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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## **Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls in criminal justice detention**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 53/27, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to submit a report on the situation of human rights of women and girls in criminal justice detention, including information on practices and measures to prevent and address violence against women and girls in the context of criminal justice detention, as well as information on good practices and challenges relating to rehabilitation and reintegration policies and programmes.



## I. Introduction

1. In its resolution 53/27 on accelerating efforts to eliminate all forms of violence against women and girls, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to submit to the Council, at its fifty-ninth session, a report on the human rights situation of women and girls in criminal justice detention.

2. The present report is focused on women in criminal justice detention, and provides information on measures to prevent and address gender-based violence and on promising practices and challenges in rehabilitation and social reintegration programmes and services. A separate study would be required to illustrate the specific needs and rights of girls in detention. Girls should only be detained, as a last resort, in child detention.<sup>1</sup>

3. An official call for inputs, from Member States (by note verbale), United Nations entities, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions and civil society organizations, was launched on 24 October 2024. The 58 submissions received by the Office have informed the present report.<sup>2</sup>

## II. Overview

4. According to the United Nations Office on Drugs and Crime (UNODC), almost 94 per cent of the prison population worldwide, or 10.8 million prisoners, in 2022 were men. At the end of the same year, there were 700,000 women in prison. The share of women among all prisoners remained relatively stable between 2012 and 2022, staying below 7 per cent throughout the period.<sup>3</sup> While the male prison population increased by around 22 per cent between 2000 and 2022, the number of women and girls in prisons increased by nearly 60 per cent in the same period.<sup>4</sup>

5. United Nations treaty bodies have highlighted how the specific needs of women in detention have been largely overlooked.<sup>5</sup> It has been noted that many detention facilities are designed to accommodate male detainees and, therefore, fail to meet the basic needs of women.<sup>6</sup> For example, the inadequate access to healthcare services that address their specific needs when it comes to sexual and reproductive health and rights,<sup>7</sup> and to mental health and drug treatment<sup>8</sup> is a critical challenge.

6. Women in detention often lack adequate, sufficient or nutritious food, which is particularly problematic for pregnant and lactating women.<sup>9</sup> Their detention facilities often do not have adequate natural light and ventilation,<sup>10</sup> lack access to water and sanitation,<sup>11</sup> and only have run-down and dirty bathroom facilities.<sup>12</sup> In addition, the lack of access to

<sup>1</sup> Convention on the Rights of the Child, art. 37 (b).

<sup>2</sup> All submissions are available at <https://www.ohchr.org/en/calls-for-input/2024/call-input-accelerating-efforts-eliminate-all-forms-violence-against-women-and>.

<sup>3</sup> UNODC, *Global Prison Population and Trends. A Focus on Rehabilitation*, p. 11 (2024).

<sup>4</sup> Penal Reform International and Thailand Institute of Justice, *Global Prison Trends 2023*, p. 20.

<sup>5</sup> See CAT/C/ECU/CO/3, para. 24; CAT/C/LKA/CO/3-4 2011, para. 14; CEDAW/C/GRC/CO/7, para. 34; CAT/C/BLR/CO/4, para. 19; and CAT/C/GAB/CO/1, para. 17.

<sup>6</sup> A/HRC/36/28, para. 34.

<sup>7</sup> See Tika Bela Sari, Sudirham, I Wayan Gede Suarjana, "The sexual and reproductive health (SRH) needs of incarcerated women are rights that are often overlooked", *Journal of Public Health*, vol. 36, No. 3 (September 2024).

<sup>8</sup> A/68/340, paras. 40 and 49.

<sup>9</sup> Ibid., para. 52.

<sup>10</sup> A/HRC/30/19, para. 19. See also Cynthia A. Golembeski and others, "Improving health equity for women involved in the criminal legal system", *Women's Health Issues*, vol. 30, No. 5 (September–October 2020).

<sup>11</sup> See CEDAW/C/BFA/CO/7, paras. 46 and 47; CCPR/C/HND/CO/2, para. 30; CCPR/C/CHL/CO/7, para. 31; CCPR/C/IRL/CO/5, para. 35.

<sup>12</sup> A/68/340, para. 50.

menstrual hygiene products means that many women are forced to purchase sanitary products, rely on donations, or barter for them, leaving them vulnerable to exploitation.<sup>13</sup>

7. International and regional organizations,<sup>14</sup> including UNODC,<sup>15</sup> the Organization for Security and Co-operation in Europe (OSCE) and United Nations treaty bodies have raised the alarm about the prevalence of gender-based violence in detention.<sup>16</sup> They have noted that gender-based violence occurs because of gender inequality, power imbalances and discrimination in society, including the failure of detention facilities to take into account the needs of women within the criminal justice system.<sup>17</sup> Those include particular physical, vocational, social, legal and psychological needs that are different from those of men.<sup>18</sup> Inadequate prison conditions and ineffective protection measures<sup>19</sup> exacerbate gender-based violence, in particular physical, sexual<sup>20</sup> and psychological violence from inmates and staff.<sup>21</sup> Moreover, the insufficient resources in prisons, including overstretched facilities and inadequate staffing, can lead to serious breaches of detainees' right to security, with the authorities often failing to protect them from violence.<sup>22</sup> In some contexts, women and men are housed together in the same facility, or even the same jail cell, which increases the risks of gender-based violence.<sup>23</sup>

8. Overcrowding exacerbates challenges in ensuring safe detention, limiting personal space, privacy and access to essential services, such as healthcare and social reintegration and rehabilitation programmes.

9. Separation from families and children can be especially severe for women. In certain contexts, detained women are located geographically far from their communities due to the limited number of prisons for women, making it difficult to maintain regular contact with their families.<sup>24</sup> The financial burden of phone calls and the restrictive policies that prohibit physical mail, video calls and emails between people in detention and their family members can further exacerbate their isolation. Maintaining personal connections for women in detention was reported as crucial, as it can help to ease their stress and increases their chances of successfully re-entering society after release.<sup>25</sup>

### III. Pathways to incarceration

10. The use of punitive approaches and policies by some Member States, particularly in response to the drug problem, have been found to disproportionately and discriminatorily affect women. The criminalization of certain acts, such as abortion and sex work, contributes

<sup>13</sup> Andrea Huber, "Women in criminal justice systems and the added value of the UN Bangkok Rules", in *Women and Children as Victims and Offenders: Background, Prevention, Reintegration*, vol. 2, Helmut Kury, Slawomir Redo and Evelyn Shea, eds. (Springer, Switzerland, 2016), p. 57. See also submission by Dignity.

