



From poverty to punishment

**Examining laws and practices which criminalise women
due to poverty or status worldwide**



Executive summary

From poverty to punishment: Examining laws and practices which criminalise women due to poverty or status worldwide – Executive summary

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Foreword

by Mary Robinson

Former President of Ireland, former United Nations High Commissioner for Human Rights



As we stand on the cusp of the 30th anniversary of the Beijing Declaration and Platform for Action, this report casts a penetrating light on the often-overlooked plight of women ensnared in criminal justice systems. The staggering rise in the number of incarcerated women – driven by poverty, abuse, and discriminatory laws – demands urgent redress. Behind each statistic lies the story of a woman whose potential has been stymied by inequality and injustice.

During my presidency in Ireland, I made it a priority to reach out to the most marginalised, and it was clear that women in prison were among them. In Ireland, 6th January marks Nollaig na mBan, or Women’s Christmas. Each year, I spent it at the Dóchas Centre at Mountjoy Prison, beginning with a priest celebrating mass, then dancing together, and finally, conversation with the women there over a cup of tea. On one visit, after my husband Nick had been in the news for a speeding fine, a woman I had met before joked, “Wasn’t Nick in for something too?” Whenever I spent time with the women, I was always reminded of the humanity behind the statistics – these were women full of great humour, intelligence, resilience, and potential.

But the reality is that, around the world, the circumstances leading women into contact with criminal justice systems are not a joking matter. Their imprisonment is too often the result of poverty, abuse, and systemic failures – concerns just as serious, and much more pressing today than when I was making those visits to Mountjoy. The number of women in prison globally has risen dramatically, with data showing that the number of women and girls in prison has grown by almost 60 percent since 2000.

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We must collectively resolve to reform practices that criminalise women for their socio-economic status and vulnerabilities.

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We must collectively resolve to reform practices that criminalise women for their socio-economic status and vulnerabilities, and we must ensure that the voices and experiences of women with lived experience are brought to the forefront of high-level policy discussions, including the upcoming Beijing +30 consultations and other high-level forums on gender equality.

This report, co-authored by Penal Reform International (PRI) and Women Beyond Walls (WBW), serves as a clarion call to international bodies, governments, and civil society to prioritise gender-responsive alternatives to imprisonment and invest in community-based support systems. It is only through such transformative actions that we can hope to dismantle the systemic injustices that perpetuate the incarceration of women.

By adopting a people-centred and human rights-focused approach, we can build justice systems that heal rather than harm and that truly embody the principle of leaving no one behind.

Executive summary

Overview

Globally, the number of women who are criminalised and imprisoned is rising at an alarming rate. Data published in February 2025 shows that more than 733,000 women and girls are estimated to be in prison worldwide. The female prison population has increased by 57 percent since 2000. The number of women going to prison is growing at a faster rate than that of men. Due to challenges in obtaining accurate information and the systemic lack of prioritisation of this issue, the true scale of the issue is likely to be significantly underreported. Thousands more women – and their children, whether detained alongside them or left behind – are impacted by the well-documented harms of involvement with the criminal justice system.

Despite its rapid growth, women's detention is largely overlooked in policy-making and high-level forums on women's rights. In 2021, research by Women Beyond Walls revealed that initiatives supporting incarcerated women and girls are critically underfunded, with 70 percent of 34 organisations across 24 countries receiving no funding from women's rights or human rights donors. This lack of prioritisation and resources hinders efforts to reduce women's incarceration globally. In the rare instances where imprisoned women are considered in policy conversations, they are often reduced to their caregiving roles, marginalising those who do not fit this stereotype and exposing them to harsher penalties, stigma, and policy neglect, which exacerbates their vulnerabilities and makes their struggles invisible.

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To address the criminalisation and imprisonment of women, there is an urgent need to gain a more detailed understanding of the causes. This report published by Penal Reform International and Women Beyond Walls, both members of the Global Campaign to Decriminalise Poverty and Status, examines some of the laws and practices across the world that, while not explicitly targeting women, disproportionately criminalise them due to poverty, their vulnerability and/or their status as a woman.

