Module 4. The Bangkok Rules

4.1 What are the Bangkok Rules

These materials will help participants to understand what are the Bangkok Rules and why these rules are important in the context of the treatment of women

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders – or, in short, "the Bangkok Rules" – is a set of prison rules focusing on the treatment of female offenders and prisoners (Cerezo, 2017). The Bangkok Rules were adopted by the United Nations General Assembly on 22 December 2010. Similar to the Tokyo Rules, the Bangkok Rules can be viewed as a complement to the more general Mandela Rules: they address the specific needs of women in prison. The Bangkok Rules cover three overlapping issue areas: women's specific needs, the prevention of abuse, and the protection of children's rights (Van Kempen & Krabbe, 2017).

The rules acknowledge that female prisoners have different needs and, consequently, require different treatment to male prisoners. Because women often have a crucial caretaking role in the family, non-custodial sentences are preferred to keep the family together and to ensure that children and elderly family members are taken care of (**Rules 57–62**). Because of the importance of family ties, frequent visits should be made available (**Rule 4** and **Rules 26–28**). The Bangkok Rules also stipulate that prison authorities should take into account the special health needs of women, including their greater susceptibility to depression and self-harm (Van Kempen & Krabbe, 2017).

A second central topic in the Bangkok Rules is the prevention of (sexual) abuse in the prison. Van Hout et al. show that women in prison are often subject to gender-based violence. As a rule, women are sentenced for less severe, non-violent crimes (Van Hout, Fleißner, Stöver, 2021). Moreover, female imprisonment is often underpinned by poverty, for instance when women are breaking the law in order to secure their basic survival, so-called 'crimes of survival' (Van Hout, Fleißner, Stöver, 2021). The Bangkok Rules therefore focus especially on the needs of women in prison. As measures to decrease the risk of (sexual) violence, they mention screening for prior (sexual) abuse, counselling, legal action, training of female staff members, special rules on searches and medical examinations, and a specific procedure in case of abuse in prison (Van Kempen & Krabbe, 2017).

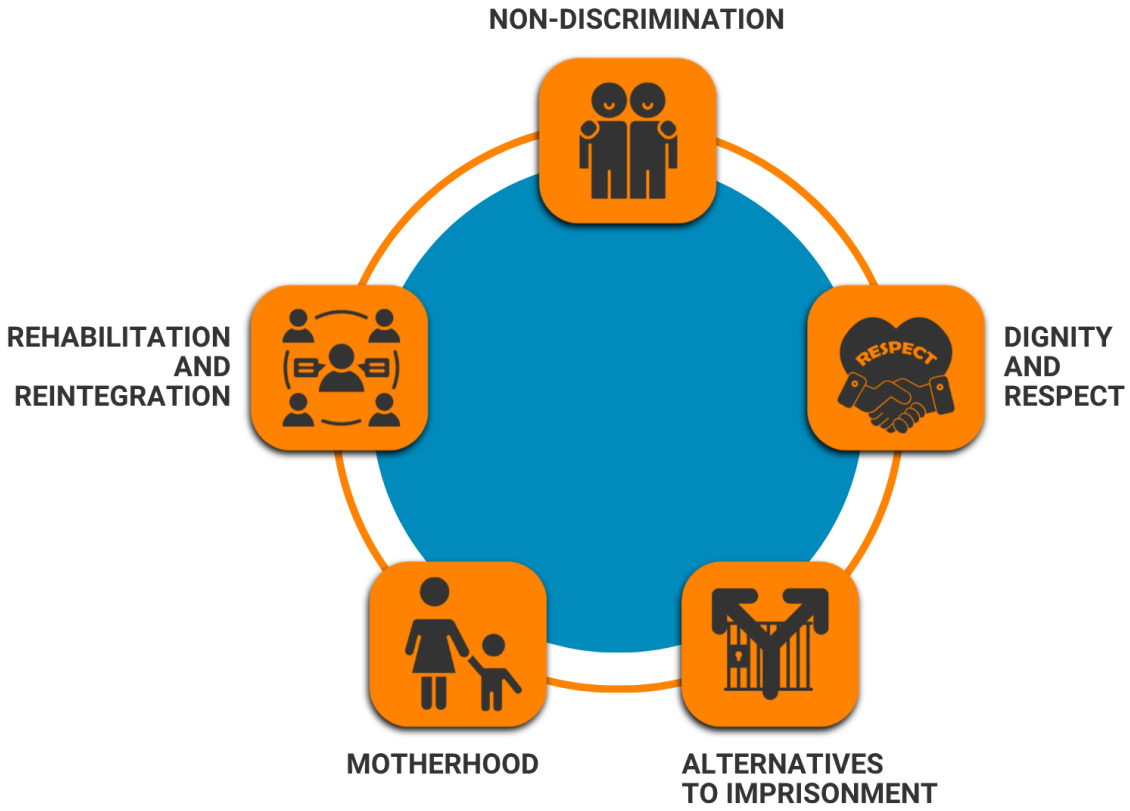
Furthermore, the Bangkok Rules aim to protect children's rights, sometimes through protecting the rights of their mothers (Van Kempen & Krabbe, 2017). The rules stipulate that custodial sentences should be avoided for pregnant women and women with dependent children (**Rule 64**). If incarceration is necessary, prison administration should make it possible for children to stay with their mother (**Rules 49–51**). When children are not in prison with their mother, contact between mother and children should be facilitated by the prison administration (**Rules 26–28**). Because of the fact that women are sometimes accompanied by dependent children, the Bangkok Rules also focus on the specific needs of children in prison Van Hout, Fleißner, Klankwarth, Stöver, 2022).

