

Non-custodial sanctions and measures in Africa

A comparative study



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Contents

About this report	04
Acknowledgments	05
Executive summary	07
Introduction	09
Prison population	09
Non-custodial sanctions and measures	10
Methodology	11
Objectives of this comparative study	11
Research design	11
Sample size and selection of countries included in the comparative study	11
Challenges in data collection on non-custodial measures	12
General framework on responses to crime in different legal systems	14
Purpose of criminal justice systems	14
Historical context	15
Imprisonment as a sanction	16
Sentencing guidelines	17
Non-custodial sanctions and measures: law and practice	19
International and regional standards	19
Domestic legal frameworks in selected countries	19
Types of non-custodial sanctions and measures	20
Restorative justice	25
Administration of non-custodial alternative sanctions and measures	27
Context	27
Geographical coverage of probation services	27
Supervision of implementation of non-custodial options	28
Responsibilities of probation staff	29
Assessment of cases appropriate for non-custodial sanctions options	29
Inter-institutional collaboration	29
Working with volunteers, civil society and the private sector	30
Resource availability	31
Programmes and support for people on probation	31
Disclosure of sanction served as a barrier to reintegration	31
Effectiveness of non-custodial measures and sanctions	33
Impact on the prison population	33
Completion and recidivism rates	35
Innovation	37
Barriers to wider use of non-custodial sanctions and measures	38
Consideration of specific groups	40
Specialised programmes	40
Recommendations	41

About this report

This report is part of the project *Advancing Community Corrections as an Alternative to Imprisonment in Africa*, implemented in 2025–26 by Penal Reform International in partnership with the United Nations Office on Drugs and Crime, with support from the UK Ministry of Justice.

A key strand of this work is to examine the application of non-custodial sanctions and measures across Africa, in order to promote their wider use, give justice systems a broader range of options for appropriately addressing the cases they encounter, and enhance Pan-African cooperation in probation. Used appropriately, non-custodial options can help reduce severe overcrowding, which prevents prisons from fulfilling their proper role and from complying with international standards, while increasing rehabilitation and social reintegration prospects.

This report contains information about the development and practice of non-custodial sanctions and measures in Africa, with a particular focus on 20 countries: Algeria, Burundi, Cameroon, Equatorial Guinea, Ethiopia,

The Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa, Tanzania, Uganda and Zambia.

The report begins with a brief introduction that sets the stage for a discussion on responses to crime and the various sanctions implemented across different legal systems. It then presents the primary research findings, examining the context in each country, including an overview of available non-custodial options, sentencing practices, and the challenges of implementing alternatives to imprisonment. The report concludes with several cross-cutting recommendations to address key areas of concern, providing valuable lessons for countries committed to maximising the rehabilitative potential of non-custodial regimes and supporting the development of harmonised approaches aligned with international standards.

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Executive summary

Global prison populations continue to grow, as highlighted in Penal Reform International's (PRI) annual *Global Prison Trends* series. Although Africa's average imprisonment rate is lower than the global average, the continent faces distinct and pressing challenges – notably widespread overcrowding and significant capacity pressures within prison systems. Overcrowding can be further driven by the 'back door' effect, whereby people are imprisoned for breaching the conditions of non-custodial sentences.¹ This challenge is intensified by the limited resources available to the authorities tasked with implementing non-custodial measures, which affects the quality and consistency of supervision.

People in pre-trial detention make up 40 percent of Africa's prison population,² although the percentages vary across the continent; in some countries, up to 80 or 90 percent of the prison population is in pre-trial detention. The Ouagadougou Declaration identifies priority actions for reducing prison populations across Africa.³ It emphasises limiting pre-trial detention to exceptional cases and to the shortest possible period, strengthening case file management and the regular review of remand prisoners, and increasing the role of paralegals in the criminal process to provide legal literacy and first-line assistance.⁴ Despite the declaration's adoption by the African Commission on Human and Peoples' Rights (ACHPR) in 2002, there has been little progress made in reducing the use of pre-trial detention.⁵ In some contexts, pre-trial detention is used punitively. Individuals may be detained in unofficial facilities, held in police custody without charge, or automatically remanded for specific offences. High levels of pre-trial detention, limited resources and inhumane conditions undermine rehabilitation and highlight the urgent need for non-custodial alternatives to imprisonment across the continent.

In partnership with the United Nations Office on Drugs and Crime (UNODC), the UK Ministry of Justice and Kenya's State Department for Correctional Services, PRI conducted a comparative study to examine trends in prison conditions and the use of non-custodial sanctions and measures across the region.

“

non-custodial alternative sanctions and measures in Africa remain at an early stage of development. However, countries with enabling legislation and progressive sentencing guidelines have seen greater uptake of alternatives to imprisonment, particularly where their use is legally mandated.

”

The study analyses regional and national legal frameworks with a focus on the application of non-custodial alternatives to imprisonment, and highlights the need for harmonised approaches that are aligned with international standards.

The assessment reveals that non-custodial alternative sanctions and measures in Africa remain at an early stage of development. However, countries with enabling legislation and progressive sentencing guidelines have seen greater uptake of alternatives to imprisonment, particularly where their use is legally mandated. The absence of dedicated authorities for non-custodial sanctions, weak or non-existent community corrections systems, and continued reliance on custodial measures (including at the pre-trial stage) remain key drivers of prison overcrowding across the region.

The study adopted a mixed-methods design, drawing on both quantitative and qualitative data from 18 African countries that responded to a data collection request from PRI. Overall, 94.7 percent of the countries reported having some form of regulatory framework on non-custodial alternatives. Findings show that probation orders are used in 64.7 percent of countries, fines in 76.4 percent, and community service in 76.4 percent. However, restorative justice and diversion programmes are less common, and home detention is

1. PRI and Thailand Institute of Justice, *Global Prison Trends*, 2025.

2. Institute for Crime & Justice Policy Research, *World Prison Brief*, www.prisonstudies.org.

3. ACHPR, *Draft Guidelines on the Use and Conditions of Police Custody and Pre Trial Detention in Africa – Discussion Document*, 21 February 2013, achpr.au.int/sites/default/files/files/2022-08/draftguidelinespretrialdetention.pdf.

4. *Ibid.*

5. *Ibid.*

rarely applied. Only 31.3 percent of countries integrate volunteers into community corrections, limiting community participation.

Although 83.3 percent of respondents reported having standard operating procedures to enable effective application of non-custodial options, implementation is hampered by inadequate funding and technical capacity. The most commonly reported barriers were insufficient budgets (73.7 percent), lack of trained personnel (78.9 percent), weak legal frameworks (52.6 percent), poor community engagement (78.9 percent) and stigma against people who have been convicted of a crime (68.4 percent). While 78.9 percent of countries reported having specialised programmes for groups who are vulnerable – such as women, youth and people with disabilities – gaps remain in ensuring equitable treatment and effective rehabilitation. These challenges underscore the need for stronger investment, training and community involvement to make non-custodial measures and sanctions viable and impactful.

To address these issues, the report provides action-oriented recommendations to guide policymakers, lawmakers, practitioners, civil society and other stakeholders in enhancing the use of non-custodial sanctions and measures. To effectively address existing gaps, context-specific strategies are essential. These strategies should focus on expanding resources, strengthening rehabilitation and reintegration programmes, promoting community-based approaches, and building capacity through training and volunteer engagement.

Progress in these areas will depend on evidence-based approaches, improved monitoring, and stronger collaboration across governments, civil society and the private sector. Additionally, legal and policy reforms are necessary to update frameworks, expand the range of non-custodial sanctions, clarify implementation procedures, and ensure regular monitoring and periodic evaluation.

By advancing community corrections, African justice systems can reduce both prison overcrowding and adverse effects on the human rights of individuals in prison, thereby enabling prison systems (as well as wider justice systems) to better uphold human rights and foster safer societies.

Introduction

Prison population

An estimated 11.5 million people (6.8 percent of whom are women) are held in prison worldwide on any given day. Over the past 25 years, the global prison population has increased by 27 percent, 4 percent less than the world's population growth.⁶

In Africa, 1.3 million people are currently deprived of their liberty, a 53 percent increase over 25 years.⁷ While the continent's average imprisonment rate of 92 prisoners per 100,000 population is below the global average (140),⁸ Africa faces significant challenges – with a high share of pre-trial detainees (40 percent)⁹ and widespread prison overcrowding affecting 78 percent of prison systems. For instance,

the Democratic Republic of the Congo, Rwanda and Uganda report occupancy levels of more than 350 percent,¹⁰ which results in an enormous financial burden¹¹ for governments and has adverse effects on detention conditions.

Despite commendable initiatives at continental and national levels, overreliance on imprisonment and prison overcrowding remain a major challenge across Africa.

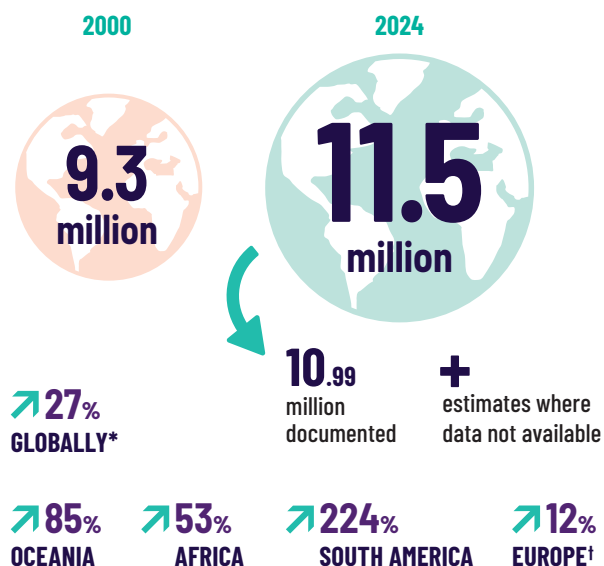
One of the major contributors to such overcrowding in prisons is high rates of pre-trial detention. Alongside Oceania, Africa reports the highest regional proportion of unsentenced prisoners among the overall prison population, making up 40 percent. Since approximately the year 2000, the number of people in pre-trial detention in Africa as a whole has risen by 24 percent; however, omitting the data for Rwanda (where the genocide of 1994 led to a temporary rise in the number of remand prisoners) shows an increase of 60 percent across Africa. The numbers have trebled in Angola, Benin, Egypt, Gabon, Mali, Mauritius, Namibia, Senegal and Sierra Leone.¹²

The situation of high remand rates is particularly severe in 15 African countries, where more people are reported to be in pre-trial detention than those serving a sentence.

Mandatory pre-trial detention, uneven enforcement of criminal laws, arbitrary arrests, poor access to lawyers and underutilisation of non-custodial options are major factors driving high pre-trial detention.¹³

UNODC has reported that while men are more likely to be imprisoned in Africa, women face a higher risk of pre-trial detention: in Africa in 2023, 45 percent of women – compared to 36 percent of men – were held in prison without a sentence.¹⁴ PRI has observed that reasons for this include lack of access to bail (due to finances), stigma (from both justice professionals and family or support networks), and lack of awareness of legal rights.

INCREASE IN THE PRISON POPULATION SINCE 2000



* global general population grew by 31%

† excluding Russia

6. For more analysis, see: PRI and Thailand Institute of Justice, *Global Prison Trends*, 2025.

7. Institute for Crime & Justice Policy Research, *World Prison Brief*, www.prisonstudies.org.

8. UNODC, 2025.

9. PRI and Thailand Institute of Justice, *Global Prison Trends*, 2025.

10. Countries include Libya, Nigeria and Cameroon. Institute for Crime & Justice Policy Research, *World Prison Brief*, 2025, www.prisonstudies.org.

11. For example, maintaining a person in prison in Uganda costs the treasury approximately 25,721 Ugandan shillings per day.

12. Institute for Crime & Justice Policy Research, *World Prison Brief. World Pre-trial/Remand Imprisonment List*, 5th edition, November 2025, www.prisonstudies.org.

13. The African Policing and Civilian Oversight Forum, *Perspectives on Pre-Trial Detention in Africa*, 2015, apcof.org/wp-content/uploads/2017/03/perspectives-on-pre-trial-detention-in-africa.pdf.

14. UNODC, *Prison Matters 2025*, www.unodc.org/documents/data-and-analysis/prison/Prison_brief_2025.pdf.

Table 1: African countries with more than 50 percent of the prison population in pre-trial/remand detention.¹⁵

Country	Pre-trial detention
Mali	71.7%
Democratic Republic of the Congo	70.0%
Gabon	70.0%
Guinea-Bissau	67.9%
Liberia	66.2%
Nigeria	66.1%
Central African Republic	65.3%
Niger	62.0%
Togo	60.0%
The Gambia	55.6%
Cameroon	55.5%
Guinea	55.5%
Benin	55.0%
Tunisia	54.9%
Sierra Leone	51.1%

These trends underscore the structural pressures facing the prison system and highlight the limitations of a predominantly custodial approach. Persistent overcrowding, coupled with high levels of pre-trial detention, strains already limited resources, undermines detention conditions, and reduces the capacity of institutions to deliver rehabilitation and reintegration services effectively. This not only weakens outcomes for individuals but also has broader implications for public safety and recidivism. Expanding the use of non-custodial sanctions – particularly for minor, non-violent offences – offers a more proportionate, cost-effective and rights-compliant response. Such measures can alleviate pressure on correctional facilities, enhance access to justice by reducing unnecessary pre-trial detention, and support more meaningful rehabilitation through community-based interventions that address the root causes of offending.

Non-custodial sanctions and measures



PEOPLE
UNDER A NON-CUSTODIAL
MEASURE OR SANCTION
WORLDWIDE
(estimated)

It is estimated that about 12.5 million people worldwide are under a non-custodial measure (pre-trial) or sanction (as a sentence), although some countries do not report data. This figure is slightly higher than the global prison population.¹⁶

There is insufficient data to estimate how many people are under a non-custodial measure or sanction in Africa.¹⁷ Therefore, examining non-custodial measures across the region and promoting replicable good practices constitutes a much-needed initiative to facilitate evidence-based and proportionate penal policies. This calls for knowledge-sharing across the continent, and for the recognition that reducing prison overcrowding is a shared responsibility among all criminal justice stakeholders.

International and regional standards emphasise the importance of non-custodial measures, notably through the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the African Commission on Human and Peoples’ Rights’ (ACHPR) Principles on the Decriminalisation of Petty Offences in Africa (2018),¹⁸ and the UN Model Strategies on Reducing Reoffending (the Kyoto Model Strategies).¹⁹ The standards underline the need to avoid overcriminalisation of behaviours associated with poverty and status, which often leads to congestion in criminal justice systems. They highlight the importance of expanding non-custodial measures, maintaining constructive family relationships and reforming law enforcement approaches.

The Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reform in Africa of 2002 and the Kampala Declaration on Prison Conditions in Africa of 1996 together call for the imposition of sentences of imprisonment only for the most serious offences and when no other sentence is appropriate. The latter in fact recommends ‘a study of the feasibility of adapting successful African models of non-custodial measures and applying them in countries where they are not yet being used’.

15. Ibid.
16. Ioan Durnescu, James M. Byrne, Benjamin J. Mackey, Faye S. Taxman, eds., *The Routledge Handbook on Global Community Corrections*, 1st edition, Routledge, 2024.
17. Ibid.
18. ACHPR, *Principles on the Decriminalisation of Petty Offences in Africa*, 2018.
19. United Nations Model Strategies on Reducing Reoffending (Kyoto Model Strategies), E/CN.15/2025/14 and General Assembly Resolutions 77/232.

