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With the close of every year, we often find ourselves reflecting on what we have accomplished. This year, with the global pandemic, those accomplishments are likely very different from what we may have originally forecast. The pandemic has shone a spotlight on the gaps within our societies, and shown that those who are the most vulnerable have often been the least protected. This is particularly true with women.

In 2005, Nelson Mandela stated, “When the history of our times is written, will we be remembered as the generation that turned our backs in a moment of global crisis or will it be recorded that we did the right thing?” He made this statement about AIDS but his question remains relevant today. Our hope is that the systemic gaps within our societies can be addressed, but concrete action is needed to accomplish this.

To that end, we’d like to remind you that December 22nd marks the 10th anniversary of “The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders” - also known as the Bangkok Rules. There were 70 rules adopted that conveyed the “gender specificities of, and the consequent need to give priority to applying non-custodial measures to women who have come into contact with the criminal justice system”.

Rules number 57 and 58 specifically emphasize the importance of creating gender specific options, diversionary alternatives and implementing sentencing practises that don’t separate women from their families and communities without due consideration being given to their backgrounds and family ties.

Our Beyond Prisons Taskforce fully endorses the Bangkok Rules and the need to develop a holistic, women-centered model that recognizes the central role of community based corrections for women in conflict with the law. It has been 10 years since the adoption of the Bangkok rules and while progress has been made, unfortunately, many of the rules remain unfulfilled. Globally, the practice of incarcerating women continues to increase, outpacing the growth of the male offender population. There continues to be a lack of gender responsive programs and policies. We remain hopeful that with continued efforts we can move away from imprisonment as a first choice and adopt a healthier approach that will improve public safety results.

As 2021 approaches, we invite you to consider what you can do to move the yardstick further for women in conflict with the law. Whether it be big or small - contributing to social progress and improved social justice, influencing change and highlighting the need to fully implement the Bangkok Rules within your jurisdiction as policy makers, practitioners, researchers, academics, students, and government officials. You can make a difference!

We would like to wish you a happy and peaceful season and look forward to working with you in 2021. Take care and stay safe,

Jennifer and Diane
December 22nd marks the 10th anniversary of the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders which are also known as the Bangkok Rules due to the pivotal role Thailand played in their creation.

Given a decade has passed since this important agreement, the Beyond Prisons Taskforce would like to take an opportunity to celebrate and reflect on the adoption of the Bangkok Rules.

The Bangkok Rules, which were unanimously agreed upon by 193 member states, are composed of 70 rules that serve to supplement the Nelson Mandela Rules - Standard Minimum Rules for the Treatment of Prisoners and the United Nations Minimum Rules for Non-custodial Measures (Tokyo Rules).

The Bangkok Rules outline the minimum requirements that those involved in the development and management of prisons and correctional systems need to consider in addressing the needs of women in both custodial and non-custodial settings. In addition to identifying numerous considerations for women in conflict with the law, they also include recommendations involving gender sensitive research, planning, evaluation and public awareness. Additionally important, the Rules also reflect critical considerations for children that are negatively impacted.

Since 2000, we have seen over a 50% increase in the number of girls and women incarcerated globally. We also know that criminal justice environments remain highly politicized and “tough on crime” approaches have spurred the use of mandatory minimum sentencing in absence of broader considerations that involve successful reintegration and desistance. It is clear that the Bangkok Rules remain critically important and this anniversary gives us the opportunity to reflect on how we have progressed over the last 10 years.

Many organizations have developed very informative documents and materials specific to the Rules that can be used to further inform those involved. Activities and resources that support an increased understanding of the Bangkok Rules are important in ensuring that we continue to progress and move forward. To assist in one’s reflection and understanding of the Bangkok Rules, we have included a number of excellent resources including a call to action. This list is not exhaustive, and

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we would be pleased to hear from you of other resources that we could include within the Taskforce website.

1. “About the Bangkok Rules” by the Thailand Institute of Justice provides a concise overview of the Bangkok Rules and links to additional information.

