

Towards gender-sensitive non-custodial sanctions for women offenders in Kenya

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For the last 70 years, Kenya has had a well-established non-custodial system managed by the [Probation and Aftercare Service \(PACS\)](#), under the Ministry of Interior and Coordination of National Government, within the State Department of Correctional Services.

PACS provides two key services: court and community based correctional services. Responsibilities include developing social enquiry reports used by courts and penal release organizations; as well as the mandate to supervise, rehabilitate and reintegrate offenders placed on non-custodial orders and sanctions by courts and penal authorities.



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Gender sensitive non-custodial sanctions were introduced in 2013 as a reform intended to align PACS with the Bangkok Rules. The Community Service Orders Training Manual was revised to include consideration of the special needs of women and community service orders supervisors were trained the same year using the revised manual.

A significant milestone was when PACS entered into partnership with [Penal Reform International \(PRI\)](#), a project aimed at enhancing evidence-based responsive gender-sensitive practices for women offenders who were serving community service or probation orders.

The project was implemented in phases, beginning with undertaking a [study in 2016](#) to better inform current practices and identify gaps in the integration of the Bangkok Rules in PACS practice. The study findings informed implementation of other phases including: capacity building of staff to be sensitive on issues relating to women offenders, improvements to various operational tools, and an evaluation to assess the project.

Other milestones achievements
include:

- Training of selected Bangkok Rules. Officers were trained to implement specific Bangkok rules into their work by using a “train the trainer” model involving selected champions;
- Revised report writing guidelines (2016); and,
- Establishment of the Siaya Probation Female Hostel, which cater to female probationers with special needs, including the pregnant and those with children.

A 2017 evaluation of the project showed positive outcomes in a number of areas including relating to changing officers’ mindsets and more women offenders being accorded noncustodial measures than before.

PACS continues to engage stakeholders and partners to fully implement the recommendations of the study and improve gender-sensitive non-custodial practices for women offenders in Kenya’s criminal justice system.

The appointment of the Director of Probation and Aftercare Service as a representative for Africa to this ICPA Taskforce will positively contribute towards policy development for women offenders in the region and beyond. We hope that Kenya’s experience will encourage its replication in other countries.

References

Penal Reform International (2016). Community Service and Probation for Women: A study in Kenya: Towards Gender-Sensitive Alternatives to Imprisonment. Penal reform International: London, UK

Khan, O.P. (2017). Gender -sensitive approach to probation in Kenya: Project Evaluation. Penal Reform International: London, UK

‘Equal Justice’; making community sanctions work for Kenya (also referred to as the “short Film’) available at: <https://www.penalreform.org/resources/equal – justice-making-community-sanctions-work-women-kenya/>