In addition to these three main issue areas, the Bangkok Rules also contain rules for specific groups of female prisoners, including juvenile females (**Rules 36–39** and **Rule 65**), foreign nationals (**Rules 53 and 66**), and minorities and indigenous peoples (Rules 54 and 55).

The Bangkok Rules recognise the specific needs of female prisoners and provide guidance to meet these needs in the prison context and reduce the female prison population (Cerezo, 2017; Van Hout, Fleißner, Stöver, 2021). As women form a minority among the prison population, their situation and needs have, for a long time, been invisible. The Bangkok Rules play an important role in creating international attention for female prisoners. The final sections of the Bangkok Rules therefore call for more research (**Rules 67–70**) with the aim of better understanding the situation and needs of women in prison (Van Kempen & Krabbe, 2017).

Women and girls make up a small percentage of prisoners globally, roughly 7% (Institute for Criminal Policy Research). Their unique needs and challenges within the criminal justice system often go unnoticed and unmet. In some countries, the number of imprisoned women has grown significantly, often due to harsh penalties for non-violent offenses, such as property and drug-related crimes. Many of these women come from socially disadvantaged backgrounds. Women from foreign national backgrounds and other disadvantaged groups face even more difficulties within the criminal justice system, including in prison. Some of these challenges also affect men, though to a lesser extent.

KEY PRINCIPLES OF THE BANGKOK RULES



SOLID Social work and strengthening NGOs in development cooperation to treat drug addiction

4.2 Bangkok Rules topics

The problems addressed by the Bangkok Rules include:

- Fewer women's prisons, are often far from home and family, leading to isolation, especially for those from disadvantaged backgrounds. Some women end up in male prison annexes, risking psychological and physical abuse.
- Challenges in caring for dependent children outside of prison, with many women losing their homes and jobs upon detention, causing lasting family disruption.

- Problems in caring for dependent children in prison, as prison environments are generally unsuitable for children, and women cannot be with their kids for extended periods.
- Increased vulnerability of women to mental and physical abuse, including rape and sexual exploitation, with heightened risk during strip searches. Cultural modesty, menstruation, and pregnancy can worsen their experiences.
- Heightened vulnerability of women to self-harm and suicide upon entry to prison, particularly if they are primary caregivers, illiterate, poor, or have been victimized.
- Challenges in addressing the physical characteristics and healthcare needs of female prisoners, as correctional systems are often male-oriented. Hygiene, reproductive health, and the prevalence of HIV and AIDS among women prisoners pose specific challenges.
- Economic and social disadvantage, resulting in reduced access to justice, as many women offenders come from economically disadvantaged backgrounds and have limited access to education and legal rights.
- Increased stigmatization, as women offenders may challenge traditional gender roles. In some cases, women may lose parental rights without considering the best interests of their children.

BANGKOK RULES TOPICS

NO.	TOPIC	RULES
1	Non-discrimination of women in prison	Rule 1
2	Admission, registration and allocation	Rules 2-4
3	Hygiene and healthcare	Rules 5-18
4	Safety and security	Rules 19-25
5	Contact with the outside world	Rules 26-28
6	Prison staff	Rules 29-35
7	Special categories	Rules 36-39 & 53-56
8	Rehabilitation	Rules 40-47
9	Pregnant women, breastfeeding, mothers and mothers with children in prison	Rules 48-52
10	Non-custodial measures	Rules 57-66
11	Research, planning, evaliation, and public awareness raising	Rules 67-70

SOLID Social work and strengthening NGOs in development cooperation to treat drug addiction | Source: Pape, U.,Stover., H. & Michels, I.I. (2023). Social Worl and Health in Prisons, Studies from Central Asia and China. Nomos

