



Promoting fair and
effective criminal justice

ExTRA Project End Term Evaluation Meeting

EXcellence in Training on Rehabilitation in Africa

Royal Suites, Bugolobi,
Kampala, Uganda
23rd and 24th June 2016

Attendees

Med S.K. Kaggwa	Special Rapporteur on Prisons and Conditions of Detention in Africa	Uganda
Patrick Mwaita	UNAFRI Director Assistant	Uganda
Jerim Odhiambo Oloo	Director, Probation	Kenya
Benjamin Atiang Mitullah	National Coordinator	Kenya
Joshua Wangombe Wairuhi	Assistant Director of Probation	Kenya
Clement Okech	Deputy National Co-ordinator, CSO	Kenya
Dr Sarah Kinyanjui	Independent Researcher	Kenya
Dr Sixtus Odumbe	Independent Researcher	Kenya
Albert Phikani	Deputy Director, Community Service	Malawi
Mariana Martin	Deputy Commissioner: Community Supervision	Namibia
Natacha Booyesen	Deputy Commissioner: Community Service Orders	Namibia
Col. Joseph Benjamin Moses	Director of Probation and Aftercare	South Sudan
Aloyce J. Musika	Probation	Tanzania
Dr Naftali Ng'Ondi	Independent Researcher	Tanzania
Herbert Arinaitwe	Principal Community Service Officer	Uganda
Margaret Makune	Senior Community Service Officers	Uganda
Fredrick Batale	Senior Community Service Officers	Uganda
Dr Rose Namara	Independent Researcher	Uganda
Locadia Majonga	National Coordinator	Zimbabwe
Doreen N. Kyazze	Africa Programme Manager	Uganda
Josephine Kakunda	Africa Programme Officer	Uganda
Robert Allen	Alternatives to Imprisonment Expert	UK
Nick Curley	M&E Advisor	UK
Steve Pitts	International Ambassador - Confederation of European Probation (CEP)	UK
Omar Phoenix Khan	ExTRA Project Manager	UK

Day 1

Group Sessions

Group 1: Increasing the number of CSOs

a) What can be done to increase the number of CSOs?

▪ Engagement of stakeholders

- Organize separate trainings/raise awareness among key stakeholders i.e. magistrates, prosecutors, police, probation officers and supervisors.
- Adopt a multiple and varied approach to publicity i.e. Newspapers, Radio, TV etc.
- Strengthening District Committees by looking at their obstacles and providing solutions.
- Involvement of policy makers i.e. legislators.
- Engagement of policy makers at administrative levels.
- Increase community involvement (including volunteers) in CSOs in identification of work sights and supervision of offenders.
- Ensure Courts are familiar with workplaces available in their jurisdiction.
- Have regular stakeholder-coordination meetings.
- Have regular magistrates/CSO meetings.

▪ Address capacity issues

- Increasing staffing levels of magistrates, supervisors and probation officers to reflect current caseload, as well as anticipated increase in non-custodial caseload.
- Provide adequate resources to CSO departments and data capture instruments so as to demonstrate CSO effectiveness.
- Improve on supervision of offenders as a way of building confidence among judges on CSO effectiveness.
- Quick actions on CSO breaches.
- Intensify identification of eligible offenders in Uganda and Tanzania.
- Increase the frequency of review - Kenya.
- Increase capacity to deliver pre-sentence reports.

▪ Advocate for change to guidelines and procedures

- Amendment of laws to give alternatives more prominence - particularly those with minimum custodial sentences.
- Develop/review practice guidelines to conform to new to laws and policies.
- Develop rules and regulations so as to make courts more responsive to CSO laws.
- Develop corruption prevention strategies to improve credibility of the programme.
- Consider CSO legislation as an early prisoner-release system.
- Improve on the curricular of legal fraternity to include noncustodial sentences.

Group 2: Compliance

What can be done to ensure:

a) as many offenders as possible successfully complete CSOs

■ Preparation and Management

- Work identification and matched placements - ensuring necessary preparations before an offender is sent to a placement institution and that their placement is matched to their skills, gender, age etc.
- Need to match the offenders act with the crime committed. E.g. deforestation subsequent to afforestation
- Invest in data management info systems able to track offenders
- Introduce the use of biometric data such as finger prints, rather than monetary sureties.
- Ensure gender dynamics in CSO
- Harmonise the time parameters for CSOs across the region – e.g. in Kenya, CSOs can be up to three years, Uganda two years and other countries 6 months.
- Harmonize use of sureties across the region.
- Agencies should have to make a formal request to receive offenders rather than accept them passively. Can specify – age, sex, skills needed.
- Any breaches to be consistently dealt with swiftly.

