

# Working 'from the heart' under challenging circumstances: Thailand's probation workers discuss electronically monitored parole for women

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## Abstract

This paper presents findings from an exploratory study undertaken with Department of Probation personnel in Thailand. The goal was to examine staff perspectives, experiences and practices regarding the support of women (formerly imprisoned for breaching illicit drug law) on electronically monitored (EM) parole. According to government rhetoric, EM parole should be rehabilitative, assist reintegration and operate per human rights standards and norms. This includes gender-responsiveness, as delineated in

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the United Nations Bangkok Rules. Yet, gender was mostly elucidated as immaterial and at best, women received nominal support from a probation service labouring 'from the heart' with limited funding and high workloads.

## **Keywords**

gender, women, electronic monitoring, parole, Thailand, Southeast Asia

## **Introduction**

Over several decades, the gendered nature of law-breaking has been unequivocally laid bare by feminist criminal justice scholarship (e.g. see Belknap, 2020; Holtfreter et al., 2022; Van Wormer and Bartollas, 2022; Wattanaporn and Holtfreter, 2014). We now know, that compared to men, women are frequently criminalised for exacting behaviours in response to patriarchal subjugation (Holtfreter et al., 2022; Jeffries and Jefferson, 2022: 6; Jeffries et al., 2024a; Wattanaporn and Holtfreter, 2014). Incisive examples include trying to resist, survive, cope with and escape gender-based violence and needing to support families while subsisting in poverty, which is feminised (e.g. see Cherukuri et al., 2009; Jeffries et al., 2019a; Jeffries et al., 2024a; Mahtani, 2013; Richie, 2018).

Further, feminist prison research has shown us that women experience state-sanctioned confinement differently from men (Owen et al., 2017). We know that the pains of imprisonment are especially acute for women (Mahtani, 2013; Owen et al., 2017; Segrave and Carlton, 2010). Additionally, being imprisoned will almost always compound the circumstances that lead women to break the law in the first place, and the post-release actualities of formerly incarcerated women are intrinsically distinct from men (Arditti and Few, 2006; Arditti and Few, 2008; Brown and Bloom, 2009; Carlton and Segrave, 2014; Cobbina, 2010; Covington, 2001; Jeffries et al., 2020; Holtfreter et al., 2004; Mahtani, 2013; Segrave and Carlton, 2010)

Historically, criminal law and justice systems, including prisons, have shown little evidence of gender sensitivity, leading to discrimination, social exclusion and violations of women's human rights (Jeffries and Jefferson, 2022: 2). This is understandable. Established by men to reflect men's lived experiences, law and justice operate to protect patriarchal power to the detriment of women and the benefit of men (Hunter, 2006; Owen, 1999; Smart, 1989). There have been subsequent feminist petitions for the advancement of a women-wise justice system that recognises the impact of masculinist oppression on women, through the development of gender-responsive prisons and non-custodial measures (Bloom et al., 2003, 2004; Evans, 2018: 45; Holsinger, 2014; Jeffries and Jefferson, 2022: 7; Owen et al., 2017). For feminists, negating the characteristics of women's criminalisation trajectories (e.g. poverty and victimisation), their experiences, needs, and concomitant gendered harms meted out by correctional policy and practice, constitutes a violation of human

rights (Gainsborough, 2008; Gundy and Baumann-Grau, 2013; Holsinger, 2014; Jeffries and Jefferson, 2022: 7; Willison and O'Brien, 2017: 39–40).

Gundy and Baumann-Grau (2013: 106–107) argue that ignoring the effects of patriarchy on women before, during and after incarceration, the gender-specific factors underpinning their criminalisation, and the gendered harms and abuses experienced, constitutes discrimination against women and violates multiple international conventions regulating the preservation of human dignity and equality. Most crucially, for this paper, is the United Nations [UN] Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, also known as the Bangkok Rules (UN General Assembly, 2010).

The Bangkok Rules, adopted by the UN General Assembly in 2010, are the first international instrument to offer specific and detailed guidance on the gender-specific needs of women in the criminal justice system. These rules aim not only to safeguard the rights and well-being of women in prison but also advocate for the increased use of non-custodial measures, whenever appropriate (Barberet and Jackson, 2017; Chuenurah et al., 2022; Penal Reform International, 2021).

The 70 Bangkok Rules supplement the Tokyo (UN Standard Minimum Rules on Non-Custodial Measures) and Nelson Mandela Rules (UN Standard Minimum Rules on the Treatment of Prisoners), furnishing a practical and aspirational set of human rights principles (Jeffries and Jefferson, 2022: 8). There is recognition that pathways to criminalisation are gendered, the criminal justice system is patriarchal and most women in conflict with the law are especially vulnerable, yet pose negligible risk<sup>1</sup> to society (Holtfreter et al., 2022; Jeffries and Jefferson, 2022: 8; Owen et al., 2017; Penal Reform International, 2021: 3; Wattanaporn and Holtfreter, 2014). Here, the importance of gender equity and concomitant affirmative action is made clear (Penal Reform International, 2021: 30). The first Bangkok Rule states that 'account shall be taken of the distinctive needs of women' and that 'providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory' (UN General Assembly, 2010).