<sup>14</sup> See, for example, Association for the Prevention of Torture, *Global Report on Women in Prison. Analysis from National Preventive Mechanisms* (December 2024).

<sup>15</sup> UNODC, *Handbook for Prison Managers and Policymakers on Women and Imprisonment* (2008), p. 8.

<sup>16</sup> See, for example, [CAT/C/BRA/CO/2](#); [CAT/C/COL/CO/6](#); [CAT/C/NIC/CO/2](#); [CEDAW/C/MNE/CO/3](#); [CEDAW/C/NIC/CO/7-10](#); and [CEDAW/C/VEN/CO/9](#).

<sup>17</sup> For example, OSCE Office for Democratic Institutions and Human Rights, *Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty: Standards, Approaches and Examples from the OSCE Region* (2019), p. 43.

<sup>18</sup> Julie Ashdown and Mel James, "Women in detention", *International Review of the Red Cross*, vol. 92, No. 877 (March 2010).

<sup>19</sup> UNODC, *Handbook on Women and Imprisonment* (2014), p. 15.

<sup>20</sup> [CEDAW/C/BRA/CO/7](#), para. 32.

<sup>21</sup> Penal Reform International and Prison Reform Trust, "Women in prison: mental health and well-being. A guide for prison staff" (2020), pp. 13 and 14.

<sup>22</sup> [A/HRC/30/19](#), para. 14.

<sup>23</sup> [A/68/340](#), para. 34.

<sup>24</sup> UNODC, *Handbook on Women and Imprisonment*, p. 74. See also submission by the Commissioner for Human Rights of Poland.

<sup>25</sup> See Johanna B. Folk and others, "Behind bars but connected to family: evidence for the benefits of family contact during incarceration", *Journal of Family Psychology*, vol. 33, No. 4 (June 2019).

to the increased prevalence of women in detention in some countries.<sup>26</sup> Discriminatory laws or the discriminatory interpretation and application of laws have a disproportionately negative impact on women. For instance, in some countries, laws that criminalize adultery may be applied more harshly to women than men.<sup>27</sup> In some instances, women are incarcerated for offences that are either exclusively or disproportionately applied to them, such as sex outside marriage.<sup>28</sup> In certain jurisdictions, women victims of rape may be unable to meet the evidentiary burden necessary to prove the offence and may therefore be convicted of so-called “moral” crimes.<sup>29</sup> In some countries, women have been detained, purportedly to ensure their safety against the risk of domestic violence, or so-called honour-based violence.<sup>30</sup>

11. Women make up a higher proportion of those imprisoned for drug-related offences – 35 per cent compared to 19 per cent for men.<sup>31</sup> In some countries, Indigenous women, women of African descent, and women migrants, are more likely to face discrimination at all stages of the criminal justice process, being disproportionately policed and arrested, harshly sentenced and incarcerated for drug offences.<sup>32</sup>

12. Gender-based violence throughout women’s lives can undermine the protective factors that safeguard them, such as education, employment, healthcare and social networks. That undermining of safeguards can, in turn, increase their risk of criminal behaviour and related incarceration,<sup>33</sup> post-release breakdown, reoffending and reimprisonment.<sup>34</sup> Many women in detention have experienced physical, sexual and psychological violence throughout their lives.<sup>35</sup> A strong correlation between incarceration and prior abuse has been noted. For example, women victims of intimate partner violence may be coerced into committing criminal acts<sup>36</sup> and women imprisoned for killing someone close to them or acting in self-defence may have been abused by the victim or been acting out of fear for their safety.<sup>37</sup> Due to systemic biases, gender stereotypes and the lack of proper legal support, women may have also been convicted for crimes they did not commit, such as drug trafficking,<sup>38</sup> theft and robbery.<sup>39</sup>

13. Women are disproportionately affected by incarceration for offences linked to poverty, including the enforcement of public order offences such as loitering, vagrancy, public nuisance and public indecency.<sup>40</sup> Experiences of gender-based violence can be intertwined with homelessness or detention for engaging in life-sustaining activities on the street.<sup>41</sup> The lack of access to alternative housing often prevents women from escaping violence, whether at home or on the street, perpetuating a cycle of violence, poverty and

<sup>26</sup> A/HRC/36/28, para. 6; A/HRC/56/61/Add.3, para. 26 (b); and Penal Reform International and Thailand Institute of Justice, *Global Prison Trends 2023*, p. 20.

<sup>27</sup> See Working Group on the issue of discrimination against women in law and in practice “Adultery as a criminal offence violates women’s human rights” (October 2012).

<sup>28</sup> See submission by the Association for the Prevention of Torture.

<sup>29</sup> A/68/340, para. 16.

<sup>30</sup> Ibid., para. 21.

<sup>31</sup> A/HRC/41/33, para. 32, “United Nations system common position on incarceration”, p. 5, and UNODC, “Women and drugs: drug use, drug supply and their consequences” (2018), p. 9.

<sup>32</sup> A/HRC/54/53, para. 28.

<sup>33</sup> A/68/340, paras. 4–8.

<sup>34</sup> Australia’s National Research Organisation for Women’s Safety, “Women’s imprisonment and domestic, family and sexual violence: research synthesis” (March 2020), p. 10.

<sup>35</sup> See Stephanie Covington, “Creating a trauma-informed justice system for women” in *The Wiley Handbook on What Works with Girls and Women in Conflict with the Law: a Critical Review of Theory, Practice, and Policy*, Shelley L. Brown and Loraine Gelsthorpe, eds. (March 2022).

<sup>36</sup> A/68/340, para. 10.

<sup>37</sup> Ibid., para. 6.

<sup>38</sup> See submission by Vicki Prais and Flavia Pinto.

<sup>39</sup> Melissa E. Dichter, “Women’s experiences of abuse as a risk factor for incarceration: a research update”, National Online Resource Center on Violence Against Women (July 2015), p. 4.

<sup>40</sup> See Human Rights Council resolution 53/27 and A/HRC/56/61/Add.3, para. 26 (b).

