

**REPORT OF THE COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS ON  
THE REPORT OF THE AUDITOR-GENERAL ON THE REHABILITATION AND  
REINTEGRATION OF PRISONERS FOR THE FOURTH SESSION OF THE ELEVENTH  
NATIONAL ASSEMBLY APPOINTED ON 25<sup>TH</sup> SEPTEMBER, 2014**

Consisting of:

Rev Lt Gen R Shikapwasha, MP; (Chairperson); Ms A C Kansembe, MP; Mr S Katuka, MP; Mr S Sianga, MP; Mr L C Bwalya, MP; Mr M Simfukwe, MP; Mr D Chisopa, MP; and Mr E J Muchima, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
LUSAKA

Sir,

Your Committee has the honour to present its Report on the Report of the Auditor-General on the Rehabilitation and Reintegration of Prisoners for the Fourth Session of Eleventh National Assembly.

**2.0. Functions of the Committee**

In addition to any other duties conferred upon it by the Honourable Mr Speaker or any other order of the House, your Committee oversees operations of the Ministries of Defence, Home Affairs and Foreign Affairs.

In overseeing the activities of these Ministries, your Committee carries out the following functions:

- (i) study, report and make recommendations to the Government through the House on the mandate, management and operations of the Ministries of Defence, Foreign Affairs and Home Affairs, departments and/or agencies under its portfolio;
- (ii) carry out detailed scrutiny of certain activities being undertaken by the Ministries of Defence, Foreign Affairs, Home Affairs, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (iii) make, if considered necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation;
- (iv) examine annual report of Government ministries and departments under their portfolios in the context of autonomy and efficiency of Government ministries and department and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- (v) consider any Bills that may be referred to it by the House.

**3.0. Meetings of the Committee**

Your Committee held four (4) meetings during the period under review.

**4.0. Procedure adopted by the Committee**

Your Committee requested written and oral submissions from the following stakeholders:

- (i) Ministry of Home Affairs (MHA)
  - Zambia Prisons Service (ZPS)
  - National Parole Board;
- (ii) Human Rights Commission (HRC);
- (iii) Zambia Law Development Commission (ZLDC);
- (iv) Prisons Fellowship of Zambia; and
- (v) Prisons Care and Counselling Association (PRISCCA).

## **AUDITOR-GENERAL'S COMMENTS**

5.0 The Auditor-General reported that the Performance Audit Report on the Rehabilitation and Reintegration of Prisoners was submitted for tabling in the National Assembly in accordance with the provisions of Article 121 of the Constitution of Zambia.

### **Background to the Audit**

5.1 Prison Services are part of the criminal justice system mandated, among others, to provide correctional services that contribute to the maintenance of internal security, law and order in a country. Prison Services also act as a deterrent measure for would-be offenders and are responsible for carrying out rehabilitation of prisoners. Rehabilitation entails changing an offender's behaviour by addressing particular social, psychological, welfare and other factors associated with crime such as anti-social thinking, poor work skills, drug abuse and limited education with a view of preventing prisoners from re-offending. It gives the prisoners a chance to lead a crime-free life once released and can have major benefits for the community in reducing crime and its associated costs.

### **Motivation for the Audit**

5.2 The motivation factors from the performance audit on the rehabilitation and reintegration of prisoners in Zambia are highlighted below.

- i. during the years 2009 to 2012, the Zambia Prisons Service (ZPS) was funded a total sum of K292 by from the Treasury; this was K27, 909,996,563 in excess of the authorised provisions for the years;
- ii. concerns have continually been raised by Members of Parliament and civic organisations on the conditions of prisons in Zambia; in 2012, Government officials who visited the prisons described conditions at Mukobeko Maximum Security Prison in Kabwe as 'hell on earth'; they expressed concern at the level of congestion in prison and the appalling conditions in which prisoners lived;
- iii. there is a general feeling among the public in Zambia that Zambia's internal security is compromised by former prisoners who are believed not to have been fully reformed or rehabilitated to be reintegrated into society; and
- iv. the preliminary study carried out by Office of the Auditor-General (OAG) between June and September, 2012 revealed weaknesses in service delivery by ZPS.