The Bangkok Rules reflect the knowledge collated by decades of feminist scholarship (Holtfreter et al., 2022; Jeffries and Jefferson, 2022; Wattanaporn and Holtfreter, 2014) and provide a starting point for addressing the appropriate treatment of criminalised women. Spearheaded by Princess Bajrakitiyabha Mahidol of Thailand (a prosecutor, jurist and leading women's rights advocate), the rules were drafted in close consultation with feminist researchers and activists from around the world and taken by a Thai delegation to the UN (Barberet and Jackson, 2017: 221; Jeffries and Jefferson, 2022: 8). Since the Rules were adopted, extensive efforts have been made/are being made to implement affirmative action to counterbalance the gender discrimination imprisoned women face in Thailand (Chuenurah et al., 2022). However, there is limited knowledge and consideration of women's non-custodial involvement.

Below, we present findings from an exploratory study undertaken with personnel from the Thailand Department of Probation [DOP]. The goal was to examine workers' perspectives, experiences and practices regarding the support of women, formerly imprisoned for breaching illicit drug law, on electronically

monitored [EM] parole. However, before discussing our results, we set the scene by (1) briefly summarising the limited extant research on women, EM, and parole, (2) over-viewing Thailand's EM parole system, and (3) describing pertinent UN norms, standards and guidance regarding women and non-custodial measures including EM.

## Previous research

EM research has mainly focussed on men with minimal consideration given to women (Hucklesby et al., 2021; Jeffries et al., 2024b). Overall, the limited explorations of women on EM suggest that this approach neither reduces the probability of re-criminalisation or substance misuse (Gonzalez et al., 2020). However, compared to men, women are more likely to express a willingness to comply with EM conditions. Women are especially fearful of the consequences of non-compliance, while men frequently 'push' boundaries (King and Gibbs, 2003: 119). EM has been identified as an inflexible tool that treats everyone equally without consideration of gendered variance (Holdsworth and Hucklesby, 2014: 15; Jeffries et al., 2024b). For example, no distinction is made between leaving designated areas to undertake parenting activities or to breach the law (Jeffries et al., 2024b). Compared to men, women are more likely to request that conditions be varied due to domestic responsibilities, and they more commonly violate because of familial obligations (Holdsworth and Hucklesby, 2014: 15; Jeffries et al., 2024b; Maidment, 2008). Additionally, women frequently express problems with the design of EM because devices are large, cumbersome, and particularly uncomfortable for them to wear (Holdsworth and Hucklesby, 2014; Jeffries et al., 2024b).

Finally, explorations of women's EM experiences show that feelings of stigma and shame are especially acute (Holdsworth and Hucklesby, 2014; Jeffries et al., 2024b). This is because criminalised women have breached the law and normative gender expectations of appropriate feminine deportment (Jeffries et al., 2020; Jeffries et al., 2024b). Stigmatisation and shame are counterproductive to rehabilitation and reintegration (Jeffries et al., 2024b). Employment prospects can be curtailed, and women may self-isolate, experience psychological distress and misuse substances as a coping mechanism (Carlton and Segrave, 2014; Jeffries et al., 2024b; Opsal, 2011).

Research on women's parole experiences, excluding EM, is similarly limited. In theory, parole is intended to facilitate rehabilitation and reintegration by providing a readymade avenue for service provision and support (Opsal, 2009; Opsal, 2015). However, in practice, parole is instead habitually framed around risk management, surveillance, containment and compliance, making it more punishing than supporting, and thus, a hindrance to women's re-integration (Gelsthorpe, 2013; Jeffries et al., 2020; Jeffries et al., 2024b; Morash et al., 2015; Pollack, 2009; Opsal, 2009: 311–312).

## Thailand's EM parole system

EM was first piloted in Thailand in 2013 as a diversionary sentencing measure. It was later expanded into all stages of the criminal justice process, i.e., pre-trial as

a condition of bail, as part of a person's sentence, and post-release for those on parole. Currently, EM is predominantly utilised in the latter scenario. From 2020 to 2023, nearly 90% of the 43,000 (approximately) people on EM in Thailand were parolees; of these, paralleling imprisonment data by sex,<sup>2</sup> the vast majority (80%) were men (DOP, 2024, personal communication).

Thailand's parole system is underpinned by the tenets of rehabilitation, reintegration and recidivism reduction (Jeffries et al., 2024b). According to the DOP (2024), parole is:

A community-based rehabilitation measure that supports former offenders adjust to life in the community, motivates them to behave in a disciplined manner, reduces recidivism and allows them to become a resource for the country.