<sup>41</sup> A/HRC/56/61/Add.3, para. 26 (b).

criminalization.<sup>42</sup> Mental health challenges can be both the cause and the result of violence against women.<sup>43</sup>

## **IV. International human rights framework**

### **A. Right to liberty**

14. The right to liberty is a fundamental right recognized in international human rights instruments.<sup>44</sup> States may deprive persons of their liberty in circumstances established clearly under international human rights law, provided that such deprivation is necessary and proportionate to pursuing a legitimate objective.<sup>45</sup> The Human Rights Committee has recommended that States strengthen their efforts to ensure that detention conditions meet the specific needs of women deprived of their liberty, particularly those who are pregnant or have dependent children, providing them with adequate care and services.<sup>46</sup>

### **B. Rights to due process and a fair trial**

15. The rights to due process and fair trial are fundamental to ensuring justice and equality before the law and protecting individuals from arbitrary detention and other violations of rights. As part of those rights, States must also guarantee detainees unhindered, prompt and adequate access to legal representation of their choice or free legal aid from the outset of detention.<sup>47</sup> Judicial review of the lawfulness of detention is a critical safeguard for protecting the right to liberty. Article 9 (4) of the International Covenant on Civil and Political Rights guarantees that individuals who are detained have the right to seek a remedy before a court to challenge the lawfulness of their detention.

### **C. Equality and non-discrimination**

16. The principle of equality and non-discrimination enshrined in international human rights instruments, provides a protective framework for all individuals, including in situations of detention. That principle is explicitly outlined in article 2 of the Universal Declaration of Human Rights and in article 26 of the International Covenant on Civil and Political Rights on equality before the law and the prohibition of discrimination on any grounds. Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women calls on States to take appropriate measures to eliminate discrimination against women in law, policy and practice, and article 3 calls on them to ensure women's full development and advancement, including in detention and judicial processes. Article 5 calls for the elimination of gender stereotypes, which often fuel discriminatory practices and gender-based violence, including in custodial settings.

### **D. Rights to physical security and bodily integrity**

17. Rights protecting individuals from violence against the person, including the prohibition of torture or other forms of ill-treatment, are contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. The

<sup>42</sup> Ibid.

<sup>43</sup> [A/68/340](#), para. 48.

<sup>44</sup> Articles 4, 9 and 12 of the Universal Declaration of Human Rights, articles 8, 9, 11 and 12 of the International Covenant on Civil and Political Rights and [A/HRC/41/33](#), para. 11.

<sup>45</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 35, para. 10, and [A/HRC/51/27](#), para. 9.

<sup>46</sup> [CCPR/C/CHL/CO/7](#), para. 32, and [CCPR/C/BRA/CO/3](#), para. 42.

<sup>47</sup> International Covenant on Civil and Political Rights, art. 14, Human Rights Committee, general comment No. 32 (2007) and [CCPR/C/VNM/CO/3](#), para. 36.

Human Rights Committee has emphasized that States must take positive measures to ensure that women enjoy equal protection, which includes addressing gender-based violence.<sup>48</sup> In its general recommendations No. 19 (1992) and No. 35 (2017), the Committee on the Elimination of Discrimination against Women affirmed that, by ratifying the Convention, States undertook legal obligations to prevent and eliminate gender-based violence, and clarified that gender-based violence was discrimination within the meaning of article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

18. Preventing and redressing gender-based violence against women in detention is a core element of the United Nations Rules for the Treatment of Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In the rules, the need to protect women from gender-based violence and the importance of providing physical and mental healthcare are emphasized,<sup>49</sup> as are ensuring safe family visits and the application of non-custodial measures with essential support for victims.

## V. Gender-based violence against women in detention

19. Power imbalances and discriminatory social and cultural attitudes in society are reflected, and can even be intensified, in detention, exposing women to a greater risk of gender-based violence.<sup>50</sup> In some instances, violence between detainees is encouraged by law enforcement personnel with the intention of punishing or eliciting cooperation from targeted detainees.<sup>51</sup> The lack of segregation between different categories of detainees also contributes to inter-prisoner violence. That includes the failure to separate pretrial detainees from convicted ones, exposing the former to a greater risk of violence, and having mixed gender facilities, which increases the risk of sexual violence for women and girls.<sup>52</sup> The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has noted that inter-prisoner violence, including sexual harassment and rape, may amount to torture if the authorities consent or acquiesce.<sup>53</sup>

20. Women in detention can experience various forms of gender-based violence, such as rape, threats of rape, being stripped naked, touching and invasive body searches.<sup>54</sup> They can also face psychological violence, including verbal harassment, humiliation and emotional manipulation by prison staff. Studies indicate that detention personnel may use dehumanizing and misogynistic language to women prisoners.<sup>55</sup> Moreover, prolonged solitary confinement can also cause harmful physical and mental effects.<sup>56</sup>

### Factors exacerbating gender-based violence

21. The lack of adequate investigation, accountability and effective reporting mechanisms, together with the fear of retaliation, are important contributing factors to violence, as they create a culture of tolerance and impunity within the prison system.<sup>57</sup> Other factors, such as inadequate staff training, prison overcrowding, supervision by male staff and lack of resources, not only increase the risk of violence but also undermine women's ability

<sup>48</sup> Human Rights Committee, general comment No. 35 (2014).

<sup>49</sup> See also Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 34.

<sup>50</sup> Penal Reform International and Association for the Prevention of Torture, "Women in detention: a guide to gender-sensitive monitoring" (2013).

<sup>51</sup> [A/HRC/42/20](#), para. 19.

<sup>52</sup> *Ibid.*, para. 21.

<sup>53</sup> [A/HRC/13/39/Add.3](#), para. 28, [A/HRC/31/57](#), para. 19, and [A/HRC/42/20](#), para. 19.

<sup>54</sup> [CAT/OP/27/1](#), para. 27. See also Penal Reform International and Association for the Prevention of Torture, "Women in detention: a guide to gender-sensitive monitoring" and submissions by Elizka Relief Foundation and the Commission Nationale des Droits de l'Homme, Mali.

<sup>55</sup> Savannah G. Plaisted, "The cruel and unusual punishment of prison rape", *University of Massachusetts Law Review*, vol. 19, No. 1 (2024).

<sup>56</sup> See joint submission by the World Coalition Against the Death Penalty and others.

<sup>57</sup> [A/HRC/42/20](#), paras. 18 and 19.



to seek redress.<sup>58</sup> In some cases, women are forced to rely on male prisoners for protection,<sup>59</sup> creating cycles of dependency and abuse.

