

## **Supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings**

*The Commission on Crime Prevention and Criminal Justice,*

*Recalling* the United Nations standards and norms in crime prevention and criminal justice related primarily to the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners,<sup>1</sup> the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,<sup>2</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>3</sup> and the Basic Principles for the Treatment of Prisoners,<sup>4</sup>

*Recalling also* the United Nations standards and norms in crime prevention and criminal justice related primarily to alternatives to imprisonment, in particular the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>5</sup> and the basic principles on the use of restorative justice programmes in criminal matters,<sup>6</sup>

*Recalling further* General Assembly resolution 58/183 of 22 December 2003, in which the Assembly invited Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and the ways in which those problems could be addressed,

*Mindful* of General Assembly resolution 61/143 of 19 December 2006, in which the Assembly urged States, inter alia, to take positive measures to address structural causes of violence against women and to strengthen prevention efforts that addressed discriminatory practices and social norms, including with regard to women needing special attention in the development of policies to address violence, such as women in institutions or in detention,

*Recalling* General Assembly resolution 63/241 of 24 December 2008, in which the Assembly called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment,

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<sup>1</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

<sup>2</sup> Economic and Social Council resolution 1984/47, annex.

<sup>3</sup> General Assembly resolution 43/173, annex.

<sup>4</sup> General Assembly resolution 45/111, annex.

<sup>5</sup> General Assembly resolution 45/110, annex.

<sup>6</sup> Economic and Social Council resolution 2002/12, annex.

*Taking into consideration* the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,<sup>7</sup> in which Member States committed themselves, inter alia, to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the plans of action for the implementation of the Vienna Declaration,<sup>8</sup>

*Calling attention* to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>9</sup> as it relates specifically to women in detention and in custodial and non-custodial settings,

*Having taken note* of the initiative of the United Nations High Commissioner for Human Rights to designate the week from 6 to 12 October 2008 as Dignity and Justice for Detainees Week, which placed particular emphasis on the human rights of women and girls,

*Aware* of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of women prisoners has increased significantly over the years,

*Considering* that women prisoners are one of the vulnerable groups that have specific needs and requirements,

*Recognizing* that the specific needs of women prisoners should be considered in the treatment of those women in order to facilitate their reintegration into society,

*Recognizing also* the impact that the imprisonment of women has on the families, including the children, of those women and the need to take this into consideration in the treatment of women prisoners and in the formulation of relevant policies and programmes,

*Taking note with appreciation* of the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Managers and Policymakers on Women and Imprisonment*,<sup>10</sup>

*Welcoming* the invitation contained in Human Rights Council resolution 10/2 to governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem,

1. *Notes with appreciation* the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders organized by the Government of Thailand and held in Bangkok from 2 to 6 February 2009;

2. *Invites* Member States to take into consideration the specific needs and circumstances of women in detention and in

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<sup>7</sup> General Assembly resolution 55/59, annex.

<sup>8</sup> General Assembly resolution 56/261, annex.

<sup>9</sup> General Assembly resolution 60/177, annex.

<sup>10</sup> United Nations publication, Sales No. E.08.IV.4.

custodial and non-custodial settings when developing relevant legislation, procedures, policies and action plans;

3. *Urges* Member States that have developed legislation, procedures, policies or practices regarding the treatment of women in detention and in custodial and non-custodial settings to make information on those initiatives available to other States, upon request and where appropriate, and assist them in developing and implementing training or other activities relating to such legislation, procedures, policies or practices;

4. *Encourages* Member States to collect, maintain, analyse and publish data on women in detention and in custodial and non-custodial settings for the purpose of enhancing correctional policies and best practices;

5. *Requests* the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders;

6. *Also requests* the United Nations Office on Drugs and Crime to increase its cooperation with other relevant United Nations offices and entities and intergovernmental and regional organizations, as well as non-governmental organizations, in the provision of relevant assistance to Member States;

7. *Urges* Member States to provide the United Nations Office on Drugs and Crime with adequate financial resources to support the technical assistance activities mentioned in the present resolution;

8. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners<sup>11</sup> and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),<sup>12</sup> supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

9. *Welcomes* the offer by the Government of Thailand to act as host to the expert group meeting;

10. *Requests* the expert group meeting to draw upon the results of the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders held in Bangkok from 2 to 6 February 2009;

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<sup>11</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

<sup>12</sup> General Assembly resolution 45/110, annex.

11. *Also requests* the expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Salvador, Brazil, from 12 to 19 April 2010;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its nineteenth session, on the implementation of the present resolution.