Poverty is not gender-neutral, and women are overrepresented amongst the poor, resulting in the criminalisation of poverty having an excessive impact on women. The report also exposes how gender discrimination and patriarchal norms target women due to their socially constructed status as women, with laws and practices that disproportionately or differently impact them due to their gender, such as restrictions on reproductive rights or sexuality.

Full references for the findings and data in this executive summary can be found in the full report available at:

- penalreform.org/resource/from-poverty-to-punishment
- womenbeyondwalls.org/povertytopunishment.

Findings

01 Laws and policies criminalise women for life-sustaining activities and acts of survival

In all regions, women in situations of poverty and vulnerability are being criminalised for actions taken to sustain themselves and their families.

Petty theft

Most countries criminalise petty theft (the act of stealing something of little value) under gender-neutral legislation. Yet, women, who are overrepresented among the poor and as primary caregivers for children or other family members, face disproportionate criminalisation and sometimes imprisonment as a result. For example, in **England and Wales**, shoplifting – or ‘theft from shops’ – accounted for 40 percent of women’s prison sentences of less than six months in 2023, compared to just 22 percent of men’s. This report highlights similar trends in countries such as **Sierra Leone, Chile, and Japan**.

Begging

Several countries retain or have introduced laws that criminalise begging, including **Denmark, Ireland, Serbia, and Thailand**. Women who live in marginalised communities and/or are discriminated against based on their ethnicity are more likely to resort to begging to survive economically and, therefore, are particularly at risk of criminalisation under such laws. In **Uzbekistan**, out of the 5,000 people punished for begging under a 2018 law, 4,000 were women.

The informal economy

Working in the informal economy puts women at heightened risk of criminalisation, as authorities use various laws to criminalise this type of work – despite it being a means of survival for many women supporting their families. Women are overrepresented in the informal sector, particularly in low- and middle-income countries, working as street vendors, seasonal agricultural workers, and domestic workers.

Without labour protections or social benefits like pensions or health insurance, women in informal sectors often endure low wages, unsafe conditions, and sexual harassment. Many countries impose restrictions on street vending, which harms marginalised women, particularly those with limited educational opportunities. The report highlights the impact of such criminalisation on Black and migrant women in many countries, including **Brazil, Colombia, Kenya, South Africa**, and the **US**.

Hear her story

In **Indonesia**, in 2016, the police raided the house of Remita Sinaga, a 60-year-old woman, in Aceh province where 70 bottles of alcohol were found. Mrs Sinaga was charged with selling alcohol to her neighbours, an act punishable under Acehnese Qanun Jinayat – a set of criminal laws derived from Sharia (Islamic) law specific to that province. Even though Mrs Sinaga was not Muslim, the law was applicable to her due to a legal change. She was sentenced to 30 public lashes, eventually receiving 28 lashes, on the grounds she had already been imprisoned for nearly two months at the point of sentencing.

Debt or non-payment of fines

In many countries, women are criminalised for debt or non-payment of fines, in violation of international law. Women face more significant challenges than men in accessing formal and informal financial institutions and credit networks. Women sometimes have no right to own assets, exacerbating their financial vulnerability. Also, the feminisation of poverty results in women facing various forms of debt. In **Egypt**, an estimated 20–25 percent of women in prison are so-called indebted women – termed ‘gharemat’ – which can attract a sentence of between three and 16 years in prison. In **England and Wales**, around a third of prosecutions of women in 2019 were for non-payment of a TV licence. In **Ireland**, 5.7 percent of all female prison committals in 2022 were for non-payment of court-ordered fines, more than double the comparable figure for males (2.5 percent).

“Women are criminalised for debt or non-payment of fines, in violation of international law.”

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Hear her story

Grace, a woman on government support with a child living with disabilities in **England**, was prosecuted for non-payment of a TV licence. Her TV was unusable after being damaged by her son, who had been diagnosed with autism. Already struggling financially to make ends meet with the cost of her son's care and fearing a larger fine from a trial, she pleaded guilty and left court in tears with a significant fine.

