

**REPORT OF THE COMMITTEE ON DEFENSE AND INTERNAL AFFAIRS ON
STATE OF GOVERNMENT PRISONS IN UGANDA**

**OFFICE OF THE CLERK TO PARLIAMENT
PARLIAMENT BUILDING**

November, 2016

1.0 INTRODUCTION

- i. In accordance with Rule 175 (2) and 177 of the Rules of Procedures, the Committee on Defense and Internal Affairs conducted oversight visits to selected government prisons in the country during the period of August and September, 2016. Of the existing 249 Government prisons, the committee specifically sampled the following prisons; Luzira, Bugungu, Kirinya, Molokatipe, Tororo remand, Tororo main, Nakasongola, Mbarara, Bushenyi, Rwimi, Mubuku, Ibuga, Fort Portal, Isimba, Masindi, Maruku (Mbale) and Kigumba.

2.0 OBJECTIVES OF THE FIELD VISIT

The Committee sought to;

- i. assess the conditions of life of inmates;
- ii. evaluate the extent of compliance to established laws in the treatment of inmates;
- iii. appraise the interventions of the rehabilitation of inmates;
- iv. assess the challenges faced in the management of prisons.

3.0 METHODOLOGY

In execution of the its mandate; the committee;

- ii. undertook on-spot visits assessment to the prisons.
- iii. received memoranda from inmates;
- iv. held meetings with the officials of Uganda Prisons Service
- v. reviewed some relevant documents notably; the Prisons Act 2006, the 1995 Constitution of the Republic of Uganda and the UN standard Minimum Rules for the Treatment of offenders/Prisoners

Minimum Rules for the Treatment of offenders/Prisoners

Establishment and functions of Uganda prison service

Uganda Prisons Service derives its mandate from Article 215 of the Constitution of the Republic of Uganda, 1995. In order to operationalise the Constitutional provision, Parliament enacted the Prisons Act, 2006. The functions of Uganda Prison Service include;

- *ensuring that every person detained legally in a prison is kept in humane, safe custody, produced in court when required until lawfully discharged or removed from prison;*
- *facilitating social rehabilitation and reformation of prisoners through specific training and educational programmes;*
- *facilitating the re-integration of prisoners into their communities;*

The Uganda Prisons Service is further guided by the United Nations Standard Minimum Rules for treatment of prisoners, which emphasizes that prisoners have a right to decent accommodation, good feeding, and medical care among others.

4.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

4.1 Congestion and overcrowding in the prisons

The Committee noted that the Uganda Prisons Service currently operates 249 prisons that were designed to provide a total carrying capacity of a daily average of 16,612 prisoners. As at June 2016 the population of prisoners stood at 48,422 exceeding the available capacity by 31,810 inmates, reflecting an occupancy level of 291%. All prisons are overcrowded, housing up to 3 times their designated holding capacity. The overcrowding remains a major problem in prison management around the country to the prison administrators and inmates themselves. For instance, in Luzira upper Prison there are more than 3000 prisoners in a system which was designed for only 600 inmates. In Mbale main Prison, there were 840 inmates against the

required 336, Jinja main had 1,141 out of 336 required and Jinja remand 868 out of 340 prisoners required.

The Committee observed that overcrowding in prisons relates to challenges in the justice system, for instance, shortage of judicial staff, prosecution officers, investigators, missing of court files and fewer high court sessions.

In addition, unnecessary adjournments by judges greatly negate the trial process by making the cases drag in courts for a long time, thus the high number of un convicted offenders in the prison custody that eventually contribute to the rise of prison population.

The Committee further noted that there are 209 prisoners who have been sentenced to death over the years and some of them are of advanced age,, which also contributes to prison congestion.

The Committee noted that this growing prison population has overstretched existing physical facilities and puts pressure on services like water, leading to unhygienic conditions and other unacceptable behaviors.