## 1. Inadequate access to justice

22. Women in detention often face challenges in obtaining access to justice, in particular those who are poor and disadvantaged.<sup>60</sup> Owing to their economic situation, they are more likely to be unable to pay the surety required for bail, which increases the likelihood of their being detained.<sup>61</sup> Many also rely on male family members to pay their legal costs, whether for legal representation, fines or bail, which can hinder their ability to secure timely and appropriate representation.<sup>62</sup> In addition, eligibility for legal aid is based on financial estimates, often tied to household income, which can further discriminate against women, who may not have access to that income.<sup>63</sup> That can result in women being deprived of the essential legal resources necessary to protect themselves from gender-based violence and pursue justice.

23. The Committee on the Elimination of Discrimination against Women has emphasized the importance of legal aid for victims of gender-based violence, urging States to guarantee access to financial assistance and free or low-cost, high quality legal aid.<sup>64</sup>

## 2. Use of pretrial detention

24. According to UNODC, in 2022 approximately 3.3 million men and 216,000 women were held in pretrial detention worldwide.<sup>65</sup> While there is no significant global gender gap in unsentenced detention rates, certain regions, such as Africa, the Americas and Oceania, exhibit higher percentages of women in pretrial detention.

25. Despite the fact that the majority of women in detention are first-time offenders or are charged with non-violent crimes, those who do not meet the criteria for conditional release are frequently subjected to pretrial detention.<sup>66</sup> In accordance with international standards, persons awaiting trial should not, as a general rule, be detained;<sup>67</sup> rather, pretrial detention should be used only as a last resort.<sup>68</sup>

26. Women held in pretrial detention often face conditions that are worse than those for convicted prisoners, including poor infrastructure and poor service and programme delivery,<sup>69</sup> a lack of gender-specific alternatives and unequal access to non-custodial measures<sup>70</sup> that may be available to male detainees. The excessive use of pretrial detention for women can lead to heightened vulnerability, as they may be subject to increased risks of gender-based violence.

<sup>58</sup> See submission by Dignity.

<sup>59</sup> *Report of the Inter-American Commission on Human Rights on the Situation of Persons Deprived of Liberty in Honduras* (March 2013), paras. 91–93.

<sup>60</sup> UNODC, *Handbook on Women and Imprisonment* (2014), p. 109.

<sup>61</sup> UNODC *Toolkit on Gender-Responsive Non-Custodial Measures* (2020), p. 10.

<sup>62</sup> Andrea Huber, “Women and the UN Principles and Guidelines on Legal Aid: why are special measures needed and what more needs to be done?”, *Penal Reform International*, 30 June 2014.

<sup>63</sup> UNODC, *Toolkit on Gender-Responsive Non-Custodial Measures*, p. 10.

<sup>64</sup> General recommendation No. 35 (2017), para. 31 (iii). See also United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, guideline 9 (c).

<sup>65</sup> UNODC, *Global Prison Population and Trends; A Focus on Rehabilitation* (2024), p. 15.

<sup>66</sup> [A/HRC/36/28](#), para. 25.

<sup>67</sup> International Covenant on Civil and Political Rights, art. 9 (3).

<sup>68</sup> United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), 6.1. See also indicator 16.3.2 of Sustainable Development Goal 16, which sets the percentage of pretrial detainees in prison populations as an indicator for measuring the efficiency of and access to the justice system.

<sup>69</sup> “United Nations system common position on incarceration”, p. 5.

<sup>70</sup> Penal Reform International and Association for the Prevention of Torture, “Pre-trial detention: Addressing risk factors to prevent torture and ill-treatment”, p. 9.

### 3. Inadequate monitoring and complaints mechanisms

27. Independent mechanisms to monitor the conditions in prison, along with complaint mechanisms and adequate remedies, are crucial for the protection of rights, including freedom from gender-based violence.<sup>71</sup>

28. In many countries, functioning, independent monitoring and complaint mechanisms do not exist; victims, including women affected by gender-based violence, are unaware of them<sup>72</sup> or are deterred from seeking protection for fear of reprisals.<sup>73</sup> Human rights mechanisms have expressed concern regarding the absence of a complaints mechanism for persons deprived of their liberty.<sup>74</sup> For instance, the Committee on the Elimination of Discrimination against Women has highlighted its concerns about the difficulties faced by women in places of detention in filing complaints about police misconduct, the lack of adequate reporting mechanisms and the absence of an environment conducive to submitting such complaints.<sup>75</sup> It has also recommended that independent monitoring of places of detention is ensured and that gender-responsive confidential complaint mechanisms for women victims of gender-based violence are available.<sup>76</sup>

### 4. Supervision by male staff

29. The United Nations Standard Minimum Rules for the Treatment of Prisoners state that female staff must supervise women prisoners, with male staff being allowed to enter a women's prison establishment only when strictly necessary and only in the presence of female staff.<sup>77</sup> Despite this, mixed-gender staffing is common in some countries for a number of reasons, ranging from staffing shortages to concerns about equal employment opportunities for women and men.<sup>78</sup> Mixed-gender staffing is also seen as a way to "normalize" prison life,<sup>79</sup> making it more reflective of society. Unfortunately, that can result in risks for women prisoners, especially when male staff are employed in positions where they are responsible for the direct supervision of female inmates.<sup>80</sup>

30. If male staff are allowed to work in women's detention centres, adequate precautions must be taken to prevent the risk of gender-based violence. Male staff should never be employed in contact positions, be responsible for direct supervision, or be involved in personal searches of women. They should not be allowed access to private areas, such as dormitories and sanitary areas, or be in a position where they can observe such areas. Female staff may also abuse women in detention settings. Strict procedures and safeguards should therefore be in place to protect women in detention from any violence by both male and female staff.<sup>81</sup>

### 5. Lack of non-custodial measures

31. Despite progress in implementing non-custodial measures in many countries, challenges remain in both legislation and practice.<sup>82</sup> In some countries, there are no specific legislative provisions for women in relation to non-custodial measures.<sup>83</sup> In other countries, alternative provisions for women often do not take into account contextual factors or other gender-related issues, such as a history of gender-based violence, caregiving responsibilities

<sup>71</sup> CAT/OP/27/1, para. 54.

<sup>72</sup> Open Society Foundation, *Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk* (2011), p. 41.

