



Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

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Report of Committee I: workshop 1

Addendum

Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders

Proceedings

1. At its 1st meeting, on 12 April 2015, the Thirteenth Congress elected by acclamation Roberto Rafael Campa Cifrián (Mexico) as Chair of Committee I. At its 1st meeting, on 13 April 2015, Committee I elected by acclamation Mark Rutgers van der Loeff (Netherlands) as Vice-Chair and Jeanne Mrad (Lebanon) as Rapporteur.

2. At its 1st to 3rd meetings, on 13 and 14 April 2015, Committee I held a general discussion on agenda item 3, entitled “Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development”. For its consideration of the item, the Committee had before it the following documents:

(a) Background paper on workshop 1, on the role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders (A/CONF.222/10);

(b) Discussion guide (A/CONF.222/PM.1);

(c) Reports of the regional preparatory meetings for the Thirteenth Congress (A/CONF.222/RPM.1/1, A/CONF.222/RPM.2/1, A/CONF.222/RPM.3/1 and A/CONF.222/RPM.4/1).



3. The workshop was moderated by Yvon Dandurand, fellow and senior associate at the International Centre for Criminal Law Reform and Criminal Justice Policy. Keynote speeches were delivered by Princess Bajrakitiyabha Mahidol of Thailand, and by Marta Santos Pais, Special Representative of the Secretary-General on Violence against Children, via recorded video message. Presentations were made by the following panellists: Haitham Shibli, Penal Reform International; Kittipong Kittayarak, Thailand Institute of Justice; Maria Noel Rodriguez, United Nations Office on Drugs and Crime (UNODC); Uju Agomoh, Prisoners Rehabilitation and Welfare Action of Nigeria; Kelly Blanchette, Mental Health Branch, Correctional Service Canada; Sandra Fernández, Regional Penitentiary Academy, Office of the Attorney General of the Dominican Republic; Sara Robinson, National Probation Service of the United Kingdom; Masako Natori, Ministry of Justice of Japan; Alexandra Martins, UNODC; Zhao Bingzhi, Beijing Normal University; Carlos Tiffer, Latin American Institute for the Prevention of Crime and the Treatment of Offenders; Horace Chacha, Shikusa Borstal Institution, Kenyan Prisons Service; Christian Ranheim, Raoul Wallenberg Institute of Human Rights and Humanitarian Law; and Mohammed Hassan Al Sarra, Naif Arab University for Security Sciences.
4. The 1st and 3rd meetings, on 13 and 14 April, were chaired by Roberto Rafael Campa Cifrián (Mexico), and the 2nd meeting, on 13 April, was chaired by Mark Rutgers van der Loeff (Netherlands).
5. At the 1st meeting, introductory remarks were made by a representative of the Secretariat, the Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders.
6. At the 2nd meeting, statements were made by the representatives of the United States, Azerbaijan, Canada, Saudi Arabia, Switzerland, Thailand, Turkey, Paraguay, Pakistan, Indonesia and South Africa. Statements were also made by the observers for Quaker United Nations Office and Penal Reform International, as well as by two individual experts.
7. At the 3rd meeting, statements were made by the representatives of Slovenia, Canada, Thailand, the United States, Mauritania and Spain. The observer for the European Union also made a statement.

General discussion

8. The keynote speaker, opening the panel discussion on “Women: treatment of offenders, rehabilitation and social reintegration”, recalled the various United Nations standards and norms developed through the years, particularly those related to the treatment of prisoners, and recent international developments in promoting the fundamental rights of women prisoners, including the adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Reference was made to the current status of the implementation of those standards at the national level, and it was noted that the status of implementation varied from one country to another. The importance of fair, humane and gender-sensitive treatment for the rehabilitation of women prisoners and offenders for their successful reintegration into the community was also highlighted.

9. The first panellist presented the results of surveys undertaken by Penal Reform International in a number of countries on the characteristics of women prisoners and women offenders and the impact of imprisonment on women. Reference was made to a series of technical assistance tools developed to assist countries in implementing an integrated approach to meet the needs of women offenders and prisoners. The second panellist illustrated the impact of imprisonment on incarcerated mothers and their children and presented the experience of Thailand in enhancing mother-child relations, medical care and living conditions for pregnant women, nursing mothers, women with children in prison and foreign women prisoners. He emphasized the need for developing gender-sensitive national laws and policies and promoting human-rights-based correctional practices, as well as for ensuring support from the public for penal policies related to women prisoners and women offenders. The panel then heard about the progress made in Latin America in implementing the Bangkok Rules. Examples of gender-sensitive policies and practices from different countries in that region were provided. The fourth panellist analysed the situation of women in prison or pretrial detention in Africa, highlighting practical measures to improve the treatment and protection of women prisoners in developing countries. In the fifth presentation, experiences from the federal correctional system of Canada in the treatment of women prisoners and offenders were presented, including gender-responsive and tailored policies and programmes based on gender-specific assessments, gender-responsive staffing models and redesigned prison infrastructure, as well as correctional and social programming and mental health treatment for women. The prison management model of the Dominican Republic was then presented, in particular its special programmes for the treatment of women prisoners and for the preparation for the reintegration of women prisoners into society. The panel also heard about experiences from the probation services of England and Wales in the supervision of women offenders in the community, where a number of gender-sensitive and women-specific offender management and social reintegration services were available, based on a multiagency approach. The final presentation illustrated the situation of women offenders, women's prisons and female prison officers in Japan, along with measures taken to address the increased number of female inmates, secure the stable employment of female prison officers, build their capacity and improve their working environment.

