

# Report on the Global Webinar Series on "Gender-Responsive Criminal Justice and Prison Reform"

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## Executive Summary

The [Thailand Institute of Justice](#) (TIJ) and the [United Nations Office on Drugs and Crime](#) (UNODC) organised a series of three [webinars](#) from 24 May to 20 June 2020 to create a platform for discussion on current challenges faced by women in contact with the law and sharing of tools, experience, lessons learned and good practices. This was part of a TIJ-funded initiative under UNODC's [Global Prison Challenges Programme](#) to step up implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

As 2020 marks the 10th anniversary of the Bangkok Rules, the webinar series promoted global dialogues on gender sensitive responses to the distinctive needs of women prisoners and emphasize the need to give priority to implementing non-custodial measures for women in contact with the law.

Criminal justice and prison systems face unprecedented challenges that are amplified by the COVID-19 global pandemic. In a system primarily designed for men, gender-responsive approaches are crucial to ensure no one is left behind. Sustained action is needed to address the disproportionate increase in the imprisonment of women, and the lack of gender-specific health care and social reintegration programmes in prisons.

Since 2000, there has been a 30% increase in the number of pre-trial and remand prisoners and 53% increase in the number of women and girls in prison globally. As of 2017, almost three million people are held in pre-trial detention and remand prisons. Research also shows that in many countries, the proportion of women held in pre-trial detention is equivalent to, or larger than that of convicted women prisoners. In some countries, the rate is growing faster than that of male pre-trial detainees.

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*It is imperative to develop short and long-term solutions to the overincarceration of women.*

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Most women in contact with the law have not committed violent offences and a large majority do not pose a risk to society. Their imprisonment hampers their rehabilitation and social reintegration prospects, further entrenching the gender discrimination and vulnerability of women. Research has shown that there is a higher risk of women committing suicide in prison than men. Non-custodial measures can reduce the social and economic cost of imprisonment, the prison population and rates of recidivism. The community is better served by community-based interventions that address the underlying cause of women coming into contact with the law and pre-trial detention should be used as a means of last resort.

Non-custodial measures focus on rehabilitation rather than retribution, which takes into account women's pathways to prison, their basic needs, their relationships, community ties, and additionally helps strengthen local communities by re-directing investment from prisons. Evidence suggests that investing in community-based solutions tackles external needs like housing, childcare, and education as well as internal change through treatment, and therapy, producing the strongest possible outcomes for pro-social behaviour.

With the current COVID-19 pandemic and challenges of controlling outbreaks in prisons, promoting non-custodial measures is more relevant now than ever before, especially for certain categories such as pregnant women with dependent children.

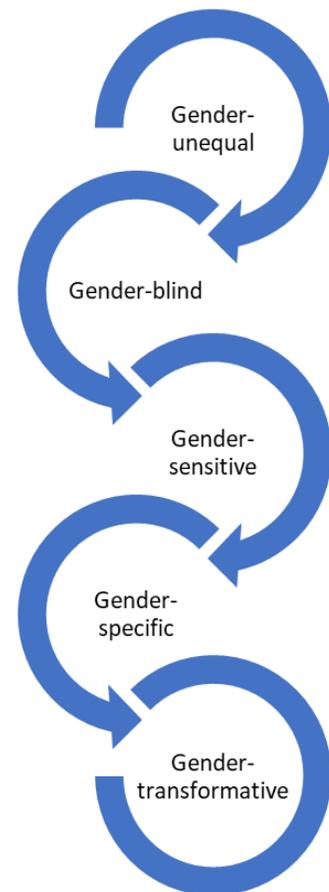
Additionally, for women in prison, it is important to develop gender-responsive social reintegration programmes to support and guide women upon release from prison. Promising practices were highlighted in Webinar 3 and listed in the recommendations below.

## Key Recommendations



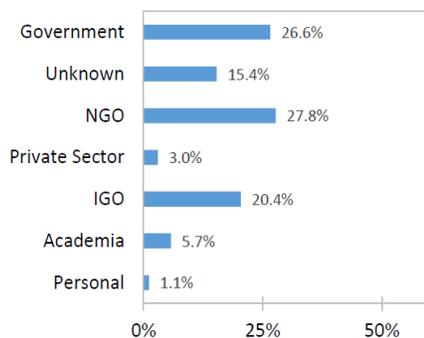
1. It is imperative to develop short and long-term solutions to the overincarceration of women and bring about a radical shift in criminal justice sentencing and re-think the very purpose of imprisonment. The [Toolkit](#) on Gender-Responsive Non-Custodial Measures contains examples, promising practices, self-assessments and training exercises that can be used by policymakers and criminal justice stakeholders.
2. The specific needs of particular groups of women prisoners should be taken into account – such as the need to reform legislation and sentencing guidelines to consider histories of abuse, ensure foreign national women are not discriminated against and offer women with drug use disorders the required health based interventions as alternatives to conviction or punishment.
3. The COVID-19 pandemic has seen promising early release measures by many countries in order to reduce overcrowding. This demonstrates that use of alternatives to incarceration are possible and raises questions about whether these women need to be incarcerated in the first place. It is important to leverage the ongoing release efforts to create positive changes in criminal justice policies.

4. Countries should consider implementing programmes similar to the promising practices mentioned below, based on their specific contexts:
- A Commission on Gender Issues in the Argentinian Public Defenders' Office, which seeks to facilitate women's access to justice, provide better defence to their rights and promote the implementation of defence strategies with a gender perspective.
  - Thailand's 'Program for the Increased Protection of Rights and Liberty of the Accused and Defendants 2019', which aims to create more understanding among judges on the proper application of alternatives to imprisonment, to minimize unnecessary pre-trial and pre-sentencing detention, and to increase the use of non-custodial measures for vulnerable groups, including women.
  - A UNODC supported social reintegration programme in Bolivia, which trains women prisoners to work in the growing construction sector so that they develop marketable skills that help them become economically empowered.
  - A programme by Cambodian NGO 'This Life Cambodia' that helps to maintain family ties, as they provide financial support and transport for monthly visits for family members.
  - In Malaysia, parole officers visit the women's families prior to their release and visit parolees at home after release, with 24-hour support available, in case it is needed.
  - In Thailand, a prison-run café trains women with the skills to become a barista, allowing them to work outside prison while serving their sentence. Additionally, in some prisons, a grant is made available for prisoners to start a small business after release.
  - For support post-release, countries like Malaysia and Thailand have halfway houses to temporarily shelter women.
  - Thailand has a promising Social Partnership Model and the Cabinet has given approval to provide tax incentives to companies that hire former prisoners. Additionally, a pilot pre-release programme by TIJ in a prison in Thailand brought together 50 experts from nine different groups including therapists, the private sector, social enterprises and community leaders to teach women prisoners who are about to be released important skills such as mental empowerment, money management, and career and business planning, with the aim to smoothen the transition process post-release.
  - UNODC is currently working with the government of Indonesia to develop specific guidelines for women prisoners and is developing transitional housing for prisoners who have been released from prison who do not have a place to live. Other pre-release services include psychological support (in partnership with universities and hospitals), access to healthcare, narcotics rehabilitation, vocational training and work programmes.
  - In Sierra Leone, the Go Bifo programme run by AdvocAid educates, empowers and helps reintegrate former detainees. Before their release, AdvocAid gets in touch with the women's families to inform them about important dates, the pre-release plan and bail conditions (if applicable). Post-release, social workers conduct exit interviews to assess the women's needs and also undertake monthly follow-up meetings to gauge their situation. Start-up grants are also available so that they can set up a small business. Additionally, newly released women are encouraged to join self-organised groups of women to support each other through the reintegration process.