### **Audit Objective**

5.3 The audit objective was to assess the effectiveness and efficiency of the delivery of rehabilitation and reintegration services to prisoners by the Ministry of Home Affairs (MHA) and Zambia Prisons Service) in particular.

## **Audit Questions**

5.4 In order to achieve the audit objective, answers were sought from the questions set out below.

- i. to what extent have the ZPS and the MHA developed tools to facilitate implementation of rehabilitation and reintegration programmes effectively and efficiently?
  - have ZPS and the Ministry developed and launched a national policy on state security that includes rehabilitation and reintegration needs of prisoners?
  - Has the ZPS, in collaboration with the MHA and Ministry of Justice, formulated and reviewed laws?
  - has Government domesticated the international and regional treaties on rehabilitation and reintegration of prisoners that Zambia has signed and ratified?
  - does the ZPS have a strategic plan incorporating rehabilitation and reintegration strategies to guide its operations?
- ii. has the ZPS been provided with requisite resources such as staff, infrastructure, materials and machinery, etc to ensure that rehabilitation and reintegration programmes are conducted effectively and efficiently?
- iii. to what extent has ZPS delivered rehabilitation and reintegration services to prisoners?

## **Assessment Criteria**

5.5 In order to evaluate the findings against a standard, different criteria were used. The assessment criteria and sources are set out below.

- i. The Prisons Act, Cap 97 of the Laws of Zambia.
- ii. The Prisons Act (Amendment) No. 16 of 2004.
- iii. The Prisons Act Parole Rules , Statutory Instrument No. 101 of 2008.
- iv. The Zambia Prisons Service Standing Orders 2007 edition.
- v. He Juveniles Act, Cap 53 of the Laws of Zambia.
- vi. The Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa.
- vii. The Kampala Declaration on Prison Conditions in Africa 1996.
- viii. The UN Congress on the Prevention of Crime and the Treatment of Offenders.
- ix. The MHA Strategic Plan 2002-2007 was used as the Ministry did not have a strategic plan for the period under review).
- x. Work plans for ZPS for the years 2009-2012

## **Consideration of Submissions on Matters Raised in the Audit Report**

6.0 Your Committee received submissions from the identified stakeholders and the Controlling Officer of the Ministry of Home Affairs as stated below.

## **Consolidated Submissions by Stakeholders**

6.1 Your Committee notes that all stakeholders who appeared before it supported the Auditor-General's findings and recommendations. However, the stakeholders made additional recommendations stated hereunder.

i) Some stakeholders recommended for a multi-sectoral approach to reform, with the belief that reform in the Zambia Prison Service would yield limited change, if there is no reform in the entire Criminal Justice System. Prison reform should, therefore, not be carried out in isolation. It requires reform in the Judiciary, Prosecution and Police Service. It calls for partnerships with other programmes that are complementary to the Prison Service.

ii) Stakeholders were of the view that differences in status and remuneration between officers in the Criminal Justice Institution creates the impression that prison staff are in lower ranks compared to other staff in the Criminal Justice System. This is evidenced by the status of the Commissioner of Prisons that is not at the same level with other positions in the Zambia Police Force such as Inspector General. An obvious consequence of this is that the Prison Service does not attract properly qualified staff and can sometimes have the further consequence of attracting persons that have no alternatives and come into the system as a last resort. Conditions of service should, therefore, be comparable with others in the public service. This must be coupled with specialised training to cater for all needs and a continuous training programme. Skills and commitment is crucial in rehabilitating and re-integrating prisoners.

iii) Stakeholders recommended partnerships with complementary organisations after recognising the need to deal with issues of severe overcrowding; high re-offending rates; shortage of trained staff, infrastructure and materials; few opportunities for prisoners to make links with the world outside the prison as well as a hostile reception for prisoners inside. The human and financial resource required to make these changes is enormous. One strategy that would allow for other organisations to bring their comparative advantage both in terms of human and financial resources is developing partnerships and in cases where it exists, strengthening partnership with civil society and educational organisations in the community to increase opportunities.