10. During the discussion, several speakers reflected on the situation of women in prisons in different parts of the world and the challenges they faced in that regard, and detailed their respective national experiences in dealing with women prisoners and offenders. It was recognized that the number of women in prisons was increasing at a higher rate than the population of male prisoners was. The unique situation of older women in prisons, as well as of prisoners with disabilities, was highlighted. It was noted that women were in prison mostly for offences related to drug trafficking and minor offences and that many had a history of victimization, especially violence. In that regard, a project developed by the European Institute for Crime Prevention and Control, affiliated with the United Nations, addressing women in prison who had experienced childhood, intimate partner or other forms of physical and sexual violence, was mentioned. Participants listed challenges related to women in prison and, in that respect, mention was made of the difficulties of women with children in maintaining relationships with their children, which increased their suffering and had a major impact on the children. Participants agreed

on the importance of the Bangkok Rules for the improvement of the situation of women, and emphasized that a holistic approach was needed, combined with a strategy that involved all relevant stakeholders, including communities. Participants shared best practices and agreed that gender-specific rehabilitation and reintegration programmes had a greater impact on women, and that such programmes needed to be evidence-based and adjusted to the specific needs of women, based on assessment and ongoing data collection. Others highlighted the importance of the transparency and openness of prisons, combined with monitoring to ensure that rights were respected. Success stories could be shared on how the use of the media could be beneficial with regard to changing the stigma still faced by women prisoners.

11. The panel on “Children: treatment of offenders, rehabilitation and social reintegration” was opened by the Special Representative of the Secretary-General on Violence against Children, who delivered a keynote speech via video link. She recalled the most relevant standards and norms related to children in conflict with the law and noted how there was still a serious governance gap between the normative frameworks that such instruments provided and their implementation. She also referred to the situation of children living in violent contexts, children with mental health problems deprived of their liberty and girls deprived of their liberty, underlining the importance of the recently adopted United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice¹ in protecting the rights of such children.

12. The first presentation focused on the provisions contained in the Model Strategies and Practical Measures and the work of UNODC to support the implementation of that new instrument, including the joint UNODC-UNICEF Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice. Recent activities to assist countries in implementing the Model Strategies and Practical Measures, and in particular the UNODC checklist to facilitate assessments and measures to bring justice systems into compliance with the new legal instrument, were the focus of the second presentation. The panel then heard about the initiatives undertaken by China in dealing with children in conflict with the law, which stressed the role of family, school and social organizations and the reforming of relevant laws, policies and practices based on international instruments and standards. The focus of the fourth presentation was on good practices concerning alternatives to judicial proceedings from the Costa Rican juvenile justice system, including remission, plea bargains, dismissals and the closing of case files, reconciliation processes, suspension of proceedings and redress for damages. The fifth panellist illustrated the experiences of Kenya in dealing with children in conflict with the law, in particular the Shikusa Borstal Institution, which provided programmes to ensure that offenders were prepared for a crime-free life upon release and to allow their smooth reintegration into the community. During the panel, the findings of a recent baseline study on juvenile justice systems conducted by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in the Association of Southeast Asian Nations region were shared. The study identified common trends, best practices and main challenges throughout the region regarding treatment, rehabilitation and social reintegration of juvenile offenders. The seventh presentation focused on the experience of Saudi

¹ General Assembly resolution 69/194.

Arabia with regard to the rehabilitation and social reintegration of children in conflict with the law into the community, analysing the risk factors for children coming into conflict with the law and then presenting an overview of the different mechanisms available to the community for care and rehabilitation. The final presentation, focusing on the treatment of young female offenders, illustrated the philosophy of the Swedish prison system of using prison as a last resort for that type of offender, an approach that was one of the most effective measures for facilitating rehabilitation and social reintegration.

13. A representative of the Secretariat provided an update on the revision of the standard minimum rules for the treatment of prisoners that had been mandated by the General Assembly in 2010.