*Gender-Responsive Assessment Scale  
(Source: UNODC Toolkit on Gender-Responsive Non-custodial Measures).*

## Analysis of the Webinar Series



Job sector of participants in Webinar 1

A total of 759 people attended the webinar series: Webinar 1 (218 people), Webinar 2 (193 people) and Webinar 3 (348 people).

The majority of attendees were from government and civil society organisations in Asia, Africa, Europe and North America. The highest number of attendees were from Asia, likely due to successful promotion from TIJ to its partners and contacts. The small attendance from attendees in Latin America is likely due to lack of interpretation in Spanish/ Portuguese. Most attendees were very satisfied by the webinar: 60% (Webinar 1), 58% (Webinar 2) and 32% (Webinar 3).

The on-line series allowed a wider reach than an in-person launch or convening and has provided a longstanding resource as the webinars and presentations can continue to be referred to on-line. However, an in-person convening is preferable for any future trainings or networking.



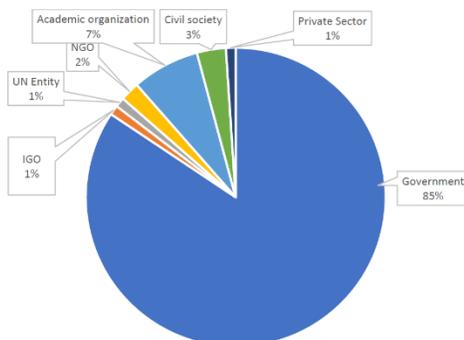
Job sector of participants in Webinar 2

Lessons learned for future webinars include:

- To continue the practice of having run through with presenters beforehand in order to test internet reliability and other technical issues.
- Provide interpretation in more languages if possible, such as French, Spanish, Portuguese and Arabic.
- Allowing more time for people to sign onto the webinar (20 – 30 minutes before start time) and to provide technical support with any technological issues or challenges with interpretation.
- Encourage presenters to use PowerPoints as most attendees found these useful during the webinar and as a follow-up resource.
- Allow more time for questions and discussions at the end of the presentations.

Topic for future webinars that were suggested by participants include:

- Restorative justice
- Classification of prisoners
- Social reintegration community programmes
- Children in contact with the law
- Prevention and management of COVID-19 in detention facilities
- Challenges to implementation of the Bangkok Rules and promising practices
- Gender-responsive law enforcement
- Non-custodial sentencing options



Job sector of participants in Webinar 3

## Webinar 1: ONLINE LAUNCH OF THE TOOL KIT ON GENDER-RESPONSIVE NON-CUSTODIAL MEASURES

**Chonit Chuenurah, Director, Office for the Bangkok Rules and Treatment of Offenders, TIJ**, as Moderator for the session, opened the webinar by highlighting the importance of the Toolkit which aims to address the increasing number of women prisoners around the world, and guide policymakers and practitioners on the use of non-custodial measures for women in contact with the law, taking into account their specific backgrounds and needs.

**Dr. Kittipong Kittayarak, Executive Director of TIJ**, delivered opening remarks, stressing that while great strides have been made to improve correctional practices around the world for women in prison, little has been done to promote the use of gender-sensitive alternatives to imprisonment and there are few resources on this topic which is why UNODC and TIJ have partnered to launch this new publication.

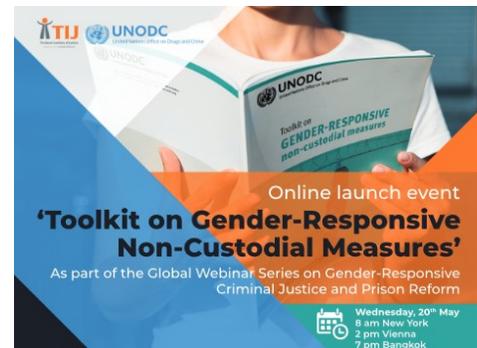
As 2020 marks the 10 year anniversary of the Bangkok Rules, he expressed hope to see more meaningful conversations around implementation of these rules as well as non-custodial measures.

Since 2000, there has been a 30% increase in the number of pre-trial and remand prisoners and 53% increase in the number of women and girls in prison globally. As of 2017, almost three million people are held in pre-trial detention and remand prisons. Research also shows that in many countries, the proportion of women held in pre-trial detention is equivalent to, or larger than that of convicted women prisoners. In some countries the rate is growing faster than that of male pre-trial detainees. Most countries do not have gender-responsive alternatives to pre-trial detention.

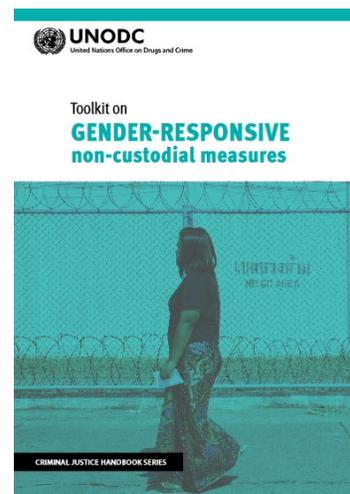
COVID-19 has brought to the forefront problems that have existed in the criminal justice system for decades. Vulnerable prison populations, such as the elderly, people with health conditions and women, continue to be disproportionately affected by the pandemic. A few weeks ago, a woman died in a prison in the USA after giving birth.

It is important to develop short- and long-term solutions to the over incarceration of women and bring about a radical shift in criminal justice sentencing, re-thinking the very purpose of imprisonment.

The Toolkit highlights the need to be sensitive to women's needs at every stage of the criminal justice system.



*TIJ published the recording of the webinar*



**Miwa Kato, Director for Operations, UNODC**, stressed the purpose of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted 10 years ago, was to bring the gender dimension into the criminal justice system and shift focus to non-custodial measures for women. There is a need to fundamentally transform criminal justice responses in a way that captures the spirit of the society we want to see.

Many female offenders have not committed violent offences, and a large majority do not pose a risk to society. Therefore, their imprisonment hampers their rehabilitation and social reintegration prospects, further entrenching the gender discrimination and vulnerability of women.

With the current COVID-19 crisis, promoting non-custodial measures is more relevant now than ever before, especially for certain categories like pregnant women with dependent children. However, States must be extra careful about who is released, taking into account increasing reports of gender-based violence in the midst of this pandemic.

Female imprisonment globally has been increasing at a higher rate (50%) than the general prison population (20%) since 2000, reaching over 700,000 female prisoners worldwide. This increase reflects the specific vulnerability of women with regards to poverty, gender-based discrimination and violence as well as health needs. Available research shows that many female offenders have not committed violent offences and a large majority do not pose a risk to society, but face prison conditions and inadequate treatment during imprisonment that hinders their social reintegration.

Solutions to this problem require not only gender-sensitive prison reform. More emphasis is needed to keep women out of the prison system in the first place. In accordance with the Bangkok Rules, gender-specific options for diversionary measures and pre-trial and sentencing alternatives need to be developed.

UNODC, with its unique combination of mandates and expertise in this area, provides Member States with specialized assistance to implement the Bangkok Rules and other related standards and norms, including the UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). This contributes to achieving some of the most crucial targets of SDGs 5 and 16, and to ensure that women – particularly those facing intersectional discrimination – are not being left behind in justice reform efforts.