iv) There is a presumption of innocence in criminal law in Zambia – ‘*innocent until proven guilty*’. The excessive use of pre-trial detention, which sometimes is unlawful, therefore, contributes to overcrowding, hardening of detainees – particularly when found innocent, breeding ground for human rights violations and strain on the capacity of the Prison Service to provide effective and efficient services, including rehabilitation and re-integration programmes. Those in detention are usually from poor backgrounds, unable to afford legal representation with limited or no knowledge of bail provisions. There is, therefore, need to advocate for minimum use of pre-trial detention by reforming the penal system.

v) Restorative justice in the face of findings in the report is a meaningful alternative to custody and helps in integrating offenders into their communities. To achieve this, there is need for a mind shift in society moving away from high sentences and believing that the system is just for punishment to one of restoration.

vi) Success of rehabilitation and re-integration programmes is also dependent on society changing its attitude towards prisoners. There is, therefore, need for programmes targeted at informing the public on the work of the prisons so that they understand its role.

vii) It was not uncommon to find situations where laws and policies assume that reintegration programmes exist in prisons and in the community even if, in reality, such programmes barely exist, are very rudimentary or are accessible only to a very small percentage of offenders.

It is necessary to undertake legislative and policy reforms to ensure that rehabilitation and reintegration programmes are provided for. This will ensure a thorough review of existing laws and policies and an

attempt to identify any legal or regulatory obstacles that may prevent inter-agency cooperation and the provision of effective supervision and assistance to offenders in the community.

The various aspects of existing legislation that may require attention are set out below:

- i. *Sentencing laws and community-based alternatives.* Existing laws will determine whether non-custodial sentences are possible and how frequently they can be used for various categories of offenders and types of crime.
- ii. *Legal provisions relating to diversion.* A diversion programme in the Criminal Justice System is a form of sentencing designed to enable offenders to avoid criminal charges and a criminal record. It gives an opportunity for the offender to avoid prosecution by completing various requirements for the programme. These may include education aimed at preventing future offences by the offender, restitution to victims of the offence, completion of community service hours and avoiding situations for a specified period in the future that may lead to committing another such offence. Diversion programmes are crucial to the social reintegration of offenders and can facilitate their early access to proper interventions. The Judiciary at Subordinate Court level is implementing a diversion programme with respect to juvenile offenders. However, this programme lacks legal backing. There is need for appropriate legislation to be amended to provide for diversion of juvenile offenders. Possibility of diversion for adult offenders also needs to be explored. Efforts should also be made to establish and apply community programmes, including those aimed at strengthening social assistance, which would allow for the diversion of children from the justice system. In this context, the Guidelines for Action on Children in the Criminal Justice System call for close cooperation between the child justice sectors, different services in charge of law enforcement and the social welfare and education sectors.
- iii. *Prison laws.* The Prisons Act needs to be reviewed to ensure that the goals and objectives of correction, rehabilitation and reintegration are met. This is because the laws and regulations governing the administration of prisons will determine in part the kind of reintegration programmes and interventions that are possible in prison.
- iv) There is need to improve parole service delivery in the case of prisoners who are eligible to be considered for early or conditional release. Arrangements must be made to conduct a risk assessment and a release plan to inform the decision of conditional release authorities (i.e. Parole Board). Further, there is need to review the Parole Rules of 2008 so as to bring them in line with the objectives of parole and the changing needs of society. Proper mechanisms for the successful implementation of parole, such as infrastructure in the community for purposes of monitoring and supervision of parolees need to be put in place. Training for parole officers should also be enhanced.
- v) The stakeholders were of the view that a working relationship with inmates through group and individual psychological treatment services needed to be established. This can be achieved through close collaboration between State actors and faith-based actors. Tapping into the existing involvement of faith-based organisations, predominantly churches that undertake prison visits, these non State actors can be trained as volunteer counsellors. This broadens community resources for the prison and increases public awareness of the functions and responsibilities of the prison rehabilitation and reintegration programme.

