of clothes they wear to make the EM tag more comfortable or to hide it (Holdsworth & Hucklesby, 2014). Feelings of stigma and shame are common for those wearing EM, but research shows that these negative emotional impacts are heightened for women (Holdsworth & Hucklesby, 2014). Normative community acceptance is vital to rehabilitation and reintegration (Thailand Institute of Justice, 2021). However, formally incarcerated women often experience ongoing social stigma. Through women's social interactions, they become acutely aware that they are viewed as perpetually untrustworthy, deviant and criminal. Compared to men, the ex-inmate stigma weighs more heavily on criminalised women who are understood as especially deviant for violating both normative cultural expectations of appropriate feminine behaviour and the criminal law (Dodge & Pogrebin, 2001; Opsal, 2011; Moran, 2012). The potency of this narrative means that women who are branded 'criminal' by the State through incarceration and EM may struggle to escape this labelling (Opsal, 2011: 139). Formerly imprisoned women are intensely aware of their ex-prisoner status, and being marked with an electronic tag exacerbates this. Stigma negatively impacts women's rehabilitation and reintegration in a multitude of negative ways, such as restricting women's ability to find employment. Awareness of their outsider status can result in women isolating themselves, experiencing psychological stress, and other health problems. For those with histories of addiction, this can mean a subsequent return to substance misuse as a coping mechanism (Carlton & Segrave, 2014; Opsal, 2011;).

Thus, in summary, the limited research on EM and gender suggests that it is another example of a criminal justice intervention designed by men, for men, that ignores women's experiences and fails to address their needs. More generally, research on women's parole experiences (minus EM) is also limited. In theory, parole should provide a ready-made avenue for service provision and support, and assist the criminal justice system in achieving rehabilitation and reintegration. However, parole is instead framed around risk management, surveillance, containment and compliance (Gelsthorpe, 2013; Opsal, 2009, p. 311-312). For example, Opsal's (2009 & 2014) studies of women on parole revealed generally negative experiences. Here, parole was more punishing than supporting. It hindered rather than promoted women's rehabilitation and reintegration by invoking "feelings of fear, anxiety and, in some cases, dependency in a group of women struggling to regain control over their own lives" (Opsal, 2014, p. 202). Women also wrestled with the competing and conflicting demands of their parole supervision requirements, employment, and resuming their roles as mothers (Opsal, 2009, p. 324; Opsal, 2014, p. 202). Opsal (2014, p. 202) concludes that in very important ways, "parole [does] not facilitate women's re-entry into roles [as employee and mother] that could have aided their re-integration into their communities." Similarly, recent research on women re-entering Thai society after being imprisoned for a drug offence found that parole was experienced as surveillance rather than support. Here, women were required to report to the probation office once a month for drug testing and "nothing more" (Jeffries et al., 2020; Thailand Institute of Justice, 2021).

Pollack's (2009) parole study showed that women need confidential support spaces where they can be open and honest about their struggles. However, parole officers are primarily concerned with managing risk, not meeting needs. Morash et al. (2014) found that more supportive officers elicit more positive outcomes. Namely, lowering women's anxiety and reducing the likelihood of parole directives/conditions being breached and recidivism. In contrast, punitiveness was ineffective or even counterproductive, increasing anxiety and lowering women's self-efficacy (i.e., belief in one's ability to achieve desired outcomes) to avoid further breaches.

CHAPTER
02

RESEARCH METHODS

The overarching aims of our research were to understand how 1) women formerly incarcerated for a drug offence experienced EM parole, and 2) probation workers' experience of supervising women on EM parole. Our goal was to operationalise the knowledge and expertise of both groups to inform a gender-wise approach to EM-parole in Thailand. As noted previously, best practice begins with a detailed analysis of how gender impacts pathways into prison. EM parole should be tailored to women's unique situations, and address the factors underpinning their incarceration, together with post-release circumstances and needs. Thus, this study sought to establish:

1) The background characteristics and criminalisation pathways of women on EM parole for drug offending
2) How women experienced EM parole. More specifically:
    a. What are their needs/vulnerabilities, and how are these addressed/not addressed through the EM-parole system?
    b. What are the positives of being on EM-parole, and what are the challenges?
3) How could EM parole be improved for women, and how might probation staff be supported to achieve this?

To develop a rich and nuanced knowledge of gender and EM-parole, we utilised in-depth interviews with parolees and focus groups/interviews and probation personnel.

Our interview and focus group schedules were open-ended, consisting of broad discussion topics, allowing participants leeway to express themselves on their terms. We conducted 43 interviews with EM-parolees, and ten focus groups/interviews with a total of 34 staff from the Department of Probation.

Topics canvassed during the interviews with the women were as follows:

1. Background information
    a. Age
    b. Religion
    c. Gender
    d. Education level
    e Drug offence that resulted in the imprisonment
    f. Time served behind bars and EM-parole duration
    g. Previous involvement with the criminal justice system
2. Pathways into prison
    a. Childhood experiences
    b. Adulthood experiences
    c. Education, employment, and economic circumstances
    d. Health and substance abuse histories
    e. Circumstances surrounding criminalisation
    f. Prior arrests and imprisonment terms
3. Life on EM-parole
    a. EM parole conditions and their impacts
    b. Needs, vulnerabilities, challenges, negatives and positives
    c. EM technology and design
    d. Programmes and other support
    e. Relationships with probation officers, supervision experiences and reporting environment
    f. Impacts of EM-parole on family and other loved ones
    g. Breaching EM-parole and re-criminalisation
4. Recommendations for change

Focus group/interview discussion topics with probation staff included:

1. Background information: qualifications and experience
2. Knowledge of gender and pathways into the criminal justice system
3. Reflections on the gendered nature of the EM-parole experience
   a. EM parole conditions and their impacts
   a. EM-parolee needs, vulnerabilities, challenges, negatives and positives
   b. EM technology and design
   c. Programmes and other support
   d. The parolee-probation officer relationship, supervision styles and reporting environment
   e. Impacts of EM-parole on family and other loved ones
   b. EM parole breaches and re-criminalisation
4. Recommendations for change

All participants were recruited through the Department of Probation. At the beginning of our interviews with EM parolees, we explained the aim of the study, confidentiality, anonymity, and the voluntary nature of participation before confirming (written) consent to participate. Similarly, informed voluntary written consent was obtained from all probation personnel. Below, we protect the confidentiality and anonymity of our participants by not identifying the locations of the interviews/focus groups, assigning pseudonyms, presenting our results thematically and changing minor details of no relevance to the study aims.

The interviews and focus groups lasted between one and two hours and were audio-recorded. Some interviews were conducted in English and simultaneously interpreted into Thai. Other interviews and focus groups were conducted in Thai. All interviews and focus groups were transcribed into English, collated, and analysed thematically according to the discussion topics outlined above. To aid our analysis, we used the computer-assisted qualitative data analysis program NVivo. This program works on a code-and-retrieve theme basis. The theme coding process was also triangulated across project team members and cross-checked. During this process, we reflected on the codes to gain a sense of continuity and linkage between them. The results are presented below, following a descriptive overview of the research participants.

CHAPTER
03

RESEARCH PARTICIPANTS: PAROLEE PROFILES

The demographic profiles of the 43 EM parolees interviewed are reported in Table 1 (below). They ranged in age from 20 to over 90 years, with a mean age of 38. Most were Buddhist, and over 60% had not graduated from secondary school. Six of the 43 identified as Tomboys, a gendered sexual minority group. Tomboys are conventionally understood as female persons who perform masculinity and romantically pair with 'Dees', socially realised female persons who identify with femininity (Miedema et al., 2022, p. 3; Ojanen, 2009, p. 9; Ravine, 2014, p. 388). Five came from an ethnic minority group. Thus, some of our interviewees had specific vulnerabilities at the intersection of gender and sexual orientation, ethnicity, and older age. For example, ethnic minorities and older women (aged between 58 and over 90 years) were over-represented in the lowest education categories. Only one ethnic minority woman was educated beyond primary school, and three of the five women who never completed basic education were older.

TABLE 1: DEMOGRAPHICS

		NUMBER	%
GENDER IDENTITY	Tomboy	6	14
ETHNICITY	Ethnic minority group	5	12
RELIGION	Buddhist	39	91
	Muslim	1	2
	Christian	3	7
HIGHEST EDUCATION LEVEL	Did not complete primary school	5	12
	Primary school	11	26
	Lower secondary school	11	26
	Upper secondary school	10	23
	Tertiary education	6	14

Under-education increases the chances of enduring the harms of poverty, which is both feminised, exacerbated by ageing and ethnic minority status (Rao, et al., 2022; Russell et al., 2022). Women are more likely than men to live with financial hardship, and older women are more likely than their younger counterparts to live below the poverty line (Morris, 2007; Russell et al., 2022). Ethnic minority women are subjugated at the intersection of gendered and ethnic oppression. As noted by Physicians for Human Rights (2004, p. 27), Thai women, overall, have a lower status than men, but ethnic minority women endure a particularly low status among women, both in mainstream Thai society and, oftentimes, within their communities. For example, socioeconomic indicators paint a picture of severe disadvantage, with many ethnic minority women living in poverty (Apidechkul et al., 2020; Chomchoei et al., 2020; Diamond, 2011; Park et al., 2009; Rao et al., 2022; The Indigenous Women's Network of Thailand, 2011). In this research, nearly every woman without a secondary school education relayed immutable financial hardship throughout their life and as will be shown shortly, poverty played a key role in pathways to prison.

As outlined in Table 2 (below), pre-imprisonment, most EM parolees had earned a living in the underground economy, through the sex or illicit drug markets. For those in legitimate work, low-paying employment was the norm either on farms, in factories, through general labour, driving motorcycle taxis, cleaning, selling street food or other types of products from home or at the market. Very few held higher-paying positions, e.g., owning a business or working for the government.

Notably, three women shared that after leaving prison, they were able to secure well-paying, stable jobs thanks to a prison-based vocational training program run in partnership with employers. This program equipped them with new skills during their sentence and led directly to post-release employment. While on EM-parole, no one earned a living through illegitimate means, but very few worked as wage-earning employees. Instead, most were supported by intimate partners or family members, who sold street food or other types of products from home or at the market (see Table 2 below). The reasons for this are discussed in detail in the section 6.1.2.

TABLE 2: MEANS OF FINANCIAL SUPPORT PRE- AND POST-PRISON

		NUMBER*	%
PRE-PRISON	Underground economy (drug or sex trade)	18	42
	Farming, general labour or factory work	10	23
	Selling street food or products at the markets or from home	6	14
	Business owner or government employee	5	12
	Shop assistant/sales	4	9
	Supported by intimate partner or family members	3	7
	Hotel/bar/restaurant work	2	5
	Driver	1	2
	Cleaner	1	2
POST-PRISON	Supported by intimate partner or family members	18	42
	Selling street food or products at the markets or from home	16	37
	Farming, general labour or factory work	5	12
	Shop assistant/sales	4	9
	Employment as the result of a prison-employer partnership program	3	7
	Babysitting	2	5
	Driver	1	2
	Cleaner	1	2

**Some women reported multiple income sources*

Everyone was imprisoned for drug distribution/selling-related offences, and in nearly 90% of cases, this involved Yaba (a tablet form of methamphetamine mixed with caffeine). In one-fifth of cases, the drug Ice (crystal methamphetamine) had led to criminalisation, and in one case, it was ketamine (a dissociative anaesthetic) (see Table 3 below).

TABLE 3: DRUG TYPES

		NUMBER*	%
PRE-PRISON	Yaba	37	86
	Ice	8	19
	Ketamine	1	2

**Some women reported more than one drug type*

Our interviewees spent between 1.33 and 12.83 years in prison, with an average of 5.7 years served. The mean time required to be on EM parole was 9.8 months, with terms ranging from one to 60 months. Only three relayed previous arrests or having served more than one prison sentence. In other words, nearly everyone was what would be described as a first-time offender.

CHAPTER
04

RESEARCH PARTICIPANTS: PROBATION PERSONNEL PROFILES

The 34 probation staff that participated in our interviews/focus groups had extensive experience, having worked for the Department of Probation for an average of 14 years. All but one person had a tertiary level education with degrees primarily held in the discipline areas of political science, law, or psychology, and most were women (see Table 4 below).

TABLE 4: PROBATION PERSONNEL PROFILES

		NUMBER	%
LENGTH OF TIME EMPLOYMENT: DEPARTMENT OF PROBATION	1-4 years	3	9
	5-8 years	6	18
	10-14 years	6	18
	15-19 years	12	35
	20 years or more	7	21
ACADEMIC QUALIFICATIONS: DEGREE/S DISCIPLINE*	Political Science	10	29
	Law	8	24
	Psychology	6	18
	Criminology and Criminal Justice	3	9
	Sociology	2	6
	Forensic Science	2	6
	Public Administration	2	6
	Social Work	2	6
	Counselling	1	3
	Accounting	1	3
	No degree	1	3
GENDER	Woman	27	79
	Man	7	21

** Some people held more than one degree in different discipline areas*

CHAPTER
05

PATHWAYS TO CRIMINALISATION

To effectively meet the needs of women and other marginalised groups on EM parole, it is essential to first understand the characteristics, life experiences, and circumstances that contributed to their involvement with the criminal justice system. As previously noted, the Bangkok Rules emphasise that non-custodial measures should be rehabilitative and responsive to the underlying issues that commonly lead women into conflict with the law—including intersectional vulnerabilities such as age, ethnicity, or sexual minority status. Drawing on interviews with EM parolees and discussions with probation personnel, this section highlights key themes that emerged as central to criminalisation.

5.1
EM-PAROLEES' STORIES

From our interviews with the 43 women (six Tomboys) on EM-parole, the following were identified as performing a central function in pathways to prison:

- Childhood adversity
  - Lack of family stability, warmth, and closeness
  - Child abuse and neglect
  - Bereavement and loss
  - Parental separation
  - Caregiver substance misuse and imprisonment
  - Poverty
- Adulthood adversity
  - Harmful intimacy and domestic violence
  - Poverty
  - Familial caregiving
- Addiction
- Anti-social friendships
- Naivety, injustice and being caught up in the offending of others

Each of these is considered in detail below.

5.1.1 CHILDHOOD ADVERSITY

Criminalisation is consistently linked to adversity in childhood. Those who experience stress and trauma growing up are far more likely to become criminal justice system involved. Adverse childhood experiences known to enhance the prospects of coming into conflict with the law comprise:

- Lack of family stability, warmth, and closeness.
- Child maltreatment, including abuse and neglect.
- Bereavement and loss.
- Parental separation.
- Caregiver criminal justice system entanglement, mental illness, and substance misuse.
- The social structural harm of living in poverty.
- Residing in communities plagued by violence and/or illicit drugs

(Bowles et al., 2012; Friestad, et al., 2012: Jones et al., 2018)

Adverse childhood experiences are linked to poor academic achievement, mental illness, and substance use problems (Bowles et al., 2012; Friestad et al., 2012; Jones et al., 2018). Drug and alcohol use provides a ready-made coping mechanism, a form of self-medication and thus, an outlet for escaping emotional anguish, but it can quickly propel people into the criminal justice system (Jeffries et al., 2019; Jeffries et al., 2020; Owen, 2017). Women who have been victims of childhood maltreatment are noted to be particularly susceptible to substance misuse and, as such, more likely to become involved in drug offending (Bloom & Covington, 2008; Broidy et al., 2018; Grella et al., 2005). Further, researchers have established that for many women, criminal justice system involvement begins after running away from home to escape abuse (Daly, 1994; Jeffries et al., 2019). Once 'on the street' and with few resources at their disposal, women break the law (including but not limited to drug selling and sex work) to support themselves (see review by Fagan, 2001). As children, nearly half of the EM-parolees had at least one adverse childhood experience (see Table 5 below), and 20% lived with multiple harms.

TABLE 5: CHILDHOOD ADVERSITY

	NUMBER	%
Child abuse and/or neglect	7	16
Childhood familial substance abuse	8	18
Childhood poverty	17	40
Separated from parents through divorce, death, imprisonment	21	48
Illicit drugs in the local community	4	9

Childhood stress and trauma played an important part in the interviewees' pathways to prison. Adversity experienced at home caused some to "run away," become "too attached" to 'deviant' friendship groups and use and/or sell drugs. For example, Arinya grew up in a poor family she described as lacking stability, warmth, and closeness. Her father was an alcoholic, addicted to Yaba and perpetrated extreme acts of family violence. She said:

> *We had family issues since I was a kid. I saw my parents fighting each other growing up; it was severe. Within my family, no one cared about the other. One time, Mum used me as a barrier to catch the knife Dad aimed at her. The knife went straight to my tummy because Dad was aiming at Mum, but Mum pulled me in front of her to catch it. When the knife went in, and Dad realised it was me, he stopped. My mother was the main financial support of the family; she worked in a factory. We were poor. We [Arinya and her siblings] had to go out and work to take care of ourselves.*

By the time Arinya was a teenager, she had left school and the family home to live with friends who she described as a "gang." This gang became Arinya's family; she "drinks and used drugs every day" as a form of self-medication, and it was "fun [and] entertaining." Arinya and her friends sold drugs to "earn money" to support their substance misuse, and eventually, this led to imprisonment.