UNODC stepped up efforts in 2018-19, providing support to 11 countries in the implementation of the Bangkok Rules. This assistance ranged from comprehensive assessments of the situation of women in contact with the criminal justice system, the promotion of gender-sensitive legal aid services, to the improvement of health, safety and security of women prisoners, training of prison staff and support for prison-based rehabilitation for women.

The new Toolkit on Gender-Responsive Non-Custodial Measures, developed in cooperation with TIJ, is part of these stepped up efforts and it has been designed to provide a basis for guidance on applying non-custodial measures for women in conflict with the law as well as gender-sensitive application of criminal laws, policies and procedures. The Toolkit is aimed at judges and prosecutors as well as other judicial officers working with women in the criminal legal sector, such as defence lawyers, probation officers, and civil society organizations.

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The Toolkit is also useful for policy makers when considering how best to implement non-custodial measures, reduce imprisonment, and enable the criminal legal system to recognize and address existing gender norms, roles and inequalities. The Toolkit is also meant to further provide insight for the media to better understand why non-custodial measures and a gender-responsive approach are important to consider and implement when responding to women in conflict with the law.

**Sabrina Mahtani, Human Rights Lawyer & Author of the Toolkit**, gave an overview of the Toolkit:

#### **Purpose of the Toolkit**

- The Toolkit builds upon and should be used in combinations with existing UNODC e-Learning [module](#) on alternatives to imprisonment for women.

#### **What are the driving factors behind the global increase in women's imprisonment?**

- A key factor is punitive responses to women with substance abuse disorders or women involved in minor drug offences e.g. in some countries (Brazil or Costa Rica) 60% of women are incarcerated for a drug offence.
- Other factors include poverty, criminalisation of sexuality and reproduction, GBV & mental health.

#### **How do women face discrimination in the criminal justice system?**

- Specific groups of women, such as indigenous and minority women, face additional and intersecting forms of discrimination within the criminal justice system e.g. in some countries women from ethnic and racial minorities represent over 50% of the prison population.

#### **How does imprisonment impact women?**

- The Toolkit highlights the negative impact of imprisonment on women in terms of safety, the impact on their dependents and a deterioration on their mental health and stigma. For example, research has shown there is a higher risk of women committing suicide in prison than men.

#### **Why is it important to consider non-custodial measures for women?**

- Non-custodial measures can reduce the social and economic cost of imprisonment and help to reduce the prison population and rates of recidivism.
- The community is better served by community-based interventions which address the underlying causes of women coming into contact with the law.
- It is important that non-custodial measures are gender responsive. Many non-custodial measures and sanctions overlook the typical characteristics, roles and backgrounds of women in contact with the law and they can be implemented in a way which causes further harm to women or imposes a different form of harm or control by the State.

#### **International Standards**

- The Toolkit provides an overview of international & regional standards and recommends that policy makers incorporate provisions of the Bangkok Rules and Tokyo Rules into domestic law & practice.
- Non-custodial measures should be considered at every stage of the criminal justice process.

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*Many non-custodial measures and sanctions overlook the typical characteristics, roles and backgrounds of women.*

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### Pre-Charge & Pre-Trial Stage

- Case dismissal, depenalization/decriminalization, gender-responsive diversion and treatment programmes, restorative justice and other related alternatives (especially for minor charges where woman does not pose a serious threat) are alternatives that can be considered.
  - E.g. An example in the Toolkit is Costa Rica which implemented a diversion programme offering women individualised programmes (counselling, drug treatment & job training)
- The underlying principle is that pre-trial detention should be used as a means of last resort. Gender-specific criteria should be considered when making decisions on alternatives to pre-trial detention e.g. bail conditions or conditions around house arrest should take into account a woman's caregiving obligations.

### Trial Stage

- Gender-specific mitigating factors should be considered during sentencing and mandatory sentences eliminated e.g. caring responsibilities, history of victimization or mental health care needs etc .
  - The Toolkit contains useful guidelines from Kenya regarding preparing pre-sentence reports.
  - In countries with resource limitations, prison officers, university clinics and paralegals can also support the court with providing background information for sentencing.
- The least interventionist non-custodial sentence should be imposed taking into account a woman's individual circumstances. Non-custodial sentences should be preferred for pregnant women or women with dependent children. Custodial sentences should be considered only: where the offence was serious and violent, where the woman represents a continuing danger and after taking into account the best interests of the child or children.
- Examples of non-custodial sentences that can be considered include a suspended sentence, deferred sentence, community service or community sentence treatment order.
  - Several countries (e.g. Vietnam, Russia) allow for a woman who is pregnant or has young children to have her sentences deferred
  - In Kenya, a gender-sensitive community service pilot programme run by Penal Reform International (PRI) and TIJ provided specific training for probation officers on the Bangkok Rules. This led to an increase in probation officers recommending non-custodial sentences. Community service placements were also more gender-responsive, such as taking into account the distance from a woman's home, safety, need to take care of dependent children etc.
- Fines: Many women cannot pay fines due to poverty and marginalization, particularly women from ethnic minority backgrounds.
  - In Western Australia, until recently, 1 in 3 women who entered prison were arrested for unpaid fines. The law was recently repealed.
- Other non-custodial sentences should be explored first or the fine set as low as possible, taking into account the background and circumstances of the woman in contact with the law. Women should not be imprisoned because they cannot pay their fines.

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*Many women cannot pay fines due to poverty and marginalization.*

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### **Post-Sentencing Stage**

- If a woman has been sentenced, any form of release from an institution to a non-custodial programme or measure should be considered at the earliest possible stage e.g. early conditional release or, community work release.

### **Implementation of Non-Custodial Sentences**

- It is important to make sure that non-custodial sentences do not widen the net of criminal justice control over women through administrative sanctions. The least interventionist measure should be taken.

### **Women Survivors of Gender-Based Violence**

- Gender-based violence (GBV) is a key pathway to women's imprisonment.
- International standards urge States to provide that courts can take into account, during the prosecution and sentencing, claims of self-defence by women who are survivors of violence. There is a need to reform legislation and/or sentencing guidelines to ensure that histories of abuse are considered in relevant cases. Australia and England are good practice examples contained in the Toolkit.

### **Foreign National Women**

- Law enforcement officers need to take measures to identify, protect and support victims of trafficking at an early stage and avoid prosecuting them for offences committed as a consequence of their exploitation by traffickers.
- Policymakers need to examine their laws and policies with regard to foreign national women in contact with the law in order to ensure they are not discriminated against, that they have access to justice services and access to non-custodial measures and are assisted with resettlement or transfer.

### **Drug Offences**

- There has been a marked increase in women imprisoned for drug offences, particularly in Latin America and South East Asia.
- Women often commit drug offences due to drug dependency, situations of manipulation and coercion and/or poverty.
- There have been several recent reforms, namely in Latin America, to address the over-incarceration of women for drug offences which have included preferring non-custodial sentences, offering sentence reductions for low-level drug offences and gender-responsive amnesties and pardons for low-level drug offences.
- Gender-specific, trauma-informed, women-only treatment programmes should be prioritized in cases where the woman suffers from drug dependency. Compulsory drug treatment or rehabilitation in detention should never be enforced.

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## Questions from the Audience

**Very little is known about non-custodial sentencing in South East Asia, including good practices and challenges. Are there any existing initiatives to understand this landscape better?**

**Dr. Kittipong Kittayarak:** It is a challenge to obtain information about non-custodial measures as there is varying implementation globally. There is a lot of room to promote better understanding of the non-custodial measures, trying to let the public know about these alternative and have more trust in them. In South East Asia, TIJ has focused research on the pathways of women into prison from Thailand, Cambodia to Indonesia. When the public know the stories of women who come to prison, such as domestic violence or manipulation related to drug offences, they will probably agree that incarceration is not the best use for non-violent offences.

