

Expert Meeting to review a draft toolkit on gender-responsive non-custodial measures

Background and rationale

The United Nations Office on Drugs and Crime (UNODC) is mandated to promote non-custodial measures for women offenders, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),¹ the Convention on the Elimination of all Forms of Discrimination Against Women and other relevant instruments. The importance of measures to promote gender equality and access to justice for all was reaffirmed in the 2030 Agenda, particularly Sustainable Development Goals 5 and 16, respectively on “Gender Equality” and “Peace, Justice and Strong Institutions”. In line with these policy priorities and relevant international standards and norms, UNODC is developing a toolkit to support Member States in their efforts to develop the capacity of police, prosecutors, judges to apply non-custodial measures.² The toolkit will follow a gender-responsive³ and human rights-based approach, with a view to ensuring that women are not left behind in criminal justice and prison reforms.

The tool will facilitate responses to the challenges related to the scope of women's imprisonment worldwide. Women offenders rarely pose a risk to society: a growing number of women are being imprisoned for minor offences or for offences that are used only or predominantly against women (e.g. adultery, prostitution, abortion or witchcraft). During trial proceedings, women are often exposed to harmful stereotypes and biases by criminal justice officials, they often face a heavier burden of proof than men, or are convicted of “moral offences” even when they are victims themselves. Women prisoners have been victims of violence at a much higher rate prior to entering prison than is generally acknowledged and are sometimes placed in “protective custody” instead of being provided with shelter. Available alternatives to pre-trial detention, conviction or imprisonment are not usually tailored to meet the specific needs of women offenders and thus not effective to reduce the gender-specific risks of recidivism. Women in conflict with the law often have caretaking responsibilities or gender-specific and mental health care needs. Unnecessarily convict, sentence and imprison them, place a significant burden on their children and families and on already scarce public resources.

¹ General Assembly resolution 65/229, annex, adopted on 21 December 2010.

² The term “non-custodial measures” refers to a wide range of measures, including pre-trial diversion and alternatives to detention before and during trial, alternatives to imprisonment at the sentencing stage, as well as to post-sentencing dispositions such as early release. See the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), General Assembly resolution, 45/110, annex, adopted on 14 December 1990.

³ According to one definition, gender-sensitive measures merely consider and raise awareness on gender norms, roles and inequalities, whereas gender-responsive measures also include action to actively address them. See WHO, *Integrating Gender into HIV/AIDS Programmes in the Health Sector: Tool to Improve Responsiveness to Women's Needs* (2009).

An important aspect of UNODC's work in this regard is raising awareness and building the capacity of criminal justice officials on recognizing and responding to the specific needs of women in the application of relevant criminal laws, policies and procedures. While UNODC has developed an information note for criminal justice practitioners and an introductory E-learning course on alternatives to imprisonment for women offenders, the UNODC criminal justice handbook series does not yet include a tool specifically designed for the criminal justice practitioners on gender-responsive non-custodial measures.

The UNODC toolkit is expected to fill this gap, while complementing and building upon relevant existing global and regional tools. The toolkit is aimed at judges and prosecutors as well as other criminal justice professionals working with women in contact with the criminal justice system, such as defence lawyers, probation officers, and civil society organisations. The toolkit will also be useful for policy makers when considering how best to implement non-custodial measures, reduce imprisonment, and enable the criminal justice system to be more gender-sensitive and gender-responsive. Additionally, it will further provide a basis for public outreach and awareness raising to facilitate a better understanding of non-custodial measures and gender-responsive approaches in responding to women in conflict with the law.

Objective of the Meeting

The aim of the Expert Meeting is to review the draft toolkit, receive additional inputs and guidance with a view to further improving and finalizing the draft toolkit. The toolkit is expected to be launched later in 2019.

The specific objectives of the Expert Meeting are:

- To review and discuss the draft toolkit, including by sharing relevant examples of good and promising practices; and
- To discuss and exchange additional information on general issues facing the judiciary in dealing with criminal cases in a gender-sensitive manner.

Expected Outcome

The main expected outcome is a revised draft of the toolkit that includes relevant examples and experiences of effective non-custodial measures that address the specific needs of women.

Methodology

- Introductory presentations by the lead consultant and/or discussants
- Plenary discussion of each chapter

The Expert Meeting will focus on an in-depth review of the draft toolkit.

Participants will receive an electronic copy of the draft toolkit prior to the Expert Meeting. Based on their experience and expertise, individual participants may be asked to act as discussants for a specific chapter.

All participants will be expected to provide comments and propose suggestions to the draft toolkit, and to share their experiences on the topics discussed.

UNODC, with the support of the experts, will compile the inputs received and take them into account in revising the draft toolkit with a view to finalization by the end of 2019.

Participants

- Criminal justice practitioners, particularly prosecutors and judges, and other substantive experts on the use and application of non-custodial measures, in their individual capacity
- UNODC staff
- Experts and observers from the Thailand Institute of Justice (TIJ)
- Other relevant UN entities staff (i.e. UN Women, UNDP, OHCHR)

Date and venue

2-4 September 2019

Bangkok (Thailand), specific venue TBC

Language

English will be the working language of the Meeting. Interpretation is not available.