



Theme: Unlocking Barriers: Rights of Women in the Criminal Justice System in Africa

18th -20th October 2023, Commonwealth Speke Resort Hotel, Munyonyo, Kampala, Uganda.

Organised By

Penal Reform International (PRI), United Nations Office on Drugs and Crime (UNODC), Uganda Prison Service (UPS)

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RECOMMENDATIONS

Between 18-20th of October 2023, 257 delegates representing 7 countries from across Africa convened for a regional conference: *'Unlocking Barriers: Rights of Women in the Criminal Justice System in Africa'*. The first of its kind, the conference considered the following recommendations in an open and collaborative forum, which identified the challenges, strategies and comparative jurisprudence on the progressive steps taken towards gender mainstreaming in the criminal justice sector in Africa.

Conference delegates included Justices of the High Court of Kenya and Uganda, Ambassadors of embassies, members of the police force of Kenya, Uganda and South Sudan, members of the army of Uganda, members of the National Human Rights Institutions of Kenya and Uganda, lawyers and law associations, Commissioners of Prisons of Kenya and Uganda, members of the African Commission on Human and Peoples Rights, Representatives of United Nations agencies, members of the civil society of Uganda, Kenya, Rwanda, Tanzania, South Sudan and Nigeria, Zambia, human rights experts, the media and development partners.

There was consensus among conference delegates to take every step possible to implement, promote and disseminate these recommendations within their respective mandates, bearing in mind the need to achieve gender equality.

These recommendations are based on best practices from across the region and international standards on the rights of women in the criminal justice system and would considerably progress gender equality in the African region.

1. Recognising that the number of women in prisons in Africa has increased by over 100 percent since [year] and mindful of the impact of imprisonment on women and their children, including with realizing their human rights, all stakeholders in the region should take all steps necessary to domesticate and implement the **United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for women offenders (the Bangkok Rules)** which encourage States

to reduce the use of imprisonment and prioritise gender-sensitive non-custodial alternatives to imprisonment for women.

2. In recognition of the right to freedom from discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status under Article 2 of the African Charter on Human and Peoples Rights; States should sensitise justice actors on the intersectional forms of discrimination faced by women in conflict with the law and how discrimination may have affected the woman prior to her involvement with the criminal justice system.
3. In recognition of the right to fair trial and the importance of quality of legal representation, States should make deliberate steps to recruit and assign competent lawyers to represent women in the justice system. Lawyers and prosecutors should be sensitised about the need for a gender-sensitive approach in cases involving female defendants. At all times, female victims and defendants in the African criminal justice systems should be given full and unbiased information on justice processes and procedures, including how and where to seek justice remedies that protect and promote women's most fundamental rights.
4. Recognising that women in criminal justice systems as suspects, defendants and prisoners, face multi-faceted forms of discrimination and violence including gender-based violence, States should introduce mechanisms which will identify victims of violence sexual and gender-based violence among women in conflict with the law in order to identify and offer appropriate services including psychological, medical, educational during their imprisonment and upon their release.
In recognition of multiple forms of violence including sexual and gender-based violence suffered by the majority of women prior to their imprisonment, States should invest in training and recruitment of healthcare professionals including mental health specialists in key justice institutions to improve the quality of health care services for women before and after their imprisonment. Efforts should be made to ensure criminal justice processes are gender-sensitive, including through the adoption and use of people centered and human rights-based approaches.
5. In recognition of the high levels of illiteracy and unemployment among women in the criminal justice system; States should invest in rehabilitation and reintegration programs that empower women and facilitate their re-socialisation upon release. Efforts should be made to avail a multi-disciplinary approach which is essential to offer the much-needed psycho-social assistance needed by women in detention and upon their release. Financial support should be given to civil society so they can boost their efforts in supporting women in prison and post-release with reintegration.
6. In recognition of the inadequate and inconsistent data as a hindrance in the fostering of coordinated approaches and evidence-based policies and practices; States should invest in data collection technological infrastructure to ensure that data collected is adequate, reliable, disaggregated and available to all stakeholders in the criminal justice system.
7. Due to the harmful effects of imprisonment on women and their children, noting the serious levels of overcrowding across the African region's prison systems, there is an increased need for sensitisation of all actors on the use of non-custodial measures; analysing bail and making it more gender-sensitive, decriminalising petty offences and ensuring that plea bargaining and other similar measures are not gender blind.

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