Imprisoned persons can apply to the Parole Board for early release after completing one-third of their sentence or at least 10 years served, for those sentenced to life (Kittayarak, 2010: 159). Probation officers compile post-sentence investigation reports for the Parole Board to aid decision-making. This report can include information about the perspectives of a criminalised person's family and community members, their behaviour during imprisonment, and the availability of post-release support (Kittayarak, 2010: 159). Being granted parole is subject to:

Specific behaviour requirements [e.g., not to associate with certain people, not to use drugs] and supervision for a minimum of a year, but not exceeding the remaining term of imprisonment. (DOP, 2024)

In 2020, the Justice Minister announced that EM bracelets would be used to solve the problem of prison overcrowding and strengthen the parole system. It was argued that EM could support parole by further protecting:

Society from re-offending, enhance[ing] rehabilitation and re-integration [and] promoting the treatment of offenders in accordance with international norms and standards. (DOP, 2023; The Nation, 2020)

Around the time of the Justice Minister's announcement, women's prisons were 340% over capacity, the direct result of a punitive and unsuccessful drug war that had been raging since the early 2000s (Jeffries and Jefferson, 2022: 3). Thailand has the fifth-highest number of female prisoners worldwide (32,952) and the second-highest female imprisonment rate (47 per 100,000) after the United States of America (Fair and Walmsley, 2022: 2). Proportionally, the most common finalised female prison sentence is 2–5 years (International Federation for Human Rights [IFHR], 2024: 7). Over 70% of female prison detainees are first-time lawbreakers confined for low-level breaches of illicit drug legislation (IFHR, 2024: 7–11; Jeffries et al., 2019b; Jeffries et al., 2020; Jeffries et al., 2024b).

Notably, Thai commentators and 'officials in the Thai Ministry of Justice' have argued that EM could be 'especially beneficial for female offenders' (Supchokpul,

2018: 38). Rehabilitation and reintegration are better supported because EM allows 'for the treatment of addiction' in the community and could thus 'solve underlying factors relating to drug offences' (Supchokpul, 2018: 38–40).<sup>3</sup> Thus, our research specifically explored probation staff insights about the use of EM parole for women formerly imprisoned for breaching illicit drug law.

## International standards and norms

International standards and norms are clear; non-custodial measures must be rehabilitative and meet women's gender-specific needs (UN General Assembly, 2010; UN Office on Drugs and Crime [UNODC], 2020). More specifically, parole should:

- Account for women's caretaking responsibilities and other needs (Bangkok Rules 63 and 60).
- Address the most common problems leading to women's contact with the justice system. This includes the provision of:
  - Therapeutic courses and counselling for victims of domestic violence and sexual abuse,
  - Suitable treatment for those with mental health problems,
  - Educational and training programmes for improving employment prospects,
  - Gender-sensitive, trauma-informed, women-only substance treatment programmes (Bangkok Rules 60 and 62).
- Comprise specific measures and ongoing support to protect women from post-release victimisation, stigmatisation, familial disconnection and other impediments to successful reintegration (UNODC, 2020: 54).
- Include government-community partnerships that connect women to ongoing relevant support. Care must be given to women who have lived with or are at risk of violence (UNODC, 2020: 54; Bangkok Rule 47).
- Incorporate various educational and vocational training opportunities, alongside other initiatives, to improve and support women's post-release employment prospects and counter socio-economic vulnerability (UNODC, 2020: 15).
- Only have EM attached as a final recourse to protect public safety (UNODC, 2020: 29 and 50). Before using EM, due consideration must be given to the gender-specific impacts because, for women and their families, the stress, stigma and shame of being branded a 'criminal' is especially severe (UNODC, 2020: 56). If EM must be utilised, it should not set women up to fail (UNODC, 2020: 47). Rather, it must:
  - Be combined with support and supervision by probation/parole personnel committed to rehabilitation with the leeway to meet women's changing needs, including not having to report minor breachers to higher authorities (UNODC, 2020: 55),
  - Account for women's familial caretaking responsibilities and income-earning obligations (UNODC, 2020: 55).

Next, we briefly describe our focus group method. Then, after a descriptive overview of the research participants, we discuss our findings.

## **Research methods**

Qualitative approaches are routinely used in social science research to explore social phenomena where little is known (Swedberg, 2020: 24). This focus group study is the first in Thailand and worldwide, to provide an in-depth exploration of gender and EM parole, from the perspectives of probation professionals tasked with supporting formerly imprisoned women. Focus groups provide an effective conversational outlet from which detailed information and insight can be gained through participant discussion, help researchers capture shared experiences, and put control of the interaction into the participant's hands, with the collective interaction between them substituting for their exchange with the researcher. This gives prominence to participants' viewpoints (Liamputtong, 2011).

The research team, comprised of Thai and English speakers, undertook 10 focus groups with 34 DOP staff from multiple regions in Thailand. Participants only attended one focus group. Recruitment occurred through DOP channels, i.e., email, word-of-mouth, or onsite – researchers met with staff, explained the research and asked for volunteers. All focus group participants gave written informed consent to participate.<sup>4</sup>

The focus groups ran from 1 to over 2 hours, eliciting robust and informative discussions between participants. They were conducted either (1) in English, where staff opted to do so, (2) in English with simultaneous translation into Thai, or (3) in Thai. Two researchers were responsible for encouraging and guiding discussions utilising four broad topic areas: (1) gender and pathways to criminalisation, (2) the purposes of EM parole, (3) gender and EM parole experiences, (4) gender, EM parole breaches, and re-criminalisation.