The Committee recommends as follows;

- i) Development budget of the Prisons Service should be increased to enable rehabilitation and construction of more prisons to accommodate the increasing number of prisoners and to reduce on congestion in the available facilities.***
- ii) Courts should employ alternatives to imprisonment such as Community Service, suspended sentence, and affordable fines to ensure that the many petty offenders do not congest prisons.***
- iii) The Advisory Committee on the Prerogative of Mercy whose task is to advise the President as per Section 121 of the Constitution should make recommendation regarding death penalty, given that since 1999 no executions has been carried out.***

- iv) ***Government should appoint more Judges or the re-appoint retired judges on contract to assist in reducing backlogs of cases.***
- v) ***Remands whose cases lack sufficient evidence should be given bail as prosecution gathers more criminality evidence.***

4.2 Delay in administration of Justice to the prisoners

A field visits of the prison facilities revealed that at the end of the June, 2016 there were 26,865 prisoners representing 55.5% on remand awaiting trial which clearly outnumber the convicted prisoners (21,284) representing 44.0%. As a matter of fact the population of the inmates on remand in most prisons triples the population of the convicted prisoners, hence, the imploding numbers in these places of detention. The Committee was informed that the prisoners who were committed to high court stay on remand for longer periods ranging from 2 to 5 years before trial. The biggest cause of this challenge is the inadequate number of judges at the High Court level which currently stands at 43 for a country which has 115 districts. The inadequate number of judges has left the inmates desperate for criminal sessions which in most cases are held only twice a year and can only permit the hearing of 40 cases per session compared to the thousands of prisoners on remand.

The Committee noted that delivery of Justice is a coordinated process in the Justice Law and Order sector where by all departments within the sector have to be aligned and coordinated simultaneously to perform all activities in the process.

The Committee recommends that Ministry of Justice and Constitutional Affairs should recruit more high court judges in order to increase on the frequency of court sessions.

4.3 Prisoners pending Minister's Orders

Countrywide, there were 40 inmates at the beginning of FY 2016/17 who are still awaiting Minister's Orders to determine their respective fate. The mandate

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A failure to adhere to the above procedure had caused a predicament to the judiciary and indeed prison system resulting in overcrowding and violation of the rights of these mentally challenged prisoners where some spent between 1 to 17 years in prison until the decision of Justice Batema N.D.A in the case of **Bushoborozi Eric V Uganda HCT-01-CV-MC-0011 of 2015** where he inter alia held that;

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- ### 4.3 Mistreatment of Prisoners

The Committee recommends that;

- ii) As an institutional measure, the prisons authorities must strengthen the monitoring department to periodically interface with the inmates to identify cases that affect inmates.

4.4 Inadequate legal representation of prisoners

The Committee observed that prisoners are faced with a challenge of legal representation because most of them are too poor to afford to pay legal fees due to their background. In most cases, some of the offenders are not aware of their rights because they are perceived to be wrong before the law. Some of the offenders who do not have adequate knowledge are forced to abide by the outcome of the court proceedings. The inmates informed the Committee that they are not given time to discuss their cases with lawyers to give them the gist of the offenses.

The Committee was informed that there are arrangements made between Uganda Prisons Service and Uganda Law Society to provide legal aid services to the inmates; however they are still inadequate due to high number of criminal cases. Hard to reach areas do not receive legal representation at all due to inadequate facilitation given to the lawyers to represent the suspects and also legal aid is not regulated by any legislation.

The Committee therefore recommends that Uganda Law Society should encourage lawyers provide pro bono services.

The State has to honour its obligation to provide legal services for criminal suspects.

The Committee requests Justice Law and Order sectors to encourage lawyers to take on capital offences rather than minor offences when providing legal representation under pro bono services.

