A Decade of the Bangkok Rules: The African perspective

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Background

• Increase in female prison population

Examples
• Women are fewer than men – 0.8%- 8.2% (Rwanda 7.4%, Burkina Faso 2.0%; Kenya 6.7%, Uganda 5%).
• Higher proportions in countries that do not have the common law legal system.
• Few women prisons; Majority of the women are detained far from home.
• Congestion is over 100%.
• Largest number of women are civil debtors, accounting for between 12- 16.3% of total female prison population; Uganda, Kenya and Tanzania
• HIV/AIDS prevalence among female is approximately 24.2% compared to 14.4% among male prisoners (CDC study)
Categories of women in detention

- Women awaiting trial/remand prisoners - over 50%
- Convicted/sentenced prisoners
- Debtors
- Civil lunatics or criminal lunatics
Many of the women said they were poor (40%) or very poor (36%).

Majority of women were illiterate or had up to primary level of education (68%).

Most women were in some sort of employment (40% as market vendors, 31% subsistence farming and 11% house helps – low earners).

97% women surveyed were mothers.

Experienced violence and discrimination incl. female genital mutilation and early marriages.

Have low understanding of the law.

Lack legal representation.
Rules 2-4- Admission, registration and allocation of prisoners.

• Established prison reception boards in most countries comprising of O.C, medical officer, social worker, medical personnel and officers in the vocational training programs.

• Established prison Rules as to where prisoners can seek help- in most countries – Human rights desks in Uganda; Handbook on rights and responsibilities of prisoners in Nigeria.

• Communication to consular offices where a foreign national is detained.
Rule 5- Hygiene

- Free sanitary towels provided.
- Water has been extended to most prisons. Water tanks, boreholes constructed.
- Disinfectants supplied to most prisons.

Challenges
- Inadequate supply of water and washing facilities
- Access to sanitary towels
- Inadequate supply of uniforms
Some countries have a comprehensive program for screening, counselling and treatment of inmates - Zambia.

Access hospitals within the prisons and local health centers.

Periodic psycho-social support extended to women mostly by NGOs like PRI and PRAWA. Nigeria, Kenya and Uganda.

Drug abuse prevention and awareness programmes targeting both inmates and prisoners.

Challenge

- No stationed nurse/ midwife/ social worker/ mental health workers.
- Lack of rehabilitation services in most prisons.
- Lack of PPEs
Most women’s prisons are run and managed by female staff. Uganda and Kenya.

In those countries, searches are carried out by female staff.

**Challenge**

- No proper training of staff on how to conduct searches.
- Intrusive searches continue to be used in most countries
- Modern screening technology not yet developed.
Rules 26-28 Contact with the outside world

- Family visits are allowed.
- Open days/ open prisons- Ghana, Nigeria
- Remote parenting- Kenya
- Access to phones – Uganda, Senegal

Challenges
- Fewer prisons for women resulting in many women being detained far from home.
- In some countries, phones are prohibited.
- Collective accommodation of women convicted for a wide range of offences.
Rules 43-47 Social relations and after care

• Open door policy- Uganda, Kenya, Malawi
• Halfway houses established- Malawi
• Community based programmes- Kenya
• Open day programs which allow media and public to visit prison and appreciate challenges and contributions made by the prison administration- Botswana & Ghana.
• Rehabilitation and Reintegration policies developed. Uganda, Kenya, Nigeria.

Challenges
• Very few rehabilitation and reintegration programs in the women’s prisons.
• Many women are not visited.
Rules 48, 49 & 64 Pregnant women, breast feeding mothers and mothers with dependent children.

- Supplementary food given to pregnant women, mothers with new-born babies - Cows reared, vegetables grown; Rwanda, Malawi, Uganda.
- Nurseries for infants established - Kenya and Uganda.
- Children separated from mothers upon attaining a certain age - Av. 4 years.

Challenges
- Some prisoners don’t have relatives willing to take their children.
- Inadequate supply of medicines for children.
- Food of low nutritional value.
- Most countries lack nurseries/ units for mothers with infants.
Rule 56- Prisoners under arrest or awaiting trial.

• Guidelines on the conditions of Arrest, Police Custody ad Pre-trial detention in Africa (Luanda Guidelines): separation of women from men, standards of conducting searches etc.
• Law and policies against Torture- Uganda, Kenya, Ghana etc.
• Gender policies and Guidelines on management of women in prison- Uganda.

Challenges
• Women are mixed with men (police cells and prisons).
• Torture including solitary confinement, beatings, sleep deprivation.
• Denying visits and access to medication.
• Covid 19- Pandemic.
Rule 57-62 Non-custodial measures.

- Community service and probation programmes - Kenya, Uganda, Tanzania, Malawi, Zimbabwe.
- Sentencing guidelines (Uganda) provide guidance on gender-sensitive sentencing.

Challenges
- Attitude - public and judiciary
- Resources
- Overuse of custodial sentences.
Opportunities

• Adoption of General Comment to Art. 30 of the African Charter on the Rights and Welfare of the Child which calls requires:
  i. Special treatment for pregnant women and mothers
  ii. State parties to always consider non-custodial sentences for primary care givers, pregnant women and mothers of young children.

• Laws on against domestic violence developed.
• National Development Plans- Gender mainstreaming is a priority. Kenya, Uganda.
• Capacity building, experience sharing and technical support by NGOs.
• Research by NGOs like PRI, PRAWA
THANK YOU