United Nations Rules for the

Treatment of Female Prisoners



Produced by AdvocAid



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AdvocAid

AdvocAid is a Sierra Leonean civil society organisation which supports access to justice and strengthened rights for girls, women and their children in conflict with the law. We work in four districts in Sierra Leone.

Our programmes include:

- Legal aid
- Welfare and rehabilitation services
- After care
- Preventative educational initiatives
- Strategic capacity building programmes
- Advocacy and policy reform

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Purpose of this Handbook

This handbook aims to provide a clear, portable and easy to use guide to the Bangkok Rules, which outline standards for the treatment of female prisoners. The information is in point form and referenced with detailed footnotes. It is organised according to prison officials' duties and functions.

The handbook is designed to assist prison officials, prisoners and civil society in fostering enforcement of human rights standards for girls, women and their children in the criminal justice system.

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What are the Bangkok Rules?

In December 2010 the United Nations approved a set of rules concerning standards for the treatment of female prisoners and non-custodial measures for women offenders. They are named the "Bangkok Rules" to acknowledge the role the Thai Government played in having the rules passed.

The Bangkok Rules are in addition to (and do not replace) the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) and the UN Standard Minimum Rules for Non-custodial Measures (the 'Tokyo Rules'). Therefore, reference is also made to these rules where relevant.

These international standards indicate the human rights standards that are required when dealing with female offenders.

Why are the Bangkok Rules needed?

Girls and women are a minority of the prison population across the world. Women in general still continue to face discrimination and marginalisation. Prisons were largely designed to respond to male offenders but the needs (and causes of imprisonment) of women offenders are very different. For these reasons, the needs of women who are part of the criminal justice system have been overlooked and have not been met.

The rate of imprisonment of women is growing across the world. Women who are involved in the criminal justice system face many common problems:

- 1. Fewer women's prisons and locations far from home, family and friends
- 2. Problems in caring for dependent children who are left outside of prison
- 3. Problems in caring for dependent children in prison
- 4. Increased vulnerability to mental and physical abuse
- 5. Increased vulnerability to suicide and self harm
- 6. Personal hygiene and health care needs not being met
- 7. Economic and social disadvantages
- 8. Difficulties accessing justice
- 9. Increased stigmatization and difficulties with reintegration

The United Nations approved the Standard Minimum Rules for the Treatment of Prisoners more than 50 years ago. These rules do not adequately address the needs of women in the criminal justice system. For this reason, the United Nations and various experts drafted the Bangkok Rules.¹

THE BANGKOK RULES

1. NON-CUSTODIAL MEASURES

Gender Specific

Gender specific non-custodial measures should be developed in light of women offenders' care taking responsibilities and history of victimization.²

Family Contact

Women offenders should not be separated from their families and communities without due consideration being given to their backgrounds and family ties.³

Women in Need of Protection

Non-custodial methods of protection, such as NGO services or shelters, should be used for women who are in need of protection. Detention should not be used as a form of protection unless the woman expressly requests it.⁴

Support Programmes

Resources should be made available to develop alternatives to assist women offenders by combining non-custodial measures with programmes that address common problems leading to women's contact with the criminal justice system, for example:

- Counselling for victims of domestic violence and sexual abuse
- Treatment for those with mental disability
- Educational courses
- Training programmes to improve employment

These programmes should take into account women's care taking responsibilities and the benefit of having women only services.⁵

The provision of substance abuse treatments suitable for women in the community should be improved, for crime prevention and alternatives to custody.⁶

Sentencing



When sentencing a woman, courts should have the power to take into account mitigation factors such as:

- Lack of criminal history (i.e. if this is a first offence)
- The severity and nature of the criminal conduct
- Women's caretaking responsibilities
- The typical background of many women offenders (i.e. Judges should consider the circumstances which led to the offence. For example, any women offenders commit violent offences as they experience domestic violence themselves and are acting in self defence. Many women commit offences because of poverty, drug addiction or other social disadvantages etc).⁷

Parole

Parole decisions (early conditional release) should take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.⁸

Pregnant Women and Women with Dependent Children

Non-custodial sentences for pregnant women and women with dependent children should be preferred.

Custodial sentences should only be considered where:

- the offence is serious or violent or
- the woman represents a continuing danger
- the best interests of the child/ children are considered
- appropriate provision of care of the child/ children has been made⁹

Juvenile Female Offenders

Institutionalisation of children should be avoided as much as possible.

The gender-based vulnerabilities of girls in conflict with the law should be considered in decision making.¹⁰

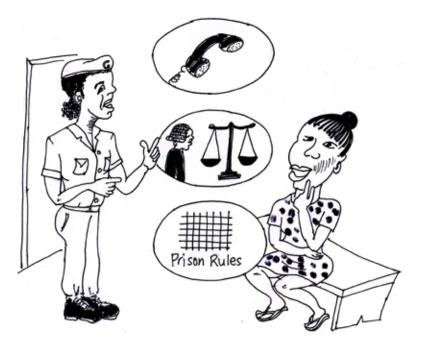
Foreign Nationals

International conventions concerning human trafficking should be implemented in order to avoid further victimization to many women who are foreign nationals.¹¹

2. RULES APPLICABLE TO ALL WOMEN PRISONERS

Gender Equality

The distinctive needs of women prisoners should be taken into account at all times throughout the administration of justice. Providing for such needs in order to achieve substantial gender equality is not discriminatory.¹²



Admission into Prison

This is a particularly vulnerable time for women and children and so particular care needs to be taken.

Women who have just arrived in prison should be provided with the following information and resources (in a language they understand):

- Facilities to contact their relatives
- Access to Legal Advice
- Information about Prison Rules and the Prison Regime
- Information about complaints and disciplinary procedures
- Where to seek help when in need

Foreign nationals should be provided access to consular representatives by contacting their Embassy. 13

Women who have dependent children should be allowed to make arrangements for those children to be taken care of, either before or when they come into prison. This may include stopping detention while the woman makes child care arrangements (where possible). Prison authorities should consider what is in the best interests of the child when making decisions.¹⁴



Registration

Women Prisoners

A detailed register should be kept of every woman deprived of her liberty, including while in police stations and in the prison system. This should include details about:

- Her identity
- Reason and authority for her commitment (i.e. offence and commitment order)
- Day and hour of admission
- Date of release¹⁵

No woman should be received into prison:

- without a valid commitment order and
- before the commitment order has been entered into the register.