The discussions were recorded and then transcribed into English by the Thai-speaking members of the research team, minimising potential translation difficulties. Fortunately, no significant difficulties were encountered. The verbatim de-identified transcripts were analysed thematically. To aid our analysis, we used the computer-assisted qualitative data analysis programme NVivo. This programme works on a code-and-retrieve theme basis. The theme coding process was also triangulated across project team members and cross-checked. During this process, we reflected on the themes to gain a sense of continuity and linkage between them. The results are presented below, following a descriptive overview of the research participants.

## **Who were our focus group participants?**

The staff who participated in this research had extensive experience, having, on average, worked with the DOP for 14 years. Most were women. All but one had a tertiary-level education. Degrees were primarily held in the discipline areas of political science, law, or psychology (see Table 1).

**Table 1.** Profiles of focus group participants.

|   | Number |
|---|--------|
| Length of time employment: DOP                            |        |
| 1–4 years   | 3      |
| 5–8 years   | 6      |
| 10–14 years   | 6      |
| 15–19 years   | 12     |
| 20 years or more  | 7      |
| Academic qualifications: degree/s discipline <sup>a</sup> |        |
| Political science   | 10     |
| Law   | 8      |
| Psychology  | 6      |
| Criminology and criminal justice                          | 3      |
| Sociology   | 2      |
| Forensic science  | 2      |
| Public administration                                     | 2      |
| Social work   | 2      |
| Counselling   | 1      |
| Accounting  | 1      |
| No degree   | 1      |
| Gender  |        |
| Women   | 27     |
| Men   | 7      |

<sup>a</sup>Some people held more than one degree in different discipline areas.

Below, we detail probation staff perspectives about the purposes of EM parole, and then consider two interrelated issues that unexpectedly dominated discussions, specifically, workloads and budgetary constraints, which had negative implications regarding staff well-being and service provision. Following this, we report experiences, perspectives, understandings and DOP practices under the following headings:

1. EM parole policy, practice and programmes: gender sensitivity?
2. Gender and EM parole experiences
3. EM technology, gender and EM design
4. Gender, EM parole breaches and re-criminalisation.

We end the paper with our discussion and recommendations for change.

## Purposes of EM parole

Recall that the UNODC (2020: 29 and 50) has clearly articulated that women in conflict with the law must only be tagged with EM as a last recourse when needed to ensure public safety. However, probation staff relayed that:



Practically everyone who is released on parole needs to be on EM. There are some exceptions, persons over 70 years old, and those for whom EM would cause pain and distress.

However, these dispensations were not always applied. We were told that:

In some cases, we have received prisoners who are disabled and cannot move. It is bizarre that everyone on parole is subjected to EM. Even offenders who posed little risk to the community.

On reflection, penal populism is a viable explanation. Penal populism sits in opposition to evidence-based policy and practice. Here, law-breaking is constructed as a grave 'problem' (when it is not) requiring a 'get tough approach' (that, in practice, never works and typically exacerbates the issue). Under discourses of penal populism, government imperatives are interwoven with community fear of the 'deviant other', which is then strategically stoked by the state for political advantage (Garland, 2022: 251). In Thailand, penal populism in action is epitomised through the punitive drug war, which has been raging for several decades (Cohen, 2014: 777; Junlakan et al., 2013: 317). As recently argued by the UN (2019: 6):

Abusive, repressive and disproportionate drug control policies and laws are counter-productive, while also violating human rights, undercutting public health and wasting vital public resources.

Thailand's punitive approach to drugs has disproportionately impacted women (Jeffries and Chuenurah, 2016), and despite ample attestation that getting tough is counterproductive, Thailand's narcotic war has ensured high rates of female (and male) imprisonment, untenable prison over-crowding, and, in turn, unsustainable government expenditure (IFHR, 2024; Jeffries and Jefferson, 2022: 3; Jeffries et al., 2019b; Jeffries et al., 2020; Jeffries et al., 2024b; The Nation, 2020). For the government, releasing prisoners early provides a feasible solution to this conundrum of their own making. However, after years of state scaremongering around the evils of drugs, particularly methamphetamine (Cohen, 2014), the community's fallacious fears must be managed and quelled. Branding former prisoners with EM is a convenient, albeit erroneous, penal populist panacea. Participants in one focus group explained:

Ultimately, the purpose of using EMs is to resolve prison overcrowding, its the costs, and to keep the public calm. The government says, oh you do not need to worry about public safety because people are under EM; they will not re-offend, but there is no evidence to support this.

However, other focus group participants were wedded to the penal populist ideology that EM parole could prevent law-breaking through surveillance, control and containment. We were told:

Officers can track them [women on EM parole] easily, and they will fear getting caught via the GPS, so they will not visit friends who are likely to bring them back to drugs.

Marking people with EM also acted as a warning to:

Not get involved with drugs again [because] the device reminds users; it is like a warning sign stuck on your ankle.

Additionally, we were told that EM helped reduce community angst around 'prisoners being in society' by identifying them as a potential risk and furnishing a ready-made avenue for informal social control:

The EM device is easily recognisable. It serves as a symbol that the wearer is a prisoner. Individuals with EM may try to conceal the device so that the public does not notice it. However, the government is now actively trying to raise public awareness about EM by increasing its news coverage related to the use of the technology. With EM, we can get some help from the community regarding how parolees behave, and the community can report to us.