Methodology

Objectives of this comparative study

The main objective of this comparative study was to document the scope and extent of the use of non-custodial measures and sanctions in Africa, in order to enhance the knowledge base on community corrections in the region – with the goal of advancing policy development and the expansion of community corrections systems in Africa.

We hope that the findings of this research will enhance Pan-African cooperation in the probation field and kick-start a comprehensive long-term initiative to advance community corrections, thereby reducing prison overcrowding and imprisonment rates across Africa.

Research design

This research employed both qualitative and quantitative methodologies to ensure a comprehensive understanding. The quantitative approach involved analysing numerical data from each participating country, enabling the measurement of patterns, frequencies and statistical relationships.

The qualitative component focused on gathering in-depth, descriptive data through desk reviews of the literature on the use of non-custodial alternatives to imprisonment in selected countries, key informant interviews with justice practitioners in Kenya, Uganda and Rwanda, and open-ended responses. The combination of these methods allowed for both breadth and depth in the analysis, enhancing the validity and richness of the findings, though there was a lack of comprehensive data in some instances. (See Limitations)

Sample size and selection of countries included in the comparative study

The following 20 countries were included in the study:

- | | | |
|----------------------|----------------|------------------|
| 1. Algeria* | 7. Ghana* | 14. Nigeria |
| 2. Burundi | 8. Kenya | 15. Rwanda |
| 3. Cameroon | 9. Lesotho | 16. Senegal |
| 4. Equatorial Guinea | 10. Malawi | 17. South Africa |
| 5. Ethiopia | 11. Mauritius | 18. Tanzania |
| 6. The Gambia | 12. Mozambique | 19. Uganda |
| | 13. Namibia | 20. Zambia |

* At the time of publication, responses to the survey had not been received from these jurisdictions, thus data included in the study came from other sources.

The project targeted authorities in 32 African countries, who were contacted through online questionnaires as part of the data collection process. Of these, 18 countries submitted responses. To complement the dataset, additional information from three countries was obtained through secondary sources. The selection of countries was guided by the need to ensure representation across different legal systems (for example, common law, civil law and customary systems), as well as linguistic and geographical diversity.

As a result, the final analysis covers 20 countries, combining primary survey responses and secondary data.

We used digital platforms to design and administer data collection tools. Specifically, we used ODK, KoboToolbox and Google Forms to develop structured questionnaires, which were electronically distributed to authorities in the 32 countries. We employed this approach to facilitate remote participation, ensure broader reach, and streamline data collection in a secure and efficient manner.

All responses were digitally captured and stored, allowing for easy data management and analysis. The collected data was analysed using Power BI, Looker Studio and Microsoft Excel, which supported effective visualisation, trend identification and statistical interpretation.

To assess the practical use of non-custodial sanctions and measures, five indicators were used. This assessment reviewed the frameworks for non-custodial sentences, resource availability, institutional collaboration, monitoring and evaluation processes, and geographical coverage of courts or competent authorities.

Challenges in data collection on non-custodial measures

There was a lack – or in some cases, an absence – of comprehensive data on the criminal justice system in the majority of the 20 countries (either generally or specifically on non-custodial sanctions and measures), which was a major obstacle to understanding how non-custodial sanctions and measures work in practice.

In Lesotho, Zambia and Ethiopia, for instance, there was no official data available regarding the implementation of non-custodial sanctions. Similarly, in Burundi, Senegal, The Gambia and Nigeria, only partial information was provided, complicating analysis.

In Rwanda, Uganda and Tanzania, there was a lack of published data on the use of non-custodial alternatives, with limited overviews available of sentencing practices. In Malawi, data has not been collected since 2020 due to the effects of the COVID-19 pandemic.

Only three countries – Namibia, Kenya and Mauritius – provided current disaggregated data on the implementation of alternatives by sentence type. All countries lack statistical evidence concerning diversion, compensation, bail and bond-related measures. While Algeria has implemented electronic monitoring, it does not provide any statistical information about its use. Overall, none of the countries have national databases that track the use of alternative sanctions and measures, which hinders a thorough assessment of their effectiveness.

While not compromising the overall findings, this study was somewhat limited by the scarcity of detailed, reliable, comparable and comprehensive data. This challenge is not unique to the African region but is a global issue that PRI has consistently documented in our work, including in the annual *Global Prison Trends* report series.

PRI's global research has repeatedly highlighted how accurate, comprehensive and up-to-date data on prison populations, probation systems and non-custodial sanctions remains limited worldwide. Even in regions with stronger reporting mechanisms, data gaps and inconsistencies often prevent meaningful cross-country comparisons and evidence-based policy development.

A recent Guidance Note on prison data collection published by the Institute for Crime & Justice Policy Research highlights that low-income countries – including several in Africa – face systemic obstacles to the systematic and transparent collection of prison data due to a lack of electronic systems, shortages of trained staff and inconsistent data collection practices.²⁰ The guidance also notes how, in a small survey of African countries, respondents identified key barriers such as limited financial and human resources and a lack of standardisation in how prison statistics are gathered and reported, undermining efforts to monitor trends like overcrowding, remand populations and other core indicators. These findings mirror those of this comparative study.

This issue of limited data has received international attention, including at the World Congress on Probation and Parole and the United Nations Crime Congress, as well as in academic research²¹ – again highlighting the importance of strengthening data collection and oversight to support evidence-based policy and reform.

For this study, the following limitations were particularly significant:

1. Target countries

The study reached out with data collection tools (survey) to 32 African countries. Responses were ultimately received from 20 countries. Participation in the prison-specific section of the survey was particularly low, with only six countries providing data. Consequently, the research relied heavily on a desk review of existing studies and datasets to compare probation systems across Africa. Some countries engaged primarily with the probation survey but not the prison survey, limiting comprehensive insights into the overall criminal justice system.

2. Issues with data

Data on the implementation of non-custodial sanctions and measures was often inconsistent or unavailable, with many countries either not providing data or presenting information that was incomplete, outdated

20. See, for example: www.prisonstudies.org/news/icpr-publishes-guidance-note-prison-data-collection-commonwealth-countries?language_content_entity=en-gb.

21. Ioan Durnescu, James M. Byrne, Benjamin J. Mackey, Faye S. Taxman, eds., *The Routledge Handbook on Global Community Corrections*, 1st edition, Routledge, 2024.

or unreliable. To assess the practical use of these measures, five indicators were applied; however, these data limitations constrained the ability to draw robust and comprehensive conclusions.

3. Legal and administrative variations

Differing legal and administrative frameworks across countries presented additional challenges. Obtaining ethical approvals or formal permissions for data collection was often a lengthy process. These differences delayed access to key respondents and official records, impacting research timelines.

4. Limited and non-digitised data

Many countries lacked centralised or digitised data systems, making it difficult to obtain up-to-date and consistent information. In several cases, national statistics were outdated or incomplete, necessitating extensive verification and cross-checking – which was not always feasible.

5. Cultural and political sensitivities

PRI's experience is that data on sanctions – whether custodial or non-custodial – is often politically sensitive. Accessing such information frequently requires multiple layers of clearance from local and national authorities, and in politically restrictive environments security concerns can lead to additional delays.

6. Lack of a specific authority for non-custodial sanctions

In many African countries, distinct community corrections systems were either underdeveloped or absent within penal frameworks. Implementation of non-custodial sanctions often fell under the remit of prison authorities rather than dedicated probation or community correction agencies. This limited the ability of respondents to provide accurate information on non-custodial measures and constrained the study's capacity to assess such interventions comprehensively.

To address these limitations and gain a more comparable understanding of prison and probation systems in Africa, field research or a longer-term study would be required. (See also Recommendations) Such research would need to entail sustained cooperation with national authorities. This would need to include technical support for developing disaggregated and digitised data systems, to adequately fill gaps in non-custodial sanctions reporting.

As noted above, the lack of a dedicated authority for community corrections in many African countries is an additional barrier to the availability of systematic data, which needs to be taken into account in data collection. Future projects involving classified institutions should allocate adequate time for approvals and engagement; early and continuous stakeholder consultations should be prioritised; and clear communication regarding feasibility and commitment should be enforced before the project commences.

General framework on responses to crime in different legal systems

Purpose of criminal justice systems

Punishment lies at the heart of every criminal justice system, but it must always be exercised within the bounds of human rights. This includes any fine, penalty or detention imposed by the authority of the law and the judgement and sentence of a court for a crime or offence committed, or for the omission of a duty enjoined by law.²²

This is reiterated in the majority of state constitutions as a constitutional principle: that every criminal offence should have a defined penalty prescribed by law. It is often provided that 'except for contempt of court no person shall be convicted of a criminal offence unless that offence is defined and the penalty is prescribed in a written law'.²³

The fundamental justifications for criminal punishment are retribution, incapacitation, deterrence, rehabilitation and reparation, which form the basis of sentencing decisions across jurisdictions globally.²⁴

Criminal justice systems must have rehabilitation – to reduce reoffending and make societies safer – at their core. Responses to criminal offences should be individualised, based on scientific evidence of what is effective in reducing reoffending, and ultimately should enhance respect for the law and maintenance of a just, peaceful and safe society.²⁵ The primary purpose of a prison sentence is to protect society and reduce reoffending (see Rule 1 of the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules),²⁶ which is only possible through a rehabilitative approach.

The primary purpose of a non-custodial sanction is to ensure accountability for an offence while avoiding unnecessary deprivation of liberty, promoting rehabilitation and supporting the person's reintegration into society. Such measures recognise that imprisonment should be a last resort and should uphold the human rights of individuals in contact with the criminal justice system.

A classical view of the purpose of criminal justice is that it exists to transmit messages to society about the boundaries that delimit unacceptable behaviour and conduct. A corollary of this is that the system, and the sanctions that it imposes, should be proportionate and equitable in relation to the crimes committed, and that decisions should be determined justly and fairly.

Criminal justice and penal systems have three essential and interrelated objectives:

- to protect the public and prevent crime
- to administer justice fairly
- to help people who are convicted of a crime lead law-abiding lives, and to assist their resettlement in the community after imprisonment

Putting these objectives at the heart of the reform process means engaging in every aspect of the criminal justice system, from crime prevention and sanctions to assisting people to lead law-abiding lives. It also means addressing areas that are outside the criminal justice sphere but which are essentially interrelated, such as social welfare provisions, housing, health and education. It requires the guidance of international standards and norms for decisions regarding when people should be sent to prison, when they should be diverted from the criminal justice system, or when they should be sentenced to a non-custodial sanction. It also means

22. Henry Campbell Black, *Black's Law Dictionary*, 2nd edition.

23. Article 28(12) of the 1995 Constitution of the Republic of Uganda, Article 18(8) of the Constitution of Zambia Act, 1991.

24. UNODC, *E4J University Module Series: Crime Prevention and Criminal Justice, Module 7: Alternatives to Imprisonment, Topic two - Justifying punishment in the community*, www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-7/key-issues/2-justifying-punishment-in-the-community.html.

25. Presentation by the Hon. The Principal Judge, His Lordship Justice, Yorokamu Bamwine, *Principles of Sentencing: A Global, Regional and National Perspective*, at the 16th Triennial Commonwealth Magistrates and Judges Association Conference held on 30 August 2012 in Kampala, Uganda.

26. United Nations, *Nelson Mandela Rules*, Rule 1, 2015, docs.un.org/en/A/RES/70/175.

using the best available evidence to show that specific responses to specific crimes can deliver justice, protect the public, and create safer communities.²⁷

Historical context

The evolution of legislation on crime and its purpose in Africa's context is a three-fold discussion, looking at the pre-colonial, colonial and post-colonial eras. The pre-colonial era, which was heavily influenced by customary law, indicates that for many African societies, 'punishment' was influenced by unwritten traditions and customs particular to each society.²⁸ The concept of punishment in pre-colonial Africa was not limited to retribution but was understood as a multi-purpose social response aimed at restoring harmony between people who had committed an offence, the victims and the community.²⁹ Ultimately, the impact of punishment on the community was a major consideration when determining the relevant punishment. For example, the Acholi culture of Northern Uganda regarded justice as a means of restoring relations.³⁰ Their centuries-old traditional justice system, *Mato Oput*, involves victims, perpetrators, survivors and the community coming together to be reconciled.³¹ Therefore, in pre-colonial Africa, the main purpose of punishment was for correctional and preventive purposes against re-occurrence of such actions in society.³²

The colonial and post-colonial eras entailed formal legal systems influenced and inherited from former colonial powers. Following independence, the majority of African countries adopted legislation enacted by their colonial 'masters', some of which has never been updated. Revisions to colonial laws have introduced diverse penal reforms, especially in sentencing.

In Ghana, the primary legislation governing criminal proceedings was the Criminal Procedure and Other Offences Act 1960 (Act 30), which prioritised custodial punishment. This was amended in 2022,³³ introducing plea-bargaining for misdemeanours (Sec 162R), which allows negotiations on reduced charges, withdrawal of charges and reduced punishment (Sec 162A [1]).

In The Gambia, the Criminal Procedure Act of 1933 was the primary legislation on criminal procedure and focused heavily on custodial punishments (Sec 27). The 1933 Act has undergone several amendments, with the Criminal Offences Act 2025 being the latest. The 2025 Act introduced substantial changes, empowering

courts to consider alternative sentences over custodial sanctions for specific offences. Most importantly, the Act introduced community service as a form of punishment (Part II, Sec 32 [g]).

In Zambia, amendments to the Penal Code of 1930 (Chapter 87) provided different forms of punishment (Chapter VI, Sec 24), such as community service (Secs 4, 24 and 26A), fines (Secs 24 and 28), forfeiture, payment of compensation (Sec 41) and probation, among others. The evolution of African legislation on criminal procedure highlights how countries have integrated both colonial and traditional principles of punishment into their sentencing regimes.

The political history of different African countries has also influenced legislation on punishment. For example, South Africa adopted the Criminal Law Amendment Act in 1997, which introduced several mandatory minimum sentences aimed at countering the wave of rampant violent crime that existed at the time.³⁴ Similarly, Rwanda has adopted several laws designed to promote restorative justice for genocide perpetrators, victims and survivors. One such example is the Organic Law N° 40/2000 of 26/01/2001, which established Gacaca courts; these courts allow for punishments that include the commutation of prison sentences to community service.³⁵ A country's political history can therefore often shape the purpose of punishment, as discussed above.

The evolution of constitutional and human rights-based approaches – which stress that responses to crime must be proportionate, humane and respectful of human dignity – continue to influence reforms on punishment in Africa. The 1996 Kampala Declaration on Prison Conditions in Africa, for example, recommends the enactment of legislation to ensure implementation of community service and other non-custodial measures. The declaration has influenced the adoption of community service laws across Africa: for example, Uganda enacted its Community Service Act in 2000, while Tanzania implemented its law³⁶ in 2002, four years after the declaration was adopted.

There is also a growing body of work on decriminalisation in the African region, including the Global Campaign to Decriminalise Poverty and Status³⁷ that PRI is part of. This campaign challenges the continued enforcement of colonial-era and minor

27. PRI, *Making Law and Policy that Work*, 2010.

28. *Ibid.*

29. *Ibid.*

30. Patricia Bako, 'Does Traditional Conflict Resolution Lead to Justice? – The Mato Oput in Northern Uganda', *Pretoria Student Law Review*, Volume 3.

