

After the formal adoption of *'the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders'* (usually known as *'the Bangkok Rules'*) by the 65th General Assembly of the United Nations on 21st December 2010,¹ the rules have become the international guidelines to which all nations should adhere. It is worth noting that although it is not officially mandatory for all countries to implement the rules, it is expected that ultimately all states should conform to the rules to raise the standards in prison work, particularly in the custody and treatment of their female prisoners.²

Accordingly, Thailand as one of the countries originally proposing the Bangkok Rules should demonstrate its capability to become the shining example to other countries of how to successfully implement all relevant measures and to perform the prison work in accordance with the rules. On top of that, it is hoped that Thailand shall achieve the 'Best Practices' in devoting the great efforts to effectively implement the Bangkok Rules through various agencies: the Ministry of Justice (MOJ), the Courts of Justice, the Thailand Institute of Justice (TIJ) and the Department of Corrections (DOC) which is the most important organization to facilitate the successful implementation of the rules. It should be noted that, after the adoption of the rules, many prisons in Thailand have made some major changes and improvement in numerous aspects to treat the female inmates in prisons in conformity with the Bangkok Rules.

Generally speaking, to implement the Bangkok Rules, the first two processes are to thoroughly review the existing laws and regulations of the DOC, which is an agency responsible for the administration of all prisons in Thailand, and then to make amendment to those laws, rules and regulations which could be against or hinder the Bangkok Rules implementation.

The following steps of the DOC are to formulate the integrated plan for the implementation of the Bangkok Rules in which the prisons shall follow.³ Normally, the operational plan could be drafted by taking or adapting from each section of the Bangkok Rules. By doing this, all points and practical measures in accordance with the rules will be put together in a detailed list which makes it easier for the prisons to adopt. However, the section of the rules which is not relevant to prison work, i.e. the application of non-custodial sanctions and measures, could be excluded from the plan. From my perspective, there are some significant issues regarding the prison work in Thailand which could be linked to the Bangkok Rules as follows:

¹ The Bangkok Rules or the *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* can be downloaded at:http://www.penalreform.org/files/United_Nations_Rules_for_the_Treatment_of_Women_Prisoners_and_Non-custodial_Measures_for_Women_Offenders_the_Bangkok_Rules.pdf .

² Penal Reform International (PRI) has many useful online publications about the Bangkok Rules: the Bangkok Rules Guidance and Index of Compliance (<http://www.penalreform.org/publications/bangkok-rules-guidance-document-and-index-compliance>); the Bangkok Rules Questions and Answers (<http://www.penalreform.org/publications/bangkok-rules-qa>); Briefing on the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders ('Bangkok Rules') (http://www.penalreform.org/files/PRI-QUNO_English_1.pdf).

³ The example of the DOC's operational plan for implementing the Bangkok Rules (in Thai) is available at:http://www.correct.go.th/correct2009/upload/files/publication/54/plan_L2554-2556.pdf .

1. Conducting searches of female prisoners
2. Pregnant women, breastfeeding mothers and mothers with children in prison
3. Family visit
4. Physical environment and prison settings
5. Opportunity to be trained and developed
6. Discipline and punishment
7. Medical unit and health care service

All of these seven issues have been already acknowledged by the DOC who developed the Key Performance Indicators (KPIs) for all prisons to achieve. These KPIs were included in the DOC's annual performance assessment of the prisons and correctional institutions in Thailand. In addition to this assessment, the DOC's policy also indicates the urgent priority on the prompt implementation of the Bangkok Rules. As such, in the fiscal year 2014 there was an increase in the extra budget for improving the physical environment and prison settings of the women's units in every prison throughout the country.

In parallel to the plan formulation, another mission has been also conducted: the training and professional development of prison officers, especially the female staff working closely with the women prisoners. Undeniably, the personnel can be recognized as one of the determining factors behind the success of the Bangkok Rules implementation. The relevant agencies, thus, fully cooperate in the development of their personnel to get well prepared for the mission. It could be said that the DOC can serve the leading role in providing the female correctional officers with the training programs focusing on various aspects of the Bangkok Rules. The target group is the officers in the practitioner level working in prisons and correctional institutions incarcerating women prisoners. As of June 2013, there have been about 7 different groups of staff (about 50 participants in each group) attending the 2-week training courses regularly run by the DOC. Thus, so far there have been nearly 350 officers who already completed the programs. The focuses of the training were on the academic knowledge and practical skills as well as the attempt to change the officers' attitudes towards the treatment of female prisoners. Besides, in other training courses of the DOC offering to the operational and high-ranking officials, the basic knowledge of the Bangkok Rules was also shared and included in the sessions.