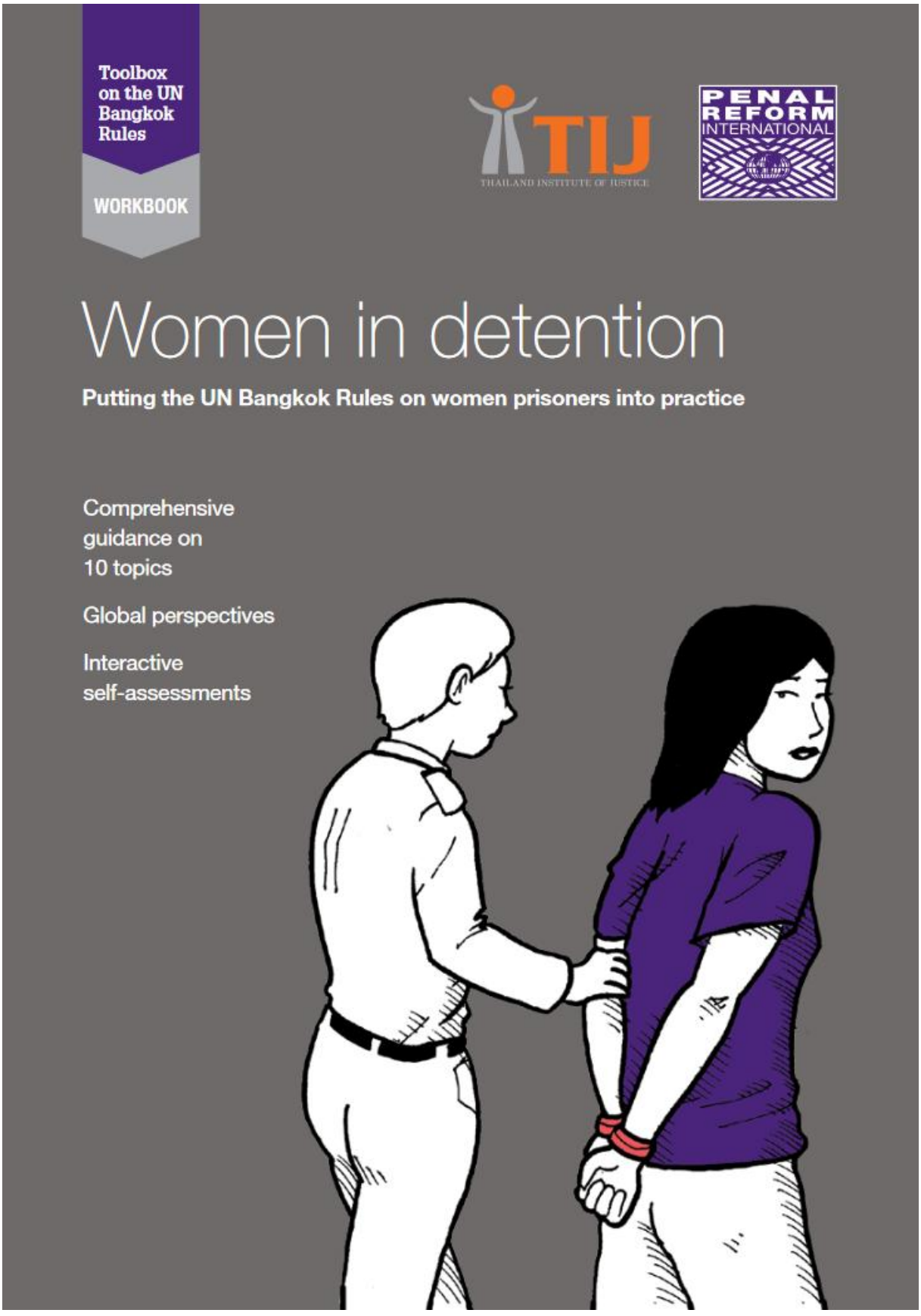
Example

The accommodation of women prisoners (**Rule 5**) shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

The rules emphasize the following key principles:

- **Non-discrimination:** Women should not be subjected to discrimination on the basis of their gender.
- **Dignity and respect:** Women should be treated with dignity and respect, and their specific needs, including healthcare, should be addressed.
- **Alternatives to imprisonment:** Non-custodial measures should be considered as alternatives to imprisonment, especially for minor offenses.
- **Motherhood:** Special attention should be given to the needs of women who are pregnant or have dependent children.
- **Rehabilitation and reintegration:** Women offenders should have access to programs and services that support their rehabilitation and successful reintegration into society.

If you would like to learn more about the implementation of the Bangkok rules in practice visit Penal Reform International e-course Women in Detention: putting the Bangkok Rules into practice. The course is currently available in English, Arabic or Russian. A shorter off-line version is available in Chinese (pdf) or download their workbook Toolbox on the UN Bangkok Rules. Women in detention.


Toolbox on the UN Bangkok Rules
WORKBOOK
TIJ
THAILAND INSTITUTE OF JUSTICE
PENAL REFORM INTERNATIONAL
Women in detention
Putting the UN Bangkok Rules on women prisoners into practice
Comprehensive guidance on 10 topics
Global perspectives
Interactive self-assessments

References

Cerezo, A.I. (2017). Women in Prison in Spain: The Implementation of Bangkok Rules to the Spanish Prison Legislation, European Journal on Criminal Policy and Research, 23(2), 133–151.

Van Kempen, P.H. & M. Krabbe (eds) (2017). Women in Prison: The Bangkok Rules and Beyond. 1st edn. Intersentia

Van Hout, M. C., Fleißner, S., & H. Stöver (2021). # Me Too: Global Progress in Tackling Continued Custodial Violence against Women: The 10-Year Anniversary of the Bangkok Rules, Trauma, Violence, & Abuse, 15248380211036067.

Van Hout, M.C., Fleißner, S., Klankwarth, U.-B. & H. Stöver (2022). Children in the prison nursery: Global progress in adopting the Convention on the Rights of the Child in alignment with United Nations minimum standards of care in prisons, Child Abuse & Neglect, 134, 105829