**Sabrina Mahtani** added that there is a lack of good practice examples of non-custodial measures, especially those that are gender-responsive. There are examples in the Toolkit that focus on women, such as from The Philippines or Indonesia, where civil society organisations can assist women to be diverted from the criminal justice system into a diversion programme or accessing bail. Studies have shown that if women have access to legal aid, they are more likely to be able to access non-custodial measures. TIJ and UNODC are keen to hear from experts working on non-custodial measures for women if they have any good practice examples to share.

**Does the Toolkit look at the challenges of incarcerated women with disabilities?**

**Sabrina Mahtani** explained that the Toolkit did not specifically focus on women with disabilities as the aim of the Toolkit was to provide a general overview on gender-responsive non-custodial measures. However, it is important to include the wide range of women's specific needs in any discussion on women's incarceration and to make sure these are factored into gender-specific mitigating factors. UNODC has developed specific [materials](#) on prisoners with disabilities and other special needs.

**What steps should be taken to advocate for non-custodial measures?**

**Dr. Kittipong Kittayarak:** There is a misconception by the public about crime. They see people in prison as a statistic rather than human stories. We need to share information with the public about who are the women in prison as well as information about how non-custodial measures are better for society. We need to share this not just with the public but also with criminal justice professionals themselves. We need to improve our monitoring systems about the impact of non-custodial measures.

**Civil society seems to be important in promoting non-custodial measures. Thailand has large experience in this. What can we learn from this experience?**

**Dr. Kittipong Kittayarak:** As my time as Chief of the Probation Officer, I had a role to provide treatment for drug users and it was key to treat them as patients rather than criminals. Even though the government does not have many resources, we can rely on strong community partnerships. People with drug use disorders will need to go back to the community so everyone will benefit if we work together with community partnerships.

**Sabrina Mahtani** highlighted the important role of civil society and community in supporting the effective use of alternatives to imprisonment, particularly in countries which lack resources. Many of these examples are listed in the Toolkit. She gave an example of the work of AdvocAid in Sierra Leone and their close collaboration with the police and prison service. Many women are imprisoned for owing money in Sierra Leone but through the advocacy work of AdvocAid, police officers are more likely to refer such a case to civil society groups for mediation.

## Webinar 2: PROMOTING ALTERNATIVES TO IMPRISONMENT FOR WOMEN IN CONFLICT WITH THE LAW

**Sven Pfeiffer, Crime Prevention and Criminal Justice Officer, UNODC.** As moderator, Mr. Pfeiffer opened the webinar by highlighting the need for more attention on non-custodial measures for women and that the aim of this webinar was to create greater dialogue on the issue. Different perspectives will be presented in this webinar from a public defender, probation officer and an academic expert who worked on drafting the Bangkok Rules. It is also important to hear the voices of incarcerated and formerly incarcerated women as they are the experts.

A [Video: Perspectives of Formerly Incarcerated Women](#), was screened where TIJ interviewed formerly incarcerated women in Thailand. They spoke about the negative impact of their imprisonment on their children and the breakup of their family. They highlighted how alternatives to imprisonment would be preferable, particularly for women with caretaking roles, such as a suspended sentence or community service. They highlighted how some women were imprisoned because they could not pay fines and the overcrowded conditions in the prison. They spoke about how electronic monitoring could be humiliating and stigmatising and that measures should be put in place to take this into account, such as a wristband rather than ankle bracelet which is less obvious form of criminal punishment.

**Dr. Barbara Owen, Advisor, TIJ**, focused her presentation on investing in women and communities through non-custodial measures.

### Making the case: The investment model and non-custodial measures

- The investment model: Funding policies and practices that improve outcomes by investing in all forms of capital.
- The rationale for non-custodial measures:
  - Acknowledging the gendered harm and unnecessary suffering for women in prison
  - Recognising the ability of justice systems to make rapid change in the face of the pandemic
  - Grounding in the realities and profiles of women as low risk
- These policy actions open the door to a larger discussion of how women can be more safely and more productively supervised within their own communities through non-custodial alternatives to imprisonment.
- Non-custodial measures avoid the problems created by unnecessary and punitive imprisonment, through funding and implementing community policies that include:
  - Programmes and services that target pathways factors that improve outcomes for women in real-world settings
  - Meeting fundamental needs such as housing, employment as well as treatment
  - Practices that emphasize relationships with family and children (intimate partner violence must be considered)
  - Opportunities to both develop and maintain community ties
  - Local investment to strengthen community rather than spending on often far-removed prisons



TIJ published a summary of the webinar

Empirical evidence for non-custodial measures

- A review of evidenced-based practice and corresponding evaluation studies demonstrates both the utility and the efficiency of community-based sanctions.
- A review of these findings show clearly that external services such as education and training, housing supports, childcare and other resources that target pathway factors, when combined with therapies and treatment opportunities that support internal change through treatment, therapy and other healing services, produce the strongest positive outcome in terms of pro-social behaviour, decreased problematic behaviours and overall success on supervision.

Non-custodial measures are community-based solutions

- To improve outcomes for women, their children and the community, successful non-custodial measures share these steps:
  - Engage individuals as full partners in developing treatment plans
  - Develop a system of comprehensive and holistic services with case-management
  - Address key pathway needs through external services that support internal change through treatment and external resources to promote self-sufficiency
  - Directly address intimate partner violence (IPV) and trauma
  - Provide staff training and administrative support
  - Community collaboration
  - Incorporate safety and dignity at every stage of involvement in the criminal justice system

More evidence

- Convincingly, this research shows that investing in women-centred practices amplifies this effect.
- Gender-informed and evidenced-based practice is more effective in meeting the goals of the justice system than punitive sanctions.

The time is now to reduce over-reliance on prison and its counterproductive outcomes

- We have long invested in the failure of prison.
- Charge now is to invest in gender-responsive non-custodial measures.
- Non-custodial measures with gender-appropriate services has been shown repeatedly to produce much better outcomes than prison sentences of any kind.
- We have an opportunity to change the way we spend criminal justice and public safety money.
- Implementing human rights reforms through non-custodial measures is not a mystery. It is a puzzle.
- These pieces are supplied in the Gender-responsive Non-Custodial Measures [Toolkit](#), as well as in the Bangkok Rules and supporting human rights instruments. We have the pieces, now we need to find the will.

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*Gender-informed and evidenced-based practice is more effective than punitive sanctions.*

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**Nicolas Laino, Deputy Public Defender General of the Public Defender's Office of Argentina and Board member of the International Legal Foundation**

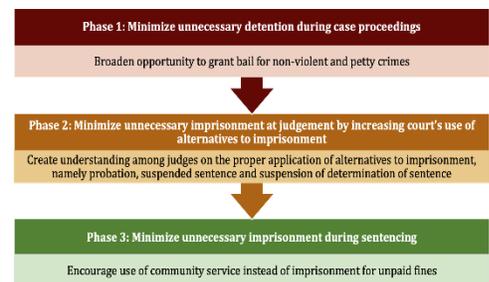
In Argentina, children detained with their mothers face many challenges. Intersectional discrimination is a key element to women's incarceration, particularly migration and poverty, as well as gender-based violence. More than 50% of women imprisoned in Argentina live more than 50 kilometres away from their homes.