International standards and norms are clear; non-custodial measures must be rehabilitative and address women's needs (UN General Assembly, 2010; UNODC, 2020). Further, rehabilitation and the treatment of offenders in accordance with international standards and norms are touted as key tenets of EM parole in Thailand. The branding and, in turn, stigmatisation of women with EM, alongside associated narratives of surveillance, control and containment, are counterproductive to rehabilitation.

When we asked focus group participants about EM parole and rehabilitation, this was met with bemusement or quickly turned into a discourse around risk management rather than needs, care, and support. For example, in one focus group, the following discussion took place:

Is rehabilitation one of the purposes of using EM? [Laughing]. I mean, it does say it is on paper, but in practice, it is about public safety concerns rather than rehabilitation. Yes, at the policy level, they claim that we use EM so that people don't have to stay in prison and can be rehabilitated, but this is not happening.

Reference was made to probation officers undertaking 'rehabilitative group sessions' and conducting multi-day 'drug rehabilitation camps', but rather than spaces of support, both were narrated as exercises in risk management and control. Consider the comment below regarding group sessions:

The department says we have rehabilitation programmes [but] what is being claimed as rehabilitation is more like an educational programme where we tell them to do this and not do that. This is done in a group setting, gathering up to 50 people, and asking them to participate in an activity for two to three hours. The department claims this is how we rehabilitate them but no, it is not.

The camps were described as a 'programme for drug addicts to prevent them from returning to drugs, using religious teaching to become a better person'. The implication is that coming into conflict with the law is a problem of flawed character and moral deficiency fixable through self-mastery. Pathologising women, rather than understanding their criminalisation as connected to gendered oppression and concomitant limited access to resources, is invalidating, not emancipating, and fails to address the circumstances underpinning women's criminal justice system entanglement.

Participants in one focus group surmised that EM parole was merely a 'form of punishment' dressed up as rehabilitation because:

Even though they [government] claims to give parolees a chance to be outside, they do not give them the resources to survive.

For instance, many:

Women cannot even find a job, and if they have a mental illness, there is nowhere to get support. Our probation system does not provide them with any resources to address these issues.

## **Workloads, budgetary constraints, staff well-being and service provision**

We were repeatedly told that there were not 'enough rehabilitation programmes for women outside of prison', and that DOP was underfunded with excessively over-worked staff. It was relayed that probation officers 'workloads regularly exceeded the standards set by the department'. Front-line staff were 'expected to supervise between 50 and 150 people'. We were told that working outside of office hours, sometimes until 'eight or nine at night' without remuneration, was necessary to 'get administrative tasks done'.

From our conversations, untenable workloads were the consequence of several cumulating factors. First was the recent DOP restructure. Second, as already discussed, 'practically everyone needs to wear EM due to criminal justice policy reform'. This means:

Probation officers are on call 24/7. If there is a problem with the EM equipment or a person leaves their restricted area, we will be called on weekends, at night and on public holidays.

Third, during our fieldwork, the Justice Safety Observation Act (JSOC)<sup>5</sup> was about to come into effect. The staff we spoke to were universally concerned they would 'suffer more post-JSOC'.

Compounding workload issues were 'budgetary constraints that made working conditions [even] harder'. Participants in one focus group operated in cramped, hot and humid office spaces where they could not 'use the air conditioning

because of the cost'. If officers needed to 'travel to other districts, this was difficult because there was no travel or gas allowance', and so, to do their jobs, staff would invariably pay for petrol themselves. In one focus group, we were told that probation officers had to 'buy their liquid paper', supply their 'own laptops' and 'mobile phones', and then pay for work-related calls because of budget shortfalls. Some staff even paid for the 'parolees' transportation to attend supervision meetings because they do not have money to travel'. Thus, to maintain core operations, DOP was exploiting the kindness and goodwill of its front-line workers. Despite challenges, working for DOP was described as:

A way to do good things for others, a fulfilling way to give back to society and make a positive impact.

Front-line probation workers were described as operating 'from the heart'. Notwithstanding, 'interacting with underprivileged individuals can take a toll on your mental health'. Probationary work is stressful emotional labour without the added burdens described above. Predictably, staff were 'exhausted, stressed and unhappy', and their families suffered because 'we barely have time to spend with them'. Some were considering a career change and asked that 'the Minister be made aware of the challenges we face when working'. It is little wonder that staff expressed difficulties:

Delivering quality services because we do not have the time to give the cases the care they need. Even though we want to do our best, the workload makes it difficult for us to provide quality work, it is impossible.

'Overwhelming' workloads meant 'limited time to speak with offenders' and an inability to consider/process their requests to change EM conditions. Limited budgets also impacted physical spaces. We were told:

Desks at the office are all next to each other. We cannot provide people the privacy they need to share their needs with us because others could be listening. We cannot give them confidentially; this limits our ability to support them.

Under these untenable conditions, front-line DOP staff decided to prioritise compliance over rehabilitative care because:

There is not enough time or space for EM parolees to share concerns or personal problems. We can only provide guidance on how to comply with conditions, but not necessarily help.