31. *Ibid.*

32. Ani Comfort Chinyere, *Crime and punishment in African Indigenous law*, Nigerian Institute of Advanced Legal Studies.

33. The 1960 Act was amended by the Criminal and Other Offences (Procedure) Amendment Act, 2022 (Act 1079).

34. Alphonso Goliath, *A Short Critique of Minimum Sentences*, Nelson Mandela University.

35. Organic Law N° 40/2000 of 26/01/2001, Title III: Offences Prosecution and Trial, and Chapter 4 on sanctions.

36. The Community Service Act, No.6 of 2002

37. See: PRI, *Campaign to Decriminalise Poverty and Status*, www.penalreform.org/issues/excluded-populations/decriminalise-poverty-and-status.

offence laws that disproportionately target people living in poverty, informal workers, sex workers and other marginalised groups.

Drawing on regional research and strategic litigation by civil society and human rights organisations, the campaign has successfully mobilised mechanisms of the African Union and the ACHPR to establish normative frameworks. This has included the Principles on the Decriminalisation of Petty Offences (2018)³⁸ and an advisory opinion from the African Court of Human and Peoples' Rights (AfCHPR), which recognises such criminalisation as incompatible with equality, non-discrimination and freedom from arbitrary detention.³⁹ Research published in 2025 by PRI and Women Beyond Walls on the criminalisation of women for offences relating to poverty or their status provides an evidence base for tackling gender-based discriminatory laws in practice, including in Africa.⁴⁰

Excessive reliance on imprisonment is increasingly recognised as inconsistent with international law, especially where community-based alternatives can achieve the accountability and rehabilitative aims of criminal sanctions, without unnecessary deprivation of liberty.⁴¹ Across Africa, there is a clear trend towards redefining responses to crime – or 'punishment' – as a balanced response combining accountability, rehabilitation, restoration and social protection.

Imprisonment as a sanction

Imprisonment refers to a state-imposed deprivation of liberty as a punishment following conviction for an offence or as a pre-trial detention ordered by judicial authorities. It is also a constitutional requirement that people are held in legally recognised places of detention.

As a criminal sanction, its scope, duration and conditions vary across statutes but usually include elements such as loss of freedom of movement through confinement in a correctional facility and potential rehabilitative conditions. While this is a common structural definition, the implementation and legal contours differ from one African state to the other, depending on colonial legacies, constitutional protections and statutory law.

The African Charter (*Charte Africaine*) and its associated institutions (the African Commission and Court) provide a human rights framework for imprisonment practices in member states.⁴² The charter obliges member states to ensure detention conditions uphold dignity, humane treatment and the rule of law, but does not prescribe a uniform definition of imprisonment, which is carried out and framed within rights-based obligations.⁴³

The African Commission's Special Rapporteur on prisons and conditions of detention is mandated to monitor compliance with standards on conditions and treatment of people in prison. This role highlights that imprisonment must be examined not just as a legal sanction, but also as a human-rights issue in Africa.⁴⁴

Imprisonment as a penalty for an offence was non-existent in traditional Africa⁴⁵ as well as in African Indigenous law.⁴⁶ However, imprisonment has become a default sanction for criminal offending. It is not surprising that most African criminal procedure legislation focuses heavily on custodial measures, including mandatory pre-trial detention – which leads to prison overcrowding.

Different countries recognise different forms of imprisonment, including remand detention, sentence imprisonment, and periodical or indefinite imprisonment, and these may be combined with community corrections mechanisms like parole and correctional supervision.⁴⁷

In Ethiopia, people convicted of petty offences are imprisoned for a minimum of one day or a maximum of three months.⁴⁸ Rwanda recognises that imprisonment can be imposed for a minimum of one day or a maximum of 25 years.⁴⁹ It is important to note that minimal sentences – especially for petty offences – alongside high rates of pre-trial detention are the major drivers of imprisonment, leading to overcrowding in detention facilities in the region.

There has also been an increase in long-term imprisonment in some countries. South Africa introduced several mandatory minimum sentences for violent crimes under the Criminal Procedure Law of 1997. The country has seen a significant rise in life imprisonment; the life-sentenced prison population

38. ACHPR, *Principles on the Decriminalisation of Petty Offences in Africa*, 2018, achpr.au.int/en/node/846.

39. AfCHPR, *Advisory Opinion from the African Court on the Compatibility of Vagrancy Laws in Africa*, 2020, decrimpovertystatus.org/?resources=advisory-opinion-from-the-african-court-on-the-compatibility-of-vagrancy-laws-in-africa.

40. PRI and Women Beyond Walls, *From poverty to punishment. Examining laws and practices which criminalise women due to poverty or status worldwide*, 2025.

41. The Kampala Declaration on Prison Conditions in Africa, *Plan of Action*, Plan 1; see also human rights jurisprudence at the UN level, for example: UN Human Rights Council, *Report of the Working Group on Arbitrary Detention*, A/HRC/60/26, 2025.

42. *African Human Rights Yearbook / Annuaire Africain des Droits de l'Homme*, Volume 1, Pretoria University Law Press, 2017, www.acerwc.africa/sites/default/files/2022-06/African-Human-Rights-Yearbook-2017.pdf?utm.

43. *Ibid.*

44. ACHPR, *Special Rapporteur on Prisons and Conditions of Detention in Africa - 520S*, 2012, achpr.au.int/en/inter-session-activity-reports/special-rapporteur-prisons-and-conditions-detention-africa-520s?utm.

45. *Ibid.*

46. PRI, *Access to Justice in Sub-Saharan Africa. The Role of Traditional and Informal Justice Systems*, 2001, p. 33.

47. South African Government, *Correctional Services*, www.gov.za/about-government/government-system/justice-system/correctional-services.

48. Article 747 of the Criminal Code of the Federal Democratic Republic of Ethiopia (Proclamation No. 414/2004).

49. Article 27 of Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Rwanda.

increased from 647 in 1995 to 13,351 in 2014, marking an 818 percent rise since the turn of the millennium. This far outpaced the country's overall prison population growth of around 40 percent over the same period. This trend has continued: by 2022, 18,514 people were serving life sentences. This further exacerbates the problem of prison overcrowding.⁵⁰

International standards establish rehabilitation as the core objective of imprisonment, including the Nelson Mandela Rules, the UN Model Strategies on Reducing Reoffending (the Kyoto Model Strategies), and the Kampala Declaration. The Uganda Prisons Service states that its major goal is 'to transform every prisoner into a responsible, law-abiding and economically productive citizen'. This goal is achieved through rehabilitation, which includes vocational skills training and formal education.

In Ghana, although imprisonment of juvenile children is legally permissible, it is restricted – with an emphasis on welfare-oriented and rehabilitative measures, reflecting a hybrid of punitive and restorative justice. In Nigeria, the law recognises that someone who is detained loses only their right to personal liberty; all other fundamental rights remain in effect unless expressly derogated by statute.⁵¹

Sentencing guidelines

Sentencing guidelines that are comprehensive, evidence-based and proportionate not only guarantee and eliminate discrimination during sentencing, but they also ensure victims' inclusion in the administration of justice and the predictability of the justice system. Sentencing should be guided by key interrelated principles: proportionality, consistency, freedom from improper discrimination, transparency, efficiency and effectiveness. Guidelines can assist judicial authorities in realising these principles in practice.

Individualised sentencing involves consideration of multiple factors, including the nature of the offence, the likely effects of the potential sanction, the personal characteristics of the person convicted of an offence, and any other circumstances in the life of that person or the community that might be relevant to the choice of penalty. This means that the court should have access to background information about a defendant. No discrimination in sentencing should be made by reason of race, colour, gender, nationality, religion, social status or political belief of the person in conflict with the law or the victim. Factors such as unemployment or the

cultural or social conditions of the individual should not influence the sentence to avoid discriminating against them.

In assessing whether a given sentence is proportionate to the offence it is punishing, judges must take into account not only the seriousness of the offence, but also any mitigating or aggravating circumstances in the individual case. This can help to eliminate discrimination, especially for vulnerable groups such as children, women, older persons and people with disabilities, who often face multiple disadvantages.⁵² Such written principles are important to ensure that any person with vulnerabilities are treated with dignity and fairness during sentencing.

Many African jurisdictions lack comprehensive sentencing guidelines and therefore rely on scattered provisions in their criminal legislations, as well as guidelines coined by judicial officers through their discretionary powers when sentencing. It is important to note, however, that many of these African jurisdictions have embarked on or completed reforms in their sentencing regimes over the past five to 10 years, including Kenya, Ghana, Rwanda and Zimbabwe.

One example is in Ethiopia, with the enactment of the Federal Supreme Court's Guideline No. 3/2017 on Criminal Sentencing (2017). The objectives of such sentencing guidelines include setting out the purpose for which an individual may be sentenced or dealt with, and to provide the following: principles and guidelines to be applied by courts in sentencing; sentence ranges and other means of dealing with people in conflict with the law; a mechanism for considering the interests of victims of crime and the community when sentencing; and a mechanism that will promote uniformity, consistency and transparency in sentencing.

While most African criminal procedure legislation focuses heavily on prison sentences, recent reforms in penal systems across the continent, have introduced alternative sentences using models that draw on both African traditions and ideas from other jurisdictions across the world.

Kenya's Revised Sentencing Policy Guidelines (2023) state that the imprisonment of people convicted of petty offences should be avoided, as the rehabilitative objective of sentencing is rarely met when people serve short sentences in custody.⁵³ In this regard, the Kenyan guidelines are more progressive compared to other countries, which do not expressly provide for non-custodial alternatives as the first recourse in such cases.

50. See: PRI, *Alternatives to the death penalty: Information pack*, 2026; PRI, *Life imprisonment: A policy briefing*, 2018.

51. Nigerian Correctional Services Act, 2019.

52. See, for example: PRI and Linklaters LLP, *Women who kill in response to domestic violence: How do criminal justice systems respond?*, 2016; PRI, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021.

53. Guideline 2.3.14, Part II: Penal and Corrective Sanctions Recognised Under Kenyan Law, of Kenya's Revised Sentencing Policy Guidelines, 2023.

Sentencing guidelines in several African countries encourage restorative justice approaches. For instance, Tanzania's sentencing guidelines provide that a key consideration in sentencing should be any restorative justice outcomes that have occurred, or are likely to occur, in relation to the particular case. This approach often involves both the victim and the community in the administration of justice.

Similarly, Nigeria's sentencing guidelines state that the interests of the victim, the perpetrator of the crime and the community should all be considered.⁵⁴ In Kenya, guidelines require a victim impact statement as the source of information for determining the level of harm, although victims should not be forced to make one.⁵⁵ In Uganda, guidelines mandate a community impact statement that reflects the general harm suffered by members of a community as a result of the offence, thereby allowing the community to participate in the justice process.⁵⁶

^{54.} Sec. 1(2)(c) of the Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction, Nigeria, 2016.

^{55.} Para. 5.1.9, Part II: Penal and Corrective Sanctions Recognised Under Kenyan Law, of Kenya's Revised Sentencing Policy Guidelines, 2023.

^{56.} Sec. 1 of the Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013.

Non-custodial sanctions and measures: law and practice

International and regional standards

Several international instruments address and encourage the use of non-custodial sanctions to replace imprisonment. International standards are clear that imprisonment should only be used as a last resort when no other options remain. The UN Tokyo Rules go as far as stating that at the pre-trial stage, imprisonment should be a last resort.

Relevant international legal instruments include the UN International Covenant on Civil and Political Rights, 1966; the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985; the UN Tokyo Rules; the Kyoto Model Strategies; the UN Convention on the Rights of the Child, 1989; the UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, 2002; the UN Committee on the Rights of the Child's General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, 2006; the UN Common Approach to Justice for Children, 2008; the Lima Declaration on Restorative Juvenile Justice, 2009; and the UN Common Position on Incarceration, 2021.

Globally, the Tokyo Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for people subject to alternatives to imprisonment. They are intended to 'promote greater community involvement in the management of criminal justice', considering the socio-economic and political conditions in each country. The rules provide a range of alternatives under paragraph 8.2, including probation, judicial supervision and community service orders. Rule 57 of the Bangkok Rules recognises that the provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women in conflict with the law.

Regional legal instruments include the African Charter on Human and Peoples' Rights, 1981; the Arusha Declaration on Good Prison Practice, 1999; the Kadoma

Declaration on Community Service Orders in Africa, 1997; the Kampala Declaration on Prison Conditions in Africa, 1996; Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines), 2014; and the Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa, 2002.

Domestic legal frameworks in selected countries

With the exception of Burundi, all jurisdictions we reviewed have some form of regulatory framework supporting non-custodial alternatives, albeit at different levels of development. Countries such as Uganda, Kenya, Malawi and Mauritius have multiple laws, sentencing guidelines and policies regarding non-custodial alternatives.

Some countries have established specific laws governing non-custodial sanctions to govern criminal behaviour without resorting to imprisonment. For example, Tanzania has the Probation of Offenders Act,⁵⁷ which enables courts to place people under the supervision of a probation officer instead of sentencing them to prison. It also has a Parole Board Act,⁵⁸ which establishes a further framework for managing people outside prison.

In Mauritius, the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act⁵⁹ provides for the diversion of people to rehabilitation centres for treatment and training instead of a prison facility.

Uganda has passed the Community Service Act,⁶⁰ which allows community service as a sanction for minor offences that would otherwise carry a potential prison sentence of up to two years.

In Kenya, under the Community Service Orders Act, courts have the discretion to sentence people to unpaid public work for offences that would normally result in a prison term of less than three years.⁶¹ Additionally,

⁵⁷. Cap. 247 (R.L.).

⁵⁸. Cap. 400.

⁵⁹. Act 41 of 1971.

⁶⁰. Cap. 115, Laws of Uganda.

⁶¹. Cap. 93, Laws of Kenya.

the courts have the discretion to release a person on probation if charged with an offence triable by a lower court and the court considers the charge proved, but – due to the antecedents of the offence or mitigating factors – the court believes it is prudent to release the person under the supervision of a probation officer.⁶² Equally, courts can impose community service orders in cases where an offence carries a custodial sentence exceeding three years, provided that, at the point of sentencing, the court determines that a term of less than three years would be sufficient.⁶³ In such circumstances, the court may opt to place the person on community service as a proportionate and rehabilitative alternative to imprisonment.

Malawi has several laws facilitating non-custodial measures and sanctions, including the Probation of Offenders Act;⁶⁴ the Convicted Persons (Employment on Public Work) Act; the Prisons Act No. 23 of 2025; the Child Care, Protection and Justice Act; and the Community Service General Rules 2000.

Ethiopia offers provisions for diversion or suspended sentences for people with mental health conditions, as well as compulsory labour as an alternative to arrest for minor offences.⁶⁵

Algeria has a clear statutory basis for alternatives to imprisonment, anchored in both the Penal Code and the prison law framework. The Penal Code (Ordonnance No. 66–156) provides for community service, allowing courts – subject to eligibility conditions and the convicted person’s consent – to replace a custodial sentence with community service. In parallel, Law No. 18–01 of 30 January 2018 amended the prison law (Law No. 05–04 on the organisation of prisons and social reintegration) to introduce electronic monitoring as a sentence-adjustment mechanism (‘placement sous surveillance électronique’), enabling the execution of all or part of a sentence outside prison under judicial control. Most recently, amendments in April 2024 further strengthened the alternatives framework by updating Penal Code provisions and inserting a dedicated chapter on electronic monitoring, establishing it as a sentencing option and setting out conditions, consent requirements, and consequences for non-compliance.