In the Argentinian Public Defenders' Office, there is a Commission on Gender Issues, staffed with lawyers specialized in women's rights, which seeks to facilitate women's access to justice, provide better defence to their rights and promote the implementation of defence strategies with a gender perspective. With the help of specific reports made by the Commission – through in-depth interviews not only with the defendant but also with people from her family and social context – they have had success obtaining acquittals or case dismissals on the basis of self-defence, for example, or at least penalty reductions due to decreased culpability. The Gender Unit also supports public defenders who request non-custodial measures from Judges by providing expert reports. The Unit also provides mandatory trainings on gender issues for all members of the institution every year. These steps have not only decreased women's incarceration by facilitating gender-specific diversion or non-custodial sentences, but have also helped avoid their criminalization from the early stages of the process until the trial and sentencing.

With the COVID-19 pandemic, pregnant women and women with children have been identified as at risk by international bodies and recommended for early release programmes. The International Legal Foundation have been calling on governments to release women in prisons immediately. The pandemic should be used as an extra argument to call for non-custodial measures for women.

There is a need to establish gender-specialist thematic institutions, such as in the Argentina Public Defender office, and have trainings for justice sector professional in order to turn the measures listed in the Bangkok Rules into reality.

**Dr. Sutatip Yuthayotin, Judge of the Office of the President of the Supreme Court, Thailand,** presented the recent Program for the Increased Protection of Rights and Liberty of the Accused and Defendants that started implementation in 2019 in Thailand. It came into existence to create understanding among judges on the proper application of alternatives to imprisonment, to minimize unnecessary pre-trial and pre-sentencing detention, and to increase the use of non-custodial measures for vulnerable groups, including women.



*Thailand: Program for the Increased Protection of Rights and Liberty of the Accused and Defendants*

The work plan for the programme is divided into three phases. Phase 1, which began in January 2020 has already yielded some positive results. Ten model courts were picked all over Thailand to publicise, educate and execute bail applications by utilizing risk assessments and prescribing essential conditions to prevent escape instead of bonds. As a result of this, in four months, 365 out of 488 bail applications have been granted, consisting of 11 percent women.

This helped address two barriers faced by bail applicants, including lack of knowledge and financial capacity. Between May and September 2020, this phase is expected to be implemented in all 269 courts nationwide.

Phases 2 and 3, which will run from June to September 2020, will require increasing judges' use of alternatives to imprisonment. To facilitate this, it is being publicized regularly through the Office of the Judiciary's electronic communication system. The manual, guidelines and criteria for using alternatives to imprisonment will also be provided to all courts in the country. A working group will simultaneously coordinate with judges to implement the programme according to the manual.

**Tamar Chanturia, Projects Assistant, Penal Reform International**, recalled that the global prison population of women is increasing, particularly for drug offences. There are more than 700,000 women in prison today which is a greater than 50% increase since 2000. 19,000 children are living in prison with their mothers, there are more than 410,000 children in detention facilities and 1 million children in police custody.

Women make up between 3.2 – 3.6% of Georgia's prison population (946 out of 19, 717 prisoners as of April 2020). They are mostly sentenced for non-violent offences. There are various Alternatives to Imprisonment available in the South Caucasus:

- Fine
- Deprivation of the right to hold a post or an activity
- Community service – does not apply to pregnant women or woman with young children
- Corrective work without imprisonment
- Service restriction of a military person
- Deprivation of the right to drive a vehicle
- Custodial sentence – probation
- Release on parole
- Suspend sentence if woman if is pregnant or has a child
- House arrest

The aim of the sentence is to restore justice, prevent new crimes and re-socialise the woman in the contact with the law. The alternatives to imprisonment, can work in favour of empowerment of women in contact with the law and help them making a positive change in their lives without having to face the alienating and de-socializing effects of imprisonment.

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*There are more than 700,000 women in prison today which is a greater than 50% increase since 2000.*

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## Questions from the Audience

**I am a Probationary Officer from Indonesia. For Dr. Yuthayotin, what do the judges in Thailand consider (aside from the nature of the crime) to establish a sentence upon the offender? Is there some form of social research that's conducted before the sentencing to give judges deeper understanding about the social and individual background of the offender, so a more suitable sentence could be given?**

**Dr. Sutatip Yuthayotin:** There is guidance on the steps that judges should take. They can directly question the defendant or request an investigation report from a probation officers.

### **Why should non-custodial measures be implemented for women and not men?**

**Nicolas Laino:** These measures also apply to men. They should also apply to women who have committed violent offences as most women convicted for these crimes are survivors of gender-based violence.

In Argentina, 60 – 70% of women are main income earner and the impact of imprisonment on the family is significant. When children are separated from mothers, there is more psychological impact on the children and it is an extra punishment on the women.

In Afghanistan, at least half of women in prison are there for moral crimes which do not apply to men.

It is important to have structures to support rehabilitation for women upon release. There have been mass releases of prisoners due to COVID-19 but the programmes for women upon release are just as important.

### **What measures are available for pregnant women?**

**Tamar Chanturia:** In Georgia, pregnant women can have a suspended sentence. The probation office will communicate with the women during this time. There is also a mother and child unit in prison.

### **How do we maximise the impact of the Bangkok Rules in the next 10 years?**

**Dr. Barbara Owen:** There needs to be renewed emphasis on vulnerable women e.g. indigenous women, LGBTI prisoners, those who have suffered trauma, mental health issues etc.

We need to reduce the large number of women being held in pre-trial detention.

There needs to be an increased focus on non-custodial measures and increased community collaboration so that there are less women incarcerated.

We need a public education campaign reform of our correctional practices is cost saving.

## Webinar 3: PROMOTING THE SOCIAL REINTEGRATION OF WOMEN AFTER RELEASE



TIJ published the recording of the webinar

**Muriel Jourdan-Ethvignot, Crime Prevention and Criminal Justice Officer, UNODC**

### Why are rehabilitation & social reintegration programmes needed?

Studies show prisoners have rehabilitation programmes reduces recidivism. International standards provide for these measures to be taken:

- *International Covenant on Civil and Political Rights*: 'The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.' (Art. 10/3)
- *UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela)*: "(...) prison administration and other competent authorities should offer education, vocational training and work as well as other forms of assistance (...) in line with the individual treatment needs of prisoners". (Rule 4)
- *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or Bangkok Rules (2010)* ": "Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs". (Rule 42)

### How to foster social reintegration?

- Reintegration Interventions can be fostered at various stages of the Criminal Justice System:

Diversion from the criminal justice system	<i>Instead of Imprisonment</i>
Alternative Sanctions	
Prison based policies and initiatives	<i>During and Following Imprisonment</i>
Post-release/ after-care programmes	

### UNODC tools provide guidance on how to foster social reintegration of offenders and prisoners

- Introductory [Handbook](#) on the Prevention of Recidivism and the Social Reintegration of Offenders
- [Roadmap](#) for the Development of Prison-Based Rehabilitation Programmes
- [Toolkit](#) on Gender-Responsive non-custodial measures

### Why specific programmes for women?

- Women represent a small percentage of the global prison population = about 7%. But their number is increasing at a higher rate than men.
- Female prisoners have additional barriers to male prisoners and have a different profile. Most women are convicted for non-violent offences. They tend to have a lower level of education or higher illiteracy. They also often have a history of gender-based violence, as well as caring responsibilities.

### Good practices worldwide and UNODC's support

- In Bolivia, UNODC trains female prisoners in construction as the sector is growing with a high demand for qualified workers.
- The average salary of construction workers is 25% superior to the national minimum salary.
- For women, the opportunity to enter this sector following a formal training is a formidable method of empowerment, and a road to financial security and a normal life.
- After their release from prison, these women will be supported in joining the National
- Association of Women Constructors in Bolivia which helps its members promote their services, find work opportunities, and eventually develop their own business.