<sup>73</sup> See A/HRC/16/52/Add.3, A/HRC/16/52/Add.5, CAT/OP/UKR/3 and submissions by Centro de Estudios Legales y Sociales and Organisation Mondiale Contre la Torture.

<sup>74</sup> See CCPR/C/ZMB/CO/3 and CCPR/C/BWA/CO/1.

<sup>75</sup> See CEDAW/C/IDN/CO/6-7, CEDAW/C/TKM/CO/3-4 and CEDAW/C/TUR/CO/7.

<sup>76</sup> CEDAW/C/CAF/CO/6, para. 56 (b).

<sup>77</sup> UNODC, *Handbook on Women and Imprisonment*, p. 38.

<sup>78</sup> Ibid., p. 14, and Penal Reform International and Association for the Prevention of Torture, "Women in detention: a guide to gender-sensitive monitoring", p. 11.

<sup>79</sup> Ibid.

<sup>80</sup> UNODC, *Handbook on Women and Imprisonment*, p. 14.

<sup>81</sup> Ibid., pp. 38–40.

<sup>82</sup> See submission by the Association for the Prevention of Torture.

<sup>83</sup> Ibid.



and other compounding vulnerabilities.<sup>84</sup> Where such provisions do exist, women often encounter obstacles in accessing non-custodial measures, since they may not be able to afford to pay for bail.<sup>85</sup>

## VI. Measures to prevent and address gender-based violence in the context of criminal justice detention

### A. National legislation, national plans and policies

32. The Bangkok Rules emphasize that States should ensure consistent gender responsiveness in all policies, laws and practices concerning incarceration and the broader criminal justice system.<sup>86</sup> That includes reform efforts aimed at ensuring proportionate and individualized sentencing policies and alternatives to conviction or punishment in appropriate cases, including for minor drug-related offences, and decriminalizing acts that are protected by international human rights law.<sup>87</sup>

33. States have clear obligations under international human rights law to enact legislation prohibiting all acts of gender-based violence against women,<sup>88</sup> including in detention settings. Legislation must be comprehensive and effective in preventing and responding to gender-based violence, and also tackle its root causes. It should be victim-centred, offering protection and empowerment opportunities while ensuring accountability.<sup>89</sup>

34. National action plans can be effective measures to prevent and address gender-based violence, including against women in detention. Such plans, informed by data, allow States to tackle the root causes of violence and its impact. They should include and define objectives, priorities and responsibilities, a clear timetable for implementation, evaluation mechanisms and adequate financial resources for implementation.<sup>90</sup> Several countries have developed national plans with a focus on preventing gender-based violence against women. For instance, according to the submissions received, the National Action Plan of Chile 2022–2030 is aimed at addressing gender-based violence in prison and the Plan de Reacción - Botón por la Vida of Colombia is a safety initiative that enables women in detention and visitors to alert prison staff about potential violence or abuse during visits by intimate partners.

35. Adopting and implementing clear policies and regulations to prevent and redress gender-based violence in detention,<sup>91</sup> such as strategies, codes of ethics, professional standards and protocols for investigating allegations of gender-based violence, are key to prevention.<sup>92</sup> For example, in Canada, the Correctional Service has developed Commissioner's directive No. 574 on sexual coercion and violence, a zero tolerance policy aimed at preventing, identifying and responding to incidents of sexual violence in federal custody.<sup>93</sup> In Lithuania in 2024, the Director of the Prison Service approved the description of a procedure for preventing violent behaviour and investigating bodily injuries in prison facilities. The document sets out the priorities for wardens, including at the women's prison in Panevėžys, to reduce the risk of violence and outlines actions for prison staff in cases of injuries to detainees, including injury documentation and record-keeping.<sup>94</sup> In 2018, the United Kingdom of Great Britain and Northern Ireland introduced a policy framework that

<sup>84</sup> [A/HRC/48/55](#), annex, para. 9.

<sup>85</sup> UNODC, *Toolkit on Gender-Responsive Non-Custodial Measures*, pp. 35–37.

<sup>86</sup> Bangkok Rules, rules 57–58, 60 and 61–64 and “United Nations system common position on incarceration”, p. 10.

<sup>87</sup> “United Nations system common position on incarceration”, p. 10.

<sup>88</sup> See [E/CN.4/2006/61](#).

<sup>89</sup> UNODC, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women* (2014), pp. 34 and 37.

<sup>90</sup> [A/HRC/54/26](#), para. 65.

<sup>91</sup> Bangkok Rules, rule 31.

<sup>92</sup> OSCE Office for Democratic Institutions and Human Rights, *Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty*, pp. 112 and 113.

<sup>93</sup> See submission by Canada.

<sup>94</sup> See submission by Lithuania.

provides gender-specific guidance for prison and probation staff on managing and supporting women in custody and in the community.<sup>95</sup>

## B. Accountability and oversight mechanisms

36. Robust mechanisms for accountability are essential to prevent violence and deter potential perpetrators within detention institutions. Investigations into allegations of gender-based violence must be undertaken promptly, impartially and thoroughly by an independent authority, with safeguards in place to protect prisoners who file complaints from retaliation.<sup>96</sup> Upon admission, detainees should be informed about their rights, including legal assistance,<sup>97</sup> and provided with a means to lodge complaints if their rights are violated.<sup>98</sup> That can be through an anonymous hotline<sup>99</sup> or a complaint mechanism that is independent, effective, confidential and accessible to all.<sup>100</sup>

37. Internal inspections and independent external oversight are crucial for detecting abuse and preventing misconduct and violence.<sup>101</sup> Various external oversight bodies, such as the independent national preventive mechanisms established under the Optional Protocol to the Convention against Torture,<sup>102</sup> national human rights institutions and civil society organizations, can play this key role.

## C. Non-custodial measures

38. The use of alternatives to prison for women at all stages of the criminal justice process, including diversion, the pretrial period and sentencing, can be an important preventive measure against gender-based violence. Such alternatives should combine non-custodial measures with interventions that address the root causes of women's involvement in the criminal justice system.<sup>103</sup> Such interventions may include vocational courses and counselling for victims of gender-based violence.