Children of Women Prisoners

Prison officers should record details about a female prisoner's children when she enters prison. This should include:

- Their name(s)
- Their age(s)
- Their location(s)
- Who is taking care of them

All information relating to the children's identity must be kept confidential and the best interests of the child must be carefully thought about when using this information.¹⁷

Safeguarding Prisoner's Property

When a prisoner enters prison, any valuables, clothing or other items that are not allowed under the prison rules should be kept in safe custody and good condition by the prison until her release. The prisoner should sign an inventory (a list of all the items). Any items received from friends or family whilst the woman is in prison should be treated in the same way.¹⁸

The medical officer should decide what to do with any medicines brought in by the prison.¹⁹

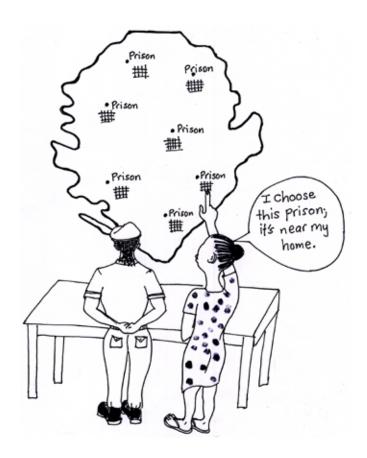
The prisoner should be allowed to send any items back to her family or friends if she chooses.²⁰

When a prisoner is released, she should be given back these items and sign a receipt for them.²¹

Allocation of Prisoners

Women prisoners should be detained separately from male prisoners.²²

Women should be allocated to prisons as close to their homes as possible or close to places where they can receive social rehabilitation services.²³



Prison officers should also consider:

- Whether a woman has caretaking responsibilities for children and where these children are located
- The woman's preference
- The availability of programmes and services to assist the woman²⁴

Personal Hygiene

Prisoners should be supplied with water and toiletries for health and cleanliness.²⁵

Female prisoners should be provided with facilities and materials necessary to meet women's specific hygiene needs.



This should include:

- Regular supply of sanitary towels (free of charge)
- Water for personal use and for taking care of children. In particular, pregnant women, those breastfeeding, women who are menstruating and women involved in cooking should be provided with sufficient water.²⁶

Health Care Services

a) Medical Screening on Entry

Medical Check

When a woman is admitted to prison she should receive a medical check to determine:

- Any medical problems
- Any sexually transmitted diseases and, depending on risk factors, HIV testing with pre and post test counselling
- Mental health care needs including post-traumatic stress disorder and risk of suicide and self-harm
- Current or recent pregnancies and reproductive health issues



- Any drug dependency
- Sexual abuse and other forms of violence that may have been experienced prior to entry into prison²⁷.
 If this is diagnosed:
 - The woman prisoner should be informed of her right to seek redress from judicial authorities and fully informed of the procedures and steps involved.
 - If the woman decides to take legal action, then appropriate staff should be informed and refer the case to a relevant and competent body for investigation.
 - Prison authorities should help the woman to access legal assistance.
 - Prison authorities should ensure the woman has immediate access to specialized psychological support or counselling (whether or not she decides to take legal action).
 - Special measures should be put in place to protect women who make reports or take legal action against any form of retaliation.²⁸

Medical Confidentiality

The medical confidentiality of women prisoners should be respected at all times which means women prisoners' have:

- The right not to share medical information
- The right not to undergo screening in relation to their reproductive health history²⁹

Medical Checks for Children

If the woman prisoner is accompanied by a child, the child should also undergo health screening (preferably by a child health specialist) to determine any treatment and medical needs.

Suitable health care should be provided that is comparable to the treatment they could receive outside of prison.³⁰

b) General Health Care Standards

The medical officer has an important responsibility to ensure that proper health standards are met. He or she can do this by regularly inspecting and advising the Director of the Prison on the suitability of:

- Food
- Water
- Hygiene
- Cleanliness
- Sanitation
- Heating
- Lighting
- Ventilation
- Clothing
- Bedding
- Opportunities for exercise³¹

Every prison should have proper health facilities and medical staff to provide for a range of health needs, including dental and psychiatric care. Sick prisoners who cannot be treated in the prison, such as prisoners with mental illness, should be transferred to a civilian hospital or to a specialized prison hospital.³²

All prisoners should have access to a qualified dental practitioner.³³

Services for psychiatric diagnosis and, if appropriate, treatment should be available at every prison.³⁴

c) Gender Specific Health Care

Women prisoners should receive gender-specific health care that is comparable to what they could receive outside of prison.

If a woman prisoner requests that she be treated or examined by a woman physician or nurse then this should be made available, as much as possible, except for situations requiring urgent medical attention.

If a male medical practitioner undertakes an examination against the wishes of a woman prisoner, a woman staff member must be present during the examination.³⁵



Only medical staff should be present during medical examinations unless:

- the doctor feels that exceptional circumstances exist or
- the doctor requests a member of the prison staff to be there for security reasons or

 the woman prisoner specifically requests the presence of a member of staff

Any non-medical prison staff present during medical examinations should be women and examinations should be carried out in a manner that safeguards privacy, dignity and confidentiality.³⁶

d) Mental Health and Care

Women prisoners with mental health-care needs in prison or non-custodial settings should be provided with mental health care and rehabilitation programmes. These programmes should:

- Take account of the woman prisoner's individual needs
- Be gender-sensitive (i.e. ideally make use of female health care professionals)
- Be trauma-informed
- Be comprehensive³⁷

Prison staff should be aware of times when women prisoners may feel particular distress so they can be sensitive to their situation and ensure that women are provided with appropriate support.³⁸



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e) HIV Prevention, Treatment, Care and Support

HIV/ AIDS programmes that are developed should take into consideration the specific needs of women, such as prevention of mother-to-child transmission.