The group sessions, discussed above, presented as a realisable avenue for doing something that resembled support. Yet, focus group participants were acutely

aware that this was a makeshift and erroneous solution. These group assemblies were merely an additional outlet for inducing compliance.

## **EM parole policy, practice and programmes: Gender sensitivity?**

Women assume responsibility for most unpaid work in our communities, including the heavy burden of emotional labour. Patriarchy expects women to take on nurturing roles while simultaneously undervaluing their contributions. Thus, societies, including Thailand, exploit women in a gender-specific way (Müller, 2018; Thailand Policy Lab and the UN Development Programme, 2022). Over 60% of Thailand's front-line probation staff are women, and as shown above, the DOP is not above exploiting their compassion and generosity. Unsurprisingly, DOP is also gender-blind regarding EM parole policy and practice. Some 'women staff had tried to speak out' against DOP gender ignorance, but they were silenced by the men in power. We were told:

No one listens. It is very hard here because most of those in higher positions are men. They look from men's perspective, and they do not recognise women's struggle. For example, they do not understand that women on parole are most likely caregivers, and this needs to be considered.

DOP gender blindness was also evident amongst the study participants. In one focus group, it was explained that 'many probation officers lack knowledge of the relevance of gender to their work'. Indeed, instead of striving toward gender equity, most people expressed that fairness necessitated treating men and women as equals. There was no understanding that equality is likely to lead to unequal outcomes and that affirmative action was needed to compensate for gendered disadvantage as per Bangkok Rule 1. For example, we were told that 'gender does not have any impact on probation work', 'we treat everyone the same regardless of their gender', and 'it is not about their gender'. Consequently:

There are no specialised programmes or activities tailored for specific genders [and] the criterion for determining which probation programmes an offender should participate in is based on their offence and risk level, rather than their sex. [Here] programmes are designed based on the majority of offenders who should participate, which is male. It is inefficient, especially when DOP budgets are constrained, to provide separate programmes for women.

It was also articulated that gender was irrelevant to officers' one-on-one interaction/supervision style because it is 'about personality, not gender'. Thus, EM parole was unapologetically established for men by men. Women's needs were inconsequential.

## **Gender and EM parole experiences**

It was explained that the meaningful positive of EM was that it was better than prison and meant 'being with and taking care of family, but they are still serving time, just

not in jail'. Again, some probation staff articulated that EM parole posed no gender-specific challenges because 'men and women are the same so being on EM is not any different'. Others acknowledged that, compared to men, women felt more ashamed about wearing EM. We were told that:

Women are more susceptible to the stigma of EM. Women might feel more ashamed to wear EM while being out there in society. This is difficult to escape because in Thailand, everyone is well aware that EM means you have committed a crime, it is a mark of shame. So, women must live with the looks and gaze of society. The reminder is on their ankle. It is not small or subtle. It can be clearly seen. It tells people that they have previously committed an offence. I think that the tolerance of women to such stigmatisation is lower than men. I can notice it when they come to report or participate. None of them wear shorts or skirts. They all wear trousers, unlike the men who nonchalantly wear shorts.

A small number of focus group participants voiced that the stigma of wearing EM might impact negatively on women's families, especially their children. It was noted that most women on EM parole were mothers, and that:

Shame is not just for the women who wear the EM but also their family and children, being on EM causes embarrassment for women's children.

There was concern that EM might fracture the 'mother-child relationship'. Participating in children's everyday lives is crucial to parenting and maternal bonding, but:

Wearing EM around your ankle while taking their kids to school, people will stare and make comments, and this may impact negatively on kids.

The social stigma faced by criminalised women who are mothers can be especially acute due to the gender double standard. Consider the below comments from focus group discussions:

Society perceives women on EM parole as bad women and if they have children, as bad mothers. No one says anything about men because it is part of their masculinity trait. Men are more inclined to have violated the law. But for women, especially in Thailand, even though these are non-violent, non-serious offences, society will always judge them, and society will always label them as bad women as bad mums. If it is a man on EM, that is more normalised. Having a father in prison is more normalised than having a mother in prison, so the impact of wearing a device, the effect is not the same.

Some probation staff identified employment as a key challenge. It was noted that there can be 'issues finding employment; sometimes they ask us when they can take the EM device off as employers will not hire them'. Similarly, in another focus group, they said it is 'difficult to find a job when you are wearing an EM; the

employer will not even interview them'. The EM device is very 'large and prominent, and potential employers notice'. This problem was heightened for women 'in some careers where they are required to wear skirts, the bracelet cannot be hidden'. Further:

Even if an employer is willing to hire an offender with an EM, clients or customers may not be comfortable receiving service from them. It could ultimately impact negatively on the business. This can create challenges for offenders finding and maintaining employment while on EM parole. It puts pressure on family relationships because without jobs women are more of a burden on the family.

A couple of participants expressed frustration that 'day labourers/causal employees lacked self-discipline and motivation to comply with the requirements of their probation' and repeatedly failed to report for their monthly supervision meetings because:

They are not certain how reporting regularly would improve their life; they see it as a waste of time and fuel costs.