2. “Call to Action: Protect the human rights of women in the criminal justice system” by Prison Reform International


5. In December 2020, the Penal Reform International (PRI) hosted a webinar entitled “The UN Bangkok Rules at 10: Progress and Possibilities”.


The Bangkok Rules: Still Relevant 10 Years On

While admissions to federal correctional facilities have declined over the last decade in Canada, the number of Indigenous female offenders has increased by 73.8% (1). Despite making up just 4% of women in the general population (2), Indigenous women account for 41.4% of female federal admissions. Correspondingly, 97% of incarcerated Indigenous women were diagnosed with a mental health disorder and 92% were found to have moderate to high substance abuse needs (1). Prevalence rates of Hepatitis C (HCV) and HIV are highest among federally incarcerated Indigenous women compared to any other population group in Canada (3). These statistics highlight incarcerated Indigenous females’ specific health needs that are largely unmet and require an urgent response.

For many Indigenous women, involvement in the criminal justice system stems from complex collective and individual life experiences marked with racism, violence, and exploitation. These experiences can be directly linked to colonization in Canada which created health and social inequities among Indigenous Peoples (4) that can contribute to higher rates of substance use, sex work, mental illness, and violence (5). This ultimately increases risks of coming into conflict with the law, both as offenders and victims (6).

There is growing recognition of the need for Indigenous-led and culturally grounded programming in federal prisons. For example, a recent report from the Office of the Auditor General of Canada commented that Indigenous women benefit from greater access to gender-based, culturally
appropriate programming in prisons (7). Over the past two decades, evidence has repeatedly indicated that connection to Indigenous culture can not only serve as a protective factor in terms of mental health and substance abuse, but can also foster mental wellness at the individual, family and community levels (8,9). Despite this fact, access to culturally safe programming continues to be limited with few barrier-free options for Indigenous women.

To respond to the high rates of STBBIs amongst incarcerated Indigenous women, and to help close the gap in access to culturally safe programs, the Native Women’s Association of Canada implemented a program called “Walking the RED Path”. This program is grounded in Indigenous culture and aims to empower incarcerated Indigenous women by increasing knowledge, reducing stigma, dispelling misconceptions, and increasing awareness of STBBIs, harm reduction and healthy relationships. The program was designed by and for incarcerated Indigenous women and is delivered via an interactive 3-day workshop. The project’s mid-term evaluation data completed by participating incarcerated Indigenous women shows a significant increase in participants’ willingness to ask about and use health, social and support services within and outside the correctional institutions and an increase in knowledge of STBBIs.

Access to culturally safe programming and alternatives to traditional incarceration is not just a suggestion being made by prisoners and advocates. Rather, it must be viewed as a part of Canada’s commitment to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders more commonly known as the “Bangkok Rules”, the Truth and Reconciliation Commission of Canada (2015), and the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019). All three instruments and bodies have outlined immediate ways the government can take action to effect transformative change including:

Bangkok Rules:

Bangkok Rule 34: “Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma, and discrimination, shall also be part of the curriculum.”

Bangkok Rule 54: “Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their
access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.”

**Truth and Reconciliation Commission’s Call to Action #36:** “We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.”

**National Inquiry into Missing and Murdered Indigenous Women and Girls’ Call for Justice #14.8:** “Ensure correctional facilities and programs recognize the distinct needs of Indigenous offenders when designing and implementing programming for First Nations, Inuit and Métis women. Correctional Service Canada must use culturally safe, distinctions-based and trauma-informed models of care, adapted to the needs of Indigenous women, girls and 2SLGBTQQIA people.”

The aforementioned excerpts aptly reveal that there is no shortage of crucially important human rights guidance, both international and domestic in scope, which the Canadian prison authorities should act on to ensure that the broader health needs of Indigenous women are ensured in practice.

**References:**


Research:


HER STORY – WOMEN’S PERSPECTIVES

In this month’s “Herstory”, we are pleased to introduce Carol Andrews who is serving a life sentence in Canada. Carol speaks about the employment challenges that she faces as a women on parole.