Prison authorities should encourage and support the development of initiatives concerning HIV prevention, treatment and care, such as peer based education.³⁹



f) Substance Abuse Treatment Programmes

Prison health services should provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account:

- prior victimization
- the special needs of pregnant women and women with children
- diverse cultural backgrounds of women⁴⁰

g) Suicide and Self-Harm Prevention

The prison service should develop and implement strategies to prevent suicide and self-harm among women prisoners in consultation with mental health care and social welfare services.

Appropriate, gender specific and specialized support to those at risk should be part of a comprehensive policy of mental health care in women's prisons.⁴¹

h) Preventative Health Care Services

Women prisoners should receive education and information about preventive health-care measures, including:

- HIV and sexually transmitted diseases
- blood-borne diseases (i.e. diseases spread by contaminated blood such as hepatitis)
- gender-specific health conditions (i.e. breast cancer, fistula etc)⁴²

Preventive health-care measures of particular relevance to women, such as cervical smear tests and screening for breast and gynaecological cancer, should be offered to women prisoners on an equal basis with women of the same age in the community.⁴³

Exercise

All prisoners should have at least one hour's daily exercise in the open air if the weather permits. Facilities and equipment should be provided for this.⁴⁴

Food and Drink

All prisoners should be provided with wholesome and adequate food at the usual hours and with drinking water available whenever needed.⁴⁵

Adequate Standard of Living

General Rule

All parts of an institution regularly used by prisoners should be properly maintained and kept thoroughly clean at all times.⁴⁶

Toilet and Bathing Facilities

All prisoners should be provided with sanitary facilities to meet the needs of nature in a clean and decent manner.⁴⁷

All prisoners should be provided with shower and bathing facilities to enable them to adequately maintain their own cleanliness and good appearance.⁴⁸

Accommodation

Accommodation for prisoners should provide adequate cubic content of air, floor space, lighting, heating and ventilation.⁴⁹

Prisoners required to share sleeping accommodation should be carefully selected and supervised at night.⁵⁰

All prisoners should be provided with a separate bed and clean bedding, with facilities for keeping bedding clean.⁵¹

There must be facilities to wash and dry clothing and bedding regularly.⁵²

Clothing

All prisoners not allowed to wear their own clothing should be provided with suitable clothing.⁵³

There should be facilities for keeping clothing clean and in proper condition.⁵⁴

Education and Recreation

Education and cultural activities should be provided and encouraged to benefit the physical and mental health of the prisoner, including access to an adequate library.⁵⁵

Education should be compulsory for young prisoners and illiterate prisoners. The prison authorities should give this high priority.⁵⁶ Where possible, the education of prisoners should be integrated with the educational system in the



country so that after a prisoner is released they can continue their education without difficulty.⁵⁷

Religious Activities

Prisoners should be allowed access to qualified representatives of any religion (i.e. Catholic priest, imam etc).⁵⁸

Privileges

Systems of privileges should be established, as appropriate, in order to:

- encourage good behaviour
- develop a sense of responsibility
- secure the co-operation of prisoners⁵⁹

Safety and Security

a) Searches

Personal Searches

Effective measures should be taken to ensure that women prisoners' dignity and respect are protected during personal searches.



Personal searches should only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.⁶⁰

Strip Searches/ Invasive Body Searches

Alternative screening methods, such as scans, should be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.⁶¹

Searches of Children

Prison staff should demonstrate competence, professionalism and sensitivity and should preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.⁶²

b) Discipline and Punishment

Discipline and order should be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.⁶³

Prisoners should not be employed in disciplinary roles.⁶⁴

All disciplinary offences and punishments must be specified by law or published legal regulations.⁶⁵

No prisoner should be punished before being informed of the alleged offence and having the opportunity to present a proper defence.⁶⁶

All cruel, inhuman or degrading punishments are completely prohibited, including corporal punishment or placing the prisoner in a dark cell.⁶⁷

Punishment by close confinement (i.e. locked in a cell alone) or reduction of diet should never be inflicted unless the prisoner is certified by the medical officer as medically fit to sustain it.⁶⁸

Punishment by close confinement (i.e. locked in a cell alone) or disciplinary segregation (i.e. separation from the other prison population for a certain period of time) should not be applied to:

- pregnant women
- women with infants
- breastfeeding mothers in prison⁶⁹



Disciplinary sanctions for women prisoners should not include a prohibition of family contact, especially with children.⁷⁰



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c) Use of Force

Prison officers should not use force, except in self-defence or in cases of attempted escape or active or passive resistance to an order based on law or regulations.⁷¹

Officers who have recourse to force must use only the minimum force and must report the incident immediately to the prison director.⁷²

Staff in direct contact with prisoners should not usually be armed.⁷³

d) Instruments of Restraint

Chains and irons should not be used as restraints.74

Instruments of restraint (i.e. handcuffs) should never be applied as a punishment.⁷⁵

Restraints may be used only:

- as a precaution against escape during transfer
- · on medical grounds by direction of a medical officer
- provided they are used for no longer than strictly necessary
- provided that they are removed when the prisoner appears before a judicial or administrative authority⁷⁶

Instruments of restraint should never be used on women during labour, during birth and immediately after birth.⁷⁷

e) Complaints

Information to be Provided to Prisoners

When they enter prison, every prisoner should be provided with written information on prison regulations and on complaints and disciplinary procedures in a language which he or she understands. If necessary, these rules should be explained orally.⁷⁸

Complaints by Prisoners

Every prisoner should have the right to make a complaint regarding her treatment. This should be dealt with promptly unless the complaint is clearly frivolous or groundless.⁷⁹

Women prisoners who report abuse should be provided:

- Immediate protection, support and counselling (bearing in mind the risk of retaliation)
- Investigation of their claims by competent and independent authorities, with full respect for the principle of confidentiality.⁸⁰

Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, should receive:

- appropriate medical advice and counselling
- essential physical and mental health care,
- support
- legal aid⁸¹

f) Inspections

Prisons should be inspected regularly by qualified and experienced inspectors from a competent authority separate from the prison administration.⁸²

Every prisoner should have the right to communicate freely and confidentially with inspectors, subject only to the demands of good order and discipline in the institution.⁸³



In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies should include women members.⁸⁴

Contact with the Outside World

General Measures

Prison officers should facilitate (by all reasonable means) women prisoners' contact with:

- Their families
- Their children
- Their children's guardians
- Legal representatives⁸⁵

Where possible, measures should be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.⁸⁶



Prisoners should be kept informed of important items of news i.e. through newspapers, radio etc.⁸⁷

Conjugal Visits

Where conjugal visits are allowed, women prisoners should be able to exercise this right on an equal basis with men (i.e. these are visits where a woman can

meet with her spouse or partner in private for an extended period which may allow them to have sexual intercourse with the aim of preserving family bonds and helping with reintegration).88

Children

Visits involving children should take place in an environment that encourages a positive visiting experience.