Furthermore, Uganda,⁶⁶ Lesotho,⁶⁷ Mauritius,⁶⁸ Kenya⁶⁹ and Malawi provide alternatives in their children’s laws, highlighting growing recognition of diverse approaches, particularly for vulnerable groups such as children.

There are also efforts ongoing to expand national legal frameworks in this area. The Gambia is currently considering a Community Service Bill, which, if passed into law, would promote the use of alternatives. Ghana has draft sentencing guidelines that include provisions on alternatives.

In most of the countries included in this study, non-custodial options are applied both during the pre-trial and sentencing stages. Nine countries report using non-custodial options only or primarily at the post-sentencing stage, namely Burundi, Nigeria, Kenya, Malawi, Lesotho, Tanzania, Zambia, Mauritius and Namibia.

Types of non-custodial sanctions and measures

While the specifics may vary from one country to another, some of the most common non-custodial alternatives include parole, fines, probation, diversion, bail and bond.

All 18 countries that provided feedback for this study have at least one type of non-custodial measure or sanction, with some using at least two sanctions (as indicated in the figure below).

Figure 1: Available non-custodial sanctions across 18 countries in Africa



62. Probation of Offenders Act, Cap. 64, Laws of Kenya.
63. Kenya’s Sentencing Policy Guidelines, 2016.
64. Cap 901.
65. The Criminal Code of the Federal Democratic Republic of Ethiopia (Proclamation No. 414/2004).
66. Children’s Act, Cap. 59, as amended in 2016.
67. The Children’s Protection and Welfare Act, 2011.
68. The Children’s Act, 2020.
69. The Children’s Act, Cap. 141, Laws of Kenya.

The figure indicates that fines, parole and community service are implemented more consistently across jurisdictions, suggesting relatively stronger legal and institutional frameworks supporting these measures. By contrast, diversion, home detention and restorative justice mechanisms are less frequently reported, which may reflect gaps in legislative provisions, limited operational capacity or lower levels of institutionalisation.

These findings are consistent with the broader research findings. Fines and Parole emerge as the most commonly applied non-custodial sanctions, reported in 13 countries,⁷⁰ followed by Community services, used in 12 countries.⁷¹ Notable variations are observed across jurisdictions: for example, probation accounts for 86.6 percent of all non-custodial convictions in Namibia, compared to 20 percent in Mauritius.

Other non-custodial measures are less widely implemented. Compensation mechanisms are reported in eight countries (Rwanda, Uganda, Malawi, Lesotho, Ethiopia, Mauritius, Algeria and The Gambia), while diversion is used in six countries.⁷² Home detention is applied in Malawi, Senegal and South Africa; remission or early release is used in Namibia, Uganda, Kenya and Algeria; and electronic monitoring and professional activity discharge are reported only in Algeria – although electronic monitoring frameworks are under development in some countries, including Tunisia. However, due to limited availability and reliability of data on the application of several of these measures, the analysis does not extend further to their comparative use across jurisdictions.

Probation, suspended sentences and conditional release

The suspended sentence (also termed probation or conditional release) is the second-most commonly used non-custodial sentence by courts in the countries studied. Eleven countries reported using probation: Burundi, Uganda (for children), Kenya, Malawi, Lesotho, Tanzania, Ethiopia, Mauritius, Algeria, Senegal and Ghana. Data from Mauritius indicates that probation accounted for 20 percent of all non-custodial sanctions in the year 2024/2025, while in Namibia it accounted for 86.6 percent of non-custodial sanctions in the same period.

In jurisdictions where probation is applied, it is managed by either the corrections authority, as seen in Lesotho and Namibia, or by a specific delegated authority responsible for supervising all community corrections, such as in Kenya and Mauritius (in both countries it is called the Probation and Aftercare Service).

In Mauritius, the Probation of Offenders Act⁷³ regulates probation and particularly focuses on first-time and young people in contact with the law. The law allows courts to place people on probation instead of imposing imprisonment, aiming to prevent reoffending through community-based supervision and conditions like treatment or curfew.

In Mauritius in 2024, a total of 127 people⁷⁴ were referred to probation (122), parole (3) and aftercare (2) services, with 80 percent successfully completing their sentences. The implementation of probation and community service is governed by the Probation Service, which is headed by the commissioner; the commissioner is supported by five assistant commissioners and 53 probation officers, distributed across ten regional offices on the island. Additionally, Mauritius operates two probation hostels for children, for both boys and girls. The Probation Service does not use volunteers; instead, it works with civil society, including NGOs and religious institutions.

The probation staff assist the courts, the Director of Public Prosecutions, the Attorney General and the police by providing social inquiry reports that help them to make informed decisions. They also supervise people placed on probation, as well as those released on parole and aftercare, including children below the age of criminal responsibility who have been referred to the police, as well as young people directed to diversion programmes by the Director of Public Prosecutions.

In Uganda, probation is regulated by the Probation Act⁷⁵ and the Children Act,⁷⁶ with the Ministry of Gender, Labour and Social Development overseeing probation services. While the Probation Act allows probation orders to be issued to all individuals, in practice probation is primarily used for children.⁷⁷

The application of probation as an alternative to imprisonment is minimal in Uganda. For instance, data from one major district revealed that between 2018 and 2023, only 24 probation orders⁷⁸ were issued, representing just 0.01 percent of all non-custodial sentences during this period. The limited use and quality of probation in Uganda can be attributed, in part, to

70. These are Rwanda, Uganda, Kenya, Malawi, Tanzania, Ethiopia, Mauritius, Namibia, Algeria, Senegal, The Gambia and Ghana.

71. These are Rwanda, Burundi, Malawi, Lesotho, Ethiopia, Uganda, The Gambia, Ghana, Senegal, Mauritius, Algeria and Tanzania.

72. Malawi, Lesotho, Mauritius, The Gambia, Algeria and Uganda

73. Act 58 of 1946.

74. Report from Mauritius received on 11 November 2025.

75. Cap. 122, available at: [Laws.Africa and ULII, Uganda Probation Act. Chapter 132, ulii.org/akn/ug/act/1962/4/eng@2000-12-31/source](https://laws.africa.org/ulii.org/akn/ug/act/1962/4/eng@2000-12-31/source).

76. Cap. 59, as amended by the Children (Amendment) Act, 2016, Act no. 9 of 2016, available at: [ULII, Children Act. Chapter 62, ulii.org/akn/ug/act/statute/1996/6/eng@2016-06-02](https://laws.africa.org/ulii.org/akn/ug/act/statute/1996/6/eng@2016-06-02).

77. PRI, *Alternatives to imprisonment in East Africa. Trends and challenges*, 2012, p. 14.

78. PRI research on the application of non-custodial alternatives in Uganda, 2023.

the fact that the Probation and Community Service Departments are housed in different ministries, which complicates coordination efforts. Although recent data is lacking, reports from 2015 showed an 86 percent completion rate⁷⁹ for probation orders, indicating that when probation is used, it can be effective.

In Namibia, community supervision accounts for 86.6 percent⁸⁰ of the penalties and measures supervised by the Namibian Correctional Service, with an impressive completion rate of 97 percent. This positions Namibia as the country with the highest application rate of suspended sentences in the region.

Fines

Fines are provided as a sentencing alternative to imprisonment in 13 countries included in this study, namely Burundi, Rwanda, Uganda, Malawi, Kenya, Lesotho, Tanzania, Ethiopia, Mauritius, Algeria, Senegal, The Gambia and Ghana.

In Uganda, fines are imposed under several laws, including the Penal Code Act, the Police Act and the Fines Act.⁸¹ Fines are used by courts for minor offences⁸² such as theft, causing financial loss, and traffic violations.⁸³ The purpose of fines is to deter both the community and people in conflict with the law from committing further offences.⁸⁴ Local council leadership is responsible for enforcing these fines. The process begins with summoning the parties involved to a hearing and calling for available evidence. If necessary, a visit to the scene of the offence may be conducted before making a ruling. The court assesses the nature of the offence to determine an appropriate fine that would effectively deter similar violations.⁸⁵

Although national data on fines is not readily available, especially at the police level, statistics from Uganda prison reports show that in 2025 alone, 1,683 people were released upon payment of fines.

Table 2: Implementation of non-custodial sanctions and measures in Uganda, 2025

Reason for release	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2025 avg.
Bonded	709	784	683	637	638	796	921	610	731	848	678	828	739
Sentence to period on remand	95	135	161	98	63	95	96	78	88	127	87	99	102
Reconciled	678	715	616	679	621	642	822	669	754	757	706	676	695
Fine	92	182	142	146	125	104	131	131	134	139	206	151	140
Cautions	290	239	241	223	142	155	238	218	221	258	170	169	214
Dismissed	1,797	2,165	1,709	1,859	1,650	1,992	2,097	1,791	1,795	1,854	1,353	1,442	1,792
Bailed	1,863	1,891	2,015	1,976	1,584	1,844	2,080	1,828	1,772	1,906	1,624	2,188	1,881
Suspended sentencing	6	11	21	11	12	5	1	7	5	6	6	10	8
Community service	619	719	649	829	906	904	1144	1143	788	932	822	806	855
Total per month	6,149	6,841	6,237	6,458	5,741	6,537	7,530	6,475	6,288	6,827	5,652	6,369	6,425

79. *Ibid.*

80. 846 of 976 non-custodial sanctions issued for the year 2024/2025.

81. 1996, as amended in 2023.

82. Penal Code Act, Cap. 120 and the Constitution (Sentencing Guidelines for Courts of Judicature)(Practice) Directions, 2013.

83. Traffic and Road Safety Regulations.

84. Key informant interview with Justice Batema, Resident Judge of the High Court at Iganga, during a plea bargain day at Kirinya Prison, Jinja District.

85. Key informant interview with HW Ayebare Daphine, Grade 1 Magistrate, Fort Portal.

Community service

Community service is a common measure across most of the legal systems we studied. It is provided for in a multifaceted manner, including as a replacement sanction, a probation measure or even an ancillary penalty in the case of a fine, probation or imprisonment. Twelve countries, including Rwanda, Uganda, Kenya, Malawi, Tanzania, Ethiopia, Mauritius, Namibia and Senegal, reported that they use community service, but few provided disaggregated data on its implementation.

According to the provided data, community service is the most applied sanction in Mauritius (79.5 percent⁸⁶ of all non-custodial sanctions in 2024/2025). In Namibia, community service was the second-most common non-custodial sentence in the period 2024/2025, and was applied to approximately 130 cases.

In Namibia, between 2010 and 2025, a total of 3,967 people benefited from community service orders. Of these, 3,584 successfully completed their sentences, and only 326 breaches were recorded.⁸⁷ In cases of non-compliance, the orders were cancelled and custodial sentences were imposed.

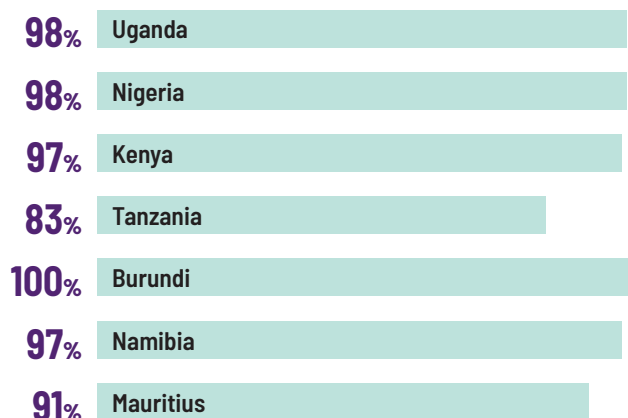
Similarly, Nigeria has recorded a steady increase in the use of community service orders since their introduction in 2021, demonstrating a growing reliance on non-custodial measures. The number of people benefiting from community service rose significantly from 2,820 in 2021 to 7,876 in 2022, 10,311 in 2023, 17,848 in 2024, and 19,293 in 2025.⁸⁸

This upward trend reflects the expanding implementation of alternatives to imprisonment in Nigeria, contributing to reduced pressure on custodial facilities and promoting rehabilitation within the community.⁸⁹ As a result, Nigeria maintains a relatively low prison population compared to its large population of approximately 237 million people, with an incarceration rate of approximately 33 prisoners per 100,000 people.⁹⁰

In December 2025, Burkina Faso introduced a new law that allows people convicted of theft to work in the agricultural sector and repay the money they stole, instead of serving time in prison. This initiative emphasises rehabilitation and offers an opportunity for early release, by enabling people to work in exchange for reduced sentences. Not only does this approach prioritise the reintegration of individuals into society, but it also addresses the country's agricultural needs.

In Uganda, community service is the most widely used non-custodial sanction, established in 2001 under the Community Services Act.⁹¹ This programme aims to facilitate the integration and rehabilitation of people convicted of minor offences and serves as a measure to decongest prisons and other correctional facilities.⁹² Community service sentences range from one week to three months of unpaid work in the community. In the 2024/2025 financial year, approximately 19,000⁹³ individuals were sentenced to community service, compared to 10,107 in the 2018/2019 financial year – an 88.9 percent increase. A PRI study found that compliance with community service orders was high, with a non-compliance rate of about 4 percent.

Figure 2: Community service and suspended sentences – completion rates in selected countries, 2024/2025 financial year



The figure shows a high completion rate for individuals serving community service or suspended sentences, representing approximately 95 percent in the countries studied.

Early release

Conditional – or ‘early’ – release refers to the release of a prisoner under certain conditions before the end of a sentence. It can be discretionary after a certain minimum period of the sentence has been served, or it can be mandatory when it takes place automatically after a minimum period or a fixed proportion of the sentence has been served. It is a useful way

⁸⁶ Namibia country report, received 26 November 2025.

⁸⁷ Commissioner Natacha Booysen, *Early release consideration and reintegration of offenders in Namibia*, presentation during the Advancing Community Corrections as an Alternative to Imprisonment in Africa conference held on 24–25 February 2026 in Nairobi, Kenya.

⁸⁸ Ibrahim Idris Ndaaba and Chukwu Clementina, *Model of community correction in practice in Nigeria*, presentation during the Advancing Community Corrections as an Alternative to Imprisonment in Africa conference held on 24–25 February 2026 in Nairobi, Kenya.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Cap. 115 (revised 2000), available at: [Laws.Africa, Uganda Community Service Act. Chapter 115, media.ulii.org/files/legislation/akn-ug-act-2000-5-eng-2000-12-31.pdf](https://laws.africa/legislation/akn-ug-act-2000-5-eng-2000-12-31.pdf).

⁹² Ministry of Internal Affairs, *Department of Community Service*, available at: mia.go.ug/departments/departments-community-service.

⁹³ Uganda Prisons Service, *Monthly Statistical Abstract*, September 2025, www.ugandaprisons.go.ug/view_report.php?id=62.

to decongest prisons, and to encourage participation in rehabilitative programmes in prison as a condition for early release.

While most countries we assessed have a legal framework for early release options (parole and remission), in practice very few implement these measures. We can therefore conclude that, in general, across Africa the use of community supervision or other conditions to enable an early release from prison is rare.

Where these measures are used, their application varies significantly across countries. Only three countries – Malawi, Mauritius and Ghana – report using parole in practice, and the majority of the 20 countries use remission.