For some interviewees, childhood poverty and other adversity had long-term economic impacts, resulting in their eventual imprisonment for committing crimes of economic survival. For example, Hu-Bo, an ethnic minority woman, was raised by a single mother who sold drugs to support their family. Hu-Bo's childhood was deeply affected by the structural harm of poverty, and her mother was later removed by the State and imprisoned for actions taken to provide for her children. Hu-Bo and her siblings were left to fend for themselves. For Hu-Bo, the suffering of childhood poverty and maternal estrangement (structural and state issues) set her on a pathway to prison. She said:

> *It was difficult for me from a young age, but this got worse when I was around nine or ten years old because my mother went to prison for eleven years. It was so hard back then. I never went to school. I had to work to support my family. I had to visit my mother in prison and bring her money. I worked for 40 baht per day as a general labourer. I started selling drugs because I needed to earn money.*

5.1.2
ADULTHOOD ADVERSITY: VIOLENCE, HARMFUL INTIMACY, POVERTY, FAMILIAL CAREGIVING

As noted previously, domestic violence is bound to women's criminalisation in both direct and indirect ways. Directly, women may be compelled into law-breaking through love and fear. Indirectly, domestic violence can cause financial hardship, restricting the economic resources of victimised women and pushing them to offend out of economic necessity. The trauma of intimate partner abuse can also give rise to substance misuse as a coping mechanism. This then connects to lawbreaking. Seven interviewees reported enduring domestic violence, and here, victimisation was indirectly related to imprisonment.

For example, as a child, Zhong grew up in poverty, and her drug-addicted father was imprisoned. She married young to escape, but Zhong's husband was a "jobless" drug user who "hit [her], breaking [her] bones." Zhong could not "leave him" because, as an ethnic minority woman, children "must remain with the husband." She explained, "I already have two kids with him, so I think I will have to endure and bear him for my kids." Zhong's prospects of securing legitimate, sufficiently paying work were non-existent. She never attended school and lived in a remote area. In addition to bodily violence, Zhong's husband's abuse of her was financial and emotional. He refused to work or look after the children. As "sole caregiver", Zhong "started selling drugs because I needed the money [and] then I started using drugs to stay awake and work more; I had to work and look after the kids." In time, Zhong was imprisoned for selling drugs.

Sarai's husband was physically violent, had extramarital affairs, controlled all the household money, and demanded she stay home and be a housewife and mother. Sarai became "so stressed" and "lonely" that she "avoided him and talked to my friends instead", who introduced her to Yaba. Sari found escape from her husband's abuse in these friendships and drug and alcohol use, which then led to her incarceration.

Analogously, but without the physical abuse, others relayed intimate relationships with men who maltreated them by having affairs, abusing drugs/alcohol and negating familial caregiving obligations. Indeed, over half our research participants recounted having to cope with problematic men with whom they were romantically involved, and, in many cases, this contributed to their criminalisation due either to economic familial provisioning (like Zhong), self-medicating with drugs (like Sarai) or being caught up in their intimate partners' illegal activities.

For example, after experiencing multiple hardships during childhood, Ubon, who identified as Tomboy at the time of the interview, was forced by their[1] family into an arranged marriage with an older man who was a gambler, a drug user, and refused to work. Like Zhong, Ubon began taking and selling Yaba to provide for their family. They explained:

> *My parents were addicted to alcohol. They drink every day [and] had fights. Me and my brother got the consequences. My mother hit me when they fought. When I was about to reach grade 9 at school, our family ran out of money. I needed to quit school.*
>
> *I moved to Bangkok and started working when I was 13 years old. My husband was 12 years older than me. He used drugs, was lazy and didn't take care of the family. I was responsible for supporting our two children. I had to work a lot. My husband used drugs, but drugs were expensive at that time, so I knew someone who sold drugs at a cheaper price, so I bought for him. Sometimes, I also sold drugs to friends [for the extra money], and then, I started to use drugs because I needed the energy to work harder.*
>
> *I needed the money to support my children.*

[1] Throughout this research, the singular "they/them/their" is used as a gender-neutral pronoun when referring to a tomboy. This is due to the absence of self-identified pronouns provided by the individual. The use of gender-neutral language reflects the author's commitment to inclusivity and respect for diverse gender identities.

As a child, Chatmanee's father "passed away" she grew up in poverty and left school in Grade 6 to find employment. Unsurprisingly, given her low level of education, Chatmanee's financial insecurity continued into adulthood, becoming especially problematic when her husband "abandoned" her and their two children for another woman. Like Ubon, she told us: "I worked as a general labourer, but it was not enough to support my three daughters. My husband ran away [and] I had to raise my children by myself. I started using drugs [Yaba] to be able to work harder and longer hours, and I started to also sell drugs for the extra money."

Amy's father died when she was young; her mother left her in the care of her grandparents and only "came to see [Amy] sometimes but not often." This caused Amy to feel "like something is missing, like on Mother's Day, all my friends brought their mothers, but I do not have anyone to bring. My grandmother could not make it because she was very old." The emotional pain Amy had felt as a child stretched into adulthood. She lost a boyfriend that she loved deeply and a child. Yaba provided an emotional escape. Amy said:

> *"My boyfriend cheated on me; we had been together for many years. A senior friend introduced me to drugs, and it helped me to cope with the sadness. My child also passed away. After that, I started to use drugs more and more often, and then, I decided to start selling them because I needed the money to support myself and buy drugs."*

Isra and Noya were both in prison because they were implicated in their boyfriends' drug use/selling. Neither woman had been involved with illicit drugs themselves. Isra told us she went to prison because "I was with my boyfriend. The drugs belonged to him. We both got arrested because the house was under my name." Noya explained that after her boyfriend "was caught", she went to "visit him in prison", and he asked Noya to "bring those drugs [left at the house they shared] to his friends." Noya did this because she wanted to support the man that she loved.

In adulthood, intimacy with men was the most likely source of stress for women and, in turn, crucial to criminalisation. However, for some, adversity and trauma came from elsewhere. For example, Ally (a Tomboy) started using drugs to contend with their sister's death. They said, "My younger sister passed away. I was quite lost since I used to live with her in the same house as our mother. My friends asked me to work in Bangkok. I moved there and started using drugs because it stopped me from thinking about anything."

For others, the structural harm of poverty was the lone precursor to their imprisonment. Nearly 80% of the EM-parolees were mothers, and nearly 40% had struggled to meet everyday expenses during their adult lives. Some were responsible for supporting other family members. Aruma, for example, was an ethnic minority woman who needed to provide for her ageing mother, younger brother, and sister. While she was married to a "good man", the income earned through farming was not enough. Aruma explained that she had been in "desperate need of money" and a "male friend, whom I sometimes borrowed money, suggested I work for him in exchange for money. He told me that 'things' needed to be delivered. I was aware that it was something illegal, but I had no idea it was Yaba. I got arrested the first time. My husband did not know what I was doing."

In another example, Rune grew up in a "poor landless family" with her "parents, sister and brother doing general labour." Poverty forced her out of school in grade 6, and Rune "worked in a factory, did odd jobs like clearing land and other menial labour" to help support herself and her family. Rune married at 16 years of age to a man from her "village."; he was a "good man", and they both worked together in a "factory." Her entire life, "money had been a struggle" because Rune was undereducated. She did not want this to be her daughter's fate. Rune sold drugs to pay for her child's education. She explained:

> *I was working as a hotel maid at the time, and it was difficult with my child being in school and approaching university. I was thinking about my daughter being able to go to university so she didn't have to suffer [with poverty] like I did. Soon, I started dealing drugs. It was the final drug deal; I'd thought this was going to be the last time. But the supplier had already been arrested by the police and had agreed to inform on me, so I was caught. My husband wasn't involved.*

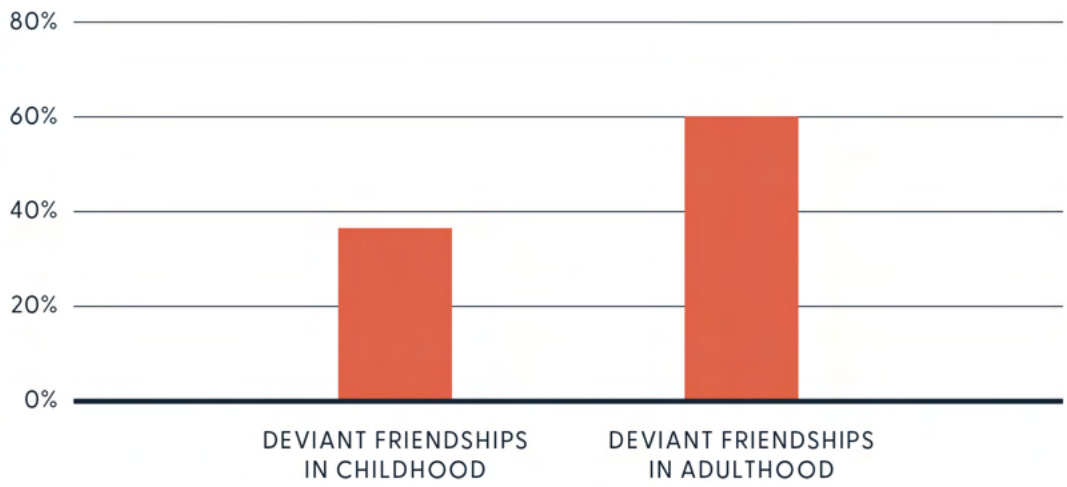
5.1.3 ADDICTION

At some point in their lives, 63% of the EM-parolees had problems with either drugs, alcohol or, in one case, gambling. Given what is discussed above, this is predictable. Victimisation, trauma, and other adversities interconnect with substance abuse, which in turn propels people into conflict with the law. Furthermore, we know that addiction is more closely related to women's criminal justice system involvement than it is for men (Drapalski et al., 2009; Owen et al., 2017; Saxena et al., 2016; Willis & Rushford, 2004).

5.1.4
FRIENDSHIPS

As illustrated in Figure 1 (below), around 40% of interviewees reported deviant peer group associations during childhood and by adulthood, this had increased to 60%. Friendships play an important part in pathways to prison. We saw this above with Sarai, Amy and Aruma. Here, friendships provided respite and support in the wake of adversity. However, these relationships also introduced Sarai, Amy and Aruma to the world of illicit drugs.

FIGURE 1: FRIENDSHIP GROUPS



Like Sarai, Amy and Aruma, we know that being pulled away from adversity by friends is a point of gendered difference in the pathways to prison literature (Jeffries et al., 2019). Escaping childhood and adulthood tribulation through friendships, alcohol, and drugs is a common story told by women. For men, being pulled into anti-social lifestyles by friends for fun is more common (Jeffries et al., 2019). Nevertheless, some women do relay the latter, and this was also the case with the EM-parolees we spoke to. Here, the excitement of being with friends, partying, drinking and eventually, using drugs with them, occasioned imprisonment. For example, six women, all from wealthy and loving homes, were imprisoned after leaving home to attend university. Here, for the first time, they were free of parental control. The young women went out and had "fun with friends," drinking alcohol and using drugs. For example, Dao said,

> *We get along well [in my family], we are quite a warm family. No one was involved with drugs, alcohol or gambling, and our financial situation was good. I started using drugs with my university friends. They asked me to try, and eventually, I got addicted. I was charged with selling meth, but it was meth that I bought just for myself to use.*

Som (a Tomboy) told us,

> *My family is normal [loving], but I like to stay with my friends, and I misbehave.*

5.1.5
NAIVETY, INJUSTICE, CAUGHT UP IN THE CRIMINALISATION OF OTHERS

Finally, five older women (aged between 60 and over 90 years of age) and one young ethnic minority Tomboy were incarcerated because of naivety and injustice. Here, inexperience and an inability to pay for adequate legal representation made them vulnerable to deception and exploitation by others, including the police. All these older women were undereducated. Lamai left school in grade 2, Nan in grade 3, and Kanya in grade 4. Hansa never went to school. She was completely illiterate, while Aree, who left school in grade 4, could read but could not write. Ice (a Tomboy) left school in grade 6. Everyone narrated being embroiled in the offending of others, but their ability to substantiate this was constrained. Justice inaccessibility was at the centre of their criminalisation, and in some instances, so too was corruption.

Nan was over 90 years of age, and pre-retirement, she had owned a furniture business. While Nan and her family were not wealthy, they had enough money to get by. Life had been good to Nan; she had a loving husband, adult children, and many grandchildren and great-grandchildren. She knew nothing about the world of illicit drugs until her great-grandson came to stay. She explained:

He used drugs. He was addicted. When the police came, he left everything there and ran away. He left it under a bed in my house. I think the offence was for possession and distribution. The police knew I was not guilty, but they refused to testify to this in court unless we paid them. The police prosecutor asked for 20,000 Baht for everything to be over, but our lawyer said no, are you that rich? Keep the money, pay me instead, and I will clear it up, but he didn't. I spent nearly five years in prison. There's no such thing as justice. If you are in the wrong place at the wrong time, you could eventually be arrested as a scapegoat and go to prison even though they charged you with something that is not true. Justice is only for the people with money.

Lamai came into conflict with the law for the first and only time when she was in her 50s. In a story like Nan's, a friend of Lamai's adult son left Yaba in her house. Lamai told us that she had "confessed" to the police because they had "threatened" her. Lamai wanted to protect her family. She explicated:

He [the person who left the drugs] is my son's friend. He just asked me if he could leave some stuff at my place. I had no idea [what it was], but I told him it was fine. The police came into my house and arrested me. They said if I did not confess, everyone else [including my husband and son] would get arrested, so I had to take responsibility.

Hansa, who could not read or write, went to prison when she was 66 years old because she was "framed" by police. She told us:

I was framed to get the owner of the drugs off the hook. The owner of the drugs was friends with the Superintendent of the police station; they [police] were conspiring to get him off the hook. They were pressuring me to confess to being the primary suspect; nothing I said was believed. While I was working, the office owners in the building where I worked left a packet with me at the reception desk. They said someone would come pick it up. And then soon after, the police arrived and arrested me. I never spoke to a lawyer. The police report was submitted, and I was sentenced."

In our final example, Ice grew up in a loving family, worked hard to help support her mother, had "well-behaved friends", and never drank "alcohol" or "used drugs." Ice was only 18 years old when she was sent to prison for nearly seven years because an older man in a neighbouring village "asked me to pick up a bag and bring it to another person. As I was still young, I did not know much. I did not know that there were drugs in the bag. When I brought the bag to the other person, I got caught by the undercover police...it was a set-up." This man was 50 years old, and because it is important to respect older people, Ice felt like she could not refuse his request for help.

5.2 PROBATION OFFICERS' PERSPECTIVES

When asked about gender and pathways into the criminal justice system, some probation staff felt that gender did not matter. We were told that in their experience, women, men, and Tomboys were "quite similar", that "women and men are the same things", and that "in the context of today's society, there are very little differences between the genders." Thus, at least for some probation staff, there was minimal understanding of how gendered social structural positioning might play out in ways that result in criminalisation. Instead, coming into conflict with the law was seen as being something inherent at the level of the individual. For example, we were told that "it is not dependent on gender. It depends on the characteristics of each person. People follow their character. Some people break the rules, and some people follow the rules."

Nevertheless, these opinions were not universal and in other focus groups/interviews, we were told that there were gender differences in pathways into prison. The following were thought to play the most significant role: intimate partners, poverty, and familial economic provisioning. A small number of prison staff also relayed friendship groups and community environments, victimisation, childhood familial environments, mental illness, and substance misuse as being important. Below, we consider what was said under each category.