Prison staff should:

- show positive attitudes towards visits with children
- allow open contact between mother and child
- encourage visits involving extended contact with children where possible⁸⁹



Juvenile Female Prisoners

Prison authorities should put in place measures to meet the protection needs of juvenile female prisoners.⁹⁰

Juvenile female prisoners should have equal access to education and vocational training that are available to juvenile male prisoners. 91

Juvenile female prisoners should have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence.⁹²

They should receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners.⁹³

Pregnant juvenile female prisoners should receive support and medical care similar to what is provided for adult female prisoners. Their health should be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.⁹⁴

Institutional Personnel and Training

Women's prisons should be under the responsibility of an appropriate woman officer and supervised by women officers. No male member of staff may enter unless accompanied by a woman officer.⁹⁵

Capacity building for staff employed in women's prisons should enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities.

Women staff should also be given access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.⁹⁶



There should be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff.⁹⁷

Clear policies and regulations should be developed concerning the conduct of prison staff which aims to provide maximum protection for women prisoners from any:

- gender-based physical or verbal violence
- abuse
- sexual harassment⁹⁸

Women prison staff should receive equal access to training as male staff.

All staff involved in the management of women's prisons should receive training on gender sensitivity and prohibition of discrimination and sexual harassment.⁹⁹

All staff assigned to work with women prisoners should receive training relating to the gender-specific needs and human rights of women prisoners.¹⁰⁰

Basic training should be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine. 101

Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children should also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.¹⁰²

The training curricula for prison staff should also include capacity-building programmes on HIV. This should include areas such as:

- HIV/AIDS prevention
- Treatment, care and support

Gender and human rights, with a particular focus on their link to HIV, stigma and discrimination. 103

Prison staff should be trained to detect mental health-care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.¹⁰⁵

3. SPECIAL CATEGORIES OF PRISONERS

A. SENTENCED PRISONERS

Classification and Individualisation

So far as possible, separate institutions or separate sections of an institution, should be used for treatment of different classes of prisoners (i.e. short term, long term, high risk, severity of crime etc). 105

Prison administrators should develop and implement classification methods which address the gender-specific needs and circumstances of women prisoners. This is to ensure appropriate and individualized planning and implementation which supports prisoners' early rehabilitation, treatment and reintegration into society. 106

The gender-sensitive risk assessment and classification of prisoners should:

- (a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high security measures and increased levels of isolation can have on women prisoners
- (b) Take into account essential information about women's backgrounds during the allocation and sentence planning process, such as:
- violence they may have experienced
- history of mental disability
- substance abuse
- parental and other caretaking responsibilities



(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs

(d) Ensure that those with mental health care needs

- are housed in accommodation which is not restrictive
- at the lowest possible security level
- receive appropriate treatment

Women with mental health care needs should not be placed in higher security level facilities solely due to their mental health problems.¹⁰⁷

Prison Regime

Purpose

The purpose of the prison regime should be to help prisoners to lead lawabiding and self-supporting lives after their release. 108

Women prisoners should have access to a balanced and wide-ranging programme of activities, which takes account of gender appropriate needs. 109

Various appropriate strategies should be used to support prisoner rehabilitation, taking into account the individual needs of each prisoner, such as:

- religious care
- education
- · vocational guidance and training
- social casework
- · employment counselling
- physical development (i.e. exercise and sports)
- life skills¹¹⁰

The prison director should receive reports on the rehabilitation needs of each prisoner, including medical needs, when they are admitted to prison. These reports should be kept in an individual file with other relevant documents and kept updated during the prisoner's sentence.¹¹¹

Work/ Vocational Training

All sentenced prisoners who are medically fit should be required to work. As far as possible, this work should give them skills that will enable them to earn an honest living after their release. 112

National legislation regarding health and safety at work should apply in prison in the same way as it does in the community. 113

Vocational training should be provided, especially for young prisoners. 114



Prisoners should be remunerated for the work they do. 115

Prisoners should be allowed to spend at least a part of their earnings, to send a part to their families and to save a part.¹¹⁶

Responding to the needs of pregnant women and women with children in prison. The prison regime should be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. 117

See the section below for more rules.

Responding to women who have psychosocial support needs
Particular efforts should be made to provide appropriate services for women

prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.¹¹⁸

Pregnant women, breastfeeding mothers and mothers with children in prison Treatment

Particular efforts should be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison. 119

Women's prisons should have special accommodation for all necessary prenatal and post-natal care and treatment. 120

Whenever possible, women prisoners should be taken to outside hospitals to give birth.¹²¹

Pregnant or breastfeeding women prisoners should be given advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner.

Pregnant women, babies, children and breastfeeding mothers should be provided (free of charge):

- adequate and timely food
- a healthy environment
- regular exercise¹²²

Women prisoners should not be discouraged from breastfeeding their children, unless there are specific health reasons to do so. (i.e. if the mother has HIV). 123

Mothers who have given birth but do not have their children in prison should also be included in treatment programmes with a focus on their medical and nutritional needs.¹²⁴

Children in Prison

Decisions to allow children to stay with their mothers in prison should be based on the best interests of the children.