## **Controlling Officer's Responses and the Committee's Observations and Recommendations**

6.2 The responses from the Controlling Officer and your Committee's observations and recommendations on the queries are set out below.

### **(1) Audit Query - Inadequate Counselling of Prisoners**

The audit revealed that:

- i) Prisons do not subject the prisoners to psychological counselling or therapy;
- ii) There is a shortage of Offender Management Officers to conduct social counseling;
- iii) Prisons did not have qualified psychologists to conduct psychological therapy;
- iv) Prisons did not maintain records for individual or group social, psychological or spiritual counseling; and
- v) Fifteen (15) prisons did not have chaplaincy unit work plans and chaplaincy programmes were hampered by lack of chapels in most prisons.

### **Controlling Officer's Response**

The Controlling Officer submitted that there was a misconception that an offender management officer was one whose responsibility was to conduct social counselling. It should be clarified that the role of an Offender Management Officer was that of case management, that is to say, monitoring inmate's adherence to prescribed programmes and time frames attached as well as programme outcomes.

Whereas the report noted the inadequacies of psychosocial counselling/ therapy in prisons, the Controlling Officer stated that the situation was not as reported. To the contrary, counselling (social/spiritual) did take place and had benefited a number of inmates. The deficiency largely lay on non-availability of counselling records and this was due to the ad hoc nature of counselling services provided. The ad hoc nature of counselling resulted from insufficient chaplains in the country. In order to bridge this gap, the Zambia Prisons Service worked in partnership with visiting volunteer chaplains in the provision of counselling services to prisoners. It should be acknowledged that counselling services were far below required standards in prisons. In order to address this concern, Zambia Prisons Service planned to progressively recruit qualified psychologists and social workers. The number of prisoners trained in psychosocial and spiritual counselling since 2011 is shown in the table below.

<b>Year</b>	<b>Number of Prisoners</b>
2011	450
2012	610
2013	705
2014	1,980
<b>Total</b>	<b>3,745</b>

## Committee's Observations and Recommendations

Your Committee observes that there is inadequate counselling of prisoners and much more needs to be done.

In light of this, your Committee recommends that various stakeholders must be brought on board to assist the Zambia Prisons Service to improve on the counselling of prisoners before being incarcerated and upon release into the community. Your Committee further emphasises the need to maintain records of all prisoners' counselling sessions.

### (2) Audit Query - Skills Training and Educational Courses are Carried Out to a Limited Extent.

The audit revealed the following.

- i) skills training and educational courses are carried out to a limited extent in the prisons;
- ii) in some prisons, skills training and educational courses are not carried out at all;
- iii) prisons lack teachers, trade instructors, workshop materials and equipment to offer meaningful education and skills training;
- iv) not all prisoners that undergo education and skills training courses complete their respective courses;
- v) there is no education and skills training for prisoners serving sentences less than six months while in some prisons there is no education and skills training for female prisoners; and
- vi) interviews conducted with prisoners revealed that some prisoners are not aware of the training programmes being offered in prison.

### Controlling Officer's Response

The Controlling Officer submitted that all convicted inmates have training needs of one sort or the other. However, there are severe budgetary constraints that hamper the rolling out of vocational and educational training programmes aimed to equip inmates with the relevant skills.

It was stated that vocational and educational services provided to inmates are not provided for free. However, the Zambia Prisons Service has endeavoured against these odds to provide training and vocational skills to prisoners. Despite the fact that financial resources were inadequate, in the period 2011 to 2014, the Zambia Prisons Service provided skills and vocational training to inmates as set out below.

<b>Year</b>	<b>Number of Prisoners Trained</b>
2011	250
2012	637
2013	891
2014	863
<b>Total</b>	<b>2,641</b>

In order to successfully roll out these programmes, the Zambia Prisons Service had partnered with stakeholders such as the United Nations Office on Drugs and Crime (UNODC) in the provision of training programmes to inmates.

It will be desirable if the Ministry of Education, Science and Vocational Training and Early Child Education would consider providing their services for free as this would ultimately benefit the nation at large through reduced reoffending after release from prison and increased public safety as no prisoner who had acquired a skill had so far been readmitted for reoffending.