4.5 Distance between prisons and adjudicating courts of law

The Committee observed that due to misalignment of criminal justice agencies, there are long distances between prisons and adjudicating courts. For instance the distance between Buhweju – Bushenyi is 40km, Amuru – Kilidima 50km, Tororo – Malaba 17km, Jinja – Iganga 41km. In addition, Kibale, Hoima

and Bulisa have to travel to Masindi while Butambala, Gomba and Mpigi travel to Nakawa for high court sessions.

This cumulatively results into huge costs to government in terms of fuel and maintenance of vehicles, delayed production of prisoners to courts and also a barrier to justice on the side of prisoners. Most challenges are encountered on implementation of urgent court directives to produce a prisoner to court especially when there is no standby transport logistics.

The Committee recommends that location of Prisons should be well aligned and adjacent to the adjudicating courts of law to reduce the distance prisoners have to be transported to and from the courts of law.

The Committee also recommends that more vehicles be purchased for transportations of prisoners to courts

4.6 Lack of land titles and Regularized tenancy agreements

The Committee was informed that the current 249 prisons are located on different types of land in terms of ownership. 130 prisons are on Central government land, 60 on Buganda Kingdom land, 19 on other kingdoms and 40 on District local governments. Most of this land is neither surveyed nor titled which exposes it to illegal encroachment by private investors and groups of local people. For example Luzira prison which traditionally had 261.671 acres of land is currently seated on 169.88 acres. In July 2006, Uganda Land Commission signed a tenancy agreement with SON Fish Farm Limited and gave out 203.3 acres out of 332.4 acres of land belonging to Bugungu prisons. In January 2012, more 42.3 acres were allocated and leased to the same investor for a period of 10 years.

In 2012, part of Mbarara prisons land was claimed and taken by private investors and the matters are still in court.

In addition, in 2004, part of the land belonging to Rwimi Prison farm was attached by a group of encroachers who have claimed that land and the matter

The Committee observed that the prisons service has not generated much from the Public Private Partnership policy yet it continues to lose land to private investors.

The Committee recommends that Uganda Land Commission should stop giving away prison land to private developers who do not pay returns to the prisons service.

The Committee observed that the design of Prisons structures do not take into consideration of various gender requirement. Female prisons are designed and constructed as those of male for example in Masindi prisons both male and female prisoners use the same entrance. Besides, female prisoners receive inadequate sanitary towels and under wears. In addition, the female prisoners do not match the required standards for keeping a mother with her child, no special wards for breast feeding mothers, no care centers for pregnant mothers. Some inmates stay with their children in cells as old as 4 years which is against the Prisons Act Section 59 which restricts such age to only 18months.

Monitor

Fr. [Signature]

The Committee noted that the Prisons Service has eliminated use of buckets in 186 prisons out of the existing 249 prisons in the country. However, the

Committee observed with concern the use of night soil bucket system in 63 prisons which still exists for instance in Buhweju, Ibanda, Mitooma prisons among others. The Committee further noted that some inmates are kept in uniports which do not accommodate water borne facilities. This poses sanitation challenges not only to the prisoners themselves but also to the prison warders.

The Committee recommends that prisons should provide adequate sanitary facilities and total elimination of the night soil bucket system in all prisons in Uganda.

4.9 Inadequate staff housing and accommodation

In almost all prisons visited by the Committee, it was found out that most of the prison institutions have colonial age housing facilities which are currently dilapidated and are in appalling state.

The Committee further observed that poor housing and working conditions of the prison staff especially those of the lower cadres reduces their morale, thus are unable to fully dedicate themselves to working in such unbearable conditions. It is ironical to note that the same prison officers who are supposed to rehabilitate the prisoners suffer the same consequences as the prisoners. This explains the high attrition rate of 250 staff in the prison per year.

The Committee was informed that some prison officers spend part of their meager paid salaries to rent houses outside, while others who cannot are forced to stay with their families in the congested dilapidated structures. In addition, some staff shares houses whose space is quite small and cannot accommodate their families. This poor housing condition does not only infringe the rights of prison officers but also lowers their morale.