**Rob Allen, UNODC Consultant**, highlighted the situation in the UK with regard to COVID-19. The UK solution has been to create new single rooms for women prisoners at Askham Grange prison. Early release for women has been difficult due to lack of safe accommodation for women upon release. He then presented the findings of the UNODC 2019 Scoping Study on Social Reintegration of Women Prisoners in South East Asia.

### Women in Prison in South East Asia

- The use of imprisonment for women is high in South East Asia compared to other parts of Asia and internationally, with women making up more than 10% of prisoners in Laos, Myanmar, Singapore and Thailand.
- Drug related offences account for more than four out of five women prisoners in Indonesia and Thailand and more than half in Cambodia and Singapore.
- Foreign nationals make up a significant proportion of prisoners in Brunei, Malaysia and Singapore in particular.

### Implications for Post Release Services

- Many women prisoners suffer substance misuse problems for which treatment is needed during and after release. Some women use drugs as a coping mechanism to deal with an abusive relationship.
- Women involved in sale of drugs often have a low level of education and become involved in drug offences for financial reasons or to support their family. They may have been paid or tricked into selling drugs and/or subject to exploitation, coercion or abuse as part of their everyday experience.
- The risk of re-offending on release may be very high.
- Even when enabling legal provisions are in place, the transfer of foreign national prisoners takes place relatively infrequently.
- The age of the women, the length of their sentence, health status and whether they belong to a minority ethnic group influence the kind of post release support that needs to be offered.

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*The use of imprisonment for women is high in South East Asia compared to other parts of Asia and internationally.*

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Maintaining Family Ties

- In Cambodia, NGO This Life provides financial support and transport for monthly visits from family members.
- In Singapore, the strengths of family support are an important feature in the risk needs/ assessment tools used prior to release from prison in order to inform a reintegration plan.
- In Malaysia, parole officers visit an offender's family prior to release as part of the assessment and after release visit the parolees at home and work and are available 24 hours a day should the parolee need assistance.
- In Indonesia, the law requires the families of adults who use drugs (and the people who use drugs themselves) to report their drug use to the authorities and this can act as a disincentive to families to accept a released prisoner back.

Preparation for Release

- Prisons in South East Asia arrange a variety of medical and psychological treatment, counselling, vocational training, legal assistance and family reconciliation services.
- In Thailand, prisoners whose remaining prison sentences are less than 6 months – 1 year attend pre-release programs (between 30 – 100 hours).
- At Ayutthaya (Thailand), within the women's prison, a barista training programme enables serving prisoners to work in a prison run café in the town. The prison director wants to know every prisoners plan and invites them a few months before release to discuss their post-release plan and helps to support them with this.

Help on Release

- Many women prisoners will have needs for help on release – somewhere to live, an income and continuing healthcare treatment or social support.
- The Malaysia Prisons Department offers temporary placements to house ex-prisoners in Half-Way Houses. "Some women do not want to go there as they have had enough of following rules while in prison. The shelters have curfews and expect residents to do cleaning and other chores. They therefore choose to stay with friends."
- House of Blessings (Thailand) looks after children of mothers in prison who re-join them on release.
- Thailand's prison service offers grants and other help with self-employment.

Recommendations

- Comprehensive post release support is needed to address the range of issues which have led women into drug related offending and offer viable alternative ways of making a living.
- Careful assessment is needed to ensure that a woman's return to their family is the best option for them after release.
- There is a need to ensure that the wide range of initiatives available to help women on release are of the scale and nature required and offered in a way most likely to attract and sustain commitment from the women.
- Both government and civil society organisations could do more both to help women after release and promote more positive attitudes to them. They would benefit from better funding and coordination mechanisms at national and local level.

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*Both government and civil society organisations could do more both to help women after release.*

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**Chontit Chuenurah, Director, Office for the Bangkok Rules and Treatment of Offenders, Thailand Institute of Justice (TIJ)**

Women's experience should be the foundation for prison-based rehabilitation & post-release support

- Successful reintegration requires knowledge of women's pathways to prison (poverty, substance use disorders, victimization, mental health, care taking, etc.)
- Incarceration experience: many female prisoners lack rehabilitation opportunities (due to overcrowding, prison location, over classification, gender neutral programme, short sentence, etc.)
- Post-release barriers (low self-esteem, gender based stigmatization, employment, family breakdown, housing, etc.)

COVID-19 and its implications on rehabilitation and reintegration

- Limited contact with family and children.
- High level of mental distress.
  - TIJ held a focus group and heard from incarcerated women about the mental distress and anxiety at being separated from their families and suspension of volitional and educational training programmes led by external partners.
- Suspension of education, vocational training and work programme.
  - COVID-19 is having a negative impact on rehabilitation & reintegration.
- Released with limited knowledge and support.
- Returning to home and housing.
- Other post-release barriers.

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*Successful reintegration requires knowledge of women's pathways to prison.*

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Thailand & Women's Incarceration

- National prison population 378, 732 (as of 22 June).
- Women prisoners 47, 905 (12.6%).
- National recidivism rates are 14.5%, 26% and 33.6% within 1, 2, 3 years after release respectively.
- General profiles of women prisoners:
  - Offences: Drug-related (83%), property crime (10.3%), life and bodily harm (1.4%)
  - Length of sentence: less than 2 years (8.7%), 2-5 years (44%), 5-10 years (17.7%), 10-20 years (8.1%), 20-50 years (9.8%), life (1.3%), death (0.1%)
  - Age: between 33.8 years old
  - Education: 2/3 didn't complete high school
  - More than 80% are mothers with 1-2 children

Recent Rehabilitation Efforts in Thailand

- Rehabilitation and pre-release programme.
- CARE: Center for Assistance to Reintegration and Employment.
- Social enterprise and business' involvement.
- Tax incentives for companies that employ former prisoners. This is a positive move to encourage companies to employ women and men released from prisons.

The Social partnership model is a pilot pre-release programme by TIJ in Ayutaya prison in Thailand, which brought together 50 experts from nine different groups including therapists, the private sector, social enterprises and community leaders to teach women prisoners who are about to be released important skills such as mental empowerment, money management, and career and business planning, with the aim to smoothen the transition process post-release. 34 incarcerated women benefited from 250 hours of sessions over three months. This collaboration between the community sector and partners is not trying to compete with government rehabilitation schemes but rather to better engage communities and private/ business sector which rarely get involved in reintegration of prisoners. It allows stakeholders to listen to women's voices, what women need and break walls between women on the inside and sectors on the outside.

#### 10 Key Principles for gender-sensitive rehabilitation programmes

TIJ and PRI developed a Guide on the Rehabilitation and Social Reintegration of Women Prisoners. It contains 10 key principles for gender-sensitive rehabilitation programmes.

1. Part of a broader strategy
2. Community and prisoner-driven
3. Supported by staff and managers
4. Gender responsive
5. Individualised
6. Holistic
7. Based on market needs
8. Sustainable and consistent
9. Good quality
10. Evidence-based

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*Tax incentives can encourage companies to employ women released from prisons.*

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**Aisyah Yuliani, Criminal Justice Programme Coordinator, UNODC Programme Office in Indonesia**, focused on social Reintegration Support for Women after Release in Indonesia. She provided an Overview of Correctional System:

- 33 Women's Prison across Indonesia.
- 90 Parole and Probation Offices.
- Women make up 5% of the prison population. Steady increase since 2000 (3.4%).
- Most women are incarcerated for drug-related crimes (distribution).