Some countries, like Uganda⁹⁴ and Kenya,⁹⁵ have provisions for remission, allowing early release of people serving sentences longer than one month as a reward for good conduct.

In Uganda, this process has almost become mandatory, benefiting all people in prison regardless of the severity of their offence, whether capital or minor. Prison staff have observed that remission plays a crucial role in reducing overcrowding. For instance, Lamwo prison⁹⁶ in Uganda reported a six-month reduction in its population from 190 to 101. This decrease of 89 prisoners between January and July 2023 is largely attributed to the implementation of remission and community service sentences. The successful reduction in population showcases the effectiveness of non-custodial measures, including to enable early release.

Algeria, Namibia, Morocco and Tunisia all have provisions for early release, through a conditional release or parole mechanism in their legislation. In Algeria, conditional release ('libération conditionnelle') is governed by the prison law framework established in Law No. 05-4 of 6 February 2005, which outlines various sentence administration measures, including conditional release. In Tunisia, conditional release is codified in the Code of Criminal Procedure, specifically in Articles 353–355, as part of the regime for executing sentences. Similarly, in Morocco, conditional release is established in the Code of Criminal Procedure, specifically in Articles 622–632.

In Namibia, early release is governed by the Namibian Correctional Service Act, 2012 (Act No. 9 of 2012). Early release can occur through full parole or probation, following the Standard Operating Procedures (SOPs) established by the National Release Board. Additionally,

early release can be granted via the Day Parole Policy upon a directive from the Commissioner-General, as recommended by the Namibia Rehabilitation Board.

Decisions regarding early release in Namibia may also come from a pardon or reprieve issued by the President or due to medical grounds or remission of sentence. People in prison may earn remission of their sentence equivalent to one-third of their total sentence, unless they fall into specific categories. This includes people with a history of repeat offending, serving a life sentence, facing scheduled offences, have escaped and spent days at large, have been hospitalised due to their own negligence, or have spent time in solitary confinement due to sanctions imposed on them.⁹⁷

Parole

The decision to grant conditional release is often the responsibility of an independent board of parole or commission, whose primary objective is to ensure public safety. Parole boards can encourage people in prison to work towards re-entry by providing the opportunity for an accelerated release date and less restrictive conditions of release. Once in the community, supervising authorities can motivate prisoners through prospects of reduced reporting requirements, loosened conditions and early discharge. Parole boards can also play an important role in keeping victims informed of when a person may be released and in involving them appropriately in the parole release decision-making process, and they can integrate victim safety into their supervision strategies.⁹⁸

Parole remains minimal in Africa, and in some cases does not exist. The exception is Namibia, where parolees represent approximately 87 percent⁹⁹ of people under a non-custodial sanction. In contrast, countries like Mauritius have a different approach, where people on parole make up less than 0.5 percent of all individuals serving non-custodial sanctions.¹⁰⁰ Between 2016 and 2025, Namibia issued a total of 19,164 parole orders, with 17,111 people successfully completing their parole supervision periods – reflecting a high compliance rate. In Zambia, a total of 1,155 parole orders were issued in 2025, with only four cases of default. This reflects a high level of compliance with parole conditions and demonstrates the effectiveness of parole as a non-custodial measure.¹⁰¹

Similarly, parole services in Nigeria, which have been in place since 2015, have shown a gradual increase in use over time. Records indicate that 25 individuals benefited from parole in 2021, rising significantly to 111 in 2022 and

94. Section 84(1) of the Prisons Act, 2006.

95. Section 46 of the Prisons Act (Cap. 90).

96. PRI staff interview with the Officer in Charge, Lamwo prison, 2023.

97. Namibia report

98. PRI, *Making Law and Policy that Work*, 2013.

99. Namibia statistics indicate that 846 of 976 individuals serving community sanctions were parolees.

100. Only three individuals were serving parole in 2024/2025.

101. *Ibid*

further to 295 in 2023. However, no parole orders were recorded in 2024, before they resumed in 2025, when 86 people were given parole.¹⁰²

Of the countries that responded to the survey, 42 percent reported that their parole systems were independent from their prison administrations, while 58 percent reported some degree of involvement by the prison authority in parole decisions.

Some examples of independent parole systems include:

- **Namibia:** The Parole Board operates independently of prison management, with decisions made by a board comprising justice officials and external professionals. Parole supervision falls under the probation services, rather than prisons.
- **South Africa:** Parole management involves a multi-sectoral parole board comprising community members, social development representatives and justice officials. The board uses reports from prison officials for risk assessments. However, the board holds final authority over release decisions, limiting prison influence.
- **Ghana:** Custodial authority is separated from post-release supervision, with prisons overseen by the Ministry of Interior and probation services by the Judicial Service. While prisons provide assessments, supervision is independent, which reduces prison dominance over parole outcomes.

Restorative justice

Restorative justice is an approach that focuses on repairing the harm caused by crime through the active involvement of victims, people convicted of an offence and the community. Unlike conventional punitive systems, which emphasise punishment, restorative justice promotes accountability, reconciliation and the reintegration of individuals into society. It is increasingly recognised as an effective strategy for reducing reoffending, strengthening community cohesion and addressing prison overcrowding.

In the context of this report, restorative justice is considered alongside non-custodial sanctions and measures. However, it should be noted that its classification varies across jurisdictions. In some countries, restorative justice mechanisms are formally embedded within non-custodial sentencing frameworks, including as diversionary or court-referred measures. In others, they operate as complementary practices outside formal sentencing structures, often implemented through community-based or customary justice systems.

As such, while restorative justice contributes to the broader objective of reducing reliance on imprisonment, its role within non-custodial measures is context-specific and reflects differing levels of legal recognition and institutionalisation across the countries studied.

In Uganda, restorative justice principles are reflected in both traditional conflict resolution mechanisms and formal non-custodial sanctions. A notable example is the *Mato Oput* process practised among Acholi communities. This process involves a person acknowledging responsibility, compensating the victim's family, and participating in a reconciliation ceremony aimed at restoring social harmony between the parties.

Mato Oput played a significant role in post-conflict reconciliation in northern Uganda. Following the Amnesty Act of 2000, more than 26,000 former combatants from the Lord's Resistance Army returned and were successfully reintegrated into their communities.¹⁰³

In Rwanda, restorative justice gained global recognition through the establishment of the Gacaca courts following the 1994 genocide against the Tutsi. The Gacaca system was a community-based mechanism designed to address the vast number of genocide-related cases through active public participation. People were encouraged to confess their crimes, seek forgiveness from victims, and provide truthful accounts of events. In many cases, those who cooperated received reduced sentences or were assigned community service.

This restorative approach played a critical role in promoting national reconciliation, truth-telling, and the rebuilding of social trust in post-conflict Rwanda. In total, the Gacaca courts handled approximately 1,958,714 genocide-related cases involving 1,003,227 people, implemented through over 12,000 community courts across the country – enabling broad-based participation and local ownership of the justice process.¹⁰⁴

In Zambia, restorative justice is primarily implemented through community-based correctional measures and mediation mechanisms. Courts may impose community service sentences for minor offences, enabling people to contribute positively to society through activities such as cleaning public spaces, maintaining community infrastructure and participating in environmental projects.

In addition, mediation processes between victims and people who have committed offences facilitate dialogue between both, allowing them to discuss the harm caused

¹⁰². *Ibid.*

¹⁰³. Institute for War & Peace Reporting, *Peace Versus Justice in Uganda*, 15 February 2010, iwpr.net/global-voices/peace-versus-justice-uganda?utm.

¹⁰⁴. Britannica, *Rwanda's traditional gacaca courts*, www.britannica.com/topic/gacaca-court#ref404347.

and agree on appropriate restitution or compensation. These approaches promote accountability, foster reconciliation and reduce reliance on imprisonment.

Restorative justice in Zambia is championed by the Zambia Correctional Service, which emphasises healing and reconciliation rather than purely punitive responses. In 2025, a total of 1,898 people in prison participated in restorative justice activities, of whom 1,083 were involved in reconciliation processes between victims and people who have committed an offence.¹⁰⁵

In Nigeria, restorative justice has gained increasing prominence through diversion programmes, community mediation and traditional dispute resolution mechanisms. The Administration of Criminal Justice Act provides a legal framework supporting alternatives to imprisonment, including mediation and compensation.

In many communities, traditional leaders and elders play a key role in facilitating dispute resolution processes, where people acknowledge wrongdoing, compensate victims and reconcile with the affected community.

These approaches are also reflected in diversion programmes for juveniles, which prioritise rehabilitation over incarceration. Since 2021, Nigeria has recorded a significant increase in the use of restorative justice within its community correction system. The number of cases rose from 314 in 2021 to 1,141 in 2022, 2,546 in 2023, 4,357 in 2024, and 6,005 in 2025 – representing a more than twentyfold increase.¹⁰⁶

¹⁰⁵ Ministry of Community Development and Social Services, *National Diversion Framework*, 2025, www.unicef.org/zambia/media/7521/file/National%20Diversion%20Framework.pdf?utm.

¹⁰⁶ AWJAI, *Restorative Justice in Nigeria*, 4 October 2024, awjai.org/2024/10/04/restorative-justice-in-nigeria/?utm; Federal Ministry of Information and National Orientation, *FG Pledges To Support Establishment Of Restorative Justice Centres*, 27 June 2024, fmino.gov.ng/fg-pledges-to-support-establishment-of-restorative-justice-centres/?utm.

Administration of non-custodial alternative sanctions and measures

Context

Historically, penitentiary systems across Africa were influenced by colonial-era practices, which is evident in the region's penal laws. Consequently, probation systems have evolved in different ways in civil law and common law countries, resulting in significant variations in their organisational structures and monitoring mechanisms.

While some countries have a long history of using non-custodial sanctions for convicted individuals, others have only recently initiated reforms to establish the necessary legal framework and/or relevant agencies. For instance, Ghana¹⁰⁷ and The Gambia¹⁰⁸ are developing their probation systems to facilitate rehabilitation and social reintegration.

However, Kenya's community service pre-dates the colonial era. It was used as a kinship-based support system rooted in *Ubuntu* (communalism), and was later formally introduced as a sanction by the Community Service Orders Act¹⁰⁹ to offer an alternative to imprisonment for petty offences and to reduce prison overcrowding. Probation originated from a 1943 British colonial ordinance designed to relieve prison overcrowding by providing rehabilitation for young people and women. The service was initially placed within the prisons department, with the Commissioner of Prisons appointed as the Chief Probation Officer, and was designed to operate in urban areas before gradually being extended to all parts of the country, covering 121 courts.

Probation began during the colonial era in Namibia, but in the 1990s it evolved into a rehabilitative sanction aimed at facilitating the social reintegration of individuals. Currently, probation is governed by the Correctional Service Act 2012 and focuses on supervised rehabilitation, particularly for people under 21 years

of age. In 2006, community service was officially introduced as an option to address prison overcrowding and rehabilitate people in conflict with the law.

In Nigeria, structured probation services started in 1948 with the establishment of remand homes in Lagos, while community service orders began with the adoption of the Lagos State Administration of Criminal Justice Law 2007 and the 2015 Administration of Criminal Justice Act. The sanctions are implemented in all 36 states.

In Tunisia, probation developed in two phases. It began as a pilot model, with the first probation office established in 2013 in Sousse, with the support of PRI; it then expanded progressively (reaching 14 probation offices by 2023, supported by successive justice-sector programmes). The framework was then formalised and mainstreamed through Decree Law No. 2020-29 of 10 June 2020, which embedded probation offices ('bureaux de probation') in criminal procedure for both pre-trial and post-conviction supervision.

Geographical coverage of probation services

Almost all of the countries that responded to the survey indicated that non-custodial sanctions and measures are implemented nationwide. For example, Kenya has implemented non-custodial sanctions across all 47 counties, Uganda in 146 districts, and Mauritius throughout the island's 10 regions and districts. In Namibia, such measures exist in 60 out of 71 magisterial districts. Only 5.3 percent of the countries studied reported partial implementation (Lesotho and Burundi).

Further analysis reveals that among the countries with nationwide coverage, over two-thirds have established decentralised community corrections offices at regional

¹⁰⁷. The 2020 Sentencing Guidelines provide for alternative sanctions and measures. The Non-custodial Sentencing Bill 2023, if passed into law, will introduce a holistic regime for parole, probation and community service.

¹⁰⁸. If passed into law, the draft Community Service Bill will increase the use of alternative sanctions.

¹⁰⁹. Act No. 10 of 1998.

or district levels. This decentralised approach facilitates routine supervision of probationers and individuals serving community service orders.

In several jurisdictions, including Kenya and Namibia, probation and community service personnel are deployed in more than 80–90 percent of administrative districts. This ensures access to non-custodial sanctions in both urban and rural settings. In Kenya, county-level coverage supports standardised sentencing practices and facilitates supervision caseload distribution across regions.

Similarly, Namibia provides nationwide court coverage for community service orders. The country has implemented regional probation structures that extend services to remote and sparsely populated areas.

In contrast, Lesotho reported that community corrections are implemented only in certain areas of the country. This limited implementation is primarily because most sanctions are still in the pilot phase and are being rolled out gradually. Additionally, there is a lack of institutional capacity to support broader implementation.

Supervision of implementation of non-custodial options

Some countries have independent agencies that are responsible for probation and community service or other non-custodial options, as is the case in South Africa and Kenya. In other countries – such as Namibia, Rwanda, Nigeria and Malawi¹¹⁰ – the service is merged within the prison service, while other jurisdictions have a department designated within either the Ministry of Interior or the Justice Ministry, as in Tanzania and Senegal. There are some exceptions to such models, including in Mauritius where the probation service is under the Prime Minister's office, and in Uganda where probation and community service are governed by separate ministries – the Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs, respectively.

The different structures of probation systems in Africa make it difficult to compare their governance and activities collectively. While some countries have decentralised structures (Mauritius, Kenya, Nigeria and Namibia), others are centrally governed (Zambia, Burundi and Lesotho). Some countries – including Namibia and Uganda – additionally have separate institutions governing probation and community service.

There are also different models in terms of leadership. In Kenya, the Probation and Aftercare Service is headed by a director of probation service, who is assisted by two deputies and several senior probation

officers – all of whom are public servants within the national government. County and sub-county offices are headed by assistant directors and chief probation officers, respectively. The service operates through an extensive national structure comprising 157 offices across 47 counties, eight regional offices and nine probation institutions. It is staffed by approximately 2,024 probation officers and 47 community service officers, and is further supported by approximately 61,679 volunteers.¹¹¹

In Uganda, community service is governed separately from probation, and is managed by the Directorate of Community Service under the Ministry of Internal Affairs. Community service is headed by a director, who is supported by two assistant commissioners (one for reintegration and one for monitoring). The department currently has 83 staff of the approved 197 located across the country. Uganda also has a National Community Service Committee (NCSC), which reviews the performance of community service. The department is headed by a commissioner, who is assisted by two assistant commissioners (one for social reintegration and the other for monitoring compliance). There are two principal community service officers, who supervise nine regions headed by senior regional officers, assisted by the court-based officers. The service extends to 146 districts. The NCSC is headed by a judge and, at the lower level, by the highest judicial officer at the court. The commissioner reports to the Permanent Secretary.

In Mauritius, the probation service is an independent body with a well-established structure headed by a commissioner, who is supported by a deputy and five assistant commissioners. They supervise 53 staff located in 10 regional offices, two probation institutions (one for boys and one for girls), and three family units used by the family division and children's court.