### **Committee's Observations and Recommendations**

Your Committee observes that, while there are training programmes in some prisons, other prisons do not have training programmes at all. Your Committee, therefore, recommends that training programmes should be extended to all prisons in order to benefit all prisoners. Your Committee further recommends that all prisoners need to be sensitised on the skills training programmes that are being provided in the prisons as some of them may not be aware and that this should be extended to all prisoners regardless of the length of detention.

#### **(3) Audit Query - Risk Assessment not Efficiently Carried Out**

The audit revealed that:

- i) Risk assessment of prisoners is not prioritized;
- ii) The Reception and Discharge Boards in prisons are not working effectively; as the reception and discharge boards do not meet regularly to carry out risk assessment;
- iii) There were no minutes of meetings held by the Reception and Discharge Committee;
- iv) There was also no evidence to show that the boards had allocated rehabilitation programmes to prisoners;
- v) ZPS and all the sixteen (16) prisons had not set any targets of the number of prisoners they intended to reach annually with rehabilitation and reintegration programmes; and
- vi) Prisons had inadequate numbers of staff to carry out risk assessment in that the Reception and Discharge Board officers were also required to carry out other custodial duties.

#### **Controlling Officer's Response**

The Controlling Officer submitted that risk assessment was a primary function of every admission process in prisons. Whereas risk assessment was conducted on each and every prisoner on admission, it was acknowledged that there were challenges in this regard. The Reception and Discharge Board constituted the following members.

- Officer in Charge;
- Offender Management Officer;
- Chaplain;
- Intelligence Officer;
- Chief Officer;
- Education Supervisor; and
- Medical Officer.



The function of the Reception and Discharge Board was to conduct risk assessment on admission and putting prisoners on appropriate rehabilitation programmes.

### **Committee's Observations and Recommendations**

Your Committee observes that the prison authorities do not prioritise risk assessment of the prisoners. Your Committee recommends that risk assessment be prioritised as it is a very important function in the rehabilitation and reintegration of prisoners.

#### **(4) Audit Query - Needs of Special Needs Prisoners not Addressed**

The audit revealed that:

- i) Those detained under His Excellency's Pleasure (HEPs) are detained in prisons instead of mental health institutions, therefore, there is a lack of therapeutic treatment programmes due to lack of psychologists and psychiatrists employed by the prison service;
- ii) Juveniles were detained in prisons for long periods ranging from sixteen (16) days to over three (3) years without being transferred to a reformatory school;
- iii) Prisons lacked transport to transfer juveniles to the Reformatory School; and
- iv) ZPS has one (1) Reformatory School which had limited capacity to accommodate the growing number of juveniles in prisons.

### **Controlling Officer's Response**

The Controlling Officer submitted that those detained under His Excellency's Pleasure (HEPs) in prisons were lawfully held. Those detained under HEPs are those who have mental problems and have committed a criminal offence but instead of being taken to a mental institution they are taken to prisons. It was acknowledged that there was an inadequate service offered to HEPs such as occupational therapy. This was attributed largely to inadequate qualified staff in the management and care of HEPs. The Zambia Prisons Service in this regard had introduced a course at the Prisons Training College in order that all recruits were given basics on the management and care of HEPs. Additionally, Zambia Prisons Service would continue to prioritise recruitment of qualified personnel to progressively meet the needs of, among others, HEPs. There were only two designated and purposely built facilities for HEPs in the country - Chainama East Prison Hospital and Livingstone Prison. All other facilities held HEPs on an ad hoc arrangement. Medical officers from the Ministry of Health were currently working at these facilities to provide specialised care prisoners help on HEPs.

The Controlling Officer acknowledged that juvenile (young offenders) spent a long period in prisons. The reasons range from, among others, delays in confirmation of reformation orders by the High Court rendering transfer from receiving centres to the Reformatory School impossible and inadequate diversion measures for young offenders.