When I arrived in prison, I thought to myself that I am doing a life sentence so I should make the best of my time. So when all the initial paper work was done, I pushed my case management team to start my correctional programs right away even though they thought I should wait until later on in my sentence. I was serving a life sentence with a 10 year minimum. In Canada, this means that I would become eligible to be reviewed for full parole after serving 10 years of my sentence. Prior to this, I would be eligible for other more restrictive types of releases such as escorted temporary absences, unescorted temporary absences and day parole.

So soon upon my arrival, I started taking courses to get my high school diploma and I also held down another job in the institution. I was a hard worker before I went to prison and I continued to work hard, taking as many programs as I could, and trying to improve my future situation upon my release on parole. There were three trade programs that were offered to me. The ‘kitten fostering program’ through the local SPCA, a snowplow operator program offered through tri-county truck driver training program and a commercial custodial program. During my time there, there were no trade or educational programs for women that would really help in earning a living wage upon release. A lack of a trade or skills that
are in demand, as well the stigma of having a criminal record is a huge challenge for women upon release as most women are single wage earners and have children they need to look after.

In 2001, I received a Escorted Temporary Absences and 6 months later, I was approved for Unescorted Temporary Absences. In 2004, I was granted Day Parole and Full Parole 2007 which were the earliest eligibility dates for these types of releases. Within 6 weeks of my initial release, I got a job making minimum wage working 12-hour shifts, I started this job when I was 39 years old, and much younger than I am today. I am now 55 years old and because my job consists of lifting 50 lb. boxes and a lot of physical labor, I am finding it more and more difficult to do. My leg constantly hurts, and the pain is so bad that I walk with a limp. I have been at this same job for the last 17 years, and I continue to earn a minimum wage.

My goal is that I could eventually get a job where I can work with animals. I have three dogs, two of which are rescues. I am very good with animals. In fact, protecting animals is my passion! I very much want to be involved in animal cruelty investigations, as I do not believe in the ill-treatment of animals.

I have been working towards this goal for a number of years. I successfully graduated with a diploma as a veterinary assistant, and have also completed a canine specialist diploma. I completed both these programs with honors. This last year, I continued to take courses, and in April, I graduated with honors from a Security and Police Sciences program. My hope is that by taking these programs I can eventually gain employment where I could work with animals. Unfortunately, because I have a criminal record, it has been extremely difficult. Despite having really struggled to make ends, I have managed to own my own home. I pay a mortgage, hydro, gas, etc. on a very small budget. I would really like to move on with a better job, use the skills and capacities that I have, and the qualifications which I have worked hard to achieve. I would like to be given a chance but my criminal record is a major obstacle. I remain optimistic about my situation even though I sometimes barely get by. I cannot say it has been easy, for it definitely has not. I remain hopeful, however, that one day my hard work and efforts will all pay off and I get the chance to live my passion and that my record will no longer hinder me in doing so.

**IN THE NEWS**

**COVID-19 and gender equality: Countering the regressive effects.** What is good for gender equality is good for the economy and society as well. The COVID-19 pandemic puts that truth into stark relief and raises critically important choices.  

**Pandemic Will ‘Take Our Women 10 Years Back’ in the Workplace.** Improvements in gender equality in the workplace may be another casualty of the coronavirus, as women find their place in the work force more at risk.  

**The Facts: Women and Pandemics.** The COVID-19 pandemic has had an unprecedented impact in Canada and around the world. Beyond the epidemiological effects, the outbreak of the disease impacts people and groups very differently.  

**Number of women in jail soars, despite global push to cut numbers.** The number of women in jail globally has soared by 17% in a decade, despite leaders’ pledges to put fewer women behind bars for petty crimes and the devastating impact on their mental health and children, penal reformers said recently. Penal Reform International said 741,000 women were in prison worldwide, with up to 80% having an identifiable mental illness, a problem exacerbated by the COVID-19 pandemic.  
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