Children in prison with their mothers should never be treated as prisoners. 125

If a child is born in prison this should not be mentioned on its birth certificate. 126

Women prisoners whose children are in prison with them should be provided with the maximum possible opportunities to spend time with their children.¹²⁷

Childcare facilities or arrangements should be provided in prisons to assist women prisoners to take part in prison activities. 128

Children living with their mothers in prison should be provided with ongoing health-care services. Their development should be monitored by specialists, in collaboration with community health services. 129

The environment provided for children living in prison with their mothers should be as close as possible to that of a child outside prison i.e. they should be allowed to play, have access to education, not be treated harshly etc.¹³⁰

A nursery should be established for children in prison which is supervised by qualified staff where children can be placed when they are not in the care of their mothers.¹³¹

Taking a Child Out of Prison

Decisions as to when a child is to be separated from its mother should be based on:

- individual assessments
- the best interests of the child
- consideration of relevant national laws (i.e. Child Rights Act 2007 etc)¹³²

Removing a child from prison should be done in a sensitive way and only when alternative care arrangements for the child have been identified.¹³³

If the child's mother is a foreign national (from another country) then this must be discussed with consular officials from the Embassy of their country. 134

Women prisoners should be given the maximum possible opportunity and facilities to meet with their children who have been separated from them. Prison authorities should take into account the best interests of the children and public safety concerns.¹³⁵

For more information on non-custodial measures, please see the relevant section above (pages 8-10).

Foreign Nationals

Foreign prisoners should be allowed to communicate with their diplomatic representatives. 136

Foreign-national women prisoners who are not resident in this country should be transferred to their home country to serve their sentence as early as possible during their imprisonment, especially if they have children in their home country. This will only be possible if necessary agreements are in place between the countries. It is important to obtain the consent of the women prisoner.



If the above foreign-national woman prisoner has a child and the child is to be removed from prison, prison authorities must consider whether it is best to relocate the child to its home country. The best interest of the child should be considered and the mother consulted.¹³⁷

Minorities and Indigenous People

Prison authorities should recognize that women prisoners from different religious and cultural backgrounds have different needs and may have difficulties in accessing gender- and culture-relevant programmes and services.

Therefore, prison authorities should provide wide ranging programmes (and review existing programmes) to make sure they address the particular needs of different groups, after consulting the women prisoners and relevant minority and indigenous groups.¹³⁸

Aftercare

From the beginning of a prisoner's sentence consideration should be given to her future after release and prisoners should be assisted in ensuring their future reintegration into society. 139

All agencies and services responsible for the reintegration of prisoners into society should ensure that all prisoners have means and available resources to maintain themselves in the period immediately following their release. ¹⁴⁰

Prison authorities should encourage and, where possible, facilitate visits to women prisoners and maintenance of family relationships. This is an important factor in ensuring their mental well-being and social reintegration.¹⁴¹

Women prisoners should be consulted about who is allowed to visit them. Many women prisoners have experienced domestic violence and therefore they should be consulted before allowing visits from family members. 142

In order to help women prisoners' reintegrate back into the community, prison authorities should make use of:

- Home leave
- Open prisons
- Half way houses
- Community based programmes and services

This will help women prisoner's ease their transition from prison to their community, reduce stigma and re-establish their contact with their families at the earliest possible stage. 143

Prison authorities should design and implement thorough pre- and post-release reintegration programmes which take into account the gender-specific needs of women. This should be done together with probation and/or social welfare services, local community groups and NGOs.¹⁴⁴

Women released from prison should be provided with additional support in order to ensure their successful social reintegration. This should be done in cooperation with services in the community. Such support could include:

- psychological
- medical
- legal
- practical help¹⁴⁵

B. PRISONERS UNDER ARREST OR AWAITING TRIAL

These rules specifically apply to "untried prisoners" i.e. prisoners who have been arrested and are facing a criminal charge and who are detained in police cells or prisons but who have not yet been tried and sentenced. 146

Legal Rights and Contact

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty and should be treated in this manner.¹⁴⁷

All arrested or detained persons should have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative. Interviews between a detainee and her legal officer may be in sight but not in hearing distance of a police or prison officer or other official.¹⁴⁸

Untried prisoners should be allowed immediately to inform their families of their detention and should be given all reasonable facilities for communicating with their families and friends.¹⁴⁹

Treatment in Detention



Accused persons should be segregated from convicted persons and should be subject to separate treatment, apart from in exceptional circumstances. 150

Juvenile untried prisoners should be detained separately from adults and in separate institutions. 151

Untried prisoners should sleep singly in separate rooms, taking into account different customs and climate. 152

Untried prisoners may have their food brought in at their own expense from the outside, if that is what they want.¹⁵³

Untried prisoners should be allowed to wear their own clothing if it is clean and suitable. 154

If an untried prisoner wears prison clothing, it should be different from that supplied to convicted prisoners. 155

Untried prisoners should always be offered the opportunity to work, but should not be required to work. 156

Untried prisoners should generally be allowed to obtain books, newspapers and writing materials at their own expense.¹⁵⁷

Untried prisoners should generally be allowed visits from their own doctor or dentist at their own expense. 158

Relevant authorities should recognise the particular risk of abuse that women face during pre-trial detention and should adopt appropriate measures to guarantee such women's safety at this time.¹⁵⁹

Alternatives to Custody

Alternative ways of managing women who commit offences should be implemented wherever appropriate and possible, including diversionary measures and pre-trial and sentencing alternatives (i.e. suspended sentences, community service etc).¹⁶⁰

4. RESEARCH AND PUBLIC AWARENESS RAISING

Research and Planning

Research on women in the criminal justice system should be promoted in order to better plan programmes, develop policy and respond to social reintegration needs of women offenders.¹⁶¹

Research on the impact of children imprisoned with their mother should be promoted in order to better develop programmes and develop policy, taking into consideration the best interests of the child. 162

There should be publication of research and good practice which will inform policies relating to improving the criminal justice system's response to women and their children. ¹⁶³

Raising Public Awareness and Training

Efforts should be made to publicise problems and factors relating to women's imprisonment and the effectiveness in responding to social reintegration needs of women offenders, and their children, in order to reduce stigmatization.¹⁶⁴