The Committee also observed that prison staffs still sleep in uniports, houses roofed with asbestos sheets which have been banned worldwide because it causes cancer.

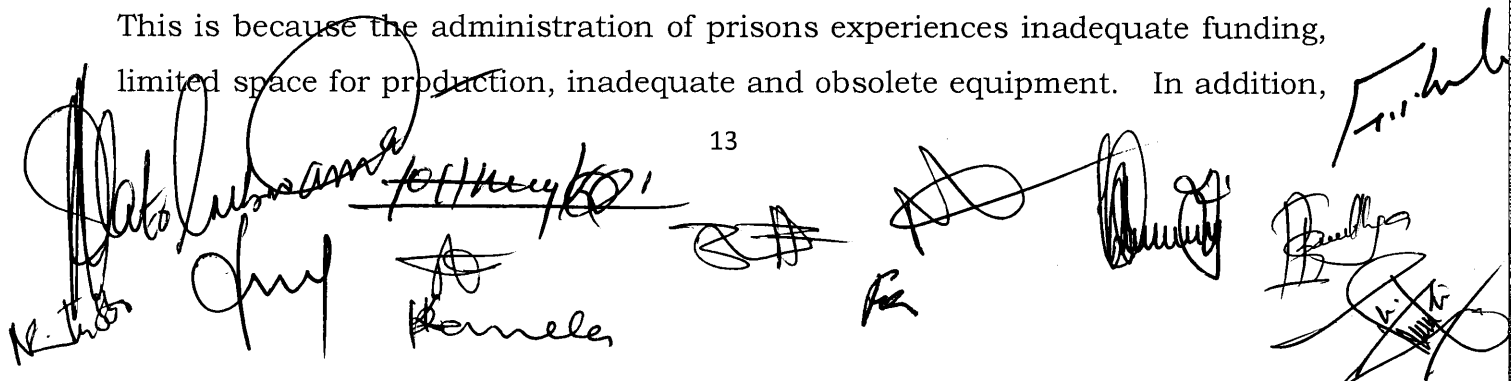
The Committee appreciated the on-going construction and renovation of accommodation facilities in some few prisons such as Nakasongola, Mbarara and Luzira. However there is still a lot to be done to improve the accommodation facilities of prison officers.

The Committee therefore recommends that prisons management should prioritize construction of decent accommodation for staffs.

4.10 Rehabilitation programmes in the prison service

Rehabilitation and reformation of offenders is one of the core functions of the Uganda Prisons Service. It comprises of various interventions and mechanisms that are employed in various fields to provide purposeful activities for prisoners to challenge their offending behaviours, provide basic education to tackle illiteracy and equip them with life and work skills. In order to ensure that the prisoners are reformed during their incarceration and properly re-integrated into society as law abiding citizens, Uganda Prisons Service has embarked on a number of programmes to empower prisoners to achieve social rehabilitation such as; agriculture, tailoring, carpentry, art and craft in order to impart skills into the these inmates and prepare them to face life after they have served sentences. The Committee however noted some prisons such as Mbarara and Bushenyi do not have programs for rehabilitation and the prisoners are only hired to work in private farms. This has made many of them stay idle in prisons and some even leave the prisons worse than they joined prisons.

His Excellency the President of the Republic of Uganda directed that starting 2017, all Government Ministries, Departments and Agencies should procure furniture from Uganda Prisons Service in order to boost its production. The Committee however noted that whereas it is a good idea to encourage and promote local consumption of furniture, Uganda Prisons Service does not have the capacity to produce the required furniture for all government agencies. This is because the administration of prisons experiences inadequate funding, limited space for production, inadequate and obsolete equipment. In addition,

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the Prisons Service relies on manpower provided by inmates who are not well trained in carpentry and joinery to produce furniture that can compete with the imported furniture.