In Namibia, community service and community supervision (parole and remission) are managed by a directorate with two divisions (community supervision and community service orders), which sits within the Namibian Correctional Service. The directorate is headed by a director, who is supported by two department heads. The community supervision department employs 31 staff members, while the community service orders department employs 37 staff. Community service supervision is carried out by community service officers stationed at magistrates' courts across the country. Meanwhile, community supervision activities are handled by staff within correctional facilities, who report to regional supervisors. Supervision is structured across three levels: low (once every three months), moderate (monthly), and intensive (every two weeks). Supervision

^{110.} In Malawi, community service was under the judiciary but will move to the prison service following the passing of the Prison Law, 2026.

^{111.} Kenya Probation and Aftercare Service (PACS), *Models of community corrections in Kenya*, presented by PACS at a regional roundtable on community corrections held in Nairobi, 24 February 2026.

arrangements may be organised based on the intake period of probation orders – grouping people who received orders within the same timeframe – or according to the type of case.

Supervision is delivered through a combination of face-to-face meetings, telephone contact and home visits, ensuring regular monitoring, support and compliance with probation conditions.¹¹²

Responsibilities of probation staff

Despite varying regulatory structures across countries, the responsibilities of staff in probation and community service supervision are similar across several African jurisdictions.

Staff responsibilities are outlined in standard operating procedures set out in law, policy or institutional procedural guidelines. The work of probation officers may include supervising people who are placed on probation or community service orders and those released through aftercare programmes or parole. Staff also provide vital information and advice to judicial and law enforcement authorities, such as the Director of Public Prosecutions, prisons and the police, assisting them in making informed decisions by preparing comprehensive social inquiry reports.

Staff also provide guidance and counselling to people while they are in custody to help prepare them for release and resettlement (this is the case in Namibia, Nigeria, Zambia and Mauritius). They identify placement areas and ensure compliance with sentencing conditions. In Uganda and Namibia, community service officers also conduct sensitisation campaigns and facilitate mediation initiatives between victims and people who have committed an offence. In Mauritius, officers supervise child suspects who are below the age of criminal responsibility and who have been referred to the police and juvenile centres by the Director of Public Prosecutions. Additionally, in Uganda and Kenya, officers engage in victim support and crime prevention initiatives.

All countries face challenges due to insufficient staffing and inadequate training.¹¹³ Among the countries that provided data, Kenya has the highest number of probation staff, with 2,024 employees operating in 148 probation offices across the country. Kenya also has nine well-established probation institutions that support training for probation officers, resulting in an average ratio of seven probation clients per staff member.¹¹⁴ Similarly, Mauritius has 60 staff working across 15 offices, with an average ratio of seven probationers per staff.¹¹⁵ Namibia has a ratio of probationers to

staff of 14:1, while Uganda reports the highest ratio of all – with an estimated 229 probationers for each staff member.¹¹⁶

In all countries, disaggregated data on probation staff in terms of gender, ethnicity or representation of vulnerable and minority groups is not available.

Assessment of cases appropriate for non-custodial sanctions options

The assessment process for identifying which cases are suitable for non-custodial options varies significantly across countries. In the feedback received, only a few countries provided clarity on this process and pointed to clear guidelines on how assessments are conducted. In some countries, such as Rwanda and Nigeria, the decision is ultimately made by the court, which has wide discretion, while Uganda stated that eligibility criteria are outlined in law.

Eight countries reported having established procedures, but only three (Kenya, Namibia and Tanzania) offered information on the assessment process. These countries prepare assessment or investigation reports to assist judicial officers in determining appropriate penalties. The reports often include mitigation grounds that support the imposition of non-custodial sanctions and outline the type of supervision or conditions that would be most effective.

In Namibia, assessment procedures for parole and remission are carried out through an established structure within the Namibian Correctional Service. Community service assessments, however, are conducted by the community service officers assigned to each court.

To prepare pre-sentence reports, probation staff consider various relevant factors related to the case and a person's background. These factors include the individual's risks and needs, personality, living situation, health conditions, vulnerabilities (such as pregnancy, being a mother with infant children, or having a disability), substance use (notably in Uganda and Ethiopia), place of abode, age, and criminal, social and family history, as well as the vulnerability of the person and of any victims involved.

Inter-institutional collaboration

Among the 18 countries that participated in the study, 16 reported the existence of inter-institutional collaboration towards ensuring effective implementation of community sanctions.

¹¹². *Ibid.*

¹¹³. Nine countries reported a lack of trained personnel.

¹¹⁴. The baseline figure is 22,500 people sentenced to probation in 2024/2025.

¹¹⁵. Report from Mauritius indicating a total of 390 probationers in 2024/2025, received by PRI on 25 November 2025.

¹¹⁶. Report from Uganda Prison Service indicating 19,000 beneficiaries of community service in 2024/2025, and a report from Uganda indicating a current total of 83 staff.

The majority of these countries have an institutional collaboration framework in place. This framework consists of formal structures, agreements or mechanisms that facilitate cooperation between key stakeholders, including correctional services, the police, courts, social services and community organisations.

Evidence from various African jurisdictions demonstrates that effective implementation of non-custodial sanctions is closely linked to structured inter-agency coordination within national criminal justice systems.

In Rwanda, the National Rehabilitation and Correctional Services employ a highly integrated, multi-agency coordination model that involves courts, prosecution services, the police and local administrative authorities. This framework enhances the orderly delivery of community service orders, coordinated supervision and reintegration planning. Notably, Rwanda has established regional training and exchange visits with neighbouring countries, fostering cross-border learning and continuously improving practices related to non-custodial sanctions and measures.

In Malawi, community corrections are implemented through collaborative efforts involving courts, the police, prison services and social welfare departments, often complemented by NGO-led rehabilitation initiatives. Similarly, Nigeria adopts an integrated approach, with its probation and non-custodial services operating within a broader criminal justice framework. This structure promotes direct operational connections between correctional facilities, the police, courts and civil society organisations, allowing for the provision of alternative sanctions, multi-agency rehabilitation programmes and victim-centred support services.

In Kenya, the Probation and Aftercare Service functions as the central coordinating body, working closely with the judiciary during sentencing to facilitate the application of non-custodial measures. The agency also collaborates with prison authorities to assist in pre-release planning, with the police to ensure compliance with legal conditions, and with social services and NGOs to aid in rehabilitation and social reintegration. The Probation and Aftercare Service, the Kenya Prisons Service and the National Police Service are all housed under the Ministry of Interior and National Administration. This institutional arrangement facilitates coordination and operational collaboration among these agencies. At the same time, the judiciary operates independently, as provided for under the Constitution of Kenya (2010), ensuring the separation of powers while still enabling effective inter-institutional cooperation within the justice system.¹¹⁷

Similarly, in Uganda, probation and social welfare officers collaborate extensively with the judiciary to promote, enforce and advocate for the use of community sentences and diversion mechanisms. Their responsibilities include preparing people in prison for release, managing referral processes at the police level, and maintaining ongoing communication with local government units to support reintegration and provide post-release livelihood assistance.

Working with volunteers, civil society and the private sector

Only six countries – Uganda, Kenya, Algeria, Ghana, The Gambia and South Africa – work with volunteers in their operations to implement non-custodial options. Volunteers are engaged in supervising clients, providing mentorship and psychological support, and facilitating reintegration.

Most of the countries studied rely exclusively on official staff but partner with NGOs and community-based organisations to support their reintegration and education programmes. For instance, in Malawi, Kenya and Senegal, authorities collaborate with local leaders to implement community corrections. In several countries, including Nigeria, The Gambia, Ghana, Mauritius, Namibia and Uganda, authorities work in partnership with NGOs and religious institutions. Algeria is the only country working with the private sector, particularly with telecom companies. In Morocco, Law No. 43.22 explicitly recognises and formalises the role of civil society organisations in supporting the implementation of non-custodial measures. Civil society organisations are designated as eligible institutions that can host community service placements and provide rehabilitation programmes.

Many countries¹¹⁸ involve the community in the reintegration of individuals under community corrections. In Uganda, communities and/or families are involved in the preparation of treatment plans. In Lesotho, in areas where there are no parole offices communities supervise parolees and provide counselling and guidance to people in prison. In Mauritius, communities provide work placements for people sentenced to community service, while in Namibia they offer accommodation, training and employment support.

Resource availability

The majority of countries¹¹⁹ reported that they lack adequate resources and tools (such as equipment or vehicles) to perform their duties effectively. While some

¹¹⁷ Presentation by Kavutai K Shadrack, Secretary, Probation and Aftercare Service, Kenya, during the Advancing Community Corrections as an Alternative to Imprisonment in Africa conference held on 24–25 February 2026 in Nairobi, Kenya.

¹¹⁸ Fourteen of the 18 countries studied, including Rwanda, Burundi, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Senegal, Tanzania, Uganda, Algeria, Zambia, Ghana and South Africa.

¹¹⁹ Nine out of the 12 countries that responded to this question.

countries, such as Uganda, Mauritius, Senegal and The Gambia, allocate separate budgets for probation work, most do not. This lack of dedicated budgets for this work creates challenges in implementing sentences once they are imposed.

In countries like Uganda and Tanzania, the lack of resources impacts the successful placement and supervision of people, thereby affecting compliance rates and contributing to reoffending. A cross-cutting recommendation is the need to increase resources and enhance the staffing capacity of responsible departments.

Figure 3: Dedicated budgets for probation services



The figure illustrates how ten countries (56 percent) reported not having dedicated budgets for probation services and relying on shared or general justice sector funding. This often limits the effectiveness, planning and sustainability of probation programmes. In contrast eight countries (44 percent) indicated that they have separate budgets for probation programmes, allowing for more structured implementation, resource allocation and potential programme expansion.

This comparative analysis of selected African jurisdictions demonstrates two distinct institutional and financing models for administering community correctional programmes. In countries such as Mauritius, Ghana, Zambia, Algeria and Senegal, community corrections are delivered through standalone agencies or departments, supported by dedicated, ring-fenced budgetary allocations that are institutionally separate from other correctional or criminal justice bodies. This structural autonomy enables these programmes to operate with defined administrative and financial independence. Conversely, in countries including Rwanda, Burundi, Nigeria, Kenya, Malawi, Lesotho, Tanzania, Ethiopia and Namibia, community correctional sanctions are embedded within broader governmental frameworks, functioning as departments or units under parent ministries, typically within justice, internal affairs or home affairs portfolios. These differing governance and funding arrangements reflect varying national approaches to the prioritisation, coordination and resourcing of non-custodial sanctions.

Programmes and support for people on probation

In the countries studied, people either under a non-custodial sanction or on probation usually participate in various programmes designed to support rehabilitation and promote their reintegration, including community support initiatives.

In Senegal, the government collaborates with the telecom operator Ooredoo to complement services at the reintegration centre. Similarly, countries like Rwanda, Ethiopia, Namibia and Kenya offer people serving probation psychosocial support and vocational training.

In Uganda, Malawi, Lesotho and Burundi, people serving community service orders are typically engaged in initiatives such as tree planting, cleaning hospitals and maintaining roads.

Algeria implements a range of community service programmes linked to public-benefit functions, such as environmental protection and refurbishment, maintenance and renovation of buildings, basic trade work (for example, carpentry and electrical tasks), logistics tasks such as loading or transportation, service work (for example, providing restaurant support), and functional activities such as contributing to vocational training for young people.

Additionally, 15 countries implement post-sentence programmes aimed at facilitating the reintegration of people after they have completed their sentences. For example, Zambia has established a cooperative, while Mauritius partners with educational institutions to provide support through educational programmes for people who have completed a non-custodial sentence. Rwanda and Senegal also offer technical, vocational and educational programmes to assist people in their social reintegration.

Disclosure of sanction served as a barrier to reintegration

Mandatory disclosure requirements in employment application forms – particularly questions requiring applicants to declare prior criminal records – constitute a significant structural barrier to the reintegration of people with lived experience of the criminal justice system. These disclosure ‘caveats’, often presented at the initial stage of recruitment, result in automatic exclusion, reinforce stigma, and undermine equal access to employment opportunities, regardless of the nature of the offence, the time elapsed, or evidence of rehabilitation.

Evidence from jurisdictions such as Nigeria demonstrates that the widespread inclusion of such requirements in both public and private sector employment application forms contributes to high levels

of unemployment among people who have been involved in the justice system, thereby increasing the risk of recidivism and social marginalisation. Furthermore, early-stage disclosure practices are rarely accompanied by safeguards, such as individualised assessments or clear relevance criteria, leading to disproportionate and unjust outcomes.

In some countries, certificates are issued to evidence good behaviour or conduct or to certify the completion of qualifications, with the aim of supporting reintegration or employment prospects. These certificates often reference the sanction a person has served or the relevant correctional or probation institution. While issued in good faith, this practice was identified as problematic, as it can reinforce stigma and discrimination and lead to reduced opportunities for employment, education and social inclusion.

Effectiveness of non-custodial measures and sanctions

Impact on the prison population

Any correlation between an increased use in non-custodial options and a decreased use of imprisonment is complex.

International examples show that increased use of non-custodial sanctions does not always lead to lower prison use, particularly when the reach of the justice system widens to encompass more people – without clear evidence of reduced imprisonment or improved outcomes. This is referred to as ‘net-widening’;¹²⁰ community supervision can extend the scope of penal control, either by bringing individuals into formal supervision who might otherwise have avoided criminal justice intervention or by failing to reduce imprisonment as anticipated. This phenomenon is most evident in the US.

Data from the Council of Europe shows that the number of people under probation supervision in Europe continues to rise, even as prison populations increase in some contexts – raising questions about whether expanded non-custodial measures are replacing custody or extending the reach of criminal justice systems more broadly. For example, probation caseloads grew between 2023 and 2024 in Europe, while prison populations increased overall.

In Africa, the available data suggests a somewhat different, though evolving, trajectory. The use of non-custodial sanctions has grown in recent years and appears, in some contexts, to be contributing to efforts to address prison congestion and support rehabilitation and reintegration. Professionals consulted in this research expressed confidence that non-custodial measures can reduce prison populations – particularly for people convicted of minor, non-violent offences – by helping them to avoid the harms associated with imprisonment and to maintain family and community ties.

However, when taking into account the international experience outlined above, these findings highlight the importance of careful policy design and implementation. Without clear safeguards, there is a risk that the expansion of non-custodial measures in Africa could similarly contribute to net-widening rather than reducing reliance on imprisonment. This underscores the need to ensure that such measures are used as genuine alternatives to custody, particularly for petty offences, while pursuing longer-term strategies – including the review and decriminalisation of minor offences – to achieve more sustainable reductions in prison populations.

In this regard, the development and effective implementation of sentencing guidelines (See Section 4) are critical to ensuring that non-custodial measures are applied consistently, proportionately, and as genuine alternatives to imprisonment and not as alternative forms of imprisonment. Clear guidance for judicial officers on when and how to apply non-custodial sanctions can help prevent net-widening, promote diversion from custody where appropriate, and ensure that such measures contribute to reducing, rather than expanding, the reach of the criminal justice system.

This need is underscored by the findings of this study, which show that imprisonment continues to be more widely used than non-custodial measures and sanctions across the countries we analysed. In particular, pre-trial detention remains a dominant feature of criminal justice systems, with rates ranging from 10 percent in Kenya¹²¹ to 65 percent in other contexts,¹²² as indicated in the table on the next page.