5.2.1
FINANCIAL INSECURITY, FAMILIAL TAKING AND INTIMATE PARTNERS

When asked what brought women into the criminal justice system, the most common answers were poverty, familial economic provisioning, and intimate partners. Women, we were told, "sell drugs to make money; it is the result of poverty, they lack the financial resources to make ends meet, and that is why they turn to black money for their needs." Low levels of education and, in turn, "lacking employment" meant that women oftentimes needed to "sell drugs to generate revenue" to "support themselves" and their families. For some probation staff, this was extremely problematic. They questioned the justice of imprisoning women for circumstances beyond their control and the impact of this on women's families. The following discussion took place in one focus group:

> *If it's a matter of responsibility for raising a family. In terms of women taking care of children and taking care of their family. I think that's one of the main reasons women ended up in prison. They are trying to provide for their family. They committed crimes out of necessity. Does this person really need to go to prison? Maybe they should be provided with resources instead. There was this one case, she was a mother who had to take care of her kid [and] her mother also needed to use an oxygen tank, which costs a lot. She tried to work very hard to afford it, but it was never enough. So, it was the first time she committed this crime just to earn enough money for the family. She ended up sentenced to two years in prison for a drug offence. What's going to happen with her mother and her kid? There surely will be a consequence.*

Unlike men, romantic love was seen to "put women at risk" of criminal justice system engagement. Here, women were either naively caught up in the "offences of lovers" or knowingly got involved with drugs out of love, loyalty and/or because they were doing as they were told. It was explained that "women are quite well behaved [and] they come into the criminal justice system mostly because of their partners; they are involved only because partners sold or used drugs." Others explained that women become "involved with drugs because "they are under the influence of their partners," "spouses lead them to commit crimes", "they are going along with their partners", or "they are obeying their husbands, so they commit a crime".

5.2.2
ATROPHIED COMMUNITIES AND THE NIGHT-TIME ECONOMY

Some probation staff expressed that women came into conflict with the law because they resided in communities where illicit drugs were a problem. We were told that "their community matters, some live in areas where drugs are rife", "if it is a drug-related case, they often have a background in a risky environment, such as in a [urban] slum" or in "isolated" ethnic minority communities which were "at-risk areas with a high incidence of substance abuse and drug trafficking." We know from previous Thai research that women who reside in atrophied communities decimated by poverty and illicit drugs are at risk of breaching the law to survive and of being arrested (Jeffries et al., 2020; Rao et al., 2022; Thailand Institute of Justice, 2021 p. 43 & 101). In urban areas, Thai law enforcement oftentimes designates slums as 'red zones' (Hayashi et al., 2013: 4; Thailand Institute of Justice, 2021, p. 43). Once an area is labelled a 'red zone', it will be over-policed, and in these marginalised urban locales, police aggression, corruption and human rights abuses are common (Hayashi et al., 2013).

A couple of focus group/interview participants connected night-time leisure activities at bars, nightclubs, and parties with drug use and criminalisation. For example, during one focus group, it was noted that some women "got arrested along with people they met at parties. They were like a party gang. Several were introduced to drugs after attending parties, clubs, or bars, where they got invited and came into contact with people who used drugs, and began using them. In the future, as they meet regularly, they get the opportunity to meet people with greater authority in the drug dealing system." This reflects some of the EM-parolees' stories (see above) about being pulled into the excitement of partying, drinking and, eventually, drug use. More broadly, there is evidence linking the night-time economy to drug use and criminalisation (Seal, 2021 pp. 93-123; Talbot, 2007; Hobb et al., 2005; Smith, 2014).

5.2.3
FAMILY AND FRIENDS

As discussed previously, childhood stress and trauma played a fundamental role in many of our EM-parolees imprisonment journeys. Some escaped adversity at home by connecting with anti-social friends who introduced them to illicit drugs. Correspondingly, a couple of probation staff stated that "troubled childhoods" and "deviant friends" acted as a catalyst to women's criminalisation. Here, "broken families" were understood to push women to "link up with friends who [then] lead them to commit crimes." However, most probation staff who raised peer groups as an issue explained that young women were most likely pulled away from families by deviant friendships rather than pushed out by familial adversity. It was argued that while "everything around them affects them, friends were especially important" and had a central "influencing role from a young age." Likewise, we were told that many women come from "the risky environment of an unruly peer group", that "teenage girls would probably try [drugs] because a friend wants to try", and that "girls believe their friends may want to try new things [i.e., drugs] and this can lead to an offence." One probation officer explained that women's loyalty to their friendships can result in them being unintentional "dealers", selling drugs because they want to help a friend.

5.2.4
VICTIMISATION, MENTAL ILLNESS, AND SUBSTANCE MISUSE

Victimisation, mental illness, and substance abuse were highlighted by a small number of probation personnel as influential to women's criminalisation. Two people told us, "I think women's pathways are "different from the majority of men who come into criminal justice system [because] most women are abused by domestic violence." Here, it was also noted that mental health problems, including substance misuse, were influential because "women suffer from conditions and struggles with their mental health [and] use drugs to solve [these] problems." Another person explained that addiction invariably led to selling drugs because "the lack of funds means that women eventually become small-time dealers to sustain their habit."

5.2.5
TOMBOYS

When asked if Tomboys' imprisonment trajectories were like those of women and men, most probation staff expressed that there were few differences. However, reflecting both the limited prior research in this domain and what some Tomboys on EM-parole had said (see previous), a small number of probation staff believed there was gendered variance. Masculinity and friendship groups were highlighted as consequential to the criminalisation of Tomboys. Like men but in contrast to women, Tomboys, it was argued, engage in risk-taking behaviours and value bonds of friendship with anti-social peer groups, and this gives rise to justice system involvement. As mentioned earlier, studies do indicate that Tomboys are routinely dragged into anti-social lifestyles by troublesome friends (Jeffries et al., 2024). Probation staff said:

> *Tomboys are different to women. For women, their husbands and boyfriends bring them into drugs, whereas Tomboys get into drugs because they are involved with friends who use drugs. They want to get accepted by friends. It is their friends who bring them into the criminal justice system. Tomboys imitate men's personalities. They are more defiant than women. They want to be accepted by their friends. Tomboys have stubborn personalities, and they dare to do whatever they want. It's their friends who are involved with drugs, whether selling or drug use.*

However, we also know that intimate partners matter. Tomboys are sometimes imprisoned, for example, for their actions to economically provide for their girlfriends (Jeffries et al., 2024). Reflecting on this, other probation staff communicated that in their experience, it is about romantic "courting"; some Tomboys will sell drugs to "impress or please their partners" and "so that [girlfriends] can get what they want."

CHAPTER
06

GENDER AND EXPERIENCES OF BEING AN EM-PAROLEE

Above, we saw that EM-parolees' pathways to prison are facilitated by a configuration of multifaceted, commonly interconnected vulnerabilities and harms. Most significant were poverty, familial caretaking, victimisation, trauma, addiction, male influence and control, and limited access to justice. We also saw how gendered oppression intersected with other subjugated minority statuses (i.e., ethnicity, age, sexuality). Overall, many were criminalised for behaviours of survival. These findings align with previous research on pathways and embody the core principles of the Bangkok Rules, alongside related calls for gender-sensitive policies and practices (Jeffries & Jefferson, 2022, pp. 5-11). As discussed previously, EM-parole should address the most common problems leading to women's contact with the criminal justice system. In this section, we consider 1) EM parole conditions and impacts alongside parolees' needs, vulnerabilities and what they saw as the positives, negatives and challenges of being on EM parole, 2) EM design and technology, 3) Breaching EM parole and re-criminalisation, 4) The parolee-probation officer relationship, supervision styles, and reporting environment, 5) Reintegration/rehabilitation programmes and other support, 6) EM parolees' recommendations for change. Interviewee reflections on the impact of EM-parole on their families and other loved ones are also discussed at various points throughout.

6.1
CONDITIONS, NEEDS, VULNERABILITIES, POSITIVES, AND NEGATIVES

The most common conditions attached to the interviewees' EM parole were: 1) not to leave certain areas, usually a province or district), 2) to take care of the EM equipment and keep the battery charged, and 3) to report once a month to their probation officer. Some also reported that they were not permitted to drink alcohol, were under a night-time curfew, could not associate with 'deviant' friends, and must provide a urine sample for drug testing at their monthly probation appointment. A very small number mentioned having to do community service.

When asked what the positives of EM-parole were, everyone was unanimous that being on EM was "better than living in prison" because it provided a degree of "freedom," allowed you to "be with family" and to earn an income. We were told that "in comparison to life in prison, outside is better", "I get to be with my family," "I have the freedom to be with my family", "I have the freedom to live with my family and choose what I want to eat." Some reflected on the burden that their incarceration had on their families, both emotionally and financially. For example, Chalita said, "The good thing [about being on EM-parole] is that my kids do not have to travel to visit me [in prison], do not have to pay for travel expenses and send me money." Being released from prison on EM-parole provided space to meaningfully contribute to family life through working and caregiving.

However, what became clear was that "the only benefit is being released from prison." Rather than supporting rehabilitation and community reintegration, at best, EM-parole was typified as neutrally unhelpful and, at worst, proactively obstructive. For most, EM parole was experienced as life on hold, a figurative prison with the probation service offering only nominal support. As noted by Aree, "I am not yet a 'Miss' My prefix is still 'FP' – Female Prisoner. EM reminds us that we are not normal people; we are still prisoners, just prisoners on the outside." Likewise, Dao said, "EM has limited my chances of starting over. If they [the State] really wanted to give me an opportunity, they would never have put me on EM".

We were told repeatedly that EM was experienced as stigmatising, shameful and anxiety-inducing for parolees and their families. Many relayed that to alleviate these malaises; they had decided to stay within the confines of home until the EM was removed. Finding employment was a significant challenge. Few employers are willing to hire former prisoners, and donning an EM device around your ankle amplified this already existing stumbling block. Further, being restricted to certain geographical locales curtailed job prospects and, in some instances, engendered familial disconnection.

6.1.1
STIGMA AND SHAME

Feeling connected to normative society is important for reintegration, yet ex-prisoners often experience stigmatisation. This stigma is perpetuated by normative constructions of former inmates as having an essential and, therefore, inescapable, non-normative immorality (Thailand Institute of Justice, 2021). The label 'ex-prisoner' is typically viewed by normative community members as not only a reflection of a past misdeed but as a prediction of future behaviour. The potency of this narrative means that those labelled criminals by the State via incarceration may struggle to escape the label (Opsal 2011, p. 139). Studies show that women re-entering society are intensely aware of their criminal label (Jeffries et al., 2020; Thailand Institute of Justice, 2021). Furthermore, the ex-inmate stigma is more acutely damaging for women because they are perceived as doubly deviant; having violated normative cultural expectations of appropriate feminine behaviour in addition to criminal law (Dodge and Pogrebin 2001; Moran 2012; Opsal 2011). What our interviews revealed was that being on EM exacerbates shame and stigma rather than alleviating it. Here, social disconnection rather than reconnection is assured.

All but a couple of interviewees relayed feeling embarrassed and ashamed of wearing EM. They explained that "people keep looking", "gossiping" and "staring." They were explicitly aware that EM branded them as 'deviant' community outsiders. As noted by Noo, "I can guess what people think when they see an EM on me. Everyone knows that EM is; they know that I was in prison." Wearing EM marked you as "different from others and weird", ensured that you "attracted negative attention from society," "made people in the community suspicious of you", and "served like a stigma, signifying that you are an offender." It resulted in "negative attitudes from people [in the community] who see the EM and know about your past", and EM made "you feel alienated whenever someone sees it." Rather than supporting reintegration, EM thus contributed to the further disenfranchisement of the already socially marginalised. As Kluay (a Tomboy) noted,

> *People do not accept ex-offenders, and now people in my community who did not know I was in prison, now they know because they see the EM.*

The shame and associated angst of wearing an EM device was narrated as being part of the "struggle of everyday life", and for some, fear of "leaving the house" led to "not leaving the house." For example, Dokmai explained, "I am not free to leave [because] I am on the EM [and] I am scared that people will think I am a bad person, so I don't feel confident to go anywhere." Jarinee similarly noted, "I cannot go anywhere. I have not left the house. None of my friends know I was in prison, so I don't want them to see." And Tina (a Tomboy) stayed home because they felt that when people saw the EM around their ankle, it made them "scared". Fah and Pensri reflected on the perception of women as doubly 'deviant'. Fah said, "Women feel more ashamed" about wearing EM because going to prison is "more normal for men, but for women, it isn't good; they look at you and wonder what she has done." Pensri concurred, "People look at me negatively, but especially as a woman, having on EM makes me look like a bad person. I feel bad because they judge me." Gam asked what is the point of EM? People only focus on the EM. People look at it wherever you go. EM creates more problems. It puts so much pressure on the people who wear it —having people around you pointing out that you are a problem. This affects your mental health. How can this help us to live in society?"

When asked what impact EM had on families, several interviewees expressed discomfort that being branded 'deviant' by the devices caused embarrassment and shame to their family members. We were told, "I am worried about my family's feelings; my mother said people keep looking at me", "I am afraid my daughter is ashamed of me", "I am just worried that my mother feels embarrassed" and "I feel sorry for my family [because] people gossiped at the market that I am an ex-prisoner. I don't want my family to be ashamed or frustrated."

It was explained that covering up the EM by wearing long trousers granted some resolution, but even then, the device was difficult to keep hidden because it was so large. All but a couple of interviewees expressed that the EM device was "huge", "it is too big for women", "too big and [as such] so easily noticed, "it is too big and bulky", and "the hardest thing is hiding it from others, the bracelet size is too big." Jaeb, a Tomboy, relayed, "I am embarrassed; some people look, some look and look again. Until today, one year [I have been wearing EM], I never wore shorts again, so I always wear long pants, but the machine is also very, very big." Nan, who you will recall was over 90 years old, told us:

> *It's such an embarrassment. Whenever I go outside, I need to put on long trousers to cover the device [but] if I sit down, everyone can see it. People in the village know. It is just such an embarrassment. The problem is that people negatively look at you. I don't understand why they must put an older person on EM. How would I run? (Nan used a walker or a walking stick to move around).*

6.1.2
UNEMPLOYMENT AND FINANCIAL INSECURITY

Poverty frequently underpinned the parolees' pathways into the criminal justice system, and we know from past research exploring women's reintegration that economic marginality is aggravated by serving time (Severance, 2004, p. 76). Accordingly, securing stable employment is crucial to formerly imprisoned women's future potentiality (Blitz 2006; O'Brien 2001; O'Brien and Leem 2007; Pogrebin et al. 2014; Severance 2004; Van Olphen et al. 2009; Valera et al. 2017). Finding adequately paying work alleviates financial stress, enriches emotional well-being, provides a sense of purpose, facilitates participation in family, social and community life and reduces the chances of coming under pressure to earn a living illegally (e.g., by selling drugs or sex work) (Van Olphen et al. 2009, p. 10). Nonetheless, it will be recalled that post-release most interviewees were either in low-paying occupations or reliant on intimate partners and family members for financial support (see Table 2).

What became apparent was the instrumental role EM-parole had in creating barriers to employment and, thus, impeding rehabilitation and reintegration. We were repeatedly told that "it is hard to find a job on EM", "without EM, I would find a job easier", and that having a job is crucial to "not being involved in drugs again." Being on EM parole created significant practical and psychological barriers to employment and financial independence. More specifically were:

1) shame and stigma,
2) restricting people's movements through curfews and requirements to remain in certain geographical areas,
3) equipment anxiety, and
4) the parole condition to report regularly.

Each is discussed in detail below, alongside the impacts on the EM parolees we spoke to.

6.1.2.1 SHAME AND STIGMA

We were repeatedly told that "employers do not accept ex-offenders [they] think that you are a bad person", and wearing EM made this difficult, if not impossible, to hide. Waan said, "Employers, many do not accept ex-offenders, and they know because they see the EM", and Yihwa stated, "If you apply for a job and you wear EM bracelets, they will look at you, they are afraid of you. If you wear EM bracelets, they will think you are a prisoner." Jae (a Tomboy) explained, "Without EM, I would find a job easier. I do not think it helps. It is a stigma." Kwang told us that she had "applied for many jobs, but no one accepted me because of EM." Likewise, Taeng-mo said, "They [potential employers] saw the EM device on my ankle and rejected my job application." And Trin (a Tomboy) explained that they were "unemployed, still looking for a job right now [because] it is hard to go outside and find work when you must wear EM. Employers discriminate." Likewise, Yingluck said, "Since I have EM attached, it is not easy to find work." Yingluck hid her EM device under long pants and managed to secure employment as a "cleaner", but every day, she was stressed and anxious that "they will expel me if they find out." Mai poignantly said that "a lot of people do not understand that people with drug offences are not all bad. I just want to work; I don't want to be idle. I want society to give a chance to people in prison. I am willing to do any job I can get. There is a lot of wasted potential in prison; good people who still have more to give."

For a few people, society had given them an opportunity. They found "kind" employers willing to give "ex-prisoners [a] chance". In most of these cases, work had been secured through CARE, a Centre for Assistance to Reintegration and Employment, established by the Department of Corrections in 2018. Each prison in Thailand has CARE to provide direct support to released prisoners (Thailand Institute of Justice, 2021, p. 76). Tontawan explained, "I would feel useless if I did not work, so I contacted the care centre via prison to find a job. I applied for a job, and now I earn 400 baht per day. They accepted ex-prisoners. They treat me nicely. I feel lucky." Likewise, Nalin worked at a place that "accepts former prisoners. People who work there are those familiar faces, friends I have met inside the prison. They do not gossip, only give me support."