#### Pre-release Programme and Support

- UNODC is currently working with the government of Indonesia to develop specific guidelines for incarcerated women and is also working with the Ministry of Social Affairs in developing transitional housing for incarcerated women who have been released from prison who do not have a place to live or who don't have access to other support services.
- Other pre-release services include: psychological support (in partnership with universities and hospitals), access to healthcare, drug use disorder treatment and rehabilitation, vocational training and work programmes.

- In particular is the family support programme called "Homework with Mom", which targets school-going children who cannot visit their mothers because visitation times clash with their school timings. For such children, this programme encourages children to visit their mothers once a week with their homework, with the aim of increasing the mother's involvement in their child's life and at the same time ensuring continuity in the child's education. However, as a result of COVID-19, in-person visitation has now been replaced with video calls, using platforms such as Zoom and WhatsApp.

#### Post-Prison Release

- The Directorate General of Corrections and the Ministry of Social Affairs both offer their own post prison services. The Ministry of Social Affairs offers services to those that meet the following criteria:
  - man/woman older than 18 years old
  - has concluded and been released from correctional facilities after serving the length of their sentence
  - unaccepted/marginalised by their family and society
  - found difficulty getting a gainful/permanent job; and,
  - plays a role as the head of the household/breadwinner of the household but could not fulfil its roles and functions due to his/her status as ex-inmate
- Services that can be provided:
  - psychosocial diagnosis and motivation
  - care and nurture
  - vocational and entrepreneurial training
  - mental and spiritual guidance
  - physical guidance
  - social guidance and psychosocial counselling
  - accessibility services
  - social assistance and support
  - social reintegration guidance
  - referral

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*As a result of COVID-19, in-person visitation has now been replaced with video calls.*

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#### **Julie Mariama Sesay, Programmes Manager, AdvocAid Sierra Leone**

- AdvocAid has been operating in Sierra Leone since 2006.
- AdvocAid works with women and girls caught up in all stages of Sierra Leone's often unjust criminal justice system. It is the only organization in Sierra Leone that offers holistic access to justice for women in contact with the law.
- AdvocAid has built a firm reputation as a successful campaign and service delivery organisation.
- Over the years, AdvocAid has developed innovative legal education and empowerment programmes, acknowledging that rights cannot be enforced unless there is knowledge of those rights.
- Through advocacy work, AdvocAid staff have increased visibility and attention to the needs of women in prison, both in Sierra Leone and regionally.
- AdvocAid strengthens access to legal advice, legal representation and legal education for girls and women in Sierra Leone.

- AdvocAid staff provide creative legal education and training to ensure women know their rights. For example, our TV and radio drama series, Police Case, reached over a million people, educating them on their rights when or if they come into contact with the law.
- AdvocAid aims to ensure that girls, women and their children in detention are treated in accordance with minimum standards set by the United Nations.
- AdvocAid also assists women in detention and provides post-prison support through the Go Bifo (meaning 'moving forward' in Krio) programme, which educates, empowers and reintegrate former detainees ensuring that they return to their communities as stronger women with brighter prospects.

#### AdvocAid's Post-Prison Support

<b>Pre-Release</b>	<i>Before a woman is released, AdvocAid staff get in touch with a family member to inform them about the upcoming release and develop an individual post-release plan (if they get released on bail, we include respective bail conditions in the plan)</i>
	<i>AdvocAid ensures each woman has a place to go to after release and a small transport grant for the journey</i>
<b>Post-Release</b>	<i>Exit interviews: AdvocAid Social Workers conduct interviews to assess their needs and to collect information on their experience in the criminal justice system</i>
	<i>Start-up grants: AdvocAid provides newly released women with a start-up grant which can be spend on setting up a small business or on meeting other immediate needs</i>
<b>Post-Prison Support</b>	<i>Go Bifo support group: Newly released women are encouraged to join the self-organized group of women supporting each other and themselves through jewellery making &amp; selling, and other small enterprises</i>
	<i>For the first few post-release months, AdvocAid Social Workers follow up with formerly incarcerated women through monthly meetings</i>

*AdvocAid ensures each woman has a place to go to after release and a small transport grant for the journey.*

#### Case Study – Kadie's Story

Kadie was arrested for trafficking a child. She was detained at the Waterloo police station for 10 days where she met an AdvocAid paralegal who assigned her case to a duty counsel. On her first appearance in court she was remanded at the Freetown Female Correctional Centre, where she spent 5 years of her life on pre-trial, before appearing in court for fair trial. While in incarceration, she experienced a psychological breakdown and threatened to commit suicide. Her depression was also due to the fact that she left her 7 year old daughter all by herself with no secondary caregiver since she was unexpectedly arrested at her residence. To manage Kadie's mental status, our social worker conducted a series of psychosocial empowerment sessions through the use of a focus group, some behavioural schemes. A family tracing of her daughter was also done and she was referred to the Don Bosco Interim Care Centre for girls. In March 2020, Kadie's case was acquitted and discharged for lack of evidence. To deter her from reoffending, upon release Kadie was provided with psycho-social counselling, post-prison transportation and a needs assessment was done through our client exit interview. She was also encouraged to register to the Go Bifo group. Kadie was provided with a post-prison business start-up grant to start a small-scale food business (selling cooked meals).

This small business has helped her earn income to upkeep herself and her daughter. To further assist her in reintegrating into society, AdvocAid planned to employ her as one of our office assistance in Freetown, but this was forestalled due COVID 19 pandemic till after the restrictions are lifted. Kadie is now living happily with her daughter and hoping for a brighter and better future

#### Case Study 2 – Adama and Aminata's Story

Adama and Aminata were detained at the Freetown Female Correctional Centre for fraudulent conversion for six months. They had been duped by a man in America who told them he could help them go to America and stole money on his behalf. With representation from an AdvocAid Duty Counsel, they were granted bail with the condition to repay the full amount back to the complainant through a 1-year payment plan. Upon release, AdvocAid supported the women to set up a small business and developed a plan to meet the payment plan's conditions and repay the complainant. So far, each month they have been able to make some payment to the complainant while earning income for themselves. They laid out what they were able to accomplish with the first grant and presented their progress with the payment plan in court, which confirmed that they had made considerable progress. After several months, they turned to AdvocAid requesting a follow-up start-up grant because of some unexpected personal challenges. In a meeting with an AdvocAid Social Worker, the post-prison support plan was amended, and the follow-up grant granted.

#### COVID-19 – AdvocAid's Advocacy to Release Vulnerable Detainees

- AdvocAid has been engaging the Sierra Leone Government concerning the spread of the COVID-19 in prisons. In the past months, we have published three press releases calling for the release of vulnerable, pre-trial and child detainees in Sierra Leone to prevent the spread of COVID 19 detention facilities.
- Partially responding to the call of AdvocAid and other civil society organisations, the Government agreed to release 235 detainees (including four women) as part of the annual Presidential Pardon on 27 April 2020, Sierra Leone Independence Day. However, the pardoned detainees are yet to be released. Their release has been delayed due a prison riot following from an outbreak of COVID-19 in the male prison that left several prisoners and one officer dead.
- AdvocAid continues to advocate for the Government to release detainees and reduce prison overcrowding.
- Additionally, AdvocAid continues its legal advice work in order to reduce pressure on the criminal justice system at this time. AdvocAid paralegals conduct mediation between complainants and those accused. We support and encourage Alternative Dispute Resolution at police stations for minor offences to resolve cases and reduce prison overcrowding.