39. Alternatives to detention can take various forms, including reporting at regular intervals to the authorities, release on bail or other security, community-based solutions, or staying in open centres or at a designated place.<sup>104</sup> The wearing of devices and telephone and Internet reporting have been used as alternatives to detention. Electronic monitoring should be used sparingly and only where other less intrusive non-custodial measures have been considered.<sup>105</sup> When custody is deemed necessary, gender-responsive considerations must be applied.<sup>106</sup> Modern technologies must be used in accordance with the existing international human rights framework and the safeguards against their arbitrary application must be respected.<sup>107</sup> Alternatives to detention should be non-discriminatory and accessible to all, regardless of financial means, and must be human rights-based, established by law and subject to judicial review and independent monitoring and evaluation.<sup>108</sup> It is important that

<sup>95</sup> See submission by the United Kingdom.

<sup>96</sup> UNODC, *Handbook on Women and Imprisonment*, p. 134.

<sup>97</sup> United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, paras. 56–59.

<sup>98</sup> [A/HRC/42/20](#), para. 57.

<sup>99</sup> See submissions by Colombia and Lithuania, and by Commission Nationale des Droits de l'Homme, Togo.

<sup>100</sup> See [CAT/C/TUR/CO/3](#), [CAT/C/GRC/CO/5-6](#), [CAT/C/KAZ/CO/3](#), [CAT/C/UKR/CO/6](#), [CAT/C/CHN-MAC/CO/5](#), [CAT/C/LKA/CO/5](#), and [CAT/C/GRC/CO/5-6](#).

<sup>101</sup> OSCE Office for Democratic Institutions and Human Rights, *Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty*, p. 145.

<sup>102</sup> See submissions by the national preventive mechanisms of Austria, Maldives, Poland and Uruguay.

<sup>103</sup> Bangkok Rules, rule 60.

<sup>104</sup> [A/HRC/13/30](#), para. 65, and [A/HRC/48/55](#), annex, para. 10.

<sup>105</sup> UNODC *Toolkit on Gender-Responsive Non-Custodial Measures*, p. 55.

<sup>106</sup> Ibid.

<sup>107</sup> [A/HRC/39/45/Add.1](#), para. 38, [A/HRC/45/16](#), para. 58, and [A/79/296](#), paras. 29–31.

<sup>108</sup> [A/HRC/20/24](#), para. 73.

such alternatives are gender-responsive, giving priority to pregnant women, women with dependent children and women with disabilities.

## D. Staff recruitment and training

40. The careful selection and proper training of law enforcement and penitentiary staff at all levels is essential for creating a safe environment and preventing gender-based violence in detention.<sup>109</sup> Candidates should be thoroughly screened and vetted during recruitment and a history of committing sexual or other types of gender-based violence should be a criterion for exclusion. Gender-responsive recruitment methods, including the use of quotas or targets removing barriers to female candidates and gender-sensitive interview or review panels should be used to increase the number of women staff members.<sup>110</sup>

41. Ensuring that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training on gender-related issues,<sup>111</sup> including on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, on gender equality and on the prohibition of gender-based discrimination and sexual harassment, is crucial for preventing violence against women.

## E. Data collection

42. Disaggregated data collection on the human rights situation of women in detention, including on gender-based violence, provides valuable information about patterns of violence, avenues for reporting abuse, existing support for survivors and access to remedies. Such information should then feed into prevention programmes and bring about more efficient and effective responses to violence.<sup>112</sup> The Committee against Torture has, for example, consistently underscored the importance of data collection in its recommendations on prison conditions, noting that disaggregated statistical data can help to identify the root causes of ill-treatment in prisons and inform strategies to prevent and reduce it.<sup>113</sup>

43. Transparency and the public availability of such data are important for ensuring the accountability of State entities that detain individuals and manage detention facilities.<sup>114</sup> Enhancing and prioritizing gender analysis, gender-sensitive research, data disaggregated by sex and gender budgeting are essential tools for States in preventing or responding to such violence.

## VII. Rehabilitation and social reintegration policies and programmes

44. Rehabilitation and social reintegration programmes are essential for helping women develop the skills and values necessary to lead a life free from crime.<sup>115</sup> For them to be effective, they should be developed using a gender-responsive<sup>116</sup> and comprehensive approach that takes into account the challenges and circumstances women face. It is crucial

<sup>109</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rules 74–76.

<sup>110</sup> OSCE Office for Democratic Institutions and Human Rights, *Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty*, p. 135.

<sup>111</sup> Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2010).

<sup>112</sup> A/HRC/54/26, para. 73.

<sup>113</sup> See, for example, CAT/C/ATG/CO/1, CAT/C/ROU/CO/2, CAT/C/SLE/CO/1, CAT/C/CYP/CO/4, CAT/C/NIC/CO/2, CAT/C/TCD/CO/2, CAT/C/BRA/CO/2 and A/HRC/42/20 para. 48.

<sup>114</sup> A/HRC/42/20, para. 52.

<sup>115</sup> UNODC, *Global Prison Population and Trends*, pp. 22–27.

<sup>116</sup> Ibid., pp. 32 and 33.

to identify the root causes of criminal behaviour and design targeted interventions<sup>117</sup> and supervision that are gender-, age- and disability-specific.<sup>118</sup>

45. Such programmes should also promote multi-stakeholder partnerships to reduce reoffending, while engaging the local community in the process of accepting offenders back into the community. Establishing peer-led support groups within and outside correctional facilities allows women to share experiences and coping strategies, learning from one another.

46. In addition, education, training and work opportunities are key components of rehabilitation and social reintegration policies and programmes. In practice, however, women often lack such opportunities because investment in education and training is concentrated in the much larger male prisons. Moreover, some existing programmes aimed at strengthening the abilities and skills of women, such as sewing and handcrafting courses, may carry limited potential for earning a decent wage.

47. The lack of childcare arrangements for women with children living with them in prison<sup>119</sup> and the geographical distance between prisons and community-based initiatives, such as work release schemes and programmes that facilitate contact with friends and family, hinder women's access to social reintegration and rehabilitation programmes.<sup>120</sup> Women and men with learning disabilities encounter additional challenges due to a lack of recognition, understanding and support for their specific needs.

### **Preparation for release and post-release support**

48. Both women and men face challenges after their release from detention, such as low social and economic status, stigmatization and discrimination, which hinder social reintegration and contribute to recidivism.<sup>121</sup> The design and implementation of comprehensive social reintegration programmes, both before and after release, are essential.

