



SECOND REPORT

**OF THE PORTFOLIO COMMITTEE ON WOMEN AFFAIRS, GENDER AND
COMMUNITY DEVELOPMENT**

ON THE

**LIVING CONDITIONS OF FEMALE PRISONERS AT CHIKURUBI FEMALE
PRISON.**

FIFTH SESSION: EIGHTH PARLIAMENT

Presented to Parliament in December 2017

[SC 17 – 2017]

ORDERED IN TERMS OF STANDING ORDER No. 17:

- i. At the commencement of every Session, there must be as many Committees to be designated according to government portfolios to as the Committee on Standing Rules and Orders may deem fit.
- ii. Each Select Committee must be known by the portfolio determined for it by the Committee on Standing Rules and Orders.

TERMS OF REFERENCE OF PORTFOLIO COMMITTEES S.O 20

Subject to these Standing Orders, Portfolio Committees must:

- i. Examine expenditure administration and policy of government departments and other matters falling under their jurisdictions as Parliament may, by resolution determine;
- ii. Consider and deal with all Bills other than a Constitutional Bill and Statutory Instruments or other matters which are referred to them by or under a resolution of the House or by the Speaker.
- iii. Consider or deal with an Appropriation or Money Bill or any aspect of an Appropriation or Money Bill referred to them by these Standing Orders or by resolution of this House;
- iv. Monitor, investigate, inquire into and make recommendations relating to any aspect of the legislative programme, budget, policy, or any other matter it may consider relevant of the government department falling within the category of affairs assigned to them, and may for that purpose consult and liaise with such a department; and
- v. Consider or deal with all international treaties, conventions and agreements relevant to it, which are from time to time negotiated, entered into or agreed upon.

1.0 INTRODUCTION

Despite differences in culture and resources, women everywhere face similar problems in prison systems, which have been designed primarily by and for men. These include sexual abuse, lack of appropriate medical care and breakdown of families. On 21 March 2017, the Portfolio Committee and Women Affairs, Gender and Community Development carried a fact finding visit to Chikurubi Female Prison. This report provides the committees' major observations, findings, and recommendations.

2.0 OBJECTIVES OF CONDUCTING THE PUBLIC HEARINGS

The committees' fact finding inquiry was guided by the following objectives:

- To assess the conditions of living for female prisoners; and
- To assess facilities and services available to female prisoners.

3.0 METHODOLOGY

On 21 March 2017, the Committee carried out a fact finding visit to Chikurubi Female Prison. The Committee held a meeting with the management of the female prison. The Committee also toured the premises and residence of the female prisoners. The Committee held public hearing and received submissions from fifteen female prison inmates during the tour. The Committee also received oral evidence from the Permanent Secretary for Justice, Legal and Parliamentary Affairs on 2 May 2017.

4.0 BACKGROUND

Women prisoners are usually discriminated against, due to the fact that prisons and prison regimes are developed with the needs of the majority male prison population in mind. In addition, due to their small numbers, women are often housed in prisons far away from their homes, which hinders the maintenance of links with their families and children, with a particularly harmful effect on their

mental well-being and social reintegration prospects. Therefore, the UN Bangkok Rules (2010) require that affirmative action be taken by prison administrators to ensure that women prisoners have equal access to all services and rights that male prisoners enjoy, as well as being accorded additional rights and given access to other services and facilities, which respond to their gender-specific needs. In many countries, women face additional discrimination and barriers in accessing adequate health-care services in the community. Therefore, female prisoners often have greater primary health-care needs in comparison to men.

There are fundamental principles, set out by international conventions and declarations, which are valid in all prison systems worldwide, and apply to all prisoners without discrimination. These instruments, include but not limited to the following: the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment; the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR); the Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment; the Basic Principles for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials; and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), among many others.

5.0 COMMITTEE OBSERVATIONS AND FINDINGS

5.1 The Committee observed that in terms of sanitation, the living conditions in the prison were not conducive to the needs of women. Toilets in the cells were not adequately cleaned using chemicals; there were no sleeping beds or mattresses for inmates; blankets for the inmates were very few and worn out (They accepted specific blankets from well-wishers); there was apparent shortages of toiletries including shortages of tissues, soap for cleaning clothes and personal hygiene and lack of full personal hygiene.

5.2 Health care in women's prisons encompasses a large number of children living with their mothers, as well as the medical care of pregnant women and nursing mothers, with which most prison services are not equipped to cope. The Committee found out that health services for female inmates were grossly inadequate. One small room was used as a clinic with one bed covered by two severely worn out blankets. The Committee was informed that the clinic was understaffed, manned by one nurse instead of a minimum of three, and under-resourced without ambulance services and isolated from other national health services.

5.3 The Committee was informed that Chikurubi Female Prison is the only facility with highest capacity for female inmates in the country. As a result most of the inmates were from distant places, thus making it difficult for them to have contact with children. This is traumatic for children under the age of 18.