The Controlling Officer equally acknowledged that transfer of juvenile offenders from receiving centres to the Reformatory School was delayed due to inadequate transport. In order to address inadequate transport, the Zambia Prisons Service was in the process of procuring child-friendly conveyance motor vehicles.

It was further acknowledged that there was only one (1) Reformatory School for young male juvenile offenders with a capacity of 120. It was desirable that two new reformatory schools (one for males and one for females) were constructed contained in the Zambia Prisons Service Strategic Plan which would be

launched in due course. It was the plan of the Government to increase the capacity at Katombora Reformatory School in order to accommodate more juvenile offenders.

### **Committee's Observations and Recommendations**

Your Committee observes that juveniles spend long periods in prison before they are sent to the Reformatory School making it difficult for them to be reformed and end up learning bad vices as they are put in the same environment as adult convicts. Your Committee recommends that the administration of the confirmation of the reformation orders by the High Court be reviewed and decentralised to the Magistrates Courts.

#### **(5) Audit Query - Inadequate Provision of Reintegration Programmes**

The audit revealed the following:

- i) ZPS has failed to implement reintegration programmes for prisoners; for instance, prisons have not effectively conducted restorative justice, family tie ups and job placements programmes;
- ii) ZPS has also not established halfway homes;
- iii) ZPS has not provided adequate transport, man power and infrastructure to carry out reintegration programmes for prisoners; and
- iv) lack of job placement has been further compounded by the Government's policy of not employing ex-convicts into the Civil Service.

### **Controlling Officer's Response**

The Controlling Officer submitted that the Zambia Prisons Service had undertaken, as part of its rehabilitation programmes, for inmates to incorporate competencies that promote self-sustenance and entrepreneurship as a means of encouraging promoting smooth reintegration. It was acknowledged that the Zambia Prisons Service alone could not adequately provide the much needed reintegration services. To this effect, plans to constitute an inter-ministerial committee chaired by the Permanent Secretary, Ministry of Home Affairs, were underway. The proposed committee would comprise the Ministry of Home Affairs, Ministry of Community Development, Mother and Child Health, Ministry of Youth and Sport, Ministry of Gender and Child Development, Technical Education and Vocational Training Authority, Zambia Development Agency, Ministry of Health, and Ministry of Education, Science, and Vocational Training and Early Child Education. The purpose of the inter-ministerial committees would be that of coordinating the release and post-release needs necessary for successful re-integration of ex-prisoners into society. Furthermore, the Zambia Prisons Service was collaborating with Non-Governmental Organisations and UN agencies that have expertise in the re-integration of prisoners such as the United Nations Office on Drugs and Crime (UNODC) and Prisoners Future Foundation.

### **Committee's Observations and Recommendations**

Your Committee agrees with the Auditor General's recommendations and further recommends that Government reviews the policy of not employing ex-convicts in the Civil Service in order to provide an opportunity for those that have been rehabilitated to be reintegrated into the community. Furthermore, your Committee recommends that Government works out an empowerment programme for prisoners so that ex-convicts are empowered before they are released.

## **(6) Audit Query - Parole Objectives are not being Achieved**

The audit revealed that:

- i) All the prisons were congested. Despite ZPS putting in place the parole system with a view of decongesting the prisons, the parole system has not worked effectively;
- ii) Not all prisoners that applied for parole were granted parole, as some of the reasons for failure to grant parole were that sentences of some applicants expired before they could be released on parole, this was due to delayed parole hearings, failure to pay allowances to the board members, which in turn resulted into apathy and lack of offices in the provinces for the National Parole Board;
- iii) Parole officers were not trained in the administration of parole, training for parole staff was hampered by high staff turnover, the lack of permanent officers in parole administration and lack of funding;
- iv) ZPS did not have monitoring reports for prisoners released on parole and as such, there was no evidence to show that the prisoners released on parole were monitored; and
- v) As a result of parole system failing to decongest the prisons, rehabilitation and reintegration programmes were also hampered as more resources were spent on custodial services.