The media and the public should be informed about the reasons that lead to women's entrapment in the criminal justice system and the most effective ways to respond to it, in order to enable women's social reintegration. ¹⁶⁵

The media, the public and professionals dealing with matters concerning women offenders should be provided regularly with factual information about the matters covered in these rules and about their implementation. 166

Training programmes on the present rules and the results of research should be developed and implemented for relevant criminal justice officials to raise their awareness and sensitize them to the provisions contained therein. 167

FURTHER RESOURCES

A full text of the Bangkok Rules can be found at: www.ihra.net/contents/811

Human Rights and Prisons - A Pocket Book of International Human Rights Standards for Prison Officials (OHCHR, 2005)

www.ohchr.org/en/publicationsresources/pages/trainingeducation.aspx

Handbook for Prison Managers and Policymakers on Women and Imprisonment (UNODC, 2008)

 $www.unodc.org/documents/justice-and-prisonreform/women-and-imprisonment.\\ pdf$

Women's Health in Prison: Correcting gender inequity in prison health (WHO, 2009) www.euro.who.int/__data/assets/pdf_file/0004/76513/E92347.pdf

Briefing on the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders ('Bangkok rules') (PRI/QUNO, 2011) www.penalreform.org/publications/pri-briefing-bangkok-rules-standards-minimum-rules-treatment-female-prisoners

ANNEX 1

Referral List

Below is a list of organisations that you can get in touch with for assistance or that you can refer ex prisoners to.

Legal Aid AdvocAid

Offers legal aid to girls, women and their children in conflict with the law as well as welfare assistance and after care services E: advocaid@gmail.com

Freetown: 1st Floor 39 Liverpool Street, T: 033 572 526

Makeni: c/o Access to Justice Makeni, 1 Flower Corner, T: 078 228 916

Kenema: c/o Timap for Justice, 22 Lucia Street, T: 078 410 133/ 076 925 171

LAWYERS

Provides legal aid to women, particularly in cases of gender based violence or child maintenance

E: lawyers_sl@yahoo.co.uk

Freetown: 11 Percival Street, Freetown,

T: 076 860 291

Kenema: 10 Maxwell Khobe Street

Pilot National Legal Aid Scheme (PNLA)

Provides legal aid to men, women and children in Freetown 4th Floor Ministerial Building, George Street, Freetown T: 078 200 204/205

Timap for Justice

Offers free legal advice and mediation on various issues such as land and property, family issues, criminal offences etc
4E Mudge Farm off Aberdeen Ferry Road, MurrayTown

Timap also has offices in Bo, Kenema, Makeni and various districts.
T: 076 627 200/ 076 627 205/
076 627 201

Access to Justice Makeni

Provides legal aid services in Makeni and surrounds

1 Flower Corner, Makeni T: 076 99 5317/ 076 90 1637

Medical

Aberdeen Women's Centre

Provides medical services to children and pregnant women
2G Off Cape Road, Aberdeen, Freetown

UMC Hospital

41 E Bye Pass Road, Kissy, Freetown

Well Woman Clinic

Provides medical services for women, in particular breast cancer screenings 9B off Murray Town Road Congo Cross, Freetown

T: 033 545 183/ 076 993 643 E: mepstrust@aol.com

Rainbo Centre

Offers free medical care and some legal support to victims of gender based violence

E: SexualAssault.ReferralCenter@theirc.

Freetown: PCMH Fourah Bay Road, Eastern Freetown, T: 076 668 052 Kenema: Kenema Government Hospital,

Combema Road, T: 076 716 157 Kono: Koidu Government Hospital, Spark, Koidu Town, T: 076 919 501

Marie Stopes

Offers family planning support, testing for sexually transmitted diseases etc 10 A/B Ahmed Drive, Freetown E: Info.mssl@yahoo.com

Mental Health Kissy Mental Hospital

Parsonage Street, Kissy, Freetown

City of Rest

34 Fort Street, Freetown T: 076 612 935/ 033 749757

HIV PORSHE

37 Sanders Street by Edward Street Junction, Freetown T: 033 898 414 E: porrshe@yahoo.co.uk

SWAASL (Society for Women and AIDS Sierra Leone Chapter)

30 Wallace Johnson Street, Freetown T: 076 617 463

Marie Stopes

10 A/B Ahmed Drive, Freetown E: Info.mssl@yahoo.com

Planned Parenthood Association – SL 15 Air Field Road, Kenema

T: 033 977 735

Support to Victims of Gender Based Violence

LAWYERS

Provides legal aid to women, particularly in cases of gender based violence or child maintenance

E: lawyers_sl@yahoo.co.uk Freetown: 11 Percival Street

T: 076 860 291

Kenema: 10 Maxwell Khobe Street

International Rescue Committee (IRC)

E: SexualAssault.ReferralCenter@theirc.

Freetown: 35 – 37 Fraser Street, Off

Wilkinson Road

Kenema: 122 Hangha Rd Kono: 43 Fillie Drive, Koidu City

Rainbo Centre

Offers free medical care and some legal support to victims of gender based violence

E: SexualAssault.ReferralCenter@theirc. org

Freetown: PCMH Fourah Bay Road, Eastern Freetown, T: 076 668 052 Kenema: Kenema Government Hospital, Combema Road, T: 076 716 157 Kono: Koidu Government Hospital, Spark, Koidu Town, T: 076 919 501

FORUT

24E Main Motor Road, Congo Cross, Freetown, T: 23 34 15 / 23 35 21 E: forut-sl@sierratel.sl

COOPI – Cooperation International

49 H, Off Spur Road, Freetown E: gender.sierraleone@coopi.org

JuvenilesDefence for Children

2 Kingtom Bridge, Freetown Offices across the country including Bo, Makeni and Kenema T: 033 504 315 / 033 594 365

AdvocAid

Offers legal aid to girls, women and their children in conflict with the law as well as welfare assistance and after care services E: advocaid@gmail.com

