



Gender-sensitive practices in community sanctions: the Kenyan experience

**Clement Okech
Assistant Director**

Kenya Probation and Aftercare Service

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by**





Community service and probation for women

A study in Kenya



Towards gender-sensitive alternatives to imprisonment

Study in Kenya

BRIEFING



Community service and probation for women

Lessons and recommendations based on a study in Kenya

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Introduction

Women and girls are a minority in criminal justice systems, constituting only an estimated two to nine per cent of national prison populations. As a result, they can find themselves in criminal justice systems that are designed for the male majority population and do not address their specific circumstances and corresponding needs. This was recognised in 2010 when the international community adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) which outline the measures needed to ensure the gender-sensitive¹ treatment of women both in prison and under non-custodial measures or sanctions.

The Bangkok Rules explicitly encourage the development and use of gender-specific non-custodial alternatives to pre-trial detention and to imprisonment. This is in recognition of the fact that many female defendants and offenders do not pose a risk to society and imprisonment frequently has a disproportionately negative impact on their rehabilitation and on their children's lives. On the other hand, non-custodial measures and sanctions which take account of women's distinctive needs enable

women to meet their caretaking obligations at the same time as serving their sentence and can be far more effective at addressing the root causes of their offending than time spent in prison. It is worth emphasising that treating female offenders differently from their male counterparts is not unfair or discriminatory. In fact, the reverse is true. Women offenders have distinctive needs that must be identified and addressed so that they can receive equitable treatment.

Within a project implemented by Penal Reform International and the Kenya Probation and Aftercare Service on gender-sensitive Community Service and Probation Orders for women in Kenya, funded by the Thailand Institute of Justice, research was conducted in 2016² to enquire into the existing system and experiences of women serving community sanctions.

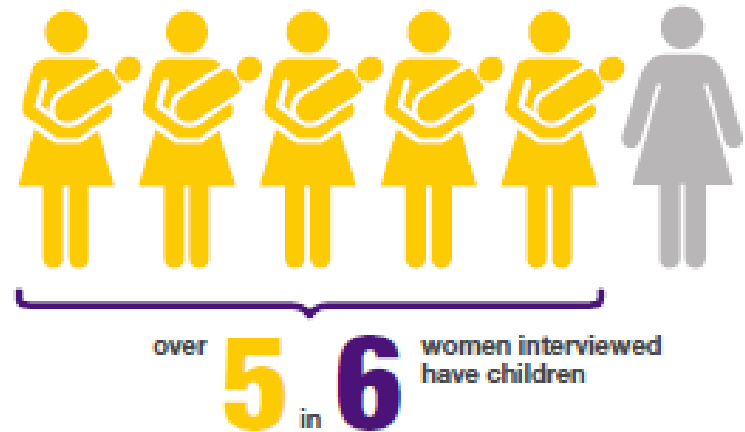
Wherever they live, women offenders experience similar problems such as discrimination, stigmatisation, high rates of violence, and poverty. Therefore, while the research deals with the situation in Kenya, it provides lessons and recommendations on how to deliver gender-sensitive community sanctions which will be relevant to other countries. This briefing draws on research by Penal Reform International and other studies on women in the criminal justice system.³

Lessons and recommendations based on study

Profile of women

- Women bear the bulk of responsibilities for extended family

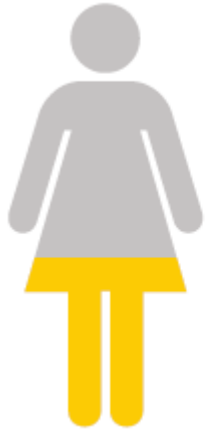
PROPORTION OF WOMEN WHO ARE MOTHERS



“Women are the sole providers. When serving a CSO, the family suffers”

- Low education
- Majority low earners, informal sector (agriculture and domestic activities)

Impact of offences



36%

of the women interviewed
were convicted of

**ALCOHOL-RELATED OFFENCES
(MAINLY ILLEGAL BREWING)**

Linked to economic need

- Women convicted of selling *kangara* and *chang'aa* (illicit alcoholic drinks) without a licence as steady source of income/ could brew while caring for children.

- Women convicted for removing forest produce were using the wood for cooking, or to sell to meet other basic needs.



67%

of the women interviewed
said they had offended

**TO EARN MONEY AND
SUPPORT THEIR FAMILY**

Challenges women face

- Cost and distance of travel to work station
- Length and scheduling of CSO work
- Physical and mental health
- Lacking the tools for work
- Stigmatisation
- Lack of family support
- Safety at work station

Challenges women face

“Since I started serving the CSO my business failed. I am now ridiculed because my children are no longer in school”

“My son started drinking alcohol when I was in pre-trial. The community now blames me for this”

“A police officer used to harass me. I resisted his advances and reported it and he was transferred”

“The CSO work interferes with their livelihoods like planting and fetching water; and with pregnancy and nursing”

Recommendations

- Support programmes
- More work stations for women (so women can be allocated to stations closer to their homes)



- Economic empowerment (skills)
- Adequate interventions for mental health issues
- Expand peer support

Good practice

Uwezo Initiative, Kibera:

Helping women to set up small businesses

Uwezo funded me to start a shop and I am doing well

There is minimal supervision of women in this group. Even after completing their term they remain in the group

Table banking, Makindu:

Donor Philemon Ministries contributed to set this fund up. Women receive loans, and pay back interest. They formed a group and help each other