^{120.} Stanley Cohen, *Visions of Social Control*, Cambridge: Polity Press, 1985; Michael Tonry and Mary Lynch, ‘Intermediate sanctions’, *Crime and Justice*, Volume 20, 1996, pp. 99–144.

^{121.} Institute for Crime & Justice Policy Research, *World Prison Brief*, 2025, www.prisonstudies.org.

^{122.} *Ibid.*

Table 3: Prison populations in selected countries

Country	National capacity	Current prison population	Convicted population	Remand population	Adult men	Adult women	Prison population rate (per 100,000)	Over-crowding rate (percent)	Pre-trial detention rate (percent)
Burundi	4,294	12,524	6,584	5,940	11,497	1,027	90	292%	47%
Cameroon	20,955	34,419	13,801	20,618	33,459	960	118	164%	60%
Equatorial Guinea	1,000	1,200	700	500	1,056	144	63	120%	42%
Ethiopia	55,000	110,000	93,600	16,400	106,700	3,300	99	200%	15%
The Gambia	700	1,182	883	299	1,154	28	22	169%	25%
Ghana	10,265	14,133	12,523	1,610	13,850	283	41	138%	11%
Kenya	31,258	59,013	53,075	5,938	55,933	3,080	100	189%	10%
Lesotho	2,936	2,600	2,093	507	2,524	76	117	89%	20%
Malawi	7,000	16,536	13,626	2,910	16,354	182	78	236%	18%
Mauritius	2,315	2,754	1,564	1,190	2,550	204	215	119%	43%
Mozambique	8,873	22,000	15,820	6,180	21,142	858	63	248%	28%
Namibia	5,430	8,900	4,094	4,806	8,771	129	318	164%	54%
Nigeria	59,000	77,438	24,608	52,830	75,571	1,867	33	131%	68%
Rwanda	61,320	87,621	75,354	12,267	81,838	5,783	620	143%	14%
Senegal	4,924	14,147	6,666	7,481	13,689	458	76	287%	53%
South Africa	107,067	166,008	109,005	57,003	161,138	4,870	260	155%	34%
Uganda	23,184	78,052	42,394	35,658	74,406	3,646	150	337%	46%
Zambia	12,486	28,225	22,545	5,680	27,295	930	137	226%	20%
Average								170%	30%

Source: World Prison Brief¹²³

These statistics do not include detainees in police detention facilities.

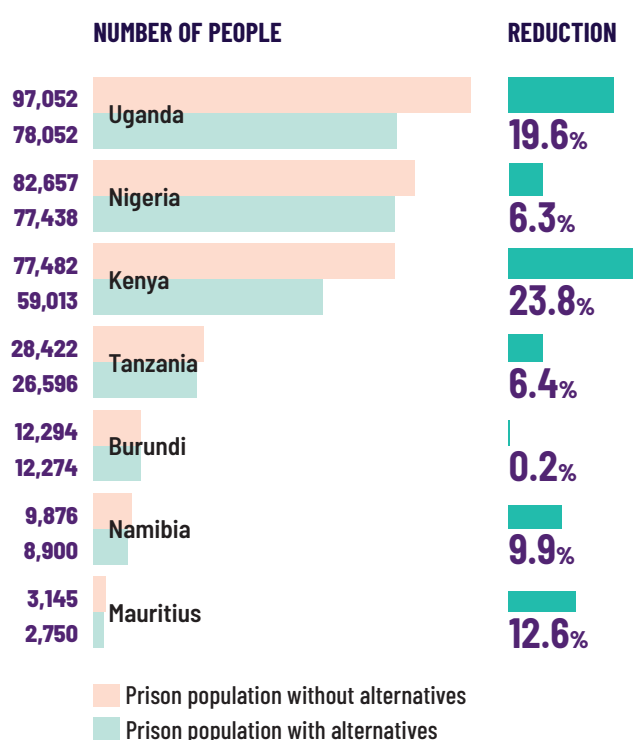
The table shows overcrowding rates across various countries, all of which have reported occupancy levels exceeding their official prison capacities (i.e., greater than 100).

According to 2024/2025 prison data, imprisonment accounts for 80.4 percent of all sentences imposed by Ugandan courts, 90.1 percent in Namibia, 87.4 percent in Mauritius and 97.6 percent in Nigeria. These trends highlight the gap between the availability of non-custodial options and their practical application, reinforcing the importance of clear sentencing guidance to support their consistent and effective use.

123. See World Prison Brief: www.prisonstudies.org/region/africa?language_content_entity=en-gb (accessed 11 February 2026).

In all countries, data is lacking on the effectiveness of non-custodial sanctions in achieving their intended goals. Because there is no statistical data on recidivism for either imprisonment or non-custodial sentences, the study excluded this indicator. For the purposes of this study, therefore, the effectiveness of non-custodial sanctions is assessed only in light of their impact on the prison population and with regards to their completion rate.

Figure 4: Prison populations where non-custodial options are implemented



The data presented indicates that the application of non-custodial measures and sanctions led to a reduction in prison populations across various countries in 2024/2025. For instance, Uganda registered a decrease of 19.6 percent, Kenya 19.4 percent, Mauritius 12.6 percent, Namibia 9.9 percent, Tanzania 6.4 percent, Nigeria 2.4 percent and Burundi 0.2 percent. These figures demonstrate that, in the absence of such interventions – particularly at the entry point into the justice system or during the pre-trial stage – many individuals would likely have been subjected to custodial sentences or extended pre-trial detention, contributing to an overall increase in prison populations.

According to the data received, approximately 15,000 people benefited from non-custodial sanctions in Kenya in 2025. In Tanzania, 1,826 benefited in 2024;

in Namibia, 976 in 2024/2025; and in Mauritius, 395.¹²⁴

This information underscores the role of such measures in preventing unnecessary imprisonment.

Completion and recidivism rates

Few countries provided data on the completion rate of non-custodial sentences. Among those that provided data, only two countries indicated the reporting period. Eleven countries reported a high completion rate, with some reporting a rate above 95 percent – these were Burundi, Kenya, Zambia, Namibia, Nigeria and Mauritius. Lesotho and Malawi have not collected data for the last six years. According to Namibia data for 2024/2025, conditional release had a higher completion rate (97 percent) than community service orders (95.38) percent.

Among the countries that provided information, there was a notable absence of specific recidivism rates for both imprisonment and non-custodial sanctions, although many suggested that they are low among people serving non-custodial sentences. For instance, Kenya estimates a recidivism rate of approximately 5 percent, Rwanda a lower rate of 2 percent, and Zambia a 1 percent recidivism rate. Similarly, Namibia has reported a recidivism rate of approximately 3.33 percent, particularly among people who received parole orders.

In addition, the success rate of community corrections in Kenya has consistently remained high over the years. This rate was 96.8 percent in 2023/2024, before increasing to 97.2 percent in 2024/2025 and rising further to 97.9 percent in 2025/2026.¹²⁵

In contrast, several countries – including Lesotho, Burundi and Uganda – indicated that they lack information on recidivism rates altogether, primarily because the data is not collected or is never disaggregated. Mauritius highlighted how no study has been conducted to track people after their supervision period, a task that falls outside the mandate of the country's probation service.

Senegal, The Gambia and Ethiopia did not provide specific recidivism data for community correction sanctions, primarily due to limitations in their monitoring and evaluation systems. Additionally, countries such as Algeria, Mauritius, Lesotho and Senegal reported having only recidivism figures for the general prison population, not for community-based sanctions. This lack of detailed data restricts comparative analysis and makes it difficult to draw definitive conclusions about the effectiveness of community corrections in these regions. It emphasises the need for improved data collection and reporting frameworks.

¹²⁴. 2024/2025

¹²⁵. Presentation by Kavutai K Shadrack, Secretary, Probation and Aftercare Service, Kenya, during the Advancing Community Corrections as an Alternative to Imprisonment in Africa conference held on 24–25 February 2026 in Nairobi, Kenya.

Despite the lack of specific data on recidivism rates, countries have implemented various measures to prevent reoffending. Namibia, for instance, suspends the sentence, while Tanzania re-captures and replaces the conditional releases with imprisonment. Uganda undertakes case reviews to understand the causes of reoffending, and Rwanda engages in crime prevention awareness campaigns to educate the public.

Innovation

As noted above, data shows that in countries where non-custodial alternative sanctions and measures are implemented, there has been a decrease in the use of imprisonment, alongside improved social reintegration outcomes for people who have served a non-custodial sanction. Many countries are increasingly opting for non-custodial alternatives in place of custodial sentences, with some introducing innovative approaches to their administration.

Community-supported skilling

Community-supported skilling refers to the development of practical, livelihood-oriented skills for individuals – particularly those in or exiting the criminal justice system – through programmes delivered or supported by community structures and local stakeholders. This initiative integrates vocational training with non-custodial measures and reintegration support, enabling people to build economic independence while contributing positively to their communities.

Across the countries studied, this approach is increasingly being adopted to strengthen rehabilitation and community acceptance of non-custodial sanctions. For example, Uganda has launched a community-supported skilling programme to increase the involvement of affected communities and improve acceptance of alternative punishments. Similarly, Malawi has established cooperatives of people formerly involved with the law that provide economic empowerment to people upon release from prison or probation. In Mauritius, a pro-social skilling programme has been developed specifically for probationers to further support their reintegration into society.

Electronic monitoring

This is a non-custodial measure that uses technology, such as ankle bracelets or GPS devices, to supervise people in the community and ensure compliance with court-imposed conditions, including curfews, movement restrictions or attendance in rehabilitation programmes. It is commonly used as an alternative to pre-trial detention or short custodial sentences.

Compared to other non-custodial measures identified in this report – such as fines, community service, probation and parole – electronic monitoring serves primarily as a supervisory tool rather than a standalone sanction. While fines and community service are more widely implemented and embedded within established legal frameworks, and probation and parole focus on behavioural supervision and rehabilitation through human oversight, electronic monitoring introduces a technology-based layer of control that enables real-time compliance verification.

In practice, its application varies across jurisdictions. In Algeria, electronic monitoring (using electronic bracelets) is implemented under Law No. 15-02 and Law No. 18-01 (amended in 2024), which provide a legal framework for GPS tracking of people convicted of a crime. This system allows people to serve all or part of their sentence outside a penal institution. One of the key components of this initiative is skill development through community service organisations. People are placed in programmes such as poultry farming, reforestation and waste disposal, where they can develop practical, marketable skills that are essential to self-sufficiency and which reduce the likelihood of reoffending. Likewise in Kenya, the electronic monitoring process was initiated to expand bail supervision for people on remand and to monitor those who have received probation orders.¹²⁶

Similarly, in June 2020 Senegal introduced electronic monitoring (through electronic bracelets/ankle tags) as part of its criminal justice and community-based corrections reforms. The Senegalese legislature enacted Law No. 2020-29 of 7 July 2020, amending the criminal procedure framework to allow for house arrest and sentence adjustments under electronic surveillance. These reforms were primarily aimed at reducing prison overcrowding and providing alternatives to pre-trial detention and short custodial sentences. Implementation required the establishment of a legal framework to guide electronic monitoring, the creation of a centralised monitoring centre and the procurement of tracking devices. By 2025, a total of 488 individuals were under electronic monitoring, of whom 361 were placed under house arrest.¹²⁷

While electronic monitoring can enhance the enforceability and credibility of non-custodial measures and can serve as a useful tool for reducing reliance on imprisonment, its application remains limited across the countries studied. This reflects factors such as higher costs, technical requirements, and varying levels of legal and institutional readiness. As such, it is best understood as a complementary measure

¹²⁶ *Ibid.*

¹²⁷ Presentation by Faye Souleymane, Inspector of the Penitentiary Administration, during the Advancing Community Corrections as an Alternative to Imprisonment in Africa conference held on 24–25 February 2026 in Nairobi, Kenya.

that strengthens existing non-custodial frameworks, rather than a substitute for broader, community-based alternatives.

While electronic monitoring can be a useful tool to keep people out of prison, concerns have been raised by PRI and other stakeholders regarding its uncritical adoption, particularly in contexts where the necessary infrastructure, safeguards and support systems are not adequately established. Without these, electronic monitoring risks undermining its intended benefits and may have unintended consequences for people subjected to it.

To ensure its appropriate use, electronic monitoring should be implemented in line with human rights standards, including the principles of legality, necessity and proportionality. It should be subject to clear legal frameworks, judicial oversight and time limitations, with safeguards to protect privacy, dignity and data. Additionally, its application should be accompanied by adequate social support measures – such as access to legal assistance, housing and rehabilitation services – to ensure that it contributes effectively to reintegration and does not disproportionately impact vulnerable groups.

Green probation

This is emerging as an innovative approach that integrates environmental sustainability within community-based sanctions, linking criminal justice objectives with national development priorities. Across several African countries, probation and community service programmes are increasingly contributing to environmental protection, climate resilience and food security, while advancing broader Sustainable Development Goals (SDGs).

In Algeria, community service orders include environmental protection and land restoration activities, positioning non-custodial sanctions as tools for ecological improvement. In Kenya, community service workers support the national landscape and ecosystem restoration agenda through tree planting and seedling nurturing, contributing to the government's target of planting 15 billion trees by 2032. Additional initiatives include fruit production to enhance food security, as well as rainwater harvesting and tree planting within probation office compounds.

Similarly, in Burkina Faso, early release mechanisms linked to agricultural work contribute to national food production while supporting social reintegration.

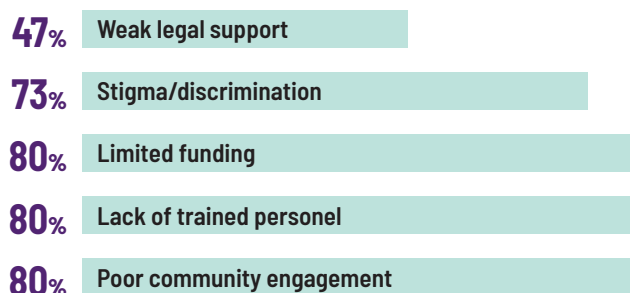
These approaches demonstrate how non-custodial measures can contribute to SDG 13 ('Climate action') through environmental restoration and climate resilience, to SDG 15 ('Life on land') through ecosystem protection and sustainable land use, and to SDG 16 ('Peace, justice and strong institutions') by promoting rehabilitation, reducing reliance on imprisonment and strengthening community-based justice systems.

Barriers to wider use of non-custodial sanctions and measures

The challenges and obstacles in imposing and implementing non-custodial sanctions are similar across countries. Ten countries identified poor community engagement as the primary challenge. Nine countries cited a lack of funding, inadequately trained personnel and stigma as significant barriers to the implementation and expansion of non-custodial sanctions and measures. Four countries – Kenya, Senegal, Namibia and Ethiopia – highlighted how weak legal frameworks impact the imposition of non-custodial sanctions.

The graph below shows some of these challenges, with 80 percent of countries identifying two of the biggest obstacles as a lack of trained personnel and poor community acceptance of non-custodial options in place of imprisonment.

Figure 5: Challenges in implementing non-custodial alternatives sanctions and measures



Limited funding was also reported by 13 countries (80 percent) as a key barrier. Many community correction programmes operate with insufficient budgets, making it difficult to expand services, recruit and retain qualified staff, or provide necessary infrastructure and support systems. Countries like Lesotho, Burundi, Malawi, Tanzania and others all identified their biggest challenge as the limited allocation of budgets for community correction sanctions in their countries.