Freetown: 1st Floor 39 Liverpool Street,

T: 033 572 526

Makeni: c/o Access to Justice Makeni, 1 Flower Corner, T: 078 228 916 Kenema:

c/o Timap for Justice, 22 Lucia Street, T: 078 410 133/ 076 925 171

Prison Watch Sierra Leone

37 Mend Street, Freetown E: prisonwatchsl@yahoo.co.uk T: 076 680 532 / 033 680 532 / 033 348 417

Don Bosco

42 Siaka Stevens Street, Freetown T: 116 – Child Help Line

Help a Needy Child in Sierra Leone (HANCI/SL)

49 Pademba Rd, Freetown T: 22 36 40 / 22 43 93 E: hanci_organisation@yahoo.com

Ministries

Ministry of Social Welfare Gender and Children Affairs

Freetown: New England Kenema: Maxwell Khobe Street T: 076 739 868 / 077 452 698

Ministry of Education, Youth and Sports (MEYS)

Kono: Ministry of Education Kono District, Koidu City Kenema: Maxwell Khobe Street, J8 Clerk's Quarters, T: 076 908 363

Welfare

Women in Crisis

137B Hospital Road, Kissy Dockyard, Freetown, T: 076 614 076

Action Plus

plus_action@yahoo.co.uk Freetown: 57A Wilkinson Rd, T: 076 650 597 / 033 411 435 Kenema: Air Field Road, T: 076 650 597 / 033 411 435

CARE International

34/35 A Wilkinson Road, Freetown

Prison Fellowship

12 Wesley Street, Freetown T: 076 813 728 / 033 848 659 E: prisonsl@justice.com

Prison Watch Sierra Leone

37 Mend Street, Freetown E: prisonwatchsl@yahoo.co.uk T: 076 680 532 / 033 680 532 / 033 348 417

Women's Partnership for Justice and Peace - WPJP

20 Mina Street , Kenedy Section, Bo T: 078 374 335 / 076 622 328

ANNEX 2

Checklist of Essential Information to be Recorded when a Female is Admitted into a Prison or Place of Detention:

Personal information

- Name
- Date of birth [NB: If 17 or under, the prisoner is a juvenile and should be transferred to a facility for juveniles]
- Gender
- Identifying features
- Address
- Nationality
- Language

Legal Document for Detention or Imprisonment

- Signed and dated by a person with competent authority
- Giving the grounds for detention or imprisonment
- Giving the date of next appearance before the competent legal authority if a pre-trial detainee
- Giving the date of release if a convicted prisoner

Details of Relatives

- Name and contact details of person to be informed of entry into prison and who will be informed if the prisoner is transferred or ill.
- If the prisoner is an adult, this information should only be recorded if the prisoner agrees.
- If the prisoner is a juvenile (17 or under), then this must be recorded

Details of any Children

If the woman prisoner has children then the following information should be recorded. This information must be kept confidential.

- Their names
- Their age
- Their location
- Who is taking care of them

[NB: Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners]

Information/ Support

Confirmation that the woman prisoner has been provided with:

- Facilities to contact her relatives
- Facilities to make arrangements for care for of any dependent children
- Access to Legal Advice
- Information about Prison Rules and the Prison Regime
- Information about complaints and disciplinary procedures
- Where to Seek Help When in Need

Personal property

- A list of all the prisoner's property
- A list of what the prisoner is allowed to keep with her
- A list of what will be stored by the prison authorities

Signatures

- Of the member of staff who completed the forms.
- Of the detainee or prisoner to confirm that he or she has been given details of his or her rights.

Medical Check

- Confirmation that the prisoner has been examined by a qualified medical person (bearing in mind the need to respect the medical confidentiality of the woman prisoner)
- The medical check should determine:
 - Any medical problems
 - Any sexually transmitted diseases and, depending on risk factors, HIV testing with pre and post test counselling
 - Mental health care needs including post-traumatic stress disorder and risk of suicide and self-harm
 - Current or recent pregnancies and reproductive health issues
 - Any drug dependency
 - Sexual abuse and other forms of violence that may have been experienced prior to entry into prison
 - A record of any marks, bruises or complaints of ill-treatment
 - A record of the person's fitness for activities, including work if appropriate
- A note of any actions to be taken following the medical check i.e. referral to hospital

referral to NGO

access to legal advice (particularly where a women prisoner has suffered sexual abuse or violence)

- access to psychological support
- Confirmation that the child of a woman prisoner being admitted with her also undergoes a medical check

Foreign National

- If the prisoner is not from Sierra Leone, confirmation that the Embassy of her country has been contacted.
- Any telephone call should be followed up with a written letter

Gender-Sensitive Risk Assessment and Classification

A gender-sensitive risk assessment and classification of women prisoners should:

- (a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high security measures and increased levels of isolation can have on women prisoners
- (b) Take into account essential information about women's backgrounds during the allocation and sentence planning process, such as: violence they may have experienced history of mental disability substance abuse parental and other caretaking responsibilities
- (c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs
- (d) Ensure that those with mental health care needs are housed in accommodation which is not restrictive at the lowest possible security level receive appropriate treatment

Recording Procedures

- All of this information should be recorded on the day of admission.
- The books containing this information should be continuous it should not be possible to remove or add pages at a later date.
- There should be one continuous record for each person held in a prison or place of detention.
- Copies of all these records should be available for the legal representative of the prisoner or detained person.