Day labourers/casual employees receive a basic wage. Rather than a personal deficiency, under conditions of financial hardship, it is unsurprising that some might choose not to report. Complying with reporting conditions should not be prioritised over earning a living. As noted by Gelsthorpe (2013: 279), for women on probation (and parole), the measure of success should not be appointment attendance, but rather whether the probability of re-criminalisation has been reduced. Engaging in normative life through employment significantly reduces the likelihood of additional law-breaking.

Other focus group participants were sympathetic about reporting requirements causing 'financial difficulties'. One officer relayed:

Some people must go for 100 km to report. A lot of offenders are in impoverished conditions and struggle to come to us. Some staff would pay out of their own pockets [as noted previously] to support parolees to report regularly, but we do not want them to be sanctioned for not coming.

EM parolees were always confined within a particular geographical area. The question of why this was the case was met with laughter and a response of 'the law says it and we need to follow the law, that is it'. Others expressed not:

Believing in the condition banning crossing provincial lines because people need to work, they want to visit family, follow them on trips, things happen, and we sometimes cannot predict it, can we.

Correspondingly:

Another difficulty I found is when they must take their mother or kids to the hospital. The parolee needs to stay within a province. But it isn't easy nowadays because the closest hospital to their home may be in a different province. So, whenever they go to the hospital, the alarm goes off. They are breaching. For me, I feel like it does not make sense. Some also struggle with something less serious like they cannot travel with their family, they cannot visit the temple with their family and cannot spend their time with them.

EM parolees could apply to vary their conditions. However, granting permission seemed ad hoc and dependent on staff workload.

## **EM technology, gender and EM design**

Probation personnel explained that the EM device was too large because 'it was not initially designed for women'. In addition to creating/enhancing stigma and causing shame, the 'bulk of the device was uncomfortable, could cause pain and bruising' and 'irritating allergic reactions from the rubber straps'. Officers would 'suggest that the offender wear socks for protection'. Seemingly, there were:

Seven sizes available. Women needed smaller sizes than men, but sometimes, there are no small sizes left and women must get the bigger ones, which is uncomfortable.

The 'charging equipment was very faulty', especially with older EM devices. Moreover, 'sometimes, in more remote areas there is a poor signal, it is hard to monitor and contact them', which is very 'stressful' for staff who were already overworked and underpaid.

## **Gender, EM parole breaches and re-criminalisation**

In some focus groups, we were told that gender did not matter when it came to breaching EM parole and re-criminalisation. Here, gender was again immaterial because 'it depends on the characteristics of each person, not gender; some men or some women can be so stubborn'. Yet, while vividly relaying instances of men breaking the law while on EM parole, no one could recall a woman being re-criminalised. Further, and in contrast to men, when women breached, this was invariably inadvertent and connected to familial caretaking responsibilities. We were told that:

Women frequently violate the conditions because they are the ones who raise children and send children to school, and the school is just at the overlapping point between two districts; the signal will give out a warning.

The Bangkok Rules are clear, non-custodial measures must account for women's caretaking responsibilities. Yet we were told that women:

Should take steps to prevent this from happening, such as arranging for someone else to pick up their children from school.



We know that punitiveness is ineffective and counterproductive to parolee rehabilitation and reintegration (Pollack, 2009). It was thus heartening to hear that involving the police, courts and sending people back to prison, was a final resort measure used only 'when the EM band was cut' and all subsequent attempts at contact had failed. Notably, the 'destruction of equipment' was something 'men did, not women'.

## Discussion and recommendations

Non-custodial measures must be rehabilitative and meet women's gender-specific needs (UN General Assembly, 2010; UNODC, 2020). On paper, EM parole in Thailand is meant to be rehabilitative, support reintegration, reduce recidivism and promote the treatment of offenders as per international standards and norms. Further, the Ministry of Justice has claimed that EM may be especially 'beneficial for female offenders' by more effectively addressing and solving the 'underlying factors relating to drug offences' (Supchokpul, 2018: 40). Nevertheless, in practice, results from this exploratory study show that international standards and norms are being negated.

First, EM is not a final recourse to protect public safety (UNODC, 2020: 29 and 50). Rather, nearly everyone released on parole in Thailand is being tagged with an EM device. Second, gender was narrated, repeatedly, as irrelevant to DOP operations. At the most elementary level, this was illustrated in the design of the EM device. The bracelet was made for men, not women. Most focus group participants expressed that women and men should be treated equally. There was little understanding of the necessity of affirmative action to compensate for gender disadvantage as per Bangkok Rule 1. This gender blindness was organisationally entrenched, cascading from the upper echelons of the DOP's masculinist power hierarchy. Some of the women we spoke to had challenged this departmental gender illiteracy. However, these women were silenced by the men in charge. Further, the exploitation of DOP front-line workers, most of whom are women, was unrelenting. Core DOP operations could not be realised without women's goodwill and their accompanying unpaid labour.

Third, was a demonstrated failure by the DOP to support and protect formerly imprisoned women from stigmatisation and other barriers to successful reintegration (UNODC, 2020: 56). In opposition to international standards and norms, EM parole was obstructive, inflexible and being exercised without consideration of women's specific needs (Bangkok Rules 60–63; UNODC, 2020: 55). Interventions to address the most common problems leading to women's criminalisation were negligible, as were community-DOP partnerships connecting women to relevant post-release supports (Bangkok Rules 47, 60 and 62; UNODC, 2020: 54).