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Often-vague laws are frequently used to target women seen as violating prescribed gender norms.
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Vagrancy, loitering and idleness

Arbitrary targeting of vulnerable groups is common under colonial-era vagrancy, loitering and idleness laws. Women who face intersectional discrimination – including those experiencing homelessness, engaging in sex work or informal economies, or living with psychosocial and intellectual disabilities – are particularly affected. These often-vague laws are frequently used to target women seen as violating prescribed gender norms. In countries like

South Africa, they are used to fine sex workers, while in some West African countries, women are frequently arrested for simply being outside at night. The report documents how these laws are used against women in countries such as **Sri Lanka, Sierra Leone, Kyrgyzstan** and **Indonesia**. Several international and regional bodies have criticised vagrancy laws, finding them incompatible with human rights standards.

Homelessness

Homelessness is criminalised through a range of laws prohibiting squatting or activities such as camping, sleeping or erecting shelter, drinking or cooking in a public space or begging. There is a clear link between gender-based violence, homelessness, and criminalisation. Women often become homeless due to violence and, once homeless, face higher rates of sexual assault, harassment, and humiliation than men. Women leaving prison are particularly vulnerable to homelessness, often facing abuse, social exclusion, and worsening health conditions. Without safe housing options, many women leaving prison risk and are forced to choose between situations where they will face violence or sleeping rough. In **Uruguay** and other countries, the inadequate support for women leaving prison has contributed to rising homelessness among formerly imprisoned women.

02 Harsh drug laws are driving the increase in women's imprisonment

Drug policies

Women are disproportionately impacted by harsh drug policies, and this is compounded for women who are racialised, Indigenous, LBTIQ+ and/or living in poverty. A higher proportion of imprisoned women are sentenced for drug-related offences (35 percent) than men (19 percent). In some Latin American and Asian countries, this figure rises to between 50 and 80 percent.

Policies implemented under the so-called 'War on Drugs', coupled with patriarchal assumptions around gender roles, increase women's likelihood of being subjected to criminal proceedings, pretrial detention, and longer prison sentences compared to men. Women also encounter significant disparities and heightened obstacles in accessing non-custodial sentences and alternatives to imprisonment.

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Many women entering the drug trade often find themselves as primary caregivers in vulnerable contexts, such as poverty, abuse or coercion, leading them to resort to illicit means to support their families. Women in vulnerable situations are more likely to be targeted for both human and drug trafficking. However, these factors are typically not taken into consideration when it comes to the criminal process.

Hear her story

In 2016, Caterina, a 36-year-old Venezuelan woman, was sentenced in Hong Kong to 25 years in prison after failing to convince a jury that she was forced to serve as a drug carrier, transporting cocaine inside her body. Caterina stated she was kidnapped in Brazil after responding to a fake job advertisement. She said she was repeatedly raped, and her family was threatened until she agreed to travel to Hong Kong. Caterina was pregnant before the kidnapping and gave birth to a child in prison. According to a lawyer who has assisted Caterina, defence lawyers face the issue that while Hong Kong acknowledges the problem of human trafficking, it does not have laws prohibiting it. As a result, prosecutors, judges, and juries rarely consider whether the drug carrier is actually a victim of human trafficking.

Women who use drugs are subject to criminalisation in many countries. For example, in the **US**, laws specifically target pregnant people who use drugs. The fear of legal consequences deters them from seeking necessary healthcare and drug treatment. Many world leaders and UN experts have called for drug consumption to be treated as a public health concern rather than a criminal one and called for decriminalisation. Many women who use drugs are overrepresented among those who experience gender-based violence and poverty.

03 In some countries, women are criminalised for acts or behaviours relating to 'honour' or 'morality' or cultural beliefs

In some countries, women and girls are prosecuted for acts or behaviours that are deemed to violate entrenched gender norms. So-called 'morality' prosecutions affect women disproportionately as they revolve around women's clothes or behaviour, reinforcing the deep-rooted societal discrimination women face compared to men.