Interviewees also narrated psychological barriers to finding work. This is understandable. EM tags people as deviant, untrustworthy outsiders and causes acute job market discrimination. The shame and embarrassment resulted in many interviewees being "hesitant or afraid to apply for jobs." We were told, "I do not want to go to work while I am wearing EM; I do not feel comfortable", and thus, many planned to wait for the EM to be removed before they sought work. For example, Jaeb (a Tomboy) said, "I am unemployed. It is hard to go outside because I am wearing EM. After I get rid of the EM, I will apply for work." and Phailin relayed, "I would feel awkward working, I cannot tolerate judgement. I only have three months left [on EM], so I will wait and start working then."

6.1.2.2 RESTRICTING PEOPLE'S MOVEMENTS

The movements of everyone on EM were confined to specific geographic regions. Discrimination in the employment sector meant, as we saw above, that jobs were already difficult to find. What became clear through the interviews was that restricting people's ability to move created yet another barrier to employment and post-prison financial stability. As explained by Pakpao, "What if we cannot find a job near home and need to go and explore further opportunities outside our hometown - well, it is not possible." Rhatha lived in a remote rural community with few employment prospects. She noted, "It would be nice if we could travel outside of our zone to work. Similarly, Lek (a Tomboy), who also lived in a remote area, wished they could "go and find work in another province. Sometimes, there is no work to do here because I am a day-by-day worker. If I can go to other provinces, I would like to work at the factory." Ying wanted to travel a few kilometres outside of "the zone" to "work at the factory where I earn more." Amy explained that "there are only limited types of jobs where I live, but if I could go to the next province maybe I could get a job in the manufacturing industry." Ploy and Ratanaporn explained that they had been offered jobs in neighbouring districts, but their probation officers would not allow it:

> *There was one time when I went to a factory to work but didn't know that it was another district. I went and the EM immediately rang the [probation], staff and they called me. I said I came to work. They just said that you need to ask the casework officer first. I called him and asked for permission, but he said no, it's against the conditions, so I can't go there to work. (Ploy)*

> *I couldn't go to the factory to work because the factory was in another province. I can only stay at home and sell stuff online. I've called to ask for permission to work outside, but they [probation officer] won't let me. (Ratanaporn)*

Family and friends presented as critical to finding jobs, but confining EM-parolees to "zones" again thwarted this potential employment avenue. Sanun, for example, said, "I want to go and work in Bangkok with my brother. I feel so frustrated that I cannot. This is my main problem with being on EM." Phawta worked with her husband, but she explained that when he went to work in the adjacent province, "I can't help; he has to bring his friend; if I could accompany him our income would be better". Tida sold "fried bananas" outside of her house, earning "around 200 baht a day." She explained that her "friends in other towns" had offered her work for "10,000 baht monthly, but I cannot go because of EM-parole." Similarly, Sirima drew a powerful comparison between prison confinement and electronic monitoring, explaining that by restricting her movement and limiting her ability to earn an income, EM-parole had effectively put her life on hold. She said:

> *If I cannot travel anywhere, it is like when I was in prison. The only difference is that I get to be outside, but what remains is the same movement restriction. I do not think it is a good idea that they restrict our movement because I cannot really work. I can only stay in the district. I have tried to open a small restaurant and sell food where I live. I cannot make enough. My brother is in another province and has a job for me. The monthly salary is guaranteed. That would help me a lot in terms of restarting my life. EM has limited my opportunity to earn money and [in turn] my opportunity to start over again.*

Malivalaya earned minimal income from taking care of her niece at home. She told us that she wanted to "work outside" but was prevented from doing so because again, she needed to stay in the province but also because she was under curfew. Malivalaya was trained as a manicurist; she completed vocational training "inside" the prison. After release, a friend who owned a "nail salon" in the "next province" offered Malivalaya a job. She said, "If the curfew was taken off and I could go to the next province, I would work at the nail salon. I live on the border, it is not far, but I cannot cross, and I must be home by 10 pm. The salon is open late. For now, I will just babysit my brother's daughter for him."

6.1.2.3 EQUIPMENT ANXIETY

Other interviewees relayed anxiety about leaving home to find work because they were "worried about the battery when I go out." Mayuree told us, "When I get off EM, I will get a job, but for now, I need to wait; I need to keep the battery charging. My device has been in service for quite some time. Its battery life is not very good. Lawan said, "I must charge the battery twice a day, in the morning and at night. I need to keep charging. I am stressed that the battery will die out [so] I will find job after EM." Likewise, Lek (a Tomboy) was waiting until their EM was removed before going to work on a farm where the working hours were long and electricity sources scarce. Lek was anxious that "the battery may run out before I get back home." Allowing EM devices to run out of power is a breach of parole and carries with it the threat of being returned to prison. Interviewees were unsurprisingly apprehensive. Under these conditions, choosing to stay close to home and electricity is completely understandable.

6.1.2.4 REPORTING

A couple of interviewees expressed that the monthly reporting requirement resulted in them losing income because they had to take a day off work. For example, Cham Choi said, "Having to report regularly to the probation office can be inconvenient and result in taking a day off work and losing income. However, I believe it is worth being out of prison." Furthermore, travelling to supervisory appointments can be expensive. Wila told us, "I am aware of others [on EM parole] who have no job, or their job does not pay well. They struggle to come because of the travel expense".

6.1.2.5 **IMPACTS**

The employment barriers created by EM-parole caused emotional and financial distress to parolees and their families. For example, Busarakham said, "When we get released from prison, we have no money and no jobs. But with EM, I am not free to look for work. I feel stressed about the financial issues because I want my own income, but I must rely on my parents." Amm relayed the distress she felt being "dependent on" her "adult son". She told us, "I have not had any money of my own since I left prison. My son buys me food. I need to find a source of funding for myself. My son and his wife argued over me; my daughter-in-law called me a burden. That was very hurtful. I want to be independent."

Under these circumstances, and as Isra rhetorically stated, "If there are no jobs available when we get released from prison, why would we not go back to selling drugs?" Ittiporn reflected on the mental health impacts of being rejected by employers and living with financial insecurity. Like Amm, Ittiporn noted that under such conditions, the chances of re-criminalisation were high. She told us:

> *When employers do not accept you and when you are unemployed [as a result], this gives you mental health issues. What are you meant to do if you cannot find a job and earn money? The government does not cover us. Are you meant to starve to death? We need to work. Some of us have children to support. How are we meant to provide for them? We may have to sell drugs again for money. I sometimes think that living in prison is good because at least there is food to eat.*

6.1.3 STRAINING FAMILIAL RELATIONSHIPS

Compared to men, positive familial relationships are more significant in women's reintegration success (Herrschaft et al., 2009). The reasons for this are two-fold. First, and as seen above, families provide practical help, including housing, employment opportunities and financial assistance (Thailand Institute of Justice, 2021). Second, families are an important reservoir of emotional support (Arditti & Few, 2008; Cobbina, 2010; Heidemann et al., 2014; Leverentz, 2006; Leverentz, 2011; Opsal, 2014; Thailand Institute of Justice, 2021). For example, a study exploring women's re-entry in Thailand identified healthy familial bonds as central to reintegration success because, in addition to practical support, families offered "love, encouragement, understanding, emotional security, strength and a sense of purpose, belonging and responsibility" (Thailand Institute of Justice, 2021, p. 94).

For the EM-parolees, family members, including spouses, were invariably designated as guardians[2], meaning that they were assessed by the probation service as being supportive both in practical and emotional terms. This is an appreciable positive of the EM-parole system because returning to unhealthy interpersonal relationships can impede reintegration (Bui & Morash, 2010; Few-Demo & Arditti, 2013; Thailand Institute of Justice, 2021, p. 97). For example, as we saw above, some interviewees found themselves behind prison walls due to intimate partner violence. Post-release, reconnecting with abusive husbands and boyfriends would likely result in re-victimisation, re-traumatisation, and re-criminalisation (Thailand Institute of Justice, 2021). Being released on EM-parole is a means to circumvent this possibility, and, in this regard, the system is supporting re-integration. Indeed, most people told us that their guardians were "understanding", "loving", "supportive", and very happy to be reunited with them.

For families, having their loved ones back was better than having them imprisoned, but supporting a family member on EM-parole was not without challenges. As noted above, the State branding of people as deviant caused families to feel stigma, shame, and the economic burden of supporting loved ones who cannot find adequately remunerated employment. Mai said, "Because I wear EM, people in the community know I am an ex-prisoner, and my family members lose their reputation and good social status. I care about the feelings of my family; I do not want to hurt them." Recall, Amm's upset at being financially "dependent on" her "adult son", which was causing him to argue with his wife. Likewise, Ying said, "I want to have my own income. I think it is a stressful financial issue for my parents [having to support me]. I do not want to cause my parents' stress", and Sanun was deeply concerned about adding to the economic "burden" on her adult "kids", who had their financial worries and now needed to support her.

The chances of re-entry success decrease for women who experience familial difficulties (Thailand Institute of Justice, 2021, p. 97); thus, it is important that EM-parole bolsters rather than obstructs these relationships. In addition to the emotional and financial stresses EM-parole can have on the families of EM-parolees, we were also told that as guardians, family members were required by the probation service to function as adjunct police, surveilling and controlling their loved ones. Unsurprisingly, this can strain and potentially cause conflict in these crucial relationships. For example, Boribun said that her "mother had to be like the police; she must control me. She will not let me go and visit my friends because she is worried I might get into trouble with the probation office; my Mum having to control me is very uncomfortable for us."

[2] A Guardian is an individual or organisation which a person under investigation who is a sentenced prisoner has identified during preparation of information before release (under form S.1-46) Section 1, such as a family member, employer, foundation, etc.

Another way that EM-parole hindered familial connection was by restricting people's movements to certain locales. For example, after serving many years in prison and rarely seeing her ageing mother, who suffered from health problems and found travelling difficult, Baifern had to "wait until I get rid of my EM" before "I go visit my mother" because "she lives in another province, and I must stay with my daughter in this area." In another example, Chimlin needed to stay in the city with her guardian, a family member, but her "hometown" and most of her family were "in another province", so "I cannot go back and see my family."

Being unable to travel with family, care for family, and attend important events with them also obstructed post-imprisonment relational re-engagement. For example, Gam could not "attend weddings or religious ceremonies somewhere else that my family members attend." Kirana's husband's job required him to travel to the provinces adjacent to the family home; he was often away on the weekends. Before being imprisoned, Kirana would "always travel to see him on weekends that he had work. However, because of EM conditions, I cannot visit him these days." Emon could not help her brother care for their ageing mother. She said:

> *My brother asked me to move to [place name] to stay with him. So, I went to talk to my probation officer and asked if I could move there to help my brother take care of my mother. She is paralysed, so if I move there, I can look after them. But my probation officer refused; she said I could not leave the area, and I lost an opportunity to be with them.*

Nan, who you will recall was in her 90s, fervently wished to go travelling with her son to attend religious ceremonies. Notably, and like family, religion plays a significant role in reintegration with faith, providing women with emotional strength and peace (Khan, 2020; Parson & Warner-Robbins, 2002; Thailand Institute of Justice, 2021, p. 113). Nan said:

> *I do not like it because I cannot go anywhere. I must stay in the house only. I cannot travel upcountry or even leave the province. Before I went to prison, my son always took me out for travelling purposes. I cannot really go anywhere on my own [restricted mobility due to ageing]; I need to rely on my son to take me. My son loves taking us [Nan and her husband] on road trips, visiting temples, and joining their festivals.*

6.2 EM DESIGN AND TECHNOLOGY

As noted above under our discussion relating to shame and stigma, the EM equipment was frequently described by interviewees as being too large and, in turn, difficult to cover up. All but a couple of people expressed concern about the size of their devices. We were constantly told that the bulky nature of EM alongside a poorly fitting ankle strap, caused bodily discomfort. EM, devices were described as "very heavy and "uncomfortable" with "friction around the area" irritating the skin, causing itching, rashes and bruising. The "strap was oftentimes too loose "moving up and down, and it hurt." Several people "put a fabric wrap around [their] ankle to tighten it because it is so big and loose." EM was also "uncomfortable at sleeping time", "hurt if you have a long walk", and "got very hot" during charging, which caused anxiety around the possibility of being electrocuted or burnt.

Ensuring EM devices remained in good condition and that the battery was never depleted was a standard parole condition. Kulap said, "The conditions are that I need to take care of the equipment and not let it run out of charge." However, "working in dirty places" such as on farms and construction sites caused apprehension because "the dirt can get in [and] there is no easy way to clean it." Charging anxiety was prevailing and commonplace. Nearly everyone expressed fear about their battery running out. We were told that "older" devices could "run out [of power] several times a day". As noted previously, this apprehension impeded people from finding jobs (see section 6.1.2.3), but more generally, it tethered people to homes where electricity was easily accessed. As Latda explained,

> *The battery does not last that long; I must charge it twice a day, and it takes two hours. Because of this, I do not want to go anywhere.*

Likewise, Aokbab relayed,

> *I need to charge the device twice every day, so it is not convenient for me to go anywhere. I am worried about the battery.*

Battery anxiety was compounded for ethnic minority interviewees and others living in remote areas where electricity was unreliable and easily severed by weather events. For example, Gao-Jer (an ethnic minority woman) relayed, "Where I live, the electricity is not stable, so I worry I will not be able to charge my EM bracelet. One time, I had to charge it with my brother's car battery because a landslide caused by heavy rain cut off the power." In addition to battery anxiety, living in a more isolated region caused angst due to poor signal strength. Here, "false alarms to the probation centre" were commonly "released" because "the signals drop out." Aei said "a few times the officers called me or my guardian because my EM had signal problems. They asked did you leave the area? Why was the signal lost? I told them, no, I am living too far away." Another ethnic minority woman told us that "the signal is [especially bad] in the rainy season" and that simply moving around within your local community was fraught:

> *"I am scared some places I go will not have a signal."*

When batteries were depleted or signals were lost, the EM device alarm would be triggered. Predictably, this was a nerve-racking experience. Amporn said, "There was this one time that I tried to charge the EM, but the power did not go through, so it vibrated, and there was an alarm. The alarm is loud with a red light. I was very panicked." Ninety-year-old Nan explained how unbeknownst to her, the EM battery had not charged before she went to bed one evening, which caused the alarm to sound early in the morning. She said,

> *"The alarm goes off from 4 am to 6 am. The alarm is loud, it makes a tik tik tik tik tik tik noise and vibrates. I did not know what to do, so I had to call my grandson to sort it out for me. I am scared now! Now, I will always leave the battery charging when I am sleeping."*

While the problem of poor signal strength in remote areas was seemingly intractable, interviewees explained that probation officers would upgrade them to a newer device or install a new battery if charging problems were ongoing. This invariably solved the problem. Bongkoj said, "The EM always has problems with the charging system, it does not go well. At first, the staff did not change it, but after having many problems, I was allowed to change the equipment." Dokkaew relayed, "I had a lot of issues with being unable to charge at first. I had to get it fixed/changed. Now it is good." However, as Emon made clear, even then, "the bigger aspect is mental, worrying about it malfunctioning."

6.3 BREACHING EM PAROLE AND RE-CRIMINALISATION

None of the EM parolees were re-arrested or returned to prison. When asked if being on EM parole prevented them from coming into conflict with the law, a small number said "yes" because the EM device reminded them that they were under State surveillance and not to "be involved with drugs" or "crime" again or they could be re-incarcerated. For example, we were told that "wearing EM reminds us to stay away from drugs. It makes us conscious and controls our behaviour, so we do not re-offend", and "it helps remind us that we cannot make another mistake. Even though we are out in society, they [the State] is keeping an eye on us," "it warns us before we even think of reoffending, it makes me more conscious, I do not want to commit a crime again", and "EM is like a reminder not to do bad things again. If I do not do any bad things or breach restrictions, I will not get into any trouble. No one wants to be in prison for a second time."

However, others reflected that, in practice, EM parole could not stop people from breaching the law. We were told, "If people want to re-offend, they will do it anyway whether they have EM attached or not. EM cannot stop people from getting involved with drugs again. It does not have eyes on you; it does not have a camera. If a woman wants to use drugs, she will; if people want to re-offend, they will." Some interviewees provided additional insight, realistically suggesting that EM likely increased the chances of re-criminalisation. Here, EM parole was understood as being "about punishing our past behaviour" and compounding the negative social conditions that had given rise to imprisonment in the first place. Recall Busarakham's words above (see section 6.1.2.5). She asked,

> *how does EM stop people from re-offending [because] when we get released from prison we have no money, no jobs [and with EM we] are not free to look for work*

Usa contemplated the link between stress, self-medicating with illicit drugs and being on EM. She said, "EM makes women feel pressured, so if a woman is under EM parole for a very long time, surely, she will do drugs."