14. During the discussion, there was broad agreement among participants on the high value of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice as a powerful tool for Member States to protect the rights of children in contact with the justice system and to effectively prevent and respond to incidents of violence. One speaker commended UNODC for having developed, with the United Nations Children's Fund (UNICEF), a global programme on violence against children in the field of crime prevention and criminal justice, and encouraged Member States to provide funding. Delegates referred to progress achieved to date by national Governments in promoting the rights of children in contact with the law and protecting them from violence. Several speakers expressed support for the outcome of the revision process of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which had been finalized by the Intergovernmental Expert Group Meeting at its fourth meeting, held in Cape Town, South Africa, in March 2015, and recommended the revised set of Rules for endorsement by the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session.

Conclusions

15. The conclusions of the discussions, as summarized by the moderator on behalf of the Chair, are as follows:

(a) Member States should adopt or amend legislation, policies and measures for women offenders and children in conflict with the law in line with relevant United Nations standards and norms and provide adequate funding for their implementation;

(b) Member States are invited to mainstream a gender perspective into criminal justice systems with programmes that take into account the histories of women offenders, including victimization history and related mental health issues;

(c) Member States are encouraged to review relevant national legislation, policies, procedures and practices to effectively prevent and respond to violence against children who are alleged offenders or victims or witnesses of crime;

(d) To improve the effectiveness of the criminal justice system in preventing and responding to serious forms of violence against children, the complementary roles of the justice system and the child protection, social welfare, health and education sectors should be recognized;

(e) Member States should promote the use of alternative measures to judicial proceedings both for women and children. The principle that deprivation of liberty of children should only be used only as a measure of last resort and for the shortest appropriate period of time should be respected. Likewise, whenever possible, the use of pretrial detention for children should be avoided;

(f) Member States should develop gender-specific health care within prisons, taking into account sexually transmitted diseases; mental health-care needs, including risk of suicide and self-harm; pregnancies and related reproductive health issues; the existence of drug dependency; and sexual abuse and other forms of violence;

(g) Proper measures should be in place to address the specific needs of children deprived of their liberty, in particular as relates to health-care services and hygiene;

(h) Member States are invited to develop and implement trauma-informed programmes and interventions for women prisoners and children in conflict with the law;

(i) Member States should minimize the use of imprisonment for pregnant women and mothers with young children. If imprisonment is unavoidable, services such as nurseries, mother-child units, nursing care and formal education for the children of women prisoners should be provided, and cooperation with relevant organizations, including non-governmental organizations, the private sector and the community, should be encouraged;

(j) UNODC, in cooperation with UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR), is invited to develop guidance for countries on how to determine and interpret the best interests of the children of incarcerated mothers;

(k) Member States should develop gender-specific rehabilitation and reintegration treatment programmes, both in institutions and in the community, including during the aftercare phase, taking into account the special treatment needs of women, such as substance abuse, lack of adequate education, and victimization history;

(l) Member States should provide support, programmes and services for children deprived of their liberty prior to and after release in order to promote their rehabilitation and reintegration into the community;

(m) Rehabilitation and reintegration programmes for women prisoners and children deprived of their liberty should be implemented in coordination with relevant non-governmental organizations, the private sector and the community;

(n) Member States should develop policy guidance on how to deal with women offenders from minority groups, including foreign nationals and indigenous women;

(o) Member States should strengthen the use of evidenced-based research in the implementation of strategies related to women offenders and children in conflict with the law. In particular, Member States are encouraged to incorporate gender variables into their criminal justice statistics and develop case management databases with gender-specific data. Furthermore, they are invited to develop a

system for collecting and reporting juvenile justice data and statistics, in particular on the status of children deprived of their liberty, and to contribute to the undertaking of an in-depth global study on children deprived of liberty, in line with General Assembly resolution 69/157;

(p) Member States should raise awareness of and disseminate relevant international instruments and standards and norms, including the Bangkok Rules and the Model Strategies and Practical Measures, to all relevant criminal justice officials, non-governmental organizations and the community;

(q) In view of the importance of public support and participation in the development of penal policies, strategies and programmes related to women prisoners and children in conflict with the law, efforts should be made to ensure such support and participation;

(r) Member States are encouraged to strengthen their training and capacity-building activities for criminal justice personnel based on relevant international instruments and standards and norms;

(s) Member States should design effective national strategies for the promotion of female corrections officers to leadership and managerial roles in the treatment of women offenders;

(t) Member States should promote the sharing of good practices in the treatment and social reintegration of women offenders and children in conflict with the law at the regional and international levels;

(u) UNODC should continue providing assistance and support to countries, upon request, to implement the Bangkok Rules and the Model Strategies and Practical Measures. Member States are invited to make full use of the tools developed by UNODC;

(v) Member States are encouraged to provide financial and other resources to strengthen the technical assistance capacity of UNODC to address the needs of women prisoners and offenders, as well as to protect all children who are in contact with the justice system from violence, including through the implementation of the UNODC-UNICEF Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice;

(w) The Commission on Crime Prevention and Criminal Justice is invited to endorse the revision of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with existing mandates, with a view towards the final adoption of the revised set of rules by the General Assembly.