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Adultery or extramarital sex

Consensual sexual intercourse outside of marriage, such as adultery or extramarital sex, remains criminalised –albeit sometimes under limited circumstances– in countries such as **Pakistan, the Philippines, Indonesia,** and **Morocco**.

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Dress or appearance

In many countries, laws or regulations restrict women's choices about their dress or appearance. These include banning or limiting the wearing of certain attire or vice versa, requiring a particular attire, typically on the grounds of religion. For example, so-called 'burqa bans' in Europe have led to the criminalisation of women in the **Netherlands, Denmark, Austria, Bulgaria, Belgium,** and **France**.

Travel and mobility

Additionally, some laws or regulations restrict women's travel and mobility in several countries in the Middle East and North Africa, including **Afghanistan**.

Witchcraft and sorcery

Several countries in different regions retain witchcraft and sorcery-related offences. Women who are deemed not to fulfil expected gender stereotypes, such as childless women or widows and persons with albinism, are particularly vulnerable to witchcraft accusations. In **Ghana**, fewer men are accused of witchcraft, and those who are often continue to live amongst their community without facing the same mistreatment or exclusion as women.

04 Women are criminalised due to their sexuality, gender identity, reproductive or mental health status

In many countries, women are criminalised based on their sexuality, gender identity, reproductive health, and mental health status. Laws and policies that criminalise aspects of women's lives in these areas reinforce systemic discrimination, restrict bodily autonomy, and expose them to violence. These laws disproportionately impact women from marginalised backgrounds, including queer women, sex workers, and those from low-income or racialised communities. Their criminalisation can lead to police violence and increased vulnerability to abuse.

Sex work

Although sex work involves consensual adult sexual services for financial remuneration, it is still criminalised in many countries. Criminalisation models vary with countries like **Malaysia** entirely prohibiting sex work, while others adopt the Nordic model, like **France, Ireland, and Canada**, which criminalises buyers rather than sellers. However, this approach can still result in police harassment and financial instability. There are increased risks for sex workers, especially migrant women, who also face the threat of deportation, greater barriers to legal protection, and unsafe working conditions. In contrast, decriminalisation in **New Zealand** and parts of **Australia** has improved rights and safety for sex workers, though stigmatisation remains an issue. Additionally, while some individuals are trafficked for sexual exploitation, the conflation of sex work with trafficking has led to harmful policies that criminalise sex workers and expose them to violence. This report documents testimonies of abuse by law enforcement against sex workers during police raids in **Thailand, Canada, and India**.

Private, consensual same-sex sexual activity

LGBTQI+ individuals continue to be criminalised in many countries, with laws punishing same-sex relationships as well as gender expressions and identities that diverge from heteropatriarchal norms. Private, consensual same-sex sexual activity remains illegal in 63 countries, with 12 imposing or permitting the death penalty in their laws, including **Iran, Saudi Arabia, and Somalia**. At least 40 countries specifically criminalise consensual sexual conduct between women.

Many countries also enforce laws against 'cross-dressing' or 'impersonation,' specifically targeting transgender individuals. Where genderqueer identities are not legally recognised, transgender people are often placed in prisons that correspond to their sex assigned at birth, increasing their exposure to violence.

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In addition to the direct criminalisation of same-sex relationships and genderqueer identities, lesbians, bisexual women, and transgender individuals face disproportionate legal scrutiny. In the **United States**, lesbian and bisexual women are arrested at rates four times higher than those of heterosexual women, constituting a third of the female prison population despite representing only 3.4 percent of the general population. Black transgender women encounter exceptionally high rates of arrest and imprisonment. In prison, queer individuals experience heightened risks of violence and sexual abuse.