Lack of trained personnel emerged as the most commonly cited challenge, also reported by 13 countries (80 percent). This reflects a shortage of professionals with the necessary skills in supervision, rehabilitation, case management and community engagement. Without adequate training, the quality and effectiveness of these programmes are severely compromised. Rwanda, Lesotho, Burundi, Malawi, Namibia and Zambia reported having limited trained personnel to implement community corrections effectively.

Volunteer schemes are underutilised in Africa. Evidence indicates that where community probation volunteers are actively engaged, they contribute to reduced caseload burdens for probation officers, improved compliance with court orders, and stronger social support systems for people undergoing rehabilitation. Their proximity to and understanding of local contexts position them uniquely to foster trust, monitor progress and facilitate access to community resources. In Kenya, a current programme includes the selection and training of local citizens as community probation volunteers, to assist probation officers – drawing on a Japanese model.¹²⁸

Weak legal support was reported by eight countries (47 percent), pointing to gaps in legislation or the absence of clear policies and regulatory frameworks to guide and support the implementation of non-custodial sanctions. This limits the ability of justice systems to fully institutionalise and scale community corrections.

Poor community engagement was also flagged by 13 countries (80 percent). This includes low levels of public awareness, lack of involvement from local leaders or civil society, and minimal participation in social reintegration efforts. Without active community participation, programmes risk being isolated and ineffective.

Stigma and discrimination against people convicted of an offence and those serving community sentences were reported by 12 countries (73 percent). Negative societal attitudes hinder reintegration, discourage

¹²⁸ See: Japan International Cooperation Agency, *Signing of Record of Discussions on Technical Cooperation Project with Kenya*, 2024, www.jica.go.jp/english/information/press/2023/20240209_41_01.html.

community support, and can lead to social exclusion, undermining the goals of rehabilitation and reducing reoffending.

Other challenges:

- Geographical limitations (for example, in Namibia) hinder probationers from regularly attending face-to-face supervision sessions and make it difficult to conduct home visits in accordance with supervision guidelines.
- A lack of community stakeholders willing to provide essential support services, such as employment and training opportunities for probationers and those who have completed probation, was identified. A lack of available workplaces for probationers was also noted as a major barrier.
- In some countries, the infrastructure for supervising and monitoring probationers is inadequate, mainly due to insufficient resources and a lack of well-trained staff. This may lead to labour exploitation in some industries, where probationers may face poor working conditions and mistreatment. Such exploitation may manifest as excessively long working hours, underpayment, and failure to issue contracts.
- The lack of awareness among the population in general and also among justice actors (judicial officers, the prosecution and law enforcement) was mentioned by many experts as an obstacle to the implementation of alternatives. Non-custodial sentences are often seen as a 'soft' option and there is a certain perception of corruption when they are applied (including in Uganda, Malawi and Ghana). The absence of data on recidivism and the effectiveness of non-custodial sentences also contributes to the lack of public support and recognition of the importance of alternatives as effective sanctions.
- While similar practices are implemented across countries, there are differences in terminology regarding non-custodial sanctions. For instance, the use of 'conditional release' to refer to probation in Namibia, or varying interpretations of suspended sentences, creates confusion and limits effective policy alignment, data collection and cross-country learning.

Consideration of specific groups

Non-custodial sanctions and measures are increasingly recognised as essential tools for protecting vulnerable populations within the criminal justice system, including children, women, older persons and other groups at heightened risk of harm in prison settings, particularly where the offence is non-violent.

International standards, including the Tokyo Rules and the Bangkok Rules, emphasise the importance of alternatives to imprisonment that reduce the negative social, economic and psychological impacts of prison for specific groups, noting that alternatives prevent the exacerbation of vulnerability in detention.

PRI has consistently found that in jurisdictions seeking to expand or roll out non-custodial options, focusing on specific groups can be a practical starting point – and one that is supported by the normative framework.

Specialised programmes

Specialised programmes for vulnerable people form a critical component of effective community corrections and non-custodial justice systems. They ensure that distinct needs and risk factors are taken into consideration.

Almost 80 percent of respondents indicated that their countries have specialised programmes in place for vulnerable groups. Examples of these programmes include women and youth empowerment, mental health support services and support for refugees, poverty reduction, community development and access to healthcare.

In Algeria, for example, the Directorates of Solidarity and Social Action feature multidisciplinary units that provide psychosocial assistance, legal advice, and support for professional and economic integration. Additionally, several helplines, such as the Réseau Wassila-AVIFE network, offer free and confidential support to probationers via phone and WhatsApp.

However, 21.1 percent of countries in the study, specifically Lesotho, Tanzania and Ethiopia, reported a lack of specialised programmes, although they provide psychosocial counselling in prison.

Recommendations

These recommendations are aimed at guiding a variety of actors – including policymakers, lawmakers, practitioners, thought leaders, intergovernmental bodies, civil society, activists and others – in efforts to bolster the use of effective and proportionate

non-custodial measures and sanctions as alternatives to imprisonment. They are not exhaustive and should serve as a foundation for broader reforms addressing prison overcrowding across Africa.

01

Policy and regulatory reforms

01.1

Embark on or expand legal and policy reforms

To promote the effective use of non-custodial sanctions and measures, African states should undertake comprehensive legal and policy reforms, beginning with a systematic assessment of existing laws and practices to identify gaps and areas requiring improvement. This process should be inclusive and should engage a broad range of stakeholders – including community members, legal experts, civil society organisations and people with lived experience – to ensure that reforms are responsive, context-specific and aligned with their intended objectives.

In this context – and to harmonise terminology for non-custodial sanctions and measures – the African Union should support the development of standardised definitions and guidance on key non-custodial measures, aligned with international and regional human rights standards. This should be carried out in collaboration with regional bodies and national justice institutions, and could be advanced through existing continental platforms (including justice and corrections networks) to promote coherence in legal frameworks, improve data comparability, and strengthen the implementation and monitoring of community-based sanctions across Africa.

01.2

Decriminalise petty offences – and adopt a no imprisonment policy for such offences

In order to bring laws in line with relevant standards, set up mechanisms to review and reform laws that criminalise minor, poverty-driven and status-related conduct, including petty theft, fare evasion, loitering or non-payment of fines. In the meantime, adopt policy and/or sentencing guidelines that ensure that no one goes to prison for petty offences, particularly while awaiting trial or sentencing.

01.3

Prioritise a reduction of pre-trial detention

Reform legal and procedural frameworks to ensure clear criteria and safeguards for pretrial detention, including regular and timely judicial review of remand decisions. Ensure that pre-trial detention is not mandatory for any offence and abolish it for petty offences. Expand the use of non-custodial alternatives (for example, bail if necessary and reporting requirements) and improve access to legal aid and counsel. Authorities should strengthen case management systems to decrease backlogs and reduce time in pre-trial detention, if imposed.¹²⁹

¹²⁹ PRI, *Ten-point plan on reducing pre-trial detention*, 2016.

Draw on existing best practices to decongest prisons, through the use of release mechanisms of pre-trial detainees as a short-term measure (for example, via audits).¹³⁰ This should be part of a long-term strategy to ensure that pre-trial detention is only used as a last resort in exceptional cases, rather than being the norm.

01.4

Develop or strengthen sentencing guidelines to expand non-custodial options

Sentencing guidelines should be expanded, developed, and sufficiently rolled out (through awareness raising and training of judicial authorities), so that adequate guidance exists to ensure that non-custodial options are used. Guidelines must be evidence-based, proportionate, and designed to promote rehabilitation, reintegration and accountability, in line with international human rights standards.

Sentencing authorities should have access to a diverse range of non-custodial sanctions and measures, both in law and in practice, so that deprivation of liberty is used only as a last resort.

Training and resources should accompany the implementation of these guidelines to ensure that judges and prosecutors (and lawyers) can apply and promote non-custodial measures effectively and consistently.

01.5

Adoption of non-stigmatising and person-centred language in criminal justice systems

The continued use of labels such as 'ex-offenders', 'convicts', 'prisoners' and similar terms contributes significantly to stigma, social exclusion and barriers to successful reintegration for people with lived experience of the criminal justice system. Such terminology reinforces negative stereotypes,

undermines personal identity beyond past offences, and often perpetuates discrimination in employment, housing and community acceptance.

All stakeholders within the criminal justice system, including policymakers, judicial officers, correctional services, community-based organisations and the media, should adopt and institutionalise the use of non-stigmatising, person-first language. This includes terms such as 'individuals with lived experience', 'people in conflict with the law' or 'returning citizens'.

01.6

Reform employment application practices to eliminate discriminatory disclosure requirements

Governments, regulatory bodies and employers should undertake comprehensive reforms to eliminate or significantly restrict the use of criminal record disclosure requirements at the initial stages of recruitment. Instead, fair and inclusive hiring practices should be promoted in line with international human rights standards and evidence-based reintegration strategies.

01.7

Review certification practices to promote reintegration and reduce stigma

Review certificates (demonstrating good behaviour or qualifications) that are issued to people who are serving probation to remove the name, logo or any identifiable marker of a probation service, prison or correctional institution, as this will inadvertently disclose an individual's history within the criminal justice system.

Justice sector institutions and partner agencies should also adopt policies and systems that minimise the risk of stigmatisation while ensuring appropriate access to necessary information.

¹³⁰ For example, as seen in the Philippines, implemented with UNODC, and also in Malawi – see: PRI, *Findings From Auditing Prisons In Malawi: A Data Driven Approach To SDG16.3.2*, 2024, www.penalreform.org/blog/22251.

02

Organisational development and service delivery

02.1

Make action-oriented plans to expand non-custodial options

Where the legal framework exists, establish a robust implementation plan to expand non-custodial options – including low-resource measures to increase sustainability. This plan should outline clear guidelines and procedures for implementing, monitoring and evaluating reforms over time. Establish clear strategies for building capacity within relevant authorities, and to provide resources for training personnel involved in implementing alternative sanctions and measures.

Invest in developing or expanding the provision of non-custodial measures and sanctions. This includes increasing funding to improve infrastructure, logistics and staffing at central, regional and local levels. Mobilise additional resources to implement legal and policy reforms that support non-custodial measures.

Develop context-specific, needs-based measures, which could include mental and physical healthcare programmes, treatment for substance use, vocational and job training, judicial supervision, community service, probation, conditional or suspended sentences, and restorative justice initiatives. These can be developed in collaboration with NGOs, including civil society and faith-based organisations, and international governmental organisations.

Develop structured rehabilitation and skills-building programmes as part of non-custodial options to reduce recidivism; for example, by investing in work placements or vocational training.

02.2

Support staff by providing capacity building and safe, positive working conditions

A central part to any plan must be the recruitment of qualified personnel and the provision of specialised training, including exposure to international best practices and training for prison and community corrections staff on human rights and supervision and rehabilitation strategies. Drawing on best practices globally, implement feasible programmes that use volunteers to help address staff shortages.

02.3

Develop joined-up multi-stakeholder frameworks for reintegration

To prevent fragmented approaches, ensure accountability, and make rehabilitation and reintegration efforts more effective, governments should consider developing a nationally coordinated framework involving all stakeholders. This can include government at all levels, corrections, prison and probation services, the private sector, civil society, service providers, and organisations led by people with lived experience. Referral systems should be a central part of such frameworks.

To encourage the involvement of the private sector in the training and employment of people who are serving or have completed a non-custodial sanction, authorities should provide incentives such as tax incentives, subsidies or wage support, alongside non-monetary measures such as public recognition, certification schemes and access to supportive partnerships. In parallel, risk mitigation strategies such as employer liability protections, placement guarantees, screening and matching systems, and post-placement support services should be integrated to reduce perceived risks and build employer confidence.

02.4

Build specific programmes and strategies to address the disproportionate impact of imprisonment on vulnerable groups

Prioritise the development and implementation of non-custodial measures that are tailored to the needs of specific vulnerable populations. This includes ensuring that such measures for children, women and older persons are gender responsive, child-friendly and individualised. Sensitise and train judges, prosecutors and probation officers in this area, drawing on the wealth of guidance and resources provided by international organisations. Gender-responsive and intersectional approaches should be mainstreamed across prevention, assessment, rehabilitation and reintegration processes, in order to enhance effectiveness and inclusivity.

03

Networking

03.1

Develop collaborative approaches with communities and people with lived experience

States should involve communities and people with lived experience in designing and implementing community-based alternatives to imprisonment. Drawing on Africa's tradition of community-driven justice, engage the public – including through awareness campaigns – to improve acceptance of community corrections and reduce stigma, while strengthening local ownership and support for reintegration. Recognise that people with lived experience (of imprisonment or probation) bring expertise and valuable insights to reform work. Approach the involvement of people with lived experience in a deliberate and conscious way, using available guidance, and do so in close consultation with leaders in the movement.

03.2

Work together at the regional level (including through a regional network on probation and parole) to share, test and innovate solutions to common challenges

Through regional networking, engage in peer-to-peer learning, and contribute to the exchange of best practices and collaborative problem-solving.

Promote professional development for probation staff on cross-border collaboration at all levels, from management to probation field officers. Foster a regional community committed to reducing reliance on imprisonment and to promoting alternatives (including through collection of data, and sharing best practices).

03.3

Build on regional momentum and strengthen the Africa Community Corrections Network

States and partners should build on the achievements and momentum generated by the 2026 Nairobi regional conference on community corrections,¹³¹ by supporting the operationalisation of the Africa Community Corrections Network as a platform for sustained collaboration, peer learning and knowledge exchange. This network should facilitate the sharing of good practices, innovations and lessons learnt across countries, while promoting harmonisation and strengthening of community corrections systems.

The network should also actively engage with and contribute to global and regional platforms – including other regional networks and initiatives, as well as international forums such as the World Congress on Probation and Parole – to enhance cross-regional learning, visibility, and the continuous development of effective non-custodial measures.

¹³¹ The Advancing Community Corrections as an Alternative to Imprisonment in Africa conference was held on 24–25 February 2026.

04

Resource development

04.1

Support improvement of data collection

Data collection should be prioritised, including participatory research, and more funding for in-depth research on alternatives to imprisonment in the region is needed. There should be a focus on countries where little data or analysis is publicly available. Data collection tools should be digitalised, centralised, comparable, transparent and publicly available (with anonymised data). They should be sufficiently disaggregated to allow for evidence-based decision-making in line with international standards and best practice. Disaggregation by key factors could include age, gender, ethnicity, disability status, type of offence, type of sanction, duration of sanction and geographic location.

04.2

Reallocate funding from prison construction or expansion to non-custodial options

Evidence from multiple countries shows that increasing prison capacity does not reduce overcrowding in the long term, as additional capacity is often quickly filled due to rising prison populations. By contrast, investment in probation, community service, restorative justice and other non-custodial measures has been shown to reduce reliance on imprisonment, improve rehabilitation outcomes, and lower costs for the justice system.

About Penal Reform International

Penal Reform International (PRI) is a non-governmental organisation working globally to promote criminal justice systems that uphold human rights for all and do no harm. We work to make criminal justice systems non-discriminatory and protect the rights of disadvantaged people. We run practical human rights programmes and support reforms that make criminal justice fair and effective.

Registered in The Netherlands (registration no 40025979), PRI operates globally with offices in multiple locations.

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