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*Each month they have been able to make some payment to the complainant while earning income for themselves.*

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## Questions from the Audience

**Do any of the speakers know of specific programmes, or adapted programmes, that are supporting women who are being released during the COVID-19 pandemic? Or any input on what needs such women would have?**

**Chontit Chuenurah:** A lot of rehabilitation programmes in Thailand have been impacted by COVID-19, such as vocational training, but some programmes can operate such as the call centre. The prison is trying to adapt e.g. having prisoners make face masks. There is a temporary home for women who cannot go home after being released from the Central Women's Prison in Bangkok due to the curfew. They can spend one night there before going home. TIJ has been educating women about COVID-19 and also encouraging the prison authorities to rethink their programmes as the traditional skills they teach women may not be so relevant in the current context.

**Aisyah Yuliani:** In Indonesia, the Ministry ensures that all women who are part of early release programmes are part of a social safety net programme e.g. they receive food packages. In some cities, private partners have opened doors to women who could not travel home due to travel restrictions. Some programmes are sending vocational training information over WhatsApp so women can do the work at their homes.

**Drugs have been a common thread in this discussion, with many women in prison having a history of drug use or being incarcerated for minor drug offences. Where do drug policy reform, harm reduction (both in prison and in the community) and decriminalisation fit in this debate - as interventions that would support reintegration while at the same time reducing incarceration?**

**Rob Allen:** This is one of major challenges for criminal justice reform throughout the world. There are examples of countries who are not using criminal punishment as a way to deal with drugs but adopting a health approach. Evidence shows that this does not result in higher numbers of people taking drugs as was feared. Health care and education approach seem to do better.

**Muriel Jourdan-Ethvignot:** UNODC actively promotes a health-centered response to minor offences related to drug use disorders, including alternatives to conviction and punishment. UNODC has a lot of programmes targeting health. Countries should offer the same treatment they offer to people in the community to people in prisons. There needs to be continuity of health programming.

**The contribution of community-based volunteers to rehabilitation and community (re)integration is increasingly recognised around the world as valuable. Would speakers be able to comment - in particular in relation to women and women-centred practices - how the contribution of community volunteers might be increased?**

**Chontit Chuenurah:** Community based volunteers are very important. We need to support the mental empowerment of women who will be returning to society. We see the impact of this in Thailand.

**Muriel Jourdan-Ethvignot:** There is a lack of support/ programmes for women in prison, so any support is welcome. Community support is good for social reintegration. It is good to see interventions while women are in prison.

## LIST OF QUESTIONS FROM THE WEBINAR SERIES

Below is a list of questions that audience members posed during the webinars. Due to limited time it was not possible to answer them all. They are listed below as an aid for further trainings, discussions or research.

### Webinar 1

- Implementation on non-custodial measures requires additional resources (personnel and equipment). In countries with limited resources, how do we make the case for increased use of non-custodial measures?
- What initiatives exist in SE Asia, including and especially Thailand, to expose and train judges to the benefits of non-custodial incarceration for non-violent crimes? We find that it is not enough to simply advocate and change legislation when judges do not appreciate the need for non-custodial incarceration and continue to incarcerate persons, because they have the discretion to do so.
- If there is a penalty stipulated for an offence committed by any person and a woman is found culpable of the said offence ... will it be possible for her to escape the maximum punishment without an amendment of the law?
- Do we have any data or evidence for success of gender-responsive non-custodial measures in some jurisdictions?
- In some countries, like Ethiopia, where non-custodial measures are not practiced or there is no legal regime managing that, what would you suggest?
- How do you protect the women released from prison as a non-custodial measure from victimisation by the society for their committed crime?
- Would you recommend non-custodial measures for women facing trial for homicidal offences?
- In most African countries, Nigeria for example, there are poor data collation and management of the citizens, how do we ensure that the purpose of law in deterring others from committing offences are met by ensuring that sentences are served in such a way that the element of deterrence is not lost while engaging in non-custodial measures?
- Non-custodial measures are often perceived as not strong enough to deter further offending, as a sort of a discounted sentence. How can non-custodial measures constitute a strong alternative to imprisonment?

### Webinar 2

- Thanks Barbara for laying out this body of research so clearly. These support services/ programmes you are talking about are now suspended in so many places because of COVID.... do you think we'll have higher female prison populations because of this? Or what do you think the fall-out will be?
- Community based rehabilitation with outside support is the best solution that we tried in Pakistan but lack of mental health facilities make the thing difficult. What about the restorative justice?

- Listening to the first speaker's presentation, it seems that the reasons against prison sentences on women apply to even male offenders as well. Could the speaker elaborate more why non-custodial interventions should be invested more on women than generally imposed on every non-dangerous offenders regardless of their genders? By the way, I understand that physically and socially prison sentences are much harsher on women than men. But I don't know if this should be solved by designing better prison conditions for women and of course limiting imprisonment only to very dangerous offenders.
- It is a very good example from Thailand to reform the criminal justice in promoting alternative to imprisonment. I just want to ask about the current system there and the future advocacy. Is there any law in criminal procedure in Thailand that consider gendered aspect for women offender like exclusion for pre trial detention for pregnant women, if it not there right now, do the civil society also demand for this in Thai's criminal justice reform?
- Thank you for the great presentations. I have a question for Tamar. She said that one of the ways to help the female offenders/inmates is to targeting their criminogenic needs. What kind of assessment tool do you use? Is it a usual RNR tool assessment or the other kinds?
- What gender-responsive considerations should be considered during house arrest?
- Here in the Philippines, we have suspended sentence for minor offenders. But for pregnant women, I want to learn from your system and be aware of the law or basis of this privilege for women offenders
- Do you all also have spiritual support as one of psychology effect to the inmates?

### Webinar 3

- If diversion, community service, etc., are encouraged to be given to women, why can we not give the same treatment to men? Are we saying that male criminals are more dangerous than female criminals?
- You said that women have higher rate of mental illness than men, is it maybe women are much more talkative than men? Women explore more of their thoughts and feeling and can express it vocally, physically and emotionally.
- What about girls? Girls are often missed because they have child-adolescent specific needs from women, but are also missed in children programs because they are gender neutral. How should reintegration address girls and what resources exist to support this or what best practices are there?
- During the suspending visit in prison, in Thailand, does any alternative ways to supporting the women in prison contacting with their family, so that they can stay communicate with their family members about their situation in prison, and the situation of their family members outside of prison?
- If both parents are arrested, can there be a way that the mother defer service of her sentence until children reach age of adolescence? Or can mother serve community service instead of imprisonment?
- In the midst of the pandemic, how do probation and parole officers in Indonesia and Thailand implement rehabilitation programs for women under their supervision?

- In the Philippines (as an example of a practice that was adopted in times of pandemic), an NGO initiated a program called "Community Bail Bond" which was launched last May 1, with the intention of assisting persons deprived of liberties in raising the funds to pay for their bails. As of June 18, the said NGO was able to help 4 low risk mothers and 2 young male adults. The NGO was also helping in multiple monitoring phone calls.
- Is CARE a government or private sector initiative?
- How can we solve the problems faced by women prisoners during incarceration such as separation from families and gender specific treatment?
- I hail Bolivia for having this Organization for Women released from Jail. In this way we can regain the dignity of all PDIs released from Jail. Can we have the congress or any other law formulating body to formulate and integrate within the law this process? It's a best practice, I think?
- Majority of the problems of women which were discussed involve substance abuse. What specific programs are most effective to address this issue upon their reintegration in the community, facing the challenge of social distancing and other health security measures during this pandemic period?