Abortion

The global trend towards liberalising abortion laws has led to over 60 countries expanding access; however, there are currently 15 countries where abortion is prohibited without exceptions, with varying severity in penalties for individuals seeking abortions and those assisting in the procurement of one. There have also been setbacks on abortion rights in recent years, notably in the **United States**, where the overturning of *Roe v. Wade* has disproportionately affected low-income and racialised women and **Poland**, where stringent abortion laws render the country one of the most repressive in Europe.

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Hear her story

A Polish woman, Izabela Sajbor was denied an abortion following a diagnosis of foetal abnormality. Later, to comply with the strict law, doctors delayed medical intervention, waiting for the foetus's heart to stop beating before performing a caesarean section, leading to Izabela's death at age 30. Before dying, Izabela sent a text to her mother: *"The doctors can't help as long as the foetus is alive thanks to the anti-abortion law. A woman is like an incubator"*.

Women in countries with restrictive abortion laws face prosecution and imprisonment. In **El Salvador**, women experiencing obstetric emergencies have been convicted of aggravated homicide and sentenced to decades in prison. In **Brazil**, Black and low-income women are disproportionately targeted for prosecution over abortion, while proposed legislation could equate abortion after 22 weeks with homicide, even in cases of rape. In **Rwanda**, according to a NGO report published in 2021, around a quarter of all women in the country's prisons had been convicted for obtaining an abortion.

The criminalisation of abortion has severe health consequences, leading to unsafe procedures and maternal mortality. Women in **Haiti** and **Honduras**, where abortion is banned, experience maternal mortality rates three times higher than the global average. In **Uganda**,

women have been imprisoned after miscarriages, as authorities suspect them of inducing abortion. The UN has classified the denial of life-saving reproductive care as a form of gender-based violence and, in extreme cases, a gender-based arbitrary killing.

Suicide and attempted suicide

Despite increasing recognition of mental health as a critical public health issue, suicide and attempted suicide remains a criminal offences in 25 countries. Legal ambiguity exists in 27 additional countries, leaving individuals vulnerable to prosecution after surviving suicide attempts. Research has shown a strong correlation between gender-based violence and suicidality in women, yet instead of receiving support, many are punished for attempting to end their own lives. This results in a cycle of double punishment – women first endure violence and then face criminal consequences when their distress leads to a suicide attempt.

Ghana, Guyana, and India have recently decriminalised suicide, aligning with recommendations from the World Health Organization. However, criminalisation remains common in regions with patriarchal legal systems that punish women for failing to conform to gendered expectations.

05 There is an urgent need for more gender-disaggregated data and analysis

A key challenge that emerged from this study is the lack of gender-disaggregated data and limited research from a gender-responsive focus. There is also a lack of participatory research that has involved women and girls impacted by the justice system. This report provides a

global overview to ignite conversations, collaborations, further research, and reform efforts. We acknowledge its gaps and limitations, not least due to a lack of information.

Promising practices

The report highlights positive incremental steps that are being taken to address the harmful impact of these laws and practices, such as:

- In 2018, the High Court of Delhi in **India decriminalised begging** following a petition filed by Aashray Adhikar Abhiyan, a shelter rights campaign group.
- In Washington DC, **US**, the Street Vendor Advancement Amendment Act was passed in 2023. The Act **decriminalises street vending without a licence** and introduces several provisions, including creating new vending zones that allow vendors to participate in the self-management of the street.

