

WOMEN IN PRISON  
FEMMES EN PRISON

# WOMEN IN PRISON

The Bangkok Rules and Beyond

# FEMMES EN PRISON

Les règles de Bangkok et au-delà

*Edited by*

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Femmes en prison: Les règles de Bangkok et au-delà  
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# FOREWORD

For a long time, the international community has been cooperating to develop common standards on the treatment of offenders. The efforts of the International Penal and Penitentiary Commission (IPPC) in affiliation with the League of Nations, and later the work of the International Penal and Penitentiary Foundation (IPPF), led to the adoption of the first international set of rules in 1955, namely the Standard Minimum Rules for the Treatment of Prisoners (SMR). The adoption of these rules marked a significant step in ensuring a rights-based treatment for those deprived of liberty.

Over five decades the SMR were regarded as a key reference of generally accepted, good principles underlying the treatment of prisoners and the management of correctional institutions. However, there has been increased international recognition that the specific needs of women were not adequately recognized in the criminal justice system. Across the globe, women prisoners share a common background which shapes their pathways to prison. Many have similar histories of abuse and trauma, and limited access to education and work. Some have a history of substance abuse, mental and/or physical health problems. Without appropriate support and gender-sensitive treatment, women prisoners are at risk of re-victimization while in prison and of reoffending once released.

The adoption of the “United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders” or the “Bangkok Rules” by the United Nations General Assembly in December 2010 represented a major paradigm shift in the outlook on women’s correction facilities. The Rules take into account existing standards and norms including the SMR and the United Nations Standard Minimum Rules on Non-custodial Measures (the Tokyo Rules), while incorporating elements of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

Since their adoption, the Bangkok Rules have been promoted and applied in various countries. In the past few years, we have seen efforts being made to improve domestic legislation and practices. Also, many countries have increasingly invested in research and capacity-building activities. Such efforts have broadened our knowledge of the characteristics and backgrounds of women in prison and have increased the visibility of the Bangkok Rules in academia and among practitioners.

It was timely that the IPPF Colloquium 2014, which was organized in Bangkok, Thailand, focused on the theme “*Women in Prison*” as it provided

an excellent opportunity for a discussion on how to improve the treatment of women offenders and on how to tackle issues relevant to the application of the Bangkok Rules from different perspectives. This book is a result of the dedication and hard work of the panelists of the IPPF Colloquium 2014 together with international experts which committed to share their knowledge and expertise in this field.

In this book, you will find chapters about facts and figures of women in prison in the global context, women's pathways to prison, regional instruments concerning the protection of women deprived of their liberty and the architecture of women's prisons. In addition, it includes national reports which provide detailed information about legal frameworks, statistics and conditions under which women are held in correctional facilities in particular countries.

Therefore, I welcome this book as a significant contribution to our understanding of the situation of women in prison in different parts of the world. I thank the authors for their contribution to this publication and truly believe that the knowledge contained in this book will be a useful resource to improve the treatment of women offenders and promote gender-sensitive criminal justice policy both nationally and internationally.

Dr Kittipong KITTAYARAK  
*Executive Director*  
*Thailand Institute of Justice*

## AVANT-PROPOS

La communauté internationale a longtemps coopéré à l'élaboration de normes communes en matière de traitement des délinquants. Les efforts consentis par la Commission internationale pénale et pénitentiaire (CIPP), en collaboration avec la Société des Nations, puis le travail de la Fondation internationale pénale et pénitentiaire (FIPP), ont mené à l'adoption du premier ensemble de règles internationales en 1955, à savoir les Ensemble de règles minima pour le traitement des détenus (ERMTD). L'adoption de ces règles marque une étape déterminante dans la garantie d'un traitement fondé sur les droits pour ceux qui sont privés de liberté.

Pendant plus de cinq décennies, l'ERMTD fut considéré comme une référence ultime de bons principes, généralement acceptés, qui sous-tendent le traitement des prisonniers et la gestion des institutions pénitentiaires. Nous assistons cependant à une prise de conscience internationale de l'absence dans le système de justice pénale d'une reconnaissance des besoins spécifiques aux femmes. Les détenues du monde entier partagent des antécédents communs qui déterminent la façon dont elles aboutissent en prison. Nombreuses sont celles qui partagent un passé commun de maltraitance et de traumatismes, d'opportunités d'éducation et de travail limitées. Certaines sont marquées par la toxicomanie et des problèmes de santé mentale et / ou physique. En l'absence d'aide et de traitement spécifique au genre, les détenues risquent la revictimisation en prison et la rechute dans la délinquance dès leur sortie.

L'adoption par l'Assemblée générale des Nations-Unies, en décembre 2010, des « Règles des Nations Unies concernant le traitement des détenues et l'imposition de mesures non privatives de liberté aux délinquantes », également appelées « Règles de Bangkok » constitue un changement de paradigme dans la perspective des établissements pénitentiaires pour les femmes. Les Règles de Bangkok tiennent compte des standards et des normes existants, notamment l'ERMTD et les Règles minima des Nations Unies pour l'élaboration de mesures non privatives de liberté (Règles de Tokyo), tout en intégrant des éléments de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes et la Convention relative aux droits de l'enfant.

Depuis leur adoption, les Règles de Bangkok ont été promues et appliquées dans divers pays. Au cours des cinq dernières années, nous avons constaté que des efforts étaient consentis dans le but d'améliorer la législation et les pratiques. Nombreux sont en outre les pays qui ont sans cesse plus largement investi dans

des activités de recherche et de renforcement des capacités. Ces efforts ont développé notre connaissance des caractéristiques et du passé des femmes en prison, tout en accroissant la visibilité des Règles de Bangkok dans le milieu académique et auprès des spécialistes.

L'organisation du Colloque IPPF, à Bangkok (Thaïlande) en 2014, sur le thème des « Femmes en prison » était opportune. Ce fut en effet une excellente occasion d'aborder les possibilités d'améliorer le traitement des délinquantes et de régler les problèmes pertinents pour l'application des Règles de Bangkok suivant des perspectives différentes. Le présent ouvrage est le résultat de l'implication et du dur labeur des panélistes du colloque IPPF 2014 et des experts internationaux qui se sont engagés à partager leurs connaissances et leur expertise dans ce domaine.

Vous trouverez dans ce volume des chapitres consacrés aux faits et chiffres relatifs aux femmes en prison dans le contexte mondial, le cheminement des femmes vers la prison, les instruments régionaux relatifs à la protection des femmes privées de liberté et l'architecture des prisons pour femmes. De plus, il comprend des rapports nationaux fournissant des informations détaillées sur les cadres légaux, les statistiques et les conditions dans lesquelles les femmes sont détenues dans les établissements pénitentiaires dans certains pays.

C'est pourquoi j'accueille le présent ouvrage comme une contribution significative à la compréhension que nous avons des femmes en prison dans différentes parties du monde. Je tiens à remercier les auteurs pour leur contribution à cette publication. Je suis convaincu que les connaissances contenues dans cet ouvrage seront une ressource utile pour l'amélioration du traitement des délinquantes et la promotion d'une politique de justice pénale sensible au genre, tant au niveau national qu'international.

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