The Committee therefore recommends that Government should enhance budgetary allocations for the prisons service to bolster implementation of Presidential Directive as well as funding for rehabilitation programmes to improve the lives of inmates while in custody.

4.12 Agriculture production in the prisons

Uganda Prisons Service continues to pursue agricultural activities as an essential component of its operations in areas of food, cash crop production and livestock rearing. A tour to different prisons indicated that Uganda Prisons Service remains one of the government institutions with the largest acreage of land in the country. Agricultural production in government prisons is one of the many rehabilitation programmes that is aimed at providing correctional services to inmates as well as equipping them with Agricultural skills. In the FY 2015/2016 for instance, Uganda Prisons Service produced food worth 8.5bn, while in the FY 2016/2017, UGX 14.22bn is projected to accrue from prisons assuming no erratic weather conditions.

Early this year, His Excellency the President of the Republic of Uganda directed the Prisons Service to increase agricultural production through seed multiplication of cotton and maize in order to supply the growing cotton industry and population. The Committee however noted that agriculture production in the prisons service continues to encounter a wide range of challenges such as irregular rainfall patterns due to climatic changes, continuous leasing of prison land to private developers, low levels of mechanization, frequent breakdown of farm tractors and reliance of on the manual labour provided by the inmates who do not have expertise in agricultural production.

The Committee therefore recommends that;

- i) Uganda Prisons Service should fast track establishment of irrigation system at all prison farms in order to mitigate reliance on nature.***
- ii) Uganda Prisons Service should partner with Ministry of Agriculture, Animal Industry and Fisheries to provide technical expertise and support in order to increase its agricultural production.***

4.13 Healthcare service delivery to prisons

Health care services in Uganda Prisons Service is organized in accordance with the general public health administration to ensure that there is continuity of treatment and care of prisoners, including those living with HIV, tuberculosis and other infectious diseases. In addition, Uganda Prisons Service offers specialized counseling services to the inmates as well as spiritual counseling.

Currently Uganda Prisons Service has 63 health centres out of 249 prisons catering for 49,839 prisoners. Most of the health centres are at the level of Health Centre II which limits their capacity to provide adequate care to the estimated 49,839 prisoners. This explains inadequacy of drugs in most of the prison health units. In all prisons, the health centres are congested with few health workers and poor sanitation.

The Committee further observed that due to inadequate accommodation in some prisons such as Mbarara and Bushenyi, TB inmates share the same dormitory with the rest of the inmates. This poses a risk of spreading the disease to other prisoners. This is against Rule no. 22 of the UN Standard Minimum Rules for the treatment of offenders.

The Committee further observed that there is inadequate emergency response to ill health of prisoners. This is due to lack of trust resulting

from the criminality perceptions of inmates by their warders which leads to laxity especially when sickness is reported at an early stage until it becomes an emergency. In addition, lack of dedicated standby ambulance services in remotely located prisons sometimes lead to deaths of inmates while in transit to hospitals.

The Committee recommends as follows;

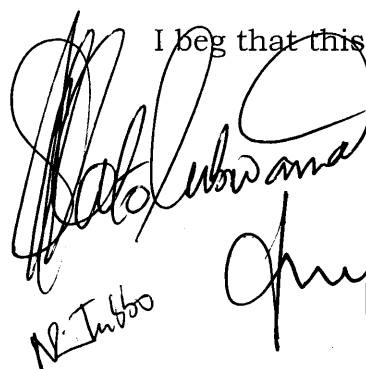
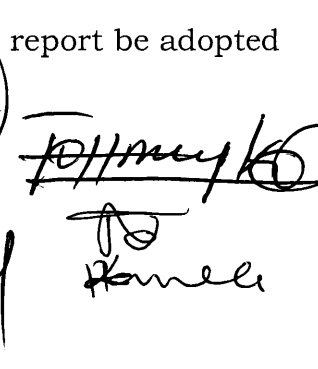
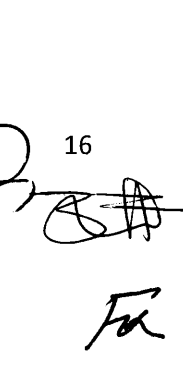
- i. Government should upgrade prison health units from health II to health centre III for effective medical services in prisons and increase staffing levels.**
- ii. The Committee recommends that Government should provide standby ambulances to prisons as it is with the police and military to respond to emergencies resulting from ill health of inmates.**
- iii. Special units should also be constructed to accommodate inmates with exclusive health conditions to avoid spreading of contagious diseases.**