NOTES

1 For more information, see Briefing on the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders ('Bangkok rules') (PRI/ QUNO, 2011) www.penalreform.org/publications/pri-briefing-bangkok-rules-standards-minimum-rules-treatment-female-prisoners

2 Bangkok Rules, rule 57

2 Bangkok Rules, rule 57
3 Bangkok Rules, rule 58
4 Bangkok Rules, rule 59
5 Bangkok Rules, rule 60
6 Bangkok Rules, rule 62
7 Bangkok Rules, rule 61
8 Bangkok Rules, rule 63
9 Bangkok Rules, rule 64
10 Bangkok Rules, rule 65
11 Bangkok Rules, rule 66
12 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders "Bangkok Rules", rule 1. See

also Standard Minimum Rules for the Treatment of Prisoners ["SMR"], Rule 6 13 Bangkok Rules, rule 2(1) and SMR, rule 35

14 Bangkok Rules, rule 2(2)

15 SMR, rule 7 (1) 16 SMR, rule 7 (2) 17 Bangkok Rules, rule 3

18 SMR, rule 43 (1) and (3)

19 SMR, rule 43 (4) 20 SMR, rule 43 (2) 21 SMR, rule 43 (2) 22 SMR, rule 8 (a) 23 Bangkok Rules, rule 4

24 Bangkok Rules, rule 4

25 SMR, rules 15 and 16

26 Bangkok Rules, rule 5

27 Bangkok Rules, rule 6

28 Bangkok Rules, rule 7

29 Bangkok Rules, rule 8 30 Bangkok Rules, rule 9

31 SMR, rule 26

32 SMR, rule 22 (1) and (2)

33 SMR, rule 22 (3)

34 SMR, rule 22 (1)

35 Bangkok Rules, rule 10

36 Bangkok Rules, rule 11 37 Bangkok Rules, rule 12

38 Bangkok Rules, rule 13

39 Bangkok Rules, rule 14

40 Bangkok Rules, rule 15

41 Bangkok Rules, rule 16 42 Bangkok Rules, rule 17

43 Bangkok Rules, rule 18

44 SMR, rule 21

45 SMR, rule 20

46 SMR, rule 14

47 SMR, rule 12 48 SMR, rule 13

49 SMR, rule 10

50 SMR, rule 9 (2)

51 SMR, rule 19 52 SMR, rule 19

53 SMR, rule 17 (1)

54 SMR, rules 17 (2) and 18 55 SMR, rules 40, 77 and 78

56 SMR, rule 77 57 SMR, rule 77 (2) 58 SMR, rule 41

60 Bangkok Rules, rule 19 61 Bangkok Rules, rule 20 62 Bangkok Rules, rule 21

63 SMR, rule 27 64 SMR, rule 28

59 SMR, rule 70

65 SMR, rules 29 and 30

66 SMR, rule 30 (2)
67 SMR, rule 31
68 SMR, rule 32
69 Bangkok Rules, rule 22
70 Bangkok Rules, rule 23
71 SMR, rule 54 (1)
72 SMR, rule 54 (1)
73 SMR, rule 54 (1)
74 SMR, rule 33
75 SMR, rule 33
76 SMR, rule 33 and 34
77 Bangkok Rules, rule 24
78 SMR, rule 35
79 SMR, rule 36
80 Bangkok Rules, rule 25 (1)
81 Bangkok Rules, rule 25 (2)
82 SMR, rule 55
83 SMR, rules 36 (2) and 55
84 Bangkok Rules, rule 25 (3)
85 See also SMR rule, 37
86 Bangkok Rules, rule 26
87 SMR, rule 39
88 Bangkok Rules, rule 27
89 Bangkok Rules, rule 28
90 Bangkok Rules, rule 36
91 Bangkok Rules, rule 37
92 Bangkok Rules, rule 38
93 Bangkok Rules, rule 38
94 Bangkok Rules, rule 39
95 SMR, rule 53
96 Bangkok Rules, rule 29
97 Bangkok Rules, rule 30
98 Bangkok Rules, rule 31
99 Bangkok Rules, rule 32
100 Bangkok Rules, rule 33 (1)
101 Bangkok Rules, rule 33 (2)
102 Bangkok Rules, rule 33 (3) 103 Bangkok Rules, rule 34
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104 Bangkok Rules, rule 35

105 SMR, rules 67 and 68

106 Bangkok Rules, rule 40

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107 Bangkok Rules, rule 41
108 SMR, rules 65 and 66 (1)
109 Bangkok Rules, rule 42 (1)
110 SMR, rule 66
111 SMR, rule 66
112 SMR, rules 66 (1) and 71
113 SMR, rules 72 (1) and 74
114 SMR, rule 71 (5)
115 SMR, rule 76 (1)
116 SMR, rule 76 (2) and (3)
117 Bangkok Rules, rule 42 (2)
118 Bangkok Rules, rule 42 (4)
119 Bangkok Rules, rule 42 (3)
120 SMR rule 23(1)
121 SMR rule 23(1)
122 Bangkok Rules, rules 48 (1) and (3)
123 Bangkok Rules, rule 48 (2)
124 Bangkok Rules, rule 48 (3)
125 Bangkok Rules, rule 49
126 SMR, rule 23(1)
127 Bangkok Rules, rule 50
128 Bangkok Rules, rule 42 (2)
129 Bangkok Rules, rule 51 (1)
130 Bangkok Rules, rule 51 (2)
131 SMR, rule 21(1)
132 Bangkok Rules, rule 52 (1)
133 Bangkok Rules, rule 52 (2)
134 Bangkok Rules, rule 52 (2)
135 Bangkok Rules, rule 52 (3)
136 SMR, rule 38
137 Bangkok Rules, rule 53
138 Bangkok Rules, rule 54 and 55
139 SMR, rule 80
140 SMR, rule 81
141 Bangkok Rules, rule 43 and SMR,
rule 79
142 Bangkok Rules, rule 44
143 Bangkok Rules, rule 45
144 Bangkok Rules, rule 46
145 Bangkok Rules, rule 47
146 SMR, rule 84 (1)
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147 SMR, rule 84 (2)
148 SMR, rule 93
149 SMR, rules 44 (3) and 92
150 SMR, rules 44 (3) and 92
151 SMR, rule 85 (2)
152 SMR, rule 86
153 SMR, rule 87
154 SMR, rule 88 (1)
155 SMR, rule 88 (2)
156 SMR, rule 89
157 SMR, rule 90
158 SMR, rule 91
159 Bangkok Rules, rule 56
160 Bangkok Rules, rule 58
161 Bangkok Rules, rule 67
162 Bangkok Rules, rule 68
163 Bangkok Rules, rule 70 (2)
164 Bangkok Rules, rule 69
165 Bangkok Rules, rule 70 (1)
166 Bangkok Rules, rule 70 (3)
167 Bangkok Rules, rule 70 (4)
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