### **Controlling Officer's Response**

The Controlling Officer submitted that the National Parole Board was established in 2008 through the Prisons Act as amended by amendment Act no. 16 of 2004 which established the National Parole Board. Since its establishment, the National Parole Board has released 1,210 prisoners. 197 prisoners were released in 2014. It should also be stated that in carrying out its duties, the Parole Board took public safety as a matter of primary concern. It is in respect of the above that not all prisoners who applied for parole were released as some applicants failed to qualify once an assessment had been conducted.

It should be noted that there has been less than 1% default rate of all inmates released on parole.

### **Measures to Entrench Parole and Community Corrections**

The measures set out hereunder had been undertaken to entrench parole and community corrections.

In order to entrench Parole and Community Corrections, the following measures had been put in place:

- (i) in 2008, 62 officers were given a two week basic training in parole/extension service management;
- (ii) there was a planned programme with support from UNODC to train 32 officers drawn from managerial and operational level in parole management starting on the 23<sup>rd</sup> of November 2014; and
- (iii) a preliminary process of interviewing and accessing eligibility of respective applicants had been devolved to respective prisons/ stations in order to reduce the cost of conducting parole services; as the current situation where parole services were centrally located in Lusaka was no longer desirable.

In 2014, the National Parole Board had so far undertaken five (5) supervisory visits. Reports, photographs, video were available for verifications.

Though the National Parole Board was funded in the national budget, the funds were insufficient resulting in challenges convening board hearings to determine applications.

Lack of funds also affected the Parole Board's monitoring, evaluation and supervisory functions.

### **Committee's Observations and Recommendations**

Your Committee observes that the parole system has not worked effectively to decongest the prisons. Your Committee recommends that the National Parole Board should be decentralised and adequately funded in order to make the service available to more prisoners who may be left out when the time for them to qualify for parole comes.

#### **(7) Audit Query - Failure to Develop Tools to Facilitate Implementation of Rehabilitation and Reintegration Programmes**

The audit revealed the issues set out below.

- i) Ministry of Home Affairs (MHA) and Zambia Prison Service (ZPS) have not developed the requisite tools to facilitate implementation of rehabilitation and reintegration programmes by prisons. For instance, there was no comprehensive national policy on Internal Security to give Government policy directives on how to manage the prisoners and address their rehabilitation and reintegration needs.
- ii) The Prisons Act Cap 97 of the laws of Zambia, as amended by Act No 16 of 2004 and the Prison Act Prison Rules Statutory Instrument No 101 of 2008 were outdated and have not been reviewed by ZPS, the MHA and Ministry of Justice as of March, 2013. The outdated Act hampered the ZPS and the prisons to carry out rehabilitation and reintegration programmes effectively. ZPS stated that they have not initiated the process of review.
- iii) ZPS operated without a Strategic Plan from 2008 – 2012 after the expiration of the 2003 to 2007 Strategic Plan. A further review of the expired Strategic Plan for the period 2003 – 2007 revealed that there were no strategies incorporated on rehabilitation and reintegration of inmates because ZPS did not place much emphasis on correctional services but focused on custodial services.

### **Controlling Officer's Response**

Tools used to facilitate rehabilitation and reintegration of prisoners were Form 1 and Form 2. It should be pointed out that these tools were in the process of being revised in order that they clearly show the features set out below.

#### **(a) Risk Assessment**

This involved the following:

- assessment of likelihood to complete sentence;
- assessment to harm self or others;
- health status
- mental health status;
- risk of escape among others; and
- assessment of likelihood to offend.

## **(b) Needs Assessment**

This involved the following:

- criminogenic factors- factors predisposing criminal behaviour;
- collective assessment by Reception and Discharge Committee of suitable correctional interventions i.e. cognitive (psycho-social) and vocation skills; and
- collective evaluation of adherence and assessment of eligibility for early release (Amnesty and parole).

The Prisons Act was in the process of being revised in order to, among other things, meet correctional needs not only of the Prisons Service but other stakeholders.