- In 2019, Western **Australia repealed its laws on imprisoning people for unpaid fines**. However, the law still allows for exceptions under ‘strict circumstances’ if a warrant is issued directly by a magistrate.
- In 2024, the ECOWAS Community Court of Justice found **Sierra Leone’s loitering laws to be discriminatory against people in poverty and vulnerable situations**, in particular marginalised women.
- In British Columbia, **Canada**, the First Nations Justice Council (BCFNJC) is running a **pre-charge diversion program in Prince George to help Indigenous people** avoid the justice system by addressing issues like mental health, addiction, and housing insecurity. BCFNJC also operates 15 Indigenous Justice Centres in British Columbia, offering culturally relevant support for women through its ‘Aunties’ program.
- In Ottawa, **Canada**, a 2022 pilot program **diverted over 200 people facing minor charges, such as petty theft, to support services instead of prosecution**.
- In 2015, **South Korea’s** Constitutional Court struck down a 60-year-old statute outlawing **adultery** under which violators faced up to two years in prison.
- In December 2024, **Belgium** became the first country to **grant sex workers full employment rights**, following advocacy from rights groups and the Union of sex workers. The law provides rights to formal contracts, social security benefits, maternity leave, and pensions, among other protections.
- In 2022, **Pakistan abolished the punishment for attempted suicide**, eliminating colonial-era laws and demonstrating a commitment to prioritising mental health support and suicide prevention over punishment.

Conclusions and recommendations

The findings contained in this report demonstrate that, for too long the criminal justice system has been used to address issues related to poverty, mental health, abuse and marginalisation. In some instances, it has been weaponised to target women or disproportionately impact women. It is critical to reevaluate, reform and reimagine justice systems and move from an approach based on punishment to one rooted in community, care and support which research shows produce much better outcomes for women and their children.

To steer action, the report includes action-oriented recommendations to guide policymakers and others to address the criminalisation of women due to poverty or status.

01. DATA collection should be prioritised, including participatory research and resourcing for further in-depth research on this overlooked issue. A focus on several parts of the world where little data or analysis is available publicly should be prioritised (including the Caribbean, Middle East, and North African regions).

02. UNDERSTAND how laws and policies affect women disproportionately so that evidence-based, community-led solutions are adopted instead of criminalisation.

03. DECRIMINALISE laws that violate international law and human rights standards and accompany such legal reforms with awareness-raising and engagement initiatives to remove stigma and gender-based discrimination.

04. CENTRE the leadership of community-led organisations and experts, including women with lived experience, in any reform efforts. Their insights should inform reform initiatives, research initiatives and service improvements.

05. AVOID IMPRISONMENT, criminalisation and prosecution while law reforms are ongoing to decriminalise offences which exclusively or disproportionately impact women due to poverty or status. Rather, criminal justice systems should adopt a range of measures to mitigate the impacts of such laws.

See the full report for further detailed recommendations on the issues addressed in this report.

About Penal Reform International

Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. We work to promote criminal justice systems that uphold human rights for all and do no harm. We run practical human rights programmes and support reforms that make criminal justice fair and effective. Our primary objectives are to secure trials that are impartial, sentencing practices that are proportionate and promote social rehabilitation, and humane conditions of detention where alternatives to imprisonment are not possible. We work through country missions, regional hubs, remote coordination, and through partners.

www.penalreform.org

Women Beyond Walls

Women Beyond Walls is a global collaborative dedicated to combating the mass incarceration and over-criminalisation of women and girls worldwide. We build collective power and resource resistance to challenge systemic injustices, advocating to end the harm that imprisonment causes to women, their families and our communities. Our work includes research, campaigning, litigation, and storytelling. We unite a diverse coalition—women with lived experience, family members, lawyers, academics, practitioners, policymakers, philanthropists, feminists, and allies—to drive change. We foster cross-movement learning and collaboration, committed to the belief that a legal system rooted in care, not punishment, requires the collective effort of all.

www.womenbeyondwalls.org

The Global Campaign to Decriminalise Poverty and Status

The Global Campaign to Decriminalise Poverty and Status is a coalition of organisations from across the world that advocate for the repeal of laws, reform of policies and change in practices that target people based on poverty, status or for their activism. All over the world, criminal justice systems misuse overly broad and discriminatory laws that stem from the colonial era to criminalise people for who they are rather than for what they have done, and to quell dissent. Our coalition members are organisations from across the world, working on improving criminal justice systems to ensure that human rights are respected for all. They work collaboratively through legal reform, litigation, advocacy, policy, capacity building and research to make change happen.

www.decrimpovertystatus.org

FAIR AND EFFECTIVE CRIMINAL JUSTICE





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