Some relayed having breached parole conditions, but in every case, this was either inadvertent, careless or beyond their control. Regarding the latter, technically, allowing your EM device to run out of charge is a breach, but as noted above, when this happened, it was habitually a battery, not a person problem.

As an example of the former, Nalin, who was under curfew, explained that her toilet was an outhouse. Leaving the house after 10 p.m. was a parole violation, which Nalin soon discovered when she went to use the bathroom at night. Nalin explained that her probation officer insisted that she stay inside the house during curfew hours. Thus, Nalin had to "bring a bucket inside the house at night in case I need the toilet [because] I cannot leave the house to use the toilet." Likewise, consider Farsai's story of both careless and unintentional breaching and Mookda's accidental violation:

I breached my conditions two times. Firstly, I had dinner with my family and was home just two minutes late [past curfew] and another time, I went to a supermarket which is in another province, but I had no idea. I live right next to the border of two provinces. The supermarket is just over the line in the next province. I had no idea I crossed the zone. It was not that I meant to violate my conditions. (Farsai)

My boyfriend came to visit me. He finished work quite late, so when he visited me, I thought it was fine to go out and see him outside, at the front of my house, but the alarm went off. The officer called, asked if I was outside and warned me that I could not be outside my house after ten; I had to stay inside the house. It is partly my fault because I didn't realise that I had to stay inside the actual house; I thought that I could stay in the house area, I was within the house area, but just outside of a building. I couldn't even walk to my brother's house, which was right next to mine. I can only stay within the house. So, I was in trouble because I didn't understand the actual boundary in the first place. (Mookda)

6.4
THE PAROLEE-PROBATION OFFICER RELATIONSHIP, SUPERVISION, AND REPORTING

All interviewees reported monthly either at the nearest probation office or, when these were too far away, at a locale in their immediate communities, most frequently at a temple, which we were told could be somewhat "discomforting" because people would "stare." These supervision sessions could "take all day" because "there are a lot of people coming to report." Reporting environments were frequently overcrowded and devoid of privacy, with EM parolees meeting probation officers near others. We were told, "I meet them in a room where there are other officers [and parolees] sitting at the desk near my officer's desk", that "when I reported, there are tables next to one another. There is no privacy" and, "I rarely talk about personal stuff because there are so many people there who also got to report."

The one-on-one sessions between parolees and probation staff were noted to go for between 15 and 30 minutes. We were consistently told that while probation officers were "nice", "well-mannered", "kind", "friendly", and "gentle", these brief interactions were merely a "box ticking" exercise. Nan said, "They don't ask much, they just tick the box.", Yanin stated, "They just ask me to sign and do a drug test", and Ink relayed, "It is not very long, a bit of chatting, a form to fill in." One time," Piti "raised a problem" she was having with her probation officer "but was shrugged off and just asked to sign; we do not have any relationship; I am just expected to report when told."

We asked what was discussed during supervision. As offered by Piti's comment, these sessions were, from the perspective of the EM parolees, exercises in surveillance, risk management and compliance rather than spaces of support aimed at addressing people's needs, gender-specific or otherwise. While always delivered in a "friendly", "well-mannered", and "gentle" way, this approach can invoke feelings of fear and anxiety and prevent people from asking for help. For example, Nan's EM device was hurting her ankle, but when we suggested talking to her probation officer about this, she said, "No, it's impossible; I am still a prisoner; I do not want to ask them for anything, I just need to wear it until it is over, I need to be patient." Niran said that her probation officer "never asks if I need help, and I am worried I will get into trouble if I ask him." Parole based on an ethic of punishment and control rather than care also clarifies the deep-seated distress interviewees expressed around batteries running out, signals being lost and the inadvertent breaching of other conditions.

We were told, "my probation officer is kind, they do not want me to end up back in prison, so they keep warning me not to breach my conditions," and "She [probation officer] told me to behave and not to do anything bad." Likewise, "my probation officer is nice [because] they give me good advice [by] reminding me about the rules. They want to help me not use drugs, so they ask who I hang out with and warn me not to get involved with drugs again." Han explained how this approach made her feel anxious and fearful, she said although "they do not threaten me, they remind me repeatedly about the conditions, what I must do, that I should not breach my conditions because there will be consequences. I feel very pressured, controlled, I feel bad." Some interviewees reflected on and challenged this mollified castigation. Pensri reflected, "Every time I see them, they just keep warning me about breaching the EM conditions [why] do they not ask me if I need support or opportunities? In the prison, they asked these things, but not probation." Waan was especially insightful, articulating:

They do not ask me about my well-being; they just talk about how important it is to comply. They don't ask about what my problems are; they only tell me what I can and cannot do. They don't focus on our lives; they only care about the rules; according to the rules, we need to do this and that. They should ask about our well-being, about the situation we are in. They should try and get into our hearts more [rather than] just talking about the rules. How can people dare to speak about how they feel when we are never asked? They don't care about us sincerely; they are just doing a job. They cannot understand our situation because they have lived a different life [and] they do not ask us, so how can they understand what we face?

6.5 REINTEGRATION/ REHABILITATION PROGRAMMES AND OTHER SUPPORT

When we inquired about programs and other rehabilitative/reintegration supports offered by the probation service, nearly everyone relayed that there was "nothing" on offer. The recurrent theme was that this was the forte of prisons, not probation. We were told, "nope, nothing since I was in prison", and "there is none; I have not been to a rehabilitation program since I was in jail." Finding employment was a key concern for many interviewees (section 6.1.2), yet not a single person relayed having received help to find work from the probation service. Rather, once again, in some instances, the prison had assisted (also see section 6.5, Table 2). We were told, "I have a job [because] I got this information from the prison, not from the office of probation", "I have had no support from probation, but I got support from the prison, they helped me to find a job" and "the prison has the support in helping us secure a job. I do not think probation can help us. When I asked, they told me to go to the Department of Labour."

Nevertheless, sometimes, the EM parolees were involved in group activities that periodically took place on their monthly reporting days. These sessions focussed on "drug education, prevention" and seemed to occur every few months. Like the one-on-one supervision meetings, interviewee narratives around this were generally characterised by themes of control and risk management. Lin said, "I went to group training about drugs and re-offending. We watched some videos, and there were activities. The topic was about not re-offending. A doctor came and shared how drugs can harm your health." For Siri, the aim of these programmes was "to teach me not to get involved with drugs anymore and follow the rules." However, these group sessions did provide the opportunities "to share experiences with people who have been through a similar journey, prison and drugs [and this] uplifts my mental health." Likewise, one interviewee told us that there was a "four or five-day camp for group bonding" but she had not participated.

6.6
RECOMMENDATIONS FOR CHANGE

Finally, we asked interviewees what recommendations they might have to improve the EM parole system. The most frequent suggestions related to improving the EM device and developing a probation service that could help connect people to employment. Others wanted flexibility concerning confinement in particular locales so they could participate in employment, family and community life. Some people suggested that the probation service needed to move toward an ethic of care and that broader consideration be given to why EM was needed at all, given it obstructed, rather than supported, re-integration.

To reduce stigma and shame, increase the chances of securing employment and prevent physical discomfort, nearly everyone was unanimous that the EM device 'needs to be smaller' Many interviewees suggest EM could be worn on the wrist "like a wristband, a fashionable, or smartwatch" because then "people [including employers] could not tell that it is EM." Others wanted measures to address anxieties around battery life and signal strength. We were told, for example, "they need to improve the battery and the signal quality" and "the system of charging the device needs to be better so that we do not have to be so careful all the time."

Again, there was a collective agreement that ideally, the probation service would support people to find "a job or income opportunity so we do not get involved in drugs again [to support ourselves and our families]." Kamlai said, "We want support to find jobs. Many people worry about their financial situation; it would be good if the probation department helps us to find jobs or provide jobs for people who are wearing EM." Likewise, Mani thought probation officers could provide EM parolees with "a list of jobs that people with EM could apply for. I would like to know when there are job openings and where those jobs are." Maybe, as suggested by Suda, the Department of Probation and the Department of Labour could work in "conjunction so that people can get employed, not get back on the same path and re-offend."

Also related to the cruciality of employment, others suggested flexibility be provided to allow them to "go to another province to find work." Nong Yao proposed "extending the movement restriction to at least make it okay to travel within three neighbouring areas so people can find a job and earn money." Amenability to parolee freedom of movement was also favoured to support re-connection with family and to attend religious events. Wipa relayed that it "would be nice if they allowed us to go to other provinces for important occasions such as visiting family, for wedding and religious ceremonies", and Sroy said, "Maybe they could make it easier to go back to our hometowns so we can more easily see our families." Yu-Phin suggested relaxing the rules to make it simpler to "request to leave the area" to see loved ones.

Some interviewees wished that their probation officers would "ask about our well-being" so that maybe they could "understand us" and suggested that financial support be given to EM parolees to travel to their monthly meetings in cases where poverty was an issue. Recall Wila (see 6.1.2.4) told us, "I am okay, but I am aware of others [on EM parole] who have no job, or their job does not pay well. They struggle to come because of the travel expense. People who have a financial issue should be able to submit a request for support."

Finally, at a broader level, interviewees requested that the government reflect on the purpose of EM and suggested that parole alone was sufficient. Sumalee asked, "Why do we even have to wear it? What is the point? EM brings more problems. It does not help us to live in society. I think it would be better not to have EM at all." Sup questioned, "Why a person who only has a few months left [on their sentence] would escape or re-offend? Yida recommended that "if the parole period is less than one year, it would be better not to wear an EM. Or, in the case that the parole period is long, it would be good if that person was not required to wear EM for the last five or six months. Just reporting once a month would be enough."

CHAPTER
07

PROBATION STAFF, EM PAROLE AND GENDER

Below, we report findings from our focus groups and interviews with staff from the Department of Probation. We begin by detailing their perspectives about the purposes of EM parole, and then we consider two interrelated issues that unexpectedly dominated these discussions. Specifically, workloads, budgetary constraints, and the negative impacts of both on staff well-being and service provision. Following this, we discuss staff perspectives under the following subject matter headings: 1) Gender-specific supports, programs, and supervision, 2) EM parole conditions and impacts alongside parolees' needs, vulnerabilities and what are understood to be the positives, negatives, and challenges of being on EM parole, 3) EM design and technology, 4) Breaching EM parole and re-criminalisation, 5) Recommendations for change.

7.1
THE PURPOSES OF EM PAROLE

In terms of non-custodial best practice, recall that the United Nations Office on Drugs and Crime (2020, p.18) has clearly articulated that women in conflict with the law must only be tagged with EM as a last recourse when needed to ensure public safety. However, as noted previously (see section 1.3), "practically everyone [who is released on parole] needs to be on EM". There were "some exceptions", namely, "those who have been released on parole with less than 30 days left on their sentence, persons over 70 years old, and those for whom EM would cause pain and distress." However, as we saw with 90-year-old Nan, these dispensations were not always applied. Nan needed a walking frame or stick to move around her home and community. Arguably, the risk Nan posed to public safety was zero. Analogously, probation staff said, "In some cases, we have received prisoners who are disabled and cannot move." We were also told about an elderly woman who was required to wear EM even though she was bedridden with dementia and in a care facility. Staff reflected that "it is bizarre that everyone on parole was subjected to EM. Even offenders who posed little risk to the community." However, on reflection, penal populism is a viable explanation.

Penal populism sits in opposition to evidence-based policy and practice. Here, crime is constructed as being a grave 'problem' (when it is not) requiring a 'get tough approach' (that, in practice, never works and typically exacerbates the issue). Under discourses of penal populism, government imperatives are interwoven with community fear of the 'deviant other', which is then strategically stoked by the State for political advantage (Garland, 2022, p. 251). In Thailand, a good example of penal populism in action is the punitive drug war that has been unsuccessfully raging since the early 2000s (Cohen, 2014, p. 777; Junlakan, 2013, et al., p. 317). As noted recently by the United Nations (2019, p. 6), "abusive, repressive and disproportionate drug control policies and laws are counterproductive, while also violating human rights, undercutting public health and wasting vital public resources."

Thailand's war on drugs has disproportionately impacted women (Chuenurah et al., 2022; Jeffries, 2014; Jeffries & Chuenurah, 2016). It will be recalled that over 80% of women in Thailand's prisons are there for contraventions of illicit drug law. Furthermore, like the EM parolees we interviewed (see Chapter 3), most Thai women criminalised for breaching illicit drug law are 'first-time offenders' incarcerated for low-level 'offences' who pose little public safety risk (Jeffries et al., 2019; Jeffries et al., 2020; Jeffries et al., 2021). Again, it is worth emphasising and as illustrated by our pathways analyses (see Chapter 5), criminalised women are perhaps more fittingly understood as victim-survivors having endured harms at men's hands (e.g., domestic violence), state harm (i.e., corrupted policing) and the social structural harm of poverty with is feminised. Moreover, the research evidence tells us that women are less likely than men to recidivate, and when they do, the most likely reasons are economic destitution, harmful intimacy with men and drug use relapses in response to stress (Harm & Phillips, 2008; Holtfreter et al., 2004).

However, despite ample attestation that getting tough on drugs does not work, Thailand's penal populist narcotic war has ensured the incarceration of ever-growing numbers of women (and men), untenable over-crowding (Chapter 1), and in turn, unsustainable government expenditure. For the government, releasing prisoners early provides a feasible solution to this conundrum of their own making. However, after years of State scaremongering around the 'evils' of drugs, particularly methamphetamine (Cohen, 2014), the community's fallacious fears must be managed and quelled. Branding former prisoners with EM is a convenient, albeit erroneous, penal populist panacea. Participants in one focus group explained, "Ultimately, the purpose of using EMs is to resolve prison overcrowding [and the costs of this to the State] and to keep the public calm; the government says, oh you do not need to worry about public safety because people are under EM, they will not re-offend, but there is no evidence to support this." Likewise, we were told:

> *In Thailand, EM is designed to reduce overcrowding in prisons. Based on internal studies, the annual cost of keeping someone imprisoned is 20,000 THB, while the cost of them being under EM supervision is half that. Furthermore, it was calculated that they could also be economically productive and contribute to the economy. Most offenders are drug offenders, and the government needed to find a way to reassure the public. The policy, therefore, was to use EM to reassure the public. Look, we can take 50 thousand people out of prison, save all this money, and the public will be safe because EM lowers recidivism, but we don't know if it does. How exactly does EM stop drug offending? You will never know if they are using drugs or not. They can just stay home and use drugs. It doesn't make any sense.*

In line with parolees' narratives, probation staff stated that EM parole worked as a "crime prevention" measure because it was a tool of "surveillance", "control", and "containment." Thus, "with EM, we can track them easily, and they will fear getting caught via the GPS, so they will not visit friends who are likely to bring them back to drugs." Similarly, "EM helps in terms of location tracking. We know if anything suspicious is going on because we know which places these parolees are at all the time, every day, and every night. We can monitor and check where they have been." Marking people with EM also acted as a warning to not "get involved with drugs again" because "the device reminds users and gives them time to consider before making a mistake. It is like a warning sign stuck on your ankle. Whenever you are considering breaking the law or a friend invites you to use drugs, you will see the EM, and this may reduce the chances of offending." Additionally, EM helped to reduce community angst around "prisoners" being in society by identifying them as a potential risk and furnishing a ready-made avenue for informal social control:

> *The presence of the EM device is easily recognisable and serves as a symbol that the wearer is a prisoner. Individuals with EM may try to conceal the device so that the public does not notice it. However, the Ministry of Justice is now actively trying to raise public awareness about EM by increasing its publication and news coverage related to the use of the technology. With EM, we can get some help from the community regarding how parolees behave, and the community can report to us if they are using drugs again.*

The United Nations Office on Drugs and Crime (2020) and the Bangkok Rules make it clear that non-custodial measures must be rehabilitative and address gender-specific needs (United Nations General Assembly, 2010). Further, "rehabilitation" and "the treatment of offenders in accordance with international norms and standards" are key tenets of EM parole (Chapter 1). However, posing the question of rehabilitation during discussions with staff either met with bemusement, or quickly turned into a discourse around risk management rather than care and support. For example, it was noted that every EM parolee has a "rehabilitation plan, made by the officer who will conduct classification with different plans based on the risk category". In one focus group, participants nevertheless explained that in practice, this "rehabilitation plan" never materialised. They said:

> *[Laughing] Is rehabilitation one of the purposes of using EM? I mean, it does say it is on paper [but in practice] it is about [quelling] public safety concerns rather than rehabilitation. Yes, at the policy level, they claim that we use EM so that people don't have to stay in prison and can be rehabilitated, but this is not really happening.*

Reference was made to the "group sessions" that the EM parolees had described to us (see section 6.5). Mirroring what was previously articulated, these were described as exercises in risk management and control rather than spaces of support. Here, rather than being concerned about addressing parolees' needs, attendance numbers were used as the proxy for success. Consider the comments below as examples:

> *The Department says we have rehabilitation programmes [but] what is being claimed as rehabilitation is more like an educational programme where we tell them to do this and do not do that. This is done in a group setting, gathering up to 50 people and asking them to participate in an activity for two to three hours. The department claims this is how we rehabilitate them, but no, it is not. We just count the number of people there and the hours they attend. It is not about quality.*

> *They have a group session for individuals who engage in drug use. They will have one session where they gather them together and try to educate them or have a monk teach them about religion. They explain to them how what they did is morally wrong. So, it's not a programme where we focus on individuals and their problems. Stuff they really need help with.*

The camps discussed by the EM parolees were described by staff as a "programme for drug addicts to prevent them from returning to drugs, using religious teaching to become a "better person." The implication here is that coming into conflict with the law is the result of character flaws and moral deficiencies fixable through self-mastery. Pathologising women, rather than understanding their criminalisation as connected to gendered oppression and limited access to resources, is invalidating, not emancipating and fails to address the harms (e.g., poverty, men's violence) known to underpin criminal justice pathways. Previous research on drug offending women's re-integration in Thailand has shown that motivation and willpower play minimal roles in re-entry success because women's capacity for agency is constrained by broader social circumstances beyond their control (Thailand Institute of Justice, 2021, p. 112 & 115). Reflecting this reality, participants in one focus group surmised that EM parole was merely "a form of punishment" dressed up as rehabilitation because "even though they [government] claims to give parolees a chance to be outside, they do not give them the resources to survive." For instance, many "women cannot even find a job, and if they have a mental illness, there is nowhere to get support. Our probation system does not provide them with any resources" to tackle these types of issues.