### **Committee's Observations and Recommendations**

Your Committee observes that the Zambia Prison Service has not revised a number Acts that have a bearing on the well-being of the in-mates and the administration of the rehabilitation and reintegration of prisoners. Your Committee, therefore, recommends that the Ministry of Home Affairs commences the review of the relevant legislation amended without further delay. The Committee further urges the Ministry of Home Affairs to expedite process of revising the Prisoners Act.

### **(8) Audit Query - Lack of Coordination between ZPS and the Community**

The community at large, which includes faith based organisation and other Non-governmental Organisation, plays an important role in the rehabilitation process of an inmate and support the Government in the delivery of correctional services to inmates. The community is instrumental in providing support such as spiritual support, food supplements for special needs prisoners, clothing, toiletries, and note and text books.

The audit concluded that:

- i) there is no systematic coordination between ZPS, churches and the community at large, this is due to lack of adequate and effective communication between the churches and prisons; and
- ii) sensitisation programmes are not aggressive and, as a result, ex-convicts are exposed to stigma from the community; stigma has a negative impact on prisoner re-entry into society.

### **Controlling Officer's Response**

The Zambia Prisons Services closely works with Non-Governmental Organisations, Faith-Based Organisations and members of the community in the provision of spiritual and religious counselling, guidance and other support materials. Zambia Prisons Service on its own cannot get to the entire community especially the grassroots. Furthermore, it is working on having a coordinated Chaplaincy programme in the country so that different religious organisations can coordinate to ensure smooth reintegration of ex-prisoners.

### **Committee's Observations and Recommendations**

Your Committee notes the submission and urges the Government to endeavour to work with other stakeholders in order to reach out to the community. Your Committee further recommends that there

should be coordinated efforts in making rehabilitation and correctional services available to all in-mates as these are important factors in the reformation process of inmates/offenders. Your Committee further recommends that Government provides adequate funding coupled with increased staffing levels and adequate infrastructure to enhance the aspects of rehabilitation and reintegration of prisoners into society. Your Committee recommends that the Government should harmonise the remuneration and conditions of service in the Prisons Service to be comparable with others in the public service.

## **CONCLUSION**

7.0 In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker, and to the Clerk of the National Assembly for the support rendered to it during the consideration of the Report of the Auditor-General on the Rehabilitation and Reintegration of Prisoners. Your Committee is also indebted to all the witnesses who appeared before it for their co-operation in providing the necessary information that was used in considering the Audit Report.

Your Committee is very hopeful that the observations and recommendations contained in this Report will go a long way in improving the Rehabilitation and Reintegration of Prisoners by the Zambia Prisons Service.

Rev Lt Gen R Shikapwasha, MP  
**CHAIRPERSON**

November, 2014  
**LUSAKA**

## **APPENDIX**

### **List of Officials**

#### **National Assembly**

Mr S C Kawimbe, Acting Principal Clerk of Committees  
Mr M F Kateshi, Acting Committee Clerk (SC)  
Mrs M K Siwo, Assistant Committee Clerk  
Mrs G M C Kakoma, Stenographer  
Ms F Hamakalu, Typist  
Mr C Bulaya, Committee Assistant

### **WITNESSES**

#### **Office of the Auditor-General**

Mr J Mafuta, Director – Specialised Audits  
Ms C Chituta, Senior Officer, Specialised Audits

#### **Human Rights Commission**

Ms F Chibwasha, Director  
Mr K Malila, Senior Investigations Officer

#### **Zambia Law Development Commission**

Mrs A C Nhekairo, Director  
Mrs J Macmillan, Deputy Director

#### **Prisons Care and Counselling Association**

Dr G Malembeka, Executive Director  
Mr K Simasiku, Life Member  
Ms S Kasonde, Information Officer

#### **Ministry of Home Affairs**

Brig Gen E Chola (Rtd), Permanent Secretary  
Mr P Chato, Commissioner of Prisons  
Mr L H Chilundika, Deputy Commissioner of Prisons  
Mr M Sakala, Senior Superintendent  
Mr H Maswabi, Principal Researcher  
Mrs H Mwansa, Director  
Mr C Kaonga, Director  
Mr M Imulela, Parliamentary Liaison Officer