Apart from the programs for Thai personnel, there were also the training courses offering to the staff from other countries together with the personnel from the Thailand's DOC which were organized by the Thailand Institute of Justice (TIJ) cooperating with the UNODC. To give some examples, the representatives from the correctional agencies in ASEAN countries were invited to attend the seminar to share their opinions and experiences in working in accordance with the Bangkok Rules. Furthermore, there was a seminar for the experts in training from various nations to draw up the plan for running the training programs on the Bangkok Rules which shall be followed to apply to the training courses for the personnel in other countries.

Another mission is to set the prisons to be the role models or the good examples of how to successfully implement the Bangkok Rules. To briefly put, currently there are approximately 106

correctional establishments for the custody of women prisoners in Thailand which could be categorized into three types:

1) The women's correctional institution which is the facility to specifically detain the female inmates, both un-convicted and convicted prisoners whose areas are clearly separated. At present, there are 8 women's correctional establishments in Thailand

2) The men's prison which has the special unit to incarcerate the women prisoners. Normally, it tends to be a newly-constructed facility dividing a large area designated as the women's unit which consists of many zones: the dormitory, the medical unit, the prison canteen, the vocational training building and a room for mother and baby. In Thailand, there are about 10 large women's units situated in 10 men's prisons.

3) The men's prison which has a tiny women's unit usually situated in front of the facility. This type of prison seems to have been established for a long time to originally detain the male inmates as in the past there was a small number of female prisoners. Because of this, the women's unit would be designated in a limited space having a total capacity of about 50 – 100 female inmates. Within the unit, there are only small dormitory and an outdoor zone for doing almost all activities of the women inmates. Therefore, it is quite often that this category of establishment seriously encounters the overcrowding problem and a lack of space to organize some social events, especially when the number of female prison population has been increased dramatically.

As such, to select the prisons to be the role models of the Bangkok Rules implementation must come from all of these three types. So far, the DOC has chosen 15 prisons and correctional institutions: 7 women's correctional institutions and other 8 prisons, including Fang District Prison which is a small facility but participates in the Kamlangjai Project⁴ initiated by HRH Princess Bajrakitiyabha who previously visited there. All of these 15 correctional facilities will be provided with various kinds of support and development schemes in terms of both physical environment and the treatment programs to be able to fully conform to the Bangkok Rules. By doing this, these facilities can become the models for other establishments to imitate. It is worth noting that, the third type of prison or the men's prisons having the small women's units situated in the front part of the facilities, which were widely established throughout the country, will be actively supported since they have more obvious limitations than the others to work in accordance with the Bangkok Rules.

The Ratchaburi Central Prison is one of the models in which the Kamlangjai Project and Ministry of Justice in cooperation with the DOC, have continuously supported and launched a research to make it become the good example of the prison succeeding the implementation of the Bangkok Rules. In fact, the Ratchaburi Central Prison can be recognized as the first role model of prison which has been developed in almost all aspects to conform to the Bangkok Rules. Consequently, its path to success could be followed and copied by other prisons.

Concerning the evaluation and research on the issues relating to the offences committed by women stated in the rules 67 – 69, the TIJ has cooperated with the team of researchers from the universities in other countries to conduct a research on the treatment of female prisoners in the Thai prisons. Moreover, there is a great encouragement to the postgraduate students to pursue

⁴ Please visit <http://www.kamlangjai.or.th/new/en/index.php> for more information on the project.

the research on women prisoners, children of women inmates and the offences committed by women. In addition to this, the Kamlangjai Project run by the MOJ also launched several studies on the women's offending and the qualitative research on the impacts and changes in lives as well as in the attitudes of women inmates. On top of that, the research on reviewing the literature and any available knowledge of the treatment of female inmates in Thailand has been carried out. It could be said that at present there are massive efforts to do the research and evaluation of the women's offending and the treatment of female prisoners, particularly those relevant to the Bangkok Rules implementation.