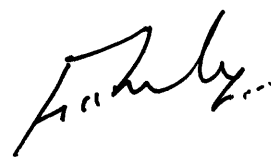


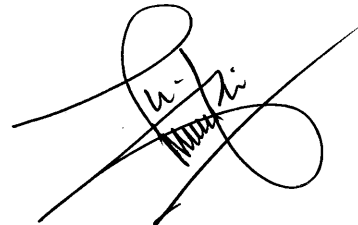

5.0 Conclusion

The Rt. Hon. Speaker and Hon. Members, Uganda Prisons Service operates under serious challenges as noted above which require urgent government intervention especially in areas of tackling congestion challenges, addressing land grabbing, need to put up decent accommodations for staff, providing legal aid services to prisoners among others. The Committee would like to appreciate the services rendered by the prison management authority in this country, such as day care centers, providing milk for children who are staying with their parents in prisons, skills development like agriculture, tailoring, carpentry, art and crafts and formal education. .

Rt. Hon. Speaker and Hon. Members,

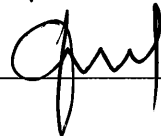

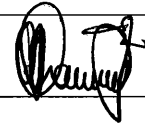
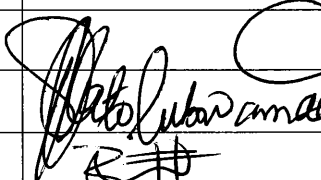
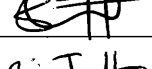
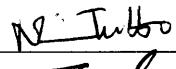
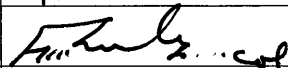
I beg that this report be adopted

MEMBERSHIP OF THE COMMITTEE ON DEFENSE AND INTERNAL AFFAIRS:

REPORT ON THE STATE OF GOVERNMENT PRISONS

SN	NAME	CONSTITUENCY	SIGNATURE
1	Hon. Nabakooba Judith, Chairperson	DWR Mityana	
2	Hon. Mbogo Kezekia, V/Chairperson	Budaka County	
3	Hon. Abiriga Ibrahim	Arua Municipality	
4	Hon. Mugabe Kahonda	Ruhinda County	
5	Hon. Kamugo Pamela Nasiyo	DWR Budaka	
6	Hon. Muyanja Mbabali	Bukoto South	
7	Hon. Nakawunde Sarah	DWR Mpigi	
8	Hon. Rwemulikya Ibanda	Ntoroko County	
9	Hon. Oseku Richard Oriebo	Kibale County	
10	Hon. Ssekikubo Theodore	Lwemiyaga County	
11	Hon. Gilbert Olanya	Kilak County South	
12	Hon. Fungaroo Hassan Kaps	Obongi	
13	Hon. Muwanga Kivumbi	Butambala	
14	Hon. Kato Lubwama	Lubaga North	
15	Zaake Francis	Mityana Mun	
16	Tubo Christine Nakwanga	Kaabong	
17	Hon. Kulaigye Felix	UPDF	
18	Hon. Munyagwa Mubarack	Kawempe North	
19	Hon. Amodoi Cyrus Imalingat	Tororma County	
20	Hon. Lokwang Hillary	IK County	
21	Hon. Atuhair Jacklet	Sheema District	