7.2
STAFF WORKLOADS, BUDGETARY CONSTRAINTS, AND SERVICE PROVISION IMPACTS

We were repeatedly told that there were not "enough rehabilitation programmes [available] for women outside of prison" and that the probation service was underfunded with excessively overworked staff. In total, there were around "4,000 probation officers" in Thailand with a total of approximately "200,000 probationers", which results in a "high workload." This equates to around 50 probationers per staff member. However, in certain regions, this could be as high as "150 to 200 supervisees per officer." In districts covering more remote areas, workloads were further amplified. It was relayed that probation officers' "workloads regularly exceeded the standards set by the Department." We were told that working outside of office hours, sometimes until "eight or nine at night" without remuneration, was necessary to "get administrative tasks done" [because] the departmental "system must be up to date. Our KPIs are all based around the system. We live and die by the system."

From our conversations, untenable workloads were the consequence of several cumulating factors. First was the recent departmental restructure which directed "probation officers to now carry a whole range of different missions". This included pre-sentencing and pre-prison release investigations/reporting, supervising probationers and parolees, alongside and monitoring EM breaches. As relayed in one focus group, "the main problem is the number of tasks we must now undertake. Traditionally, we had separate fact-finding, rehabilitation, and monitoring tasks as separate streams with different officers. But now they have all been amalgamated, with us responsible for all aspects." Hence, in the past, staff could focus on one area, but now "we are responsible for three or four different duties, the Department wants us to do everything, trying to make us into supermen and superwomen." Second, and as already discussed, was that "practically everyone needs to wear EM due to [government] criminal justice policy reform." The outcome has been "significantly increased workloads for the probation office. The Minister wants [nearly] all prisoners to be released while wearing EM. So, in addition to our regular workload, we are responsible for managing people wearing EM and maintaining the EM system." In practice, probation officers were on call "24/7". They explained that if "there is a problem with the EM equipment or a person leaves their restricted area we will be called on weekends, at night and on public holidays. We should not be expected to be stationed 24 hours a day." Third, at the time of our fieldwork, the Justice Safety Observation Act (JSOC)[3] was about to come into effect. There was universal concern that staff would "suffer more [post-JSOC]."

Compounding workload issues were "budgetary constraints that made working conditions [even] harder." For example, participants in one focus group did their jobs in cramped, hot, and humid office spaces where they could not "use the air conditioning" because of the cost. If officers needed to "travel to other districts, this was difficult because there was no travel or gas allowance", and so, to do their jobs, staff would invariably pay for petrol out of their own pockets. In one focus group, we were told that officers "buy their liquid paper," supply their "own laptops" and "mobile phones", and then pay for work-related calls because of budget shortfalls. Some staff "even paid for the parolees' transportation to come to supervision meetings because they do not have any money to travel." Thus, probation officers' kindness and goodwill were being exploited by the Probation Department to maintain core operations.

[3] The "JSOC law" was being touted by politicians as crucial for "monitoring" dangerous violence persons and "fostering" community "safety" Once in effect, JSOC could require violent offenders to wear EM, and be under Probation Department supervision for up to a decade (National News Bureau of Thailand, 2022).

Despite the challenges, working for the Department of Probation was described as a "way to make merit, do good things for others, a fulfilling way to give back to society and make a positive impact." Probation officers operate from the "heart". Notwithstanding, the reality is that "interacting with underprivileged individuals can take a toll on your mental health through constant exposure to difficult and challenging situations." Probation work is already emotionally demanding and stressful, even without the additional burdens described in the previous paragraph. Predictably, staff were "exhausted", "stressed" and "unhappy", and their families suffered because "we barely have private time to spend with them." Some were considering a change of career and asked that "the minister be [made] aware of the challenges we face when working."

It is little wonder that staff expressed facing difficulties "delivering quality services" to EM parolees. They said, for example, "We do not have the time to give the cases the care they need", and "it takes time to get into the heart of someone, but because of our workload these days, we have no time to do so" and, "even though we want to do our best, the workload makes it difficult for us to provide quality work, it is impossible." "Overwhelming" workloads also meant fewer supervisory meetings and "limited time to speak with offenders", as well as an inability to consider/process their requests to change EM conditions [including locale and curfew restrictions] unless it was a matter of "urgency" because there is no time to "assist with every single matter."

Limited "budgets" meant that the physical spaces used to meet with "offenders" were substandard. We were told, "Our desks at the office are all next to each other. We cannot provide them [parolees] the privacy they need to share their needs with us. They are concerned about others listening. We cannot give them confidentially [and] this limits our ability to support them." Under these untenable conditions of constraint, decisions were being made to prioritise compliance over rehabilitative care because "there is not enough time [or space] for EM parolees to share concerns or personal problems. We can only provide guidance on how to comply with conditions, but not necessarily help." Group sessions (discussed above) were narrated as a realisable way to at least do something resembling support, but probation officers were acutely aware that this was a makeshift and erroneous solution. These group assemblies were merely an additional avenue for inducing compliance.

When staff were responsible for parolees in remote areas, particularly those with ethnic minority populations, heavy workloads and limited budgets further undermined the quality of services provided. Here, regular contact between EM parolees and probation officers might be non-existent because staff only had the time and resources to travel to these areas "when an offender is in dire need of assistance." Further, for ethnic minority groups, language barriers impeded communication because Thai was either a second language or not spoken at all. This posed compliance problems because "they do not get it; they do not understand what the conditions are. If they understood the conditions in the first place, breaching would unlikely to happen. For example, they need to come and report, but they may not understand this. If they knew they must come, they would."

Thus, the need to "explain everything to" ethnic minority peoples was especially pressing [but] it is difficult to reach them." First, financial constraints meant that "unfortunately, we do not have access to professional translators." Rather, probation staff had to hope that "someone close to the parolee might speak Thai and interpret." Language barriers also meant it was "hard for them to get involved in group activities." One officer wished that she "could learn their languages to support them better." Second, probation officers were acutely aware that they lacked cultural competency and authority within ethnic minority communities noting, "we are strangers visiting, we are outsiders to them, stepping in and telling them that drugs are wrong." Thus, at best, "all we can hope for is that they comply."

7.3
GENDER-SPECIFIC SUPPORTS, PROGRAMS, AND SUPERVISION

Most front-line probation staff are women, as reflected in the demographics of our focus group participants (see Table 4). This is unsurprising because a probation officer's job is fundamentally one of giving care. Patriarchy expects women to take on nurturing roles while simultaneously undervaluing their contributions. Women assume responsibility for most of the unpaid work in our communities, including the heavy burden of emotional labour. Thus, societies, including Thailand, exploit women in a gender-specific way (Müller, 2018; Thailand Policy Lab and the United Nations Development Programme, 2022). Likewise, and as shown above, the Department of Probation exploits the compassion and generosity of its majority front-line female staff who are grossly overworked and frequently go 'above and beyond' for no remuneration (see section 7.2 above). Further, the Department is gender-blind when it comes to EM parole policy and practice, and devalues the voices of women in its workforce. Some female staff had tried to "speak out" against Departmental gender ignorance but were silenced by the men in power. They said:

> *We have tried to speak out, but no one listens. It is very hard here because most of those in higher positions are men. They just look from men's perspective and do not really recognise women's struggle. For example, they do not understand that women on parole are most likely caregivers, which needs to be considered. They also do not understand that most of the guardians are also women."*

However, most of the probation personnel "lacked knowledge of [the relevance of] gender to their work." This was hardly astonishing, given the inherent gender blindness at the departmental level. Instead of striving toward gender equity, most staff narrated being wedded to the idea that fairness necessitated similarity of treatment. Here, there was no understanding that equal treatment is unlikely to lead to equal outcomes or that, as per the Bangkok Rules, affirmative action was needed to compensate for gendered disadvantage (United Nations, 1979; United Nations General Assembly, 2010; World Economic Forum, 2023). As previously discussed, treating women differently from men is not discriminatory, but essential to offset gendered subjugation and harm. Likewise, taking Tomboys' gender-specific needs into account is not discrimination but constitutes an affirmative social justice action.

We were told that "gender does not have any impact on probation work", "we treat everyone the same regardless of their gender", and "everyone must be treated equally. There is no gender difference in the treatment of women, men, or Tomboys." Regarding the latter, we were told that "there are always a lot of non-traditional genders, but we treat them the same way, at an equal level of treatment." However, even this was not necessarily correct because, for example, while the husbands and boyfriends of heterosexual ciswomen on EM parole could act as guardians, Tomboys' girlfriends were excluded. It was explained that "a guardian must be a relative. It must be their parent, spouse, child, or blood relative. It is also possible for an NGO or a registered foundation to serve as a guarantor [but] if an offender's partner or lover is of the same sex, they cannot act as guardian, as same-sex marriages are still not recognised by law."[4]

[4] Thailand has begun moving toward recognition of same-sex partnerships, including marriage, but these crucial changes continue to be postponed by political uncertainty (Kuhakan, 2023; Sanders, 2019). At the time this research was conducted, this was the case. However, at the time of publication, there have been changes to the legislation under the Amendment to the Civil and Commercial Code Act (No. 24) B.E. 2567 (2024) which came into effect on 22nd January 2025

Most probation personnel "focussed on the offender as an individual rather than their gender" because "it is not about their gender. It is about them as a person" and "like any decent human, we treat everyone the same." In one focus group, the Department of Probation was juxtaposed with that of the women's prisons. Here, gender sensitivity was narrated as mattering more on the inside. It was noted, "when women leave prison and come under our care, whether it is women, men or Toms, we all use the same standards of care, unlike in prison where there are specific gender protocols." Notably, many women's correctional facilities in Thailand have been assessed and achieved recognition as Bangkok Rules Model Prisons because of the progress made in implementing gender-specific human rights standards (Chuenurah et al., 2022, p. 146).

However, in the Department of Probation, "there are currently no specialised programs or activities tailored for specific genders or gender identities, such as females or Tomboys", and "the criteria for determining which probation program an offender should participate in is based on their offence and risk level, rather than their sex or gender identity." We were told that "the Probation Department does not have enough budget to provide tailored programs for specific groups based on sex or gender identity. Instead, programs are designed based on the majority of offenders who should participate, which is male. It is not efficient to provide separate programs for others." Thus, EM parole was unapologetically established for men, with the gender-specific needs of women and Tomboys being inconsequential. Under tight budgetary constraints and high workloads, this was how it must be.

Some probation officers did nevertheless note that it was important to provide "separate facilities for male and female offenders [including Tomboys]" while participating in the camps (see previous) and that when community service work was being allocated, the "physical jobs" would be allocated to men and Tomboys because women did not want to do them." For example, "men can carry heaving paving blocks while women can sweep the temple grounds." Furthermore, "we tend to administer the drug tests for women [and Tomboys] and men based on sex, with male officers overseeing men and female officers overseeing women. But nothing else [in terms of differential treatment based on gender] besides that." Because many criminalised women are victims of men's violence, gender sensitivity in drug testing (and at the camps) is commendable. However, rather than being core to probationary practice, gender sensitivity in drug testing was likely ad hoc because the women on EM parole told us that when their probation officer was a man, he checked their urine.

In terms of supervisory style, most probation staff articulated that gender did not matter because, once again, it was "more about personality than gender." Nevertheless, a small number of probation staff said that when "speaking to women and Tomboys, we are gentler" and focus on "gender-specific topics" to 'break the ice' and make them "feel more relaxed." For instance, "we will praise women's clothes and talk about beauty and with Tomboys say how cool their hair and clothes are. We want them to feel more confident. Finding the right topic according to people's gender interest can get the consultation going smoothly."

One male probation officer was conscious that women parolees might find it difficult to feel relaxed with him, and as such, he needed to be gender-sensitive (although he did not articulate this as such). He was extremely cautious about asking women "personal questions", particularly about "family relationships, intimate partners or issues such as sexual matters" because "sometimes they find it uncomfortable talking to a man about these matters. It is more difficult for me to ask or to get them to trust me enough to share that information." One-on-one meetings with your probation officer should be confidential spaces of support where parolees can be open and honest with officers. As suggested by this insightful man, women who are supervised by men may find this awkward and for those who have survived gender-based violence, triggering and re-traumatising. Thus, it may not always be appropriate for men to supervise women.

7.4
CONDITIONS, NEEDS, VULNERABILITIES, POSITIVES, AND NEGATIVES

Like the parolees we interviewed, probation staff articulated that the most consequential positive of EM was that it was better than prison. It was explained that "EM is tolerated in exchange for freedom. It is better to be outside than inside the jail." Yet, analogous to Aree's comment that EM parolees "are still prisoners on the outside" (see section 6.1), we were told that "EM does not signify freedom for the offender, they are still serving time, just not in jail. Wearing EM still restricts their movements, but ultimately, being outside of prison with EM is preferred over being confined within prison walls." "Freedom from prison" also meant "being with and taking care of family; this is the important thing in their lives."

Some probation staff told us that EM parole posed no gender-specific challenges because "there's no difference. Men and women are the same, so being on EM is not any different." Women were told to just "live their life normally. They can go to work, and do not need to hide or feel bad about it. The only thing is they must take good care of the device and make sure it works properly." Others acknowledged that compared to men, women felt more ashamed about wearing EM and that the stigma of the ex-inmate label weighed particularly heavily on them. We were told that "the impacts of wearing EM on men and women might be different because men are more resilient to what society thinks. Women might feel more ashamed to wear EM while being out there in society." Moreover, "women are more suspectable to the stigma of EM". This is difficult to escape because "today in Thailand everyone is well aware that EM means you have committed a crime, it is a mark of shame." Thus:

> *Women must live with the looks and gaze of society. The reminder is on their ankle; it is not small or subtle either. It can clearly be seen, and it tells people that they have previously committed an offence. I think that the tolerance of women to such stigmatisation is lower than that of men. I can notice it when they come to report or participate: none of them wear shorts or skirts; they all wear trousers, unlike the men, who often nonchalantly wear shorts to note.*

Further, and in line with what the EM parolees told us, probation staff explained that stigma could impact negatively on women's families, especially their children. It was noted that most women on EM parole were mothers and that "shame is not just for the women who wear the EM but also their family and children. Being on EM causes embarrassment for women's children." There was concern that EM might fracture the "mother-child relationship." For example, participating in children's everyday lives is crucial to parenting and maternal bonding, but wearing "EM around your ankle while taking their kids to school, people will stare and make comments, which may impact [negatively] on kids." The social stigma faced by criminalised women who are mothers can be especially acute due to the gender double standard. Again, this is troubling because maintaining healthy familial connections, especially between mothers and children, is crucial to rehabilitation and reintegration (Cobbina, 2010; Thailand Institute of Justice, 2021, pp. 94-100). Consider the below comments from focus group

discussions about motherhood, stigma, and the double 'deviance' of criminalised women:

> *Society perceives women on EM parole as bad women and, if they have children, as bad mothers. No one says anything about men because it is part of their masculinity trait. Men are more inclined to have violated the law. But for women, especially in Thailand, even though these are non-violent non-serious offences, society will always judge them, and society will always label them as bad women/bad mums. If it is a man on EM, that is more normalised. Having a father in prison is more normalised than having a mother in prison, so the impact of wearing a device that is a reminder that they have been through the criminal justice process, the effect is not the same.*

A small number of probation staff identified employment as a key challenge. It was noted that there can "be issues finding employment; sometimes they ask us when they can take it [device] off as employers will not hire them." Similarly, in another focus group, they said, "it is very difficult to find a job when you are wearing an EM, the employer will not even interview them". The EM device is very "large and prominent" and "potential employers notice." This problem was heightened for women "in some careers where they are required to wear skirts, the bracelet cannot be hidden." Further, "even if an employer is willing to hire an offender with an EM, client's or customers may not be comfortable receiving service from them, it could ultimately impact negatively on the business. This can create challenges for offenders finding and maintaining employment while on EM parole." This can also put pressure on familial relationships because, without jobs, women are "more burden on the family." Thus, "we recommend that they focus on other occupations which are not affected by EM equipment like daily work or small business operations." However, these two options are relatively low-paying and insecure ways to earn a living. It is worth highlighting again that securing adequately paying employment is crucial to successful reintegration.