49. Alternatives to detention should be considered from the start of the sentence, including community-based residential facilities. That is particularly relevant for women, who are often incarcerated for minor crimes. Prioritizing non-custodial measures and community-based programmes and services eases the transition to liberty, reduces stigmatization and discrimination, and restores relations between those released from prison and their families and communities. Some countries have enacted specific laws to promote alternatives to detention, encourage non-custodial measures to reduce prison overcrowding and support rehabilitation.<sup>122</sup>

50. In addition to the above-mentioned programmes and services, there are schemes, often run by non-governmental organizations, that provide practical support and small loans to released prisoners and their families.<sup>123</sup> The private sector has also actively contributed to social reintegration by providing sustainable employment and social inclusion opportunities.

51. The provision of a social protection scheme that includes a basic income upon release and the coverage of essential services to ensure an adequate standard of living has been mentioned as an effective tool for supporting women to be reintegrated into society.<sup>124</sup> Furthermore, the reform of occupational licensing, which in some countries requires a

<sup>117</sup> Penal Reform International and Thailand Institute for Justice, *The Rehabilitation and Social Reintegration of Women Prisoners* (2019), p. 24.

<sup>118</sup> Human Rights Council resolution 57/9, para. 4 (c).

<sup>119</sup> See submission by Defensoría del Pueblo de Ecuador.

<sup>120</sup> UNODC, *Handbook on Women and Imprisonment*, p. 50.

<sup>121</sup> Penal Reform International and Thailand Institute for Justice, *The Rehabilitation and Social Reintegration of Women Prisoners*, p. 8.

<sup>122</sup> See submission by Morocco.

<sup>123</sup> Penal Reform International and Thailand Institute for Justice, *The Rehabilitation and Social Reintegration of Women Prisoners*, p. 38.

<sup>124</sup> See submission by the Greek National Commission for Human Rights.

criminal background check, represents one potential avenue for facilitating ex-offenders' reintegration into the labour market.<sup>125</sup>

## VIII. Specific groups and their needs

### A. Women with children in prison

52. Many countries permit the incarceration of mothers with their children typically until the children reach a certain age, which often results in separation.<sup>126</sup> Women in detention with their infants have been described as struggling with the perception that their parenting was under constant surveillance and with the psychological impact of the threat that their child could be removed from their care at any time.<sup>127</sup> That situation raises emotional stress for both the parent and the child. Separating mothers from children is perceived by them as a severe punishment, while children, often unable to understand the separation, can face emotional and developmental issues. Women with dependent children should not be imprisoned unless absolutely necessary. When imprisonment of mothers and their children cannot be avoided, the State must assume full responsibility to provide them with adequate care.

53. The Committee against Torture has expressed concern at reports that a large number of mothers are detained with their babies in extremely difficult conditions and has emphasized the need to reduce the practice of imprisoning children with their mothers by increasing the use of non-custodial measures.<sup>128</sup> A number of human rights mechanisms and intergovernmental bodies have also emphasized that States should prioritize non-custodial measures for pregnant women and women with dependent children.<sup>129</sup> In some countries, alternatives to detention for pregnant women and those with children have been implemented. According to UNODC data from 2020, Algeria, Georgia, Kazakhstan, the Russian Federation and Viet Nam, among others, now postpone prison sentences for pregnant women or women with children under a certain age.<sup>130</sup>

### B. Pregnant, post-partum and breastfeeding women

54. Women prisoners who are pregnant, post-partum or breastfeeding have specific needs, in terms of nutrition,<sup>131</sup> suitable programmes and spaces, and sexual and reproductive health and rights.<sup>132</sup> In prison, many of them encounter barriers to accessing pre- and postnatal care, including a lack of specialized healthcare professionals. Furthermore, certain problematic practices in detention during pregnancy, childbirth and post-partum have been reported. They include poor conditions in cells, discrimination and mistreatment by health professionals, the use of handcuffs during transfers and childbirth, the exclusion of fathers from delivery and the presence of prison officers, including men, during medical examinations and childbirth.<sup>133</sup>

<sup>125</sup> See Lucius Couloute and Daniel Kopf, "Out of prison & out of work: Unemployment among formerly incarcerated people", Prison Policy Initiative (July 2018).

<sup>126</sup> UNODC, *Handbook on Women and Imprisonment*, p. 20, and *Toolkit on Gender-Responsive Non-Custodial Measures*, p. 13.

<sup>127</sup> Alice Cavanagh and others, "Lived experiences of pregnancy and prison through a reproductive justice lens: A qualitative meta-synthesis", *Social Science & Medicine*, vol. 307 (August 2022).

<sup>128</sup> CAT/C/KEN/CO/2, para. 12, and CAT/C/RWA/CO/1, para. 19.

<sup>129</sup> For example, Bangkok Rules, rule 64; CCPR/C/ZMB/CO/4, para. 28; CCPR/C/CHL/CO/7, para. 32; CEDAW/C/PER/CO/9, para. 48; and CEDAW/C/URY/CO/10, para. 42.

<sup>130</sup> UNODC, *Toolkit on Gender-Responsive Non-Custodial Measures*, pp. 47 and 48.

<sup>131</sup> UNODC and World Health Organization, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (2009), pp. 32 and 33.

<sup>132</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 24 (1999), para. 8, CEDAW/C/CAF/CO/6, para. 56, and Inter-American Commission on Human Rights, *Women Deprived of Liberty in the Americas* (March 2023), para. 155.

<sup>133</sup> Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms* (2024), pp. 47 and 48.

55. Mental healthcare in detention often fails to address the psychological needs of mothers who are separated from their newborns. Breastfeeding women have reported being hindered by a lack of privacy, mistrust of the prison environment and the breastmilk storage system, among other challenges

### C. Foreign nationals

56. Foreign nationals in prison face several challenges, many of which stem from the convergence of legal, cultural and linguistic barriers. Foreign women, in particular, are in a situation of heightened vulnerability as they have little or no family contact, including with their children,<sup>134</sup> which can have serious impacts on their physical and mental health.<sup>135</sup> Moreover, language barriers may limit their understanding of prison rules and regulations, of the services available and of how to access complaint mechanisms.<sup>136</sup>

57. The Committee Against Torture has expressed concern about reports of the excessive use of detention of foreign nationals, including in the case of pregnant women.<sup>137</sup>

58. Migrants, including women, who are in vulnerable situations, such as those who are pregnant and breastfeeding, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, or survivors of trafficking, torture or other serious violent crimes, should not be detained.<sup>138</sup>

### D. Lesbian, bisexual and transgender women deprived of liberty

59. A number of human rights mechanisms have documented widespread and extreme violence and discrimination against lesbian, bisexual and transgender women deprived of liberty, including humiliation, ill-treatment, denial of healthcare and psychological, physical and sexual violence, including the so-called “corrective” rape of lesbian women, as well as killings.<sup>139</sup> Lesbian, bisexual and transgender women in detention face significant barriers to accessing adequate healthcare services, such as HIV prevention and treatment, reproductive health services and gender-affirming therapies.<sup>140</sup> The denial of partner visits for lesbian, bisexual and transgender women was assessed as discriminatory and can lead to stigmatization, isolation and psychological distress.<sup>141</sup>

60. The United Nations Standard Minimum Rules for the Treatment of Prisoners state that the authorities must respect the self-perceived gender of persons deprived of liberty.