In terms of the prisons and correctional institutions, in order to work in accordance with the Bangkok Rules, there have been some active improvements to achieve the key performance indicators. For instance, the prisons' physical environment was improved and some operational procedures were also changed. These improvements resulted from both the official DOC's Orders and also from the prisons' efforts to follow the integrated plan to successfully put the Bangkok Rules into practice. In brief, the Thai prisons have already improved these particular issues:

1. Body searches of prisoners

The prisons and correctional institutions have already prepared the suitable place to conduct the body searches of female inmates. In the past, in the women's units situated within the men's prisons, the searches were normally conducted at the women's units, instead of the prison gates. Thus, the body searches were mostly done in an open space. However, to conform to the rules, now there is a special corner covered with the curtains or partitions, particularly in case of the thoroughly body searches. In some men's prisons, there might be a separate room provided at the prison gate to specifically carry out the body searches of female prisoners. Additionally, the electronic equipments have been increasingly applied to avoid the searches by the staff's hands on the bodies of women prisoners. Most importantly, before conducting each search, the staff must inform the prisoners about the reason for searching in accordance with the prison regulations.

In fact, the DOC issued the handbook of prison searches indicating the procedures in which the inmates should show their sincerity by searching themselves without the staff's contact on the bodies of inmates. Furthermore, in cases of the strip and invasive body searches, it is very important for the officers to acknowledge these concerns: they must be carried out only when there is an extremely suspicious circumstance; the electronic equipment must be applied to help the searches; and the prison guards must do the searches by respecting the basic rights and dignity of women. It is worth mentioning that, the searches are usually done to the inmates who are back from the court hearings or the new prisoners who firstly arrived at prisons.

2. Childcare and health care service of mothers and children

The DOC's budget has been allocated to the prisons to establish the rooms for mothers and children within the women's correctional institutions and also in the large women's units. In case of the small women's units which may not have many children of mother prisoners, it is still necessary to have the designated area for mothers and children although it might not be a separate room because of the fact that the women's units tend to be quite relatively small. Crucially, the prison authority must focus on the cleanliness, good hygiene and sanitary facility for the mother prisoners and their children. As for the pregnant inmates, they will be trained and

provided with the useful guidance on how to prepare for the delivery of baby and childcare, as well as the suggestion on breastfeeding which is highly recommended for the mother prisoners. Furthermore, the prison authority must provide the mother inmates with the baby food and milk, medicines and other necessities for the babies and small children of the prisoners. Also, in some cases, the female inmates are trained to become the babysitters taking care of the babies when their mothers have to do other personal activities and could not look after the babies by themselves.

In addition, the inmates whose children are staying together in the prisons will be allowed to look after and take care of their children instead of working and going through the daily prison routine.

3. Family visit

The issue concerning the visits has been improved to be in line with the Bangkok Rules, especially in the rules 26 – 28. According to the rule 28, it is stated that *‘Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child...’* With this regard, many prisons have offered opportunity to the inmates’ children who are under the age of 15 to have a contact visit with their mothers in a special area within the prisons. If the prisons do not have an appropriate zone or sufficient spaces, they must organize the special events, i.e. Visiting Day and Family or Relatives Visits in which the relatives can take the children to visit their mothers behind bars in a special case. In the latter case, the prisons can arrange the settings for the Visiting Day. On top of that, many prisons have hosted the event called ‘Hugging Mom’ offering the opportunity to the mothers and children of the inmates to visit and give a hug to the female prisoners inside the prison walls. Also, if the female inmates have their siblings, relatives or husbands incarcerated in the same prisons, they will be allowed to visit each other as one type of visit.

Regarding other cases of visits, the prisons will facilitate the visits by designating the special area for female prisoners separated from men’s. Further, there is no disciplinary punishment in terms of the loss of visitation rights for the women prisoners whose children come to visit in prisons.

4. Physical environment and prison settings

The rule 4 stated that *‘Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman’s preference and the availability of appropriate programmes and services.’* In order to put this rule into practice, women prisoners should be detained in the prisons situated in the same area or the region in which their cases were brought to the courts. In other words, the prisoners will be taken to the courts and sentenced to serve time in the prisons in the same area in which their offences were committed. However, if the inmates’ sentences are higher than the maximum length of prison terms in which the power and legal authority of those prisons were granted by the Ministerial Regulation to detain the prison inmates, they will be, thus, sent to be imprisoned in the proper establishments. In this case, a prisoner might submit the official request to be transferred to the establishment in her hometown later when she eventually meets the requirements.

Besides, in order to improve the custody and treatment of women who are detained in the small women's units situated in the front part of the men's prisons, the DOC has allocated some budget to develop the physical structures and buildings of the women's units and the women's correctional institutions to provide the women prisoners with the better and more effective custody and treatment in accordance with the Bangkok Rules. More importantly, in case of the small women's units in men's prisons, they are given a top priority by the DOC to be approved the restoration projects: to renovate and enlarge the perimeters of the units; to build more dormitories and new buildings; to construct the nursery and children's room; to improve the prison or unit's cleanliness, hygiene and sanitary facilities; to designate the medical corner and the zones for fitness and vocational training programs.