5.4 The Committee found out that there were around 20 female mental patients, due to varied circumstances staying with female inmates. Some had their cases dragging on and on while they were waiting for long period for further medical examination by specialists, and so were put on indefinite remand, since they could not be accommodated in hospitals or elsewhere.

5.5 On pregnancy and childbirth services and facilities, the Committee was told that pregnant inmates had inadequate ante- and post-natal care in prison. The prison maternal health-care services were under-resourced, without delivery beds and the required critical drugs. Of particular concern to the Committee were issues: first, lack of proper dietary

requirements of pregnant inmates, which was not being considered or catered for by prison authorities. The food provided to all inmates had dietary deficiencies: without meat, eggs, fish, milk or sugar. The concern of the Committee was that this insufficient nutritional requirements has fundamental negative health effects on the pregnant inmates and the development of the fetus. Second, the Committee was informed that from 1 April 2017, hospitals would not be receiving and treating patients from Chikurubi Female Prison because there was a long standing debt to the tune of \$600 000 that had not been settled.

5.6 One of the most difficult challenges was in terms of how best to deal with mothers with babies. The separation of women from their children due to imprisonment has a traumatic and long-term effect on the mothers and their children. Children, often get traumatized and unable to comprehend the reasons for separation, and are likely to suffer from acute emotional and developmental problems. On the one hand, prisons do not provide an appropriate environment for children to grow up in. The harsh, punitive environment of prisons can permanently damage the psychological and mental well-being of children. Mothers are usually not allowed to spend enough time with their children. On the other hand, children outside prison are a cause of great distress to their mothers, who worry about the separation, whether the child will be taken away from them or not and how they are being cared for. According to Section 58 of the Prisons Act [Chapter 7:11], infants are admitted into prisons with their mothers until they stop breast feeding, whereupon relatives or social welfare departments can take over custody of the children. At Chikurubi Female Prison, the Committee observed that they had a nursery where 13 infants are kept during the day but had no proper cot beds. The ones seen by the Committee were made from reeds and were covered with old and worn out wrappers that could not protect infants from the cold. The Committee was also told that there was one case of a serving mother who was staying

with her eight (8) year old girl child.

5.7 The Committee observed that the prison authorities were lagging behind in terms of the correctional and development aspects of inmates as they did not provide education advancement, vocational training programs and sports. This is vital as part and parcel of correctional and rehabilitation in preparation for re-integration process back into communities after female prisoners have been released.

5.8 During interaction with inmates, they expressed concern at the deplorable conditions of prison cells, while others said they could not access medication for conditions such as diabetes, as there was a deliberate focus on HIV and Aids. Apart from the health challenges, inmates also complained about the poor food that was being served to them and appealed to donors to help in improving their diet. It was submitted that inmates had last eaten meat, or had sugar sometime in December 2016. Toilet sanitizers and buckets were scarce. The Committee also noted that water sinks were not working and there was no running water and pipes were broken.

5.9 The Committee also noted that Courts were taking too long to conclude cases resulting in people staying in Remand Prison for long periods.

6.0 COMMITTEE RECOMMENDATIONS

1. There are several ways pregnant women and women with babies can be punished for their crimes without sending them to our crowded and legendarily filthy gaols or separating them from their children. Custodial sentences should also be waived for pregnant women and those with young babies, unless such custodial sentences are to protect the women and the children. Some have suggested the open prison system as the best way out. Community service has

also been hailed as the best option to punish pregnant women.

2. The Ministry of Justice, Legal and Parliamentary Affairs should urgently adhere to Section 50(5)(d) of the Constitution which states that among other things the State should ensure prisoners have adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment.
3. Government should urgently consider constructing new prison structures and do away with those inhumane structures built during the colonial era.
4. Treasury should ensure by the end of the third quarter 2017 they have released at least three quarters of the budget for the Ministry of Justice, Legal and Parliamentary Affairs to enable them to fully address the critical challenges they are facing in prisons.
5. Government should review the remand conditions by coming up with a maximum period to which one can be in remand prison before conclusion of a case and also considering period spent in remand in passing sentence period.
6. Government to ensure alternative accommodation is created for mental female patients rather than sending them to Chikurubi Female Prison by the end of 2017.
7. Government to ensure that the correctional component of the prison services is fully implemented to realize efficient rehabilitation and reintegration of female inmates into the society after serving sentence by the end of 2017.

Conclusion

From the observations made during the fact finding visit the Committee concluded that conditions at Chikurubi Female Prisons leave a lot to be desired, in particular with respect of the following: (i) lack of sleeping beds and mattresses for inmates; (ii) shortages of court beds for children in company of their mothers who are serving time in prisons; (iii) shortages of toiletries such as soap and chemicals to clean toilets; (iv) lack of adequate maternal care resources such delivery beds; and (v) poor diet lacking milk, eggs, fish and meat, among others. It is the hope of the Committee that through responding to some, if not

all the recommendations outlined above, the conditions at Chikurubi Female Prison will be greatly improved.