61. Human rights mechanisms have stressed that the rights of transgender persons deprived of liberty should be respected, including in the context of search protocols, and that placement decisions should be made on a case-by-case basis, taking into account their views, respecting their self-perceived gender and taking their safety into consideration.<sup>142</sup>

<sup>134</sup> UNODC, *Handbook on Women and Imprisonment*, p. 94.

<sup>135</sup> Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms*, p. 54.

<sup>136</sup> Ibid., A/68/340, para. 64, A/HRC/36/28, para. 21. See also submission from the National Preventive Mechanism, Maldives.

<sup>137</sup> CAT/C/ESP/CO/7, para. 33.

<sup>138</sup> A/HRC/39/45, annex, para. 41; Human Rights Committee, general comment No. 35 (2014); and joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 (2017) of the Committee on the Rights of the Child.

<sup>139</sup> CAT/C/57/4, paras. 60–67; CEDAW/C/NIC/CO/7-10, paras. 47 and 48; A/HRC/48/55, annex, paras. 6, 39 and 45; and A/HRC/43/49/Add.1, para. 101.

<sup>140</sup> CAT/C/57/4, paras. 58 and 77; A/HRC/35/23, para. 46; A/68/340, paras. 62 and 63; A/56/156, para. 22; and UNODC, “Technical brief: Transgender people and HIV in prisons and other closed settings” (2022), pp. 3 and 4.

<sup>141</sup> A/68/340, paras. 61 and 62; CAT/C/PRY/CO/4-6, para. 19; CEDAW/C/GTM/CO/8-9, para. 45; and CEDAW/C/PRY/CO/7, para. 44.

<sup>142</sup> The Nelson Mandela Rules, rule 7 (a); CAT/C/57/4, paras. 65, 66 and 74–76; CEDAW/C/NIC/CO/7-10, paras. 47 and 48; A/HRC/48/55, annex, para. 47; and UNODC, “Technical brief: Transgender people and HIV in prisons and other closed settings”, p. 4.



## IX. Conclusions and recommendations

62. Women are frequently imprisoned for non-violent offences, often linked to their financial situation or experience of violence. Poverty, discriminatory social norms and gender stereotypes, exposure to violence and conflict, among other factors, increase the likelihood of women being detained.<sup>143</sup> Women offenders often do not have the financial resources to pay for legal representation or for alternatives to custodial sentences, such as fines, or to obtain bail. In addition, women are disproportionately accused of committing so-called “moral” offences, such as adultery or extramarital sex, violations of dress codes, or witchcraft.

63. Preventing and addressing gender-based violence against women in detention is essential for upholding their safety, dignity and rights. A multifaceted approach is needed to address the specific needs and the risk of gender-based violence in detention. One key strategy is the use of non-custodial measures that take into account the specific needs and circumstances of women. Strengthening accountability mechanisms, improving detention conditions and providing comprehensive rehabilitation programmes tailored to women’s needs are also critical. Such efforts can help to break the cycle of violence and empower women to rebuild their lives, ensuring that they receive the support necessary for successful reintegration into society.

64. It is recommended that States, in collaboration with national human rights institutions, civil society and international and regional organizations, including United Nations entities, take the following steps to promote women’s human rights and tackle gender-based violence in detention:

(a) Reform laws that disproportionately criminalize women for non-violent or minor crimes, and decriminalize acts protected under international human rights law;

(b) Develop national action plans on the treatment of women in the criminal justice system, including on how to prevent and address gender-based violence. Ensure the meaningful participation of relevant stakeholders in that process, including women who have experienced detention;

(c) Make non-custodial measures available and accessible for women, giving priority to pregnant women and women with dependent children. Due account should be taken of the history of gender-based violence, socioeconomic inequalities, health conditions, caregiving responsibilities and the risk of violence and discrimination in detention;

(d) Ensure access to comprehensive healthcare, including sexual and reproductive health and rights and mental health. Particular attention should be paid to women with disabilities, as well as pregnant, post-partum and breastfeeding women. Facilitate regular family contact through flexible visitation policies and, to the extent possible, subsidized visitor travel, and ensure child-friendly visitation facilities;

(e) Ensure that all personnel involved in the criminal justice system, including judges, public defenders, police officers and staff at detention centres, are trained on human rights standards related to the protection of women and associated safeguards. In addition, ensure that judges consider histories of gender-based violence in sentencing, where appropriate;

(f) Ensure that all detainees, including women, are not only aware of their rights to challenge their detention, but also have effective access to legal aid. Organize awareness-raising campaigns in collaboration with relevant stakeholders, including the bar associations, national human rights institutions, national preventive mechanisms and civil society organizations;

(g) Make independent oversight and complaints mechanisms functional and accessible to all women in detention, including foreign nationals, so that they can report and obtain redress for gender-based violence and other harms;

<sup>143</sup> [A/HRC/41/33](#), paras. 17–73.

(h) Promote effective gender-, age- and disability-responsive rehabilitation and social reintegration programmes, including through social protection schemes. Ensure such programmes are adequately resourced and assessed on a regular basis to optimize their effectiveness, including in terms of a reduction in repeat offenders in detention;

(i) Ensure the meaningful participation of women in detention in the design and implementation of initiatives aimed at supporting them;

(j) Collect, analyse and disseminate up-to-date, disaggregated data on women in detention based on, among other things, gender, age, race, ethnicity, disability and migration or economic status, using a human rights-based approach to data. That data should include the prevalence of gender-based violence prior to and during detention, to better inform policies and measures to deal with such violence.

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