The crucial point is that in the projects to construct the new prisons, during the planning stages, they will be designated the spaces for the women's units which have all necessary physical structures and are large enough to deal with the increasing number of female prisoners, and to support the gender needs in order to conform to the Bangkok Rules. On top of that, as previously mentioned, it is quite significant to detain the female inmates in the facilities near their hometowns. Also, the women's units nationwide will be allocated the extra budget in the fiscal year 2014 to widen their areas as well as to improve the facilities' physical structures and environment.

5. Opportunity to be trained and to enhance their knowledge

To prepare for putting the Bangkok Rules into practice, the Thai prisons and correctional institutions have improved and launched many activities and projects to train and develop the female prisoners in various aspects. Although the women's correctional institutions have already provided these kinds of activities, the women's units in the men's prisons tend to have some limitations in terms of the physical structures and settings. As a result, the latter type of facility must increase the female prisoners' opportunities for being developed by arranging more appropriate areas and providing them with more activities: both education and vocational training programs. In some cases, the prisons adjust the schedule for women prisoners to spend time studying various classes at the central building in the men's units, while the male inmates go to do prison activities in other zones during the morning or afternoon sessions.

More importantly, in terms of the vocational training programs, their courses are normally offered by the teachers from many industrial and community education colleges and the vocational training institutes who teach and enhance the prisoners' vocational skills. In addition to the vocational training, the prisons also provide the female prisoners with the mind development activities conducted by active cooperation with the Kamlangjai Project of HRH Princess Bajrakitiyabha. As a consequence, the women prisoners can be developed in numerous aspects. Most importantly, the opportunity to return to society of the female inmates, after taking part in these activities, tends to significantly increase. Before release, all women prisoners will be trained and attend the pre-release programs which help the inmates to find the jobs or coordinate with the local communities, i.e. the Subdistrict Administrative Organizations, to provide further helps.

6. Discipline and punishment

According to the Penitentiary Act, prison rules and the past operational procedures, the issues concerning the disciplinary punishment on female prisoners in Thailand have already been in accordance with the Bangkok Rules. The major reason is that the Thai women prisoners do not often cause the custodial problems which in turn lead to the disciplinary segregation or the solitary confinement. In practice, this type of punishment is not regularly inflicted, especially on the pregnant and breastfeeding inmates as well as those whose children are in prisons. In fact, it could be said that there is no punishment in terms of the solitary confinement inflicted to any female inmates with the exception of the cases that it is necessary to impose to ensure the safety of other women prisoners or of that inmate herself. As such, this case is not considered as a punishment. The only disciplinary punishment which has still existed in some prisons is the restriction of the visiting rights to be visited from their families and relatives. However, this practice tends to be currently abandoned in order to conform to the Bangkok Rules.

7. Medical unit and health care

It should be noted that normally the women's correctional institutions have their own medical units and are responsible for the provision of the health care services which are in line with the Bangkok Rules. Having said this, the problem usually occurs in the women's units situated in the men's prisons which must be improved in order to be in accordance with the rules. The significant development is the establishment of the medical wing separated from the men's. In case of a small women's unit which has no sufficient space, there must be at least a medical corner clearly established to diagnose and treat the patients separated from the living areas of normal prisoners. If it is completely impossible to designate the medical corner, in the morning the female nurses must visit the women's units to examine and offer the medical services every day. In some cases, the female nurses or medical officers may work permanently in the units if the prisons have sufficient staff. The doctors shall come to examine the prisoners once a month or when there is a special request, such as when the prisons regularly organize the event for health examination. Moreover, the female inmates should be taught about the basic measures to prevent the common diseases, i.e. blood examination, breast and cervical cancers, and HIV/AIDS, etc. More importantly, the seriously ill inmates must be transferred to the provincial hospitals to receive treatment.

Apart from the above mentioned major points regarding the prison work which have been adapted and improved to be in accordance with the Bangkok Rules, other minor issues have been also developed. To give some examples, the classification of prisoners and the treatment of minorities or foreign inmates have been reformed. Nevertheless, it seems that the most important point in the implementation of the Bangkok Rules is the non-custodial measures for women offenders. Hence, it is worth noting that if we can succeed in adopting these measures, the impacts of the implementation of the Bangkok Rules on the spheres of custody and treatment of inmates in prisons will be significantly decreased. Therefore, it is very crucial for Thailand to continue putting the hard and ongoing efforts on addressing this issue.