During one focus group, consistent with a probationary tendency to divorce criminalised women from broader social conditions, we were told that unemployment reflected the bad character of "drug offenders" who "tend to be lazy, have no discipline, no intention to work and are spoiled by their families." It was noted that despite trying "everything" and having a "KPI [that] requires us to find jobs for people under our supervision, [many] EM parolees will not accept the opportunity of work." This viewpoint contradicts EM parolees' statements and previous research on women's re-entry in Thailand. Namely, formerly incarcerated women desperately want and need work to support themselves and their families, ensure financial security and reduce the probability of re-criminalisation (Thailand Institute of Justice, 2021, pp. 90-93).

None of the EM parolees that we interviewed had been offered support from the Department of Probation to find a job (see section 6.5). Further, as noted in another focus group, officers were struggling to "link parolees with actual employment" because so few "companies are willing to hire ex-offenders." Nonetheless, a small number of relationships with employees had been forged, but EM parolees had "failed to show up since their first day of work, and we would like to find out the reasons why." Previously discussed psychological barriers to employment, namely, equipment anxiety and shame, could be an explanation. Indeed, and regarding the former, a couple of probation officers contemplated "having to keep checking the device's battery while you are working; it is not convenient."

For other staff, the more pressing issue was the challenge that employment posed to EM parole compliance. There was concern that those with jobs become "too focussed on their work and forget to check the device if the battery is low, we lose them, the challenge is making them comply with the conditions." Correspondingly, there was frustration that "day labourers" and "causal employees lacked self-discipline and motivation to comply with the requirements of their probation." They repeatedly failed to report for their monthly supervision meetings because "they are not certain how reporting regularly would improve their life; they see it as a waste of time and fuel costs."

"Day labourers" and "causal employees" receive a basic wage. Rather than a personal deficiency, and as mentioned by the EM parolees themselves (see section 6.1.2.4), under conditions of financial hardship, it is unsurprising that some might choose not to report, especially when these monthly get-togethers are experienced as box-ticking exercises in surveillance, risk management and compliance rather than supportive interactions aimed at improving parolees' lives. Complying with reporting conditions should not be prioritised over earning a living. As noted by Gelsthorpe (2013, p. 279), for women on probation (and parole), the measure of success should not be appointment attendance but rather whether the probability of 're-offending' has been reduced. Engaging in normative community life through employment significantly reduces the likelihood of re-criminalisation.

Some probation staff were acutely aware that monthly reporting requirements may cause "financial difficulties". This was especially acute for ethnic minority groups living in isolated areas. For example, one officer relayed, "Some people must go for 100 km to report. Issues like road conditions, fuel costs and poverty make travelling difficult. A lot of offenders are in impoverished conditions and struggle to come to us." Thus, as noted previously, staff would "sometimes" "give supervisees money [out of my pocket] because they do not have money to travel. We just want them to come to the meeting on time." In one office, staff had created a "central fund" that they collectively paid into "to support our parolees to report regularly, we do not want them to be sanctioned for not coming."

For EM parolees, a key challenge was being confined within a particular geographical area. This impeded reintegration by obstructing employment prospects, hindering familial connection and, in some cases, participation in religious activities. In one focus group, the question of why confining people to certain locales was necessary was met with laughter and a response of "Well, the law says it. We need to follow the law. That's it." Others expressed not "believing in the condition banning crossing provincial lines. Some people need to work, they want to visit family, follow them on trips, things happen, and we sometimes cannot predict it, can we" and correspondingly:

> *Another difficulty I found is when they must take their mother or kids to the hospital. The parolee needs to stay within a province. But nowadays, it is very difficult because the closest hospital to their home may be in a different province. So, whenever they go to the hospital, the alarm goes off and shows that they are breaching their condition. For me, I feel like it does not make sense. Some also struggle with something less serious, like they cannot travel with their family, they cannot visit the temple with their family and cannot spend their time with them.*

EM parolees could apply to vary their conditions, but granting permission seemed partially dependent on officer workload (see section 7.2) and ad hoc. Some staff said it would only be considered "an emergency [but] if they want to attend a family event like a wedding or monk ordination ceremony, we cannot allow that." Others were less stringent and would approve movement outside restricted zones for employment and to attend family and religious events. Consider the discussion among officers in one focus group:

> *If they tell us beforehand, it's fine. It is up to the discretion of the case officer as to the occasion of why they're going, whether it's a relative's ordination or funeral, for example. It is not complicated; they need to inform us beforehand, and they need to fill in there is a short form before they leave. If it is an emergency, they can call us directly, we are available 24/7. It does not need to go to the board. The leave request process is not that complicated. We have the authority to approve. I had a case where someone was employed in [neighbouring province name], and they were able to provide references that they were in fact employed there, so there was no issue to grant them leave to cross provincial lines.*

7.5 EM DESIGN AND TECHNOLOGY

In line with the EM parolee narratives (see section 6.2), probation personnel expressed that the device was too large because "it was not initially designed for women. Many of us were surprised when we first saw the size of the equipment." In addition to creating/enhancing stigma and causing shame, the "bulk of the device was uncomfortable, could cause pain and bruising" and "irritating allergic reactions from the rubber straps." Officers would "suggest that the offender wear socks for protection." Seemingly, there were "seven sizes" available and "women needed smaller sizes than men", but "sometimes, there are no small sizes left, and women have to get the bigger ones, which is uncomfortable."

The "charging equipment" was again noted to be "very faulty", especially when it came to older EM devices. Here, "they will have to charge three times a day in the morning, noon, and evening. Charging takes two to three hours per day. It depends on the device. If it is a new battery in good condition, they can charge it less than three times a day." Some staff expressed that the issue of keeping devices charged was especially problematic in more remote areas where the electricity regularly dropped out.

Moreover, as noted previously, "sometimes, in these areas, there is a poor signal, it is hard to monitor and contact them" which is very "stressful" for staff who were already overworked and underpaid. Consider the following focus group conversations:

> *Most of our supervisees reside in low-signal areas. It is solely the signal that is problematic. They come and report regularly, but because they live far away, it is hard for us to travel to them when the signal is lost, and there is no phone reception at all. That gets us very stressed.*

> *In the [name] areas, it is stressful because if a signal is lost and we cannot contact them, it suggests to the Department that we are unable to take care of them. Knowing where they are is always our responsibility. The Department wants to know why you cannot contact them. If several days have passed and we still cannot reach them, we start freaking out.*

7.6
BREACHING EM PAROLE AND RE-CRIMINALISATION

As noted earlier, compared to men, women are less likely to recidivate and more likely to express a willingness to comply with EM conditions (King & Gibbs, 2003: 119). However, non-compliance amongst women can occur when EM monitoring is inflexible and applied without gendered consideration. For example, familial caregiving responsibilities can result in women breaching (Holdsworth & Hucklesby, 2014: 15; Maidment, 2008). Most probation staff were either unable to recall an instance of a woman (or Tomboy) breaching or being re-criminalised whilst on parole (EM or otherwise) or could only recall a few instances of this happening. By way of illustration, we were told "males are more likely than females to fail", "mostly men violate," and "women they do not breach." An officer in one focus group recalled that once "a woman breached because of her boyfriend, they were both on EM, and he was selling drugs [so again, women's criminalisation is linked to intimate partners]. If women can stop contacting their boyfriend, they do not get back to the same cycle, but men tend to re-offend." It was noted that "men are trickier and more poorly behaved while women are usually genuinely sorry and want to change." For some officers, Tomboys were perceived as "more oppositional, while women tend to be more compliant. Toms are more likely than women to not really listen or follow our advice, but men are more likely to breach their conditions than Tomboys or women." Others relayed that "there is not much difference between women and Tomboys."

Some staff argued that numerically fewer women on EM parole gave a false impression that they were less likely than men to violate conditions. Here, gender was again reputed as immaterial because whether someone was "successful" was character contingent. Thus, "you cannot distinguish by gender" and "personally, for me, I do not think this [breaching EM parole] is dependent on gender. Rather, it depends on the characteristics of each person because some men or some women can be so stubborn. They will follow their character. Some people follow the rules, and will follow regardless, and others will not."

Others suggested that women were more likely than men to infringe EM parole due to familial caregiving. We were told that "women frequently violate the conditions because they are the ones who raise children and send children to school, and the school is just at the overlapping point between two districts; the signal will give out a warning." Bangkok Rules 60 and 63 are clear that non-custodial measures, including parole, must account for women's caretaking responsibilities. But here, rather than being indicative of gender insensitive and inflexible practice, we were told women "should adapt to wearing the band and take steps to prevent this from happening, such as arranging for someone else to pick up their children from school if it is located outside the travel restriction zone." It is also possible, as outlined by the EM parolees themselves, for breaches to be inadvertent. Likewise, other probation officers said, "travel restrictions can pose challenges for those living near borders. In some cases, crossing a bridge or taking a wrong turn could lead someone to trigger the alarm unintentionally." Similarly, recall the earlier example of a woman violating because they accidentally left the control area to take family members to the nearest hospital.

We know that punitiveness is ineffective and counterproductive to parolees' rehabilitation and reintegration (Pollack, 2009). It was thus heartening to hear that involving the police, courts and/or sending people back to prison was a final resort measure used only "when the "EM band was cut", and all subsequent attempts at contact had failed. Notably, the "destruction of equipment" was something that "men tend to do, not women (or Tomboys)."

7.7 RECOMMENDATIONS FOR CHANGE

The most common recommendations focused on reducing the size of the EM device and addressing the exploitation of front-line workers by decreasing workloads and ensuring adequate funding. Staff told us that "we need office computers, laptops and mobile phones", "administrative support", and "simplified IT systems that reduce rather than escalate workloads." Everyone was adamant that the recent Departmental restructure needed to be reversed. Some staff told us that in an ideal world, they would be able to focus on "rehabilitating people" because "we do not believe that punitive measures or fear of punishment are effective." However, to achieve this, the workload issue needed to be addressed so that "officers can provide more attention to parolees." At most, there should only be "five people in one group activity" and "25 supervisees per officer, or one in ten would be nice." It was also suggested that the mundane everyday tasks associated with EM be designated elsewhere. This would decrease work volume and allow officers to focus efforts on support. We were told:

Currently, probation officers are responsible for managing EM bands in their respective areas, which can become challenging when multiple offenders with EM bands require assistance simultaneously. Establishing an EM office at the regional or sub-regional level would be beneficial, with staff responsible for installing and removing EM bands, monitoring offender locations, and quickly resolving any issues related to EM bands. This would provide a centralised location for offenders to seek assistance with their EM bands rather than relying solely on the probation officer.

As a "matter of urgency", others wanted funding to improve reporting environments to "maintain confidentiality" and allow parolees to "open themselves up to us so we can help them. The physical working space should be given priority and improved as soon as possible." Funding for interpreters to aid communication with ethnic minority groups was also on the wish list of some. Other ways to alleviate workplace stress included improving the EM device's battery life and charging capacity and for "the parole board to check on the availability of electricity and signal strength at people's homes before requiring them to wear EM." It was noted that the Parole Board never requested "our input" meaning that setting and changing conditions was difficult, if not impossible. This top-down decision-making was, at times non-sensical and always inflexible. It was suggested that officers be consulted and granted the liberty to adapt or change conditions based on the needs of the EM parolees under their care.

Ideally, women in conflict with the law should not be seen as risks to be managed but rather as people with needs to be addressed. Being extended the resources and time to focus on support and rehabilitation should be core Probation Department business, and several officers wanted to see a conceptual shift away from surveillance, control, compliance and containment to assistance and restoration. One staff member stated, for example, that ideally, "I want parolees not to fear the law; I want them to be given an opportunity and to be supported by the probation officer to get their lives in order." Others wanted the government to stop "spending lots of money on the criminal justice system" and consider justice reinvestment. Justice reinvestment is a transformative approach to the criminal legal system that redirects money away from policing, criminalisation and incarceration towards community-based initiatives aimed at addressing the root causes of people's law breaching (Brown et al., 2016). Consider the following conversation from one focus group when we asked for recommendations for change:

> *For me, I'm not only going to focus on the criminal justice system because this is the back end. We must get back to the root of it – education, the family, and poverty –everything which is the root of the problem. Spending loads of money on the criminal justice system is not effective if the root of the problem is still there. People need to be financially comfortable enough to live; they need to be able to pay their rent and have access to good transportation and education. How could crime happen if people feel comfortable in this country? I want us to focus on early interventions. Sure, there will always be some people who choose to commit crimes even in a utopia-like society, but I'm pretty sure the numbers will be much less. This is my dream.*

CHAPTER
08

SUMMARY

By utilising the voices of criminalised women alongside those of probation staff, this research sought to understand gender, pathways to, and experiences of EM parole for those formerly imprisoned for drug offences. We found that women's prison trajectories were facilitated by a configuration of multifaceted, commonly interconnected vulnerabilities and harms. Most significant, were poverty, familial caretaking, victimisation, trauma, addiction, male influence and control, and limited access to justice. Thus, and in line with previous pathways research, the women that we spoke to were most frequently criminalised for exacting behaviours of survival within contexts of gender subjugation and, for some, through intersectional disadvantage (i.e., older age, identifying as Tomboy, being from an ethnic minority community) (Jeffries & Jefferson, 2022; Jeffries & Chuenurah, 2019; Jeffries et al., 2019; Jeffries et al., 2020; Jeffries et al., 2021; Jeffries et al., 2022; Jeffries et al., 2023; Jeffries et al., 2024a; ; Jeffries et al., 2024b; Owen, et al., 2017; Rao et al., 2022; Russell et al., 2020; Russell et al., 2022; Willison & O'Brien, 2017). The EM parolees that we spoke to were predominantly victim-survivors who had endured a plethora of interpersonal (e.g., familial violence), state (e.g., police corruption) and social structural harms (e.g., poverty, which is feminised). These findings emulated previous pathway studies, again augmenting the logic of the Bangkok Rules and adjacent calls for gender-sensitive criminal justice system policy and practice (Chuenurah et al., 2022; Jeffries & Jefferson, 2022, pp. 5-11; Owen et al., 2017).

International norms and standards are clear: non-custodial measures must be rehabilitative and meet women's gender-specific needs (United Nations General Assembly, 2010; United Nations Office on Drugs and Crime, 2020). Given the life histories and criminalisation pathways of the women on EM parole that we spoke to, and in line with non-custodial best practice directives, we would expect to find:

- That EM parole accounts for women's caretaking responsibilities and other gender-specific needs (Bangkok Rule 60 and 63).
- Interventions being made by the Department of Probation to address the most common problems leading to women's contact with the criminal justice system, including the provision of therapeutic courses and counselling to address the trauma of childhood abuse, domestic violence, and other adverse life experiences together with suitable treatment for substance misuse and other mental health problems. Such programs should take into account the need to provide care for children and women-only services (Bangkok Rule 60 and 62).
- Specific measures and ongoing support being provided by the Department of Probation to protect women from post-release victimisation, stigmatisation, familial disconnection, and other obstacles that may impede their successful reintegration (United Nations Office on Drugs and Crime, 2020, p. 54).
- Partnerships between the Department of Probation and community groups, including NGOs that, in turn, connect women on EM parole to ongoing relevant support with particular care given to those who have lived with or are at risk of violence (United Nations Office on Drugs and Crime, 2020, p. 54; Bangkok Rule 47).
- The provision of various educational and vocational training opportunities by the Department of Probation alongside other initiatives aimed at improving and supporting women's post-release employment prospects and socio-economic vulnerability (United Nations Office on Drugs and Crime, 2020, p. 15).
- Parole being reviewed and adapted to ensure services and support are appropriate and accessible to ethnic minority women (Bangkok Rule 55).
- That EM is only being used for women on parole as a final recourse to protect public safety (United Nations Office on Drugs and Crime, 2020, p. 29 & 50).
- That before attaching EM to a woman on parole, due consideration is being given to the gender-specific impacts. For women and their families, the stress, stigma and shame of being branded 'criminal' is especially severe (United Nations Office on Drugs and Crime, 2020, p. 56).
- If EM must be attached to a woman, it should not set them up to fail. Rather, it must:
    - Be combined with support and supervision by probation staff committed to rehabilitation with the leeway to meet women's changing needs, including not having to report minor breachers to higher authorities (United Nations Office on Drugs and Crime, 2020, p. 55).
    - Take women's familial caretaking responsibilities and income-earning obligations into account (United Nations Office on Drugs and Crime, 2020, p. 55).