Fourth, and again, contrary to international standards and norms, confining women in certain locales and branding them 'deviant' with EM impeded, rather than encouraged, employment opportunities and contributed to, rather than countered, socio-economic vulnerability (UNODC, 2020: 15). Financial well-being was also compromised through the costs associated with reporting (UNODC, 2020: 15 and 55).

Fifth, positive familial relationships are important to women's rehabilitation and reintegration. However, instead of encouraging these connections, as per international standards and norms, EM parole may cause relational disconnection (UNODC, 2020: 54–55). Further, the caretaking responsibilities of women on EM parole materialised, through focus group discussions, as extraneous to the DOP (Bangkok Rules 60 & 63; UNODC, 2020: 55).

Numerous DOP staff explained that on paper, rehabilitation was a central aim of EM parole, but, in practice, it was about other government imperatives. Namely, reducing prison overcrowding and associated costs while quelling the public's fear of drugs, ironically manufactured for political advantage by the State through the drug war. Consequently, while individual probation personnel may have been committed to rehabilitation, attaining this goal was difficult, if not impossible, within a workplace culture that was not only gender blind, but also saw EM parolees as risks to be managed rather than people with needs to be addressed.

Women need confidential spaces of support where they can be open and honest about their struggles (Pollack, 2009). However, supervision meetings were little more than momentary box-ticking exercises in risk management and compliance, undertaken in cramped spaces devoid of privacy. Group activities were also typified by a theme of control rather than care. This is counterproductive to women's empowerment, emancipation and subsequent rehabilitation (Morash et al., 2015; Opsal, 2015). On a more positive note, and in line with international standards and norms, probation officers were not reporting minor breaches to higher authorities (UNODC, 2020: 55).<sup>6</sup>

In part, many of the above issues reflect what was relayed to us as severe under-resourcing. DOP workplace stress levels are high, and while working 'from the heart', limited time and under-capitalisation create barriers to 'delivering quality services'. Here, we would like to repeat the call made by the focus group participants. Namely, it is imperative that 'the Minister [is] made aware of the challenges' DOP front-line staff 'face when working'.

Considering this study, we would argue that, as a matter of urgency, all possible measures must be taken by the government of Thailand to support the DOP to develop gender-sensitive curriculums of care, support and rehabilitation for women on EM parole following the Bangkok Rules (UN General Assembly, 2010), and the UNODC (2020) best practice guidelines for non-custodial measures. Positive first steps would include using EM sparingly, increasing DOP funding, reducing staff workloads and halting the egregious exploitation of front-line workers. From here, DOP gender sensitivity training must be provided to ensure staff familiarity with the Bangkok Rules and the UNODC (2020) best practice guidelines. Training must cover the underlying causes of women's criminal justice system involvement (i.e., pathways to criminalisation), their experiences of prison and returning home, the importance of trauma-informed care and the role of DOP-community partnerships in support provision. It will be important for the DOP to provide staff with adequate time and space to undertake this training without further overburdening them. Finally, we would like to suggest identifying

women within DOP who can champion the development of a gender-sensitive policy and practice strategy for non-custodial measures in Thailand, including EM parole.

### **Author note**

The viewpoints, findings and conclusions expressed in this article are those of the authors and do not necessarily reflect the view of the Thailand Institute of Justice.

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### **Notes**

1. Within the UNODC (2010: 43) 'Commentary to Bangkok Rules' it is noted that a 'considerable proportion of women offenders do not necessarily pose a risk to society ... many are in prison as a direct or indirect result of the multiple layers of discrimination and deprivation, often experienced at the hands of their husbands or partners, their family and the community'.
2. In December 2023, females comprised 12% of the total number of convicted persons imprisoned in Thailand (International Federation for Human Rights, 2024: 11)
3. Recent research exploring women's reintegration in Thailand found drug rehabilitation programmes inside prisons were somewhat lacking. However, accessing and participating in community-based drug rehabilitation was even more circumscribed (Thailand Institute of Justice, 2021: 60–84).
4. Ethics approval for this research was granted by the Human Research Ethics Committee at Griffith University, reference no: 2023/082
5. The JSOC law is touted by Thai politicians as crucial for monitoring dangerous violent 'offenders' and fostering community safety. JSOC will require violent 'offenders' to wear EM, and be under Probation Department supervision for up to a decade see: <https://aseanow.com/topic/1284371-jsoc-law-for-preventing-repeat-sexual-or-violent-crimes-takes-effect/>
6. Notably, previous research undertaken with EM parolees in Thailand also shows that pre-release screening by probation officers, is buffering against the possibility of women leaving prison and returning home to family violence (Jeffries et al.,

2024b). This is another positive because returning to unhealthy interpersonal relationships can impede reintegration (Bui and Morash, 2010; Few-Demo and Arditti, 2014). In this regard, DOP practice again aligns with the UNODC's (2020: 54) best practice guidelines. Specific measures are in place to protect women from post-release victimisation, and this is supportive of successful re-entry (UNODC, 2020: 54).

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