On paper, and according to the Department of Probation (2023), parole and EM are meant to be rehabilitative, support reintegration, reduce recidivism and promote "the treatment of offenders in accordance with international norms and standards." Further, the Ministry of Justice has been actively advocating for the use of EM as a tool to "more effectively address and solve the underlying factors relating to drug offences [through rehabilitation rather than punitive measures] and may be "especially beneficial for female offenders" (Supchokpul (2018, p.40). However, in practice, and as per international norms and standards, the gender-specific rehabilitative and reintegrative needs of women on EM parole in Thailand are barely recognised, let alone being met. This is particularly acute in the case of ethnic minority women who sit at the crossroads of gender and ethnic oppression. Here, language, geographical and cultural barriers made ethnic minority women "especially difficult to reach."

Gender was oftentimes understood within the Department of Probation as irrelevant. There was a perception that women and men should be treated equally and little understanding of the necessity of affirmative action to compensate for gendered disadvantage (United Nations, 1979; United Nations General Assembly, 2010; World Economic Forum, 2023). This gender blindness appeared to be organisationally entrenched, cascading down from the upper echelons of the Department's predominantly male power hierarchy. Some female staff had tried to speak out about a lack of gender sensitivity in EM parole and found themselves silenced by the men in charge. Further, the exploitation of front-line workers was unrelenting, with departmental operations profiting from women's goodwill and unpaid labour on the front line. It is also worth noting that claims of "everyone being treated equally" seemed to exclude Tomboys who are especially vulnerable (subjugated at the intersection of gender and sexuality) from the rules about guardianship. Tomboys' intimate partners were precluded from acting as guardians, while the spouses of cis heteronormative women were not.

While pre-release screening by probation officers ensured that women were not leaving prison and returning home to family violence, there were no interventions to address the most common problems leading to women's contact with the criminal justice system. Neither were there any community-departmental partnerships to connect women with relevant post-release supports. Rather than encouraging women's opportunities to engage in employment, being on EM parole was practically and psychologically obstructing job market participation. This is deeply concerning, given the centrality of poverty to imprisonment pathways and the importance of employment to reintegration success (Thailand Institute of Justice, 2021). EM branded women as 'deviant', compounding the stigma of the ex-inmate label, locking many out of the job market.

The shame of being marked 'criminal' also confined EM parolees to the sanctuary of their homes, where they could hide from public scrutiny and protect themselves from predictable employer rejection. Fear that their EM devices would run out of battery, curfews, and containment within certain geographic areas also fraughted the prospects of earning a decent living. This demonstrates a failure to support and protect women from stigmatisation and other barriers to successful reintegration. The women wanted to work, they wanted to be financially "independent", and they did not want to be a burden on their families. Engaging in normative community life, including through employment and being able to earn enough money to live, reduces the probability of re-criminalisation (Arditti & Few, 2008; Cobbina, 2010; Thailand Institute of Justice, 2021). However, rather than supporting rehabilitation and reintegration, EM parole was instead setting women up to fail. As Isra explained, "If there are no jobs, why would we not go back to selling drugs?" Yet, as a testament to the women's resilience, no one did.

Compared to men, positive familial relationships are more significant in women's rehabilitation and reintegration (Arditti & Few, 2008; Cobbina, 2010; Thailand Institute of Justice, 2021). However, like employment, rather than supporting women's connections to loved ones, being on EM parole could strain and even sever familial ties. The branding of women as 'deviant' negatively impacted families who felt the strain of a loved one's stigmatisation, experienced feelings of shame and needed to shoulder the additional economic burden of supporting someone encumbered by EM. Restricting women's movements had further negative impacts. Being unable to travel with family, see family, care for them, or participate in parenting (e.g., taking your child to school) and other activities (e.g., attending funerals and weddings) obstructed post-imprisonment relational re-engagement. Once again, being on EM parole was actively obstructing rather than supporting rehabilitation and reintegration.

Currently, EM is not being used for women as a final resource to protect public safety. Rather, at the directive of the Ministry of Justice, nearly everyone released on parole will be subject to EM. As our pathways analysis showed and supported by other extant studies, women formerly imprisoned for drug offences in Thailand pose little risk to community security (Thailand Institute of Justice, 2021). Women's drug offending behaviours are relatively minor, re-criminalisation is rare, and they express a strong willingness to comply with the criminal justice system-imposed conditions (Jeffries et al., 2019; Jeffries et al., 2021; King & Gibbs, 2003 p. 119). The absurdity of having a blanket EM policy is most candidly exemplified in the stories of elderly women tagged with EM, including 90-year-old Nan, who was imprisoned for the first time in her 80s because her great grandson had drugs at her home. Nan had restricted mobility, requiring a walking stick or frame to move around. The risk Nan posed to society was non-existent, but the harm caused by tagging her with EM was disquieting. Nan's ability to move freely was already constrained by age, but the shame of wearing EM isolated her from the community and important family and religious activities. Likewise, probation officers recounted supervising an elderly woman with EM who was confined to bed in a care facility again, posing no plausible risk to the public.

EM parole does not take women's familial caretaking responsibilities or income-earning obligations into account. As noted above, restricting women's ability to leave locales precluded familial connection and caregiving. In addition to hampering employment and financial security, attending supervision meetings could result in financial strain. Travelling can be costly; recall probation officers telling us that "some people for 100 km to report." These people are most likely ethnic minority women who are doubly disadvantaged by ethnic and gendered oppression and, in turn, have higher than average poverty rates (Rao et al., 2022). Thus, some probation officers used their own money to fund parolees' travel to attend supervision meetings. Here, the goodwill and care of mainly women probation officers are being manifestly exploited by the Department of Probation.

As already noted, EM parole was not experienced as supportive of women's rehabilitation and reintegration. While being on EM parole was "better than prison", it was stigmatising, shameful, anxiety-inducing and further harmed women who were already disenfranchised. Being on EM parole was described as living a life on hold, as existing in a figurative prison with the Probation Department offering only nominal support. The women were still "prisoners, just prisoners on the outside."

Numerous probation staff explained that while rehabilitation was a central aim of EM parole "on paper," in practice, it was about other government imperatives. Namely, reducing prison overcrowding and associated costs while quelling the public's fear of drugs, ironically manufactured by the State for political advantage through the drug war, which has disproportionally impacted women (Cohen, 2014; Jeffries, 2014; Jeffries & Chuenurah, 2016; Junlakan, 2013). Consequently, while individual probation staff may have been committed to rehabilitation, realising this goal was difficult, if not impossible, within a departmental culture that was not only gender-blind but also saw EM parolees as risks to be managed rather than people with needs to be addressed. Surveillance, control, containment and compliance, therefore, superseded the provision of supportive care spaces.

According to the staff that we spoke to, the Department of Probation is severely underfunded. Probation officers reported working in cramped and humid office spaces where they could not use the air conditioning due to budget constraints, and they frequently paid for work-related expenses out of their own pockets. There was no money to support rehabilitation initiatives or, indeed, to adequately remunerate the staff themselves. Maintaining core departmental functions necessitated the widespread departmental exploitation of the kindness and generosity of a majority of female front-line staff who were severely overworked (e.g., up to 200 clients each) and habitually engaged in gratuitous labour to meet untenable workplace expectations. Predictably, probation officers' stress levels were high, and while working "from the heart", limited time and under-capitalisation meant difficulties in "delivering quality services". Officers asked, and we repeated their call, "for the Minister to be [made] aware of the challenges we face when working."

A dearth of funding also meant that physical meeting spaces were difficult, being cramped and devoid of privacy, and this, alongside time restrictions due to high workloads, led probation officers to focus on acquiescence rather than restoration. Instead of confidential spaces where women on EM parole could be open and honest about their struggles, monthly supervision meetings were brief box-ticking exercises in risk management and compliance. Likewise, group activities were typified by a theme of control rather than care. Here, women were constructed within discourses of pathology and taught that coming into conflict with the law was the result of character flaws and moral deficiencies fixable through self-mastery. Thus, rather than being empowering and emancipatory, interactions between women on EM parole and probation officers were, at best, invalidating and, at worst, conjured feelings of anxiety and stress. This is counterproductive to compliance and 'recidivism' reduction (Morash et al., 2014; Opsal, 2014).

EM is an inflexible tool that treats everyone being monitored equally without consideration of gendered variance, and probation officers neither had the time, discretion, nor flexibility to adapt even the most plainly nonsensical conditions. For example, recall that Nalin's bathroom was an outhouse. She was under a night-time curfew, which meant confinement inside the main dwelling. Using the outhouse bathroom at night was a breach of Nalin's EM parole, so she was forced to use a bucket as a toilet at night. Human beings have a basic human right to dignity, and as a woman, being forced to relieve yourself in this way is degrading but likely made worse during menstruation. Women may also breach EM by going outside designated areas to fulfil familial caretaking responsibilities such as taking children to school and family members to the hospital.

The centrality of compliance and containment to EM parole also led to parolees experiencing device anxiety. Batteries needed to charge regularly, sometimes up to three times a day, with the charging capacity of older devices being particularly "faulty." This could isolate EM parolees at home close to electricity supplies because letting their device run out of battery constituted a breach. Dodgy batteries also elevated probation officers' stress levels. Putting EM on women who resided in areas with poor signal strength and inconsistent electricity created a particularly wearisome situation for everyone. The women feared inadvertently violating and being sent back to prison. Probation officers dreaded the wrath of the department if an EM parolee 'fell off the gird' and they could not sort it out quickly. Luckily, and in line with international norms and standards, probation officers did not have to report minor breaches to higher authorities. Finally, gender-specific needs were not considered in the design of the EM device itself, which is large, cumbersome, and uncomfortable to wear because it was "not initially designed for women."

CHAPTER
09

RECOMMENDATIONS

OVERARCHING RECOMMENDATION

As a matter of urgency, all possible measures must be taken by the government to support the Department of Probation to develop gender-sensitive curriculums of care, support and rehabilitation for women on EM parole as per the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders or The Bangkok Rules (United Nations General Assembly, 2010) and the United Nations Office on Drugs and Crime (2020) best practice guidelines for non-custodial measures. More specifically:

RECOMMENDATION 1: INCREASED RESOURCING

Departmental funding should be expanded to:

1. Improve the physical spaces where EM parolee supervision, support, and group activities take place.
2. Remunerate staff for working overtime.
3. Pay for essential office and work-related expenses such as staff travel, air-conditioning, mobile phones, computer equipment, liquid paper, etc.
4. Support EM parolees to travel to supervision appointments in cases of financial hardship.
5. Hire interpreters to enable probation officers to communicate with and provide support to ethnic minority groups.

RECOMMENDATION 2: DECREASED WORKLOAD

The workload of probation officers must be substantially decreased to allow them the time and space to focus on care, support, and rehabilitation. In particular, the Department of Probation must establish an optimal officer-to-supervisee ratio and work toward achieving this. Other ways to reduce the workloads of front-line workers should also be considered, such as improving office IT systems, increasing administrative support, and aiding with the EM equipment (e.g., responding to alarms being triggered outside of office hours). No changes should be implemented without staff consultation. A top-down approach would be counterproductive and invalidate front-line staff knowledge and expertise.

RECOMMENDATION 3: UTILISING EM SPARINGLY

Women in conflict with the law pose negligible risk to the security of the public, and as such, the branding of women with an EM device should be the exception, not the rule. Decreasing the number of women (and men) on parole with EM will reduce probation officer workload, support rehabilitation and reintegration and ultimately, reduce re-criminalisation.

RECOMMENDATION 4: ESTABLISHING/IMPROVING COMMUNICATION BETWEEN PAROLE AUTHORITIES AND PROBATION

Before a person is tagged with an EM device and other parole conditions are imposed, probation officers should be consulted. Moreover, based on the needs of parolees, probation officers should be granted the liberty to take the EM off and adapt or remove conditions as appropriate.

RECOMMENDATION 5: EMPLOYING WORKPLACE CHAMPIONS AND OTHER RESOURCES

Front-line staff at the Department of Probation possess a wealth of knowledge and invaluable experience. It will be important to identify women within the Department who can act as champions for developing and disseminating a gender-sensitive policy and practice strategy. This should include consideration of those with multiple vulnerabilities, e.g., ethnic minority women, older women, and Tomboys. Meeting with women formerly on EM parole and any community-based organisations that support them would be useful, and it would be advantageous to seek assistance from other justice sector organisations with applicable expertise. For example, since 2015, the Department of Corrections, in partnership with the Thailand Institute of Justice, have developed a Model Prison Project on the implementation of the Bangkok Rules. This initiative has produced an evaluation checklist on Bangkok Rules effectuation, sought to enhance the understanding of prison staff about Bangkok Rules and encouraged correctional institutions across Thailand to carry out their policies and practices in line with the Bangkok Rules.

RECOMMENDATION 6: TRAINING PROVISION

Conduct mandatory training for all personnel at the Department of Probation on gender-responsivity, making sure they are familiar with provisions of the Bangkok Rules and the United Nations Office on Drugs and Crime (2020) best practice guidelines for non-custodial measures. Training must cover the underlying causes of women's criminal justice system involvement, their experiences of prison and reintegration, rehabilitation needs and the impacts of intersectional disadvantage. It will be important for the Department to provide front-line staff with adequate time and space to undertake this training without further over burdening them.

RECOMMENDATION 7: ENCOURAGING GENDER RESPONSIVITY

Consideration should be given to adopting performance standards for probation staff that are focused on gender sensitivity, an ethic of care and commitment to rehabilitation. Like the Model Prison (see recommendation 5), thought might also be given to the feasibility of introducing a Gender Responsive Probation Office Project. The aim would be to enhance understanding and encourage the implementation of gender-sensitive policy and practice within each probation office countrywide.

RECOMMENDATION 8: WOMEN-FRIENDLY EM DEVICES

EM technology must be made smaller for women. In consultation with women who have experienced EM and people in the industry with technological proficiency in the area, consideration should also be given to devices being re-designed/disguised in some way, e.g., made to look like a smartwatch.

RECOMMENDATION 9:
BATTERY LIFE AND CHARGING

The battery life of EM devices must be improved. Ideally, devices should only need to be charged at most, once a day.

RECOMMENDATION 10:
ABOLISHING LGBT DISCRIMINATORY POLICY/ PRACTICE

Cisnormative heterosexist policy/practice concerning guardianship must be repealed without delay. The intimate partners of Tomboys and other same-sex couples should be permitted to act as guardians for their loved ones.

RECOMMENDATION 11:
RESEARCH AND EVALUATION

Criminal justice policy and practice must be evidence driven. Thus, as per Bangkok Rules 67, efforts should be made by the Department of Probation to promote a comprehensive research agenda that seeks to understand the criminalised women under their care and any subsequent initiatives designed to support and rehabilitate them. Studies should be undertaken regularly for effective planning, program development and policy formulation.

RECOMMENDATION 12:
BROADER SYSTEMIC CHANGE

There must be a comprehensive examination of Thailand's drug laws that continue to unnecessarily propel so many women into prison. The only way to sustainably reduce prison overcrowding is for the drug war to stop. Substance misuse needs to be looked at from the standpoint of public health, not criminal justice. At sentencing, small-time drug offenders must be demarcated from big-time players in the illicit drug trade. As per Bangkok Rule 61, when sentencing women, courts must consider "mitigating factors such as lack criminal history and relative non-severity and nature of criminal conduct, in light of women's caretaking responsibilities and typical backgrounds", i.e., pathways to prison. The government should be reallocating resources from prisons to community-based alternatives and organisations working to address the underlying causes of women's criminalisation. Ideally, Thailand must move away from penal populism toward a strategy of justice re-investment to stop people coming into conflict with the law to begin with.

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