■ Capacity of Placement Institutions.

- Purchasing equipment which might be lacking in placement institutions. Could also be lent out by CS Directorate.
- Ensuring that supervisors have the capacity, time and resources to receive offenders.
- Encourage supervisors report any breach of orders
- Motivate supervisors with certificates of appreciation
- Feedback to and from supervisors

■ Rehabilitative Activities

- Intensify and invest use of evidence based reform programs, not just empathetic counselling.
- Develop projects that would improve on skills of offenders.
- Promote reconciliation and compensation

■ Community Involvement

- Establish effective communication channels between community and CSOs- Involve the community in identification of projects which are tangible.
- Adopt ICT usage i.e. Twitter to communicate with the public

b) placements benefit the community.

- Ensure sustainable programmes i.e. afforestation
- Ensure cleaning activities i.e. slashing around water points

Group 3: Perceptions

What can be done to improve perceptions of:

a) Stakeholders

▪ Training and Coordination

- Improve communication and coordination among stakeholders
- Multiplicity of training approaches
- Enhance compliance through promoting effective supervision, monitoring and rearrests
- Including stakeholders in work sights and review
- Intensify trainers of trainers meetings
- Providing logistics and incentives for benchmarking

▪ Publicity

- Create awareness and advocacy
- Ensuring tangible outputs of CSOs are publicized so that all stakeholders can appreciate them.

b) Wider public

▪ Improving Interventions

- Intensify level of victim intervention programs.
- Promote skills transfer to offenders
- Placing offenders where they are relevant

▪ Communication and Awareness Raising

- Use of local council systems to raise awareness, can promote using drama, radio or local celebrities.
- Promote reconciliation/rehabilitation and reunion (family and community).
- Showcase success stories
- Involvement of local chiefs and traditional leaders to increase acceptance.
- Use mass media to create awareness
- Publicise benefits and value of work done by CSO offenders.
- Improve visibility of tangible results

c) People with negative/hostile views about CSOs (hard to reach stakeholders)

▪ Highlighting Value of CSO

- Publicize benefits and value of work done by CSO
- Visibility/tangible direct results

▪ Direct Involvement

- Provide incentives e.g. logistics – facilitation to see the good practice.
- Expose them to the realities of prison conditions.
- Inclusion of this group in evaluation/supervision

▪ Paralegal services for the victims

- Demonstrate the victims are not forgotten.
- Combine CSO with compensation for victims.

Day 2

Session 1:

Group 1 Discussion – CSO as a Decongestion Tool

a) What are the challenges to ensuring that community service contributes to the decongesting of prisons?

- Attitudes and knowledge
 - Key stakeholders not always positive about CSO through lack of knowledge; e.g. Magistrates, prosecutors and police who consider CSOs as a soft option.
 - Low publicity.
 - Choice of cases: much discretion is left to Magistrates.
- Lack of efficiency within the CSO system
 - Cut off considerations are a limiting factor. Could reach more people if this was extended.
 - Inadequate resources: logistical challenges.
 - Absence of proper tangible and suitable placement options.
 - Inadequate supervisory mechanism.
 - Lack of equipment to implement the orders.

b) What can be done to overcome these?

- Communications and collaborative working
 - Need to harmonise cut off considerations;
 - Improve partnerships;
 - Improve publication and awareness;
 - Information sharing
- Capacity and Equipment
 - Provisions of resources and equipment;

c) Are there any examples of how this has been achieved?

- Training of Magistrates in Uganda;
- Cut off increased in Zimbabwe;
- Training of offenders has impacted greatly;
- Enhanced capacity under the ExTRA Project.

A participant from Malawi noted that in Malawi the Judiciary is greatly involved in the decongestion exercise. It was noted that it also is routinely done in Zimbabwe but not in Uganda.

A call was made to consider the application of international human rights instruments and treaties that advocate for prisons' decongestion. Kenya already started on the process to review laws but the process had recently stalled.

Group 2 Discussion – Achieving Tangible Projects

a) What are the challenges to ensuring that a greater number of offenders have access to placements that positively contribute to the community (beyond slashing and cleaning)?

- Only government institutions are currently available as work sites in some courtiers
- Failure to conduct proper assessment on available work opportunities
- Failure to collaborate/consult communities on the work opportunities in the community.
- Lack of /irregular local stakeholder meetings (e.g. District CSO committees) focusing on work site identification.
- Irregular and inadequate funding for offender empowerment projects and lack of sustainability mechanisms.
- Rejection of offenders by some work agencies with tangible work opportunities before knowing their suitability e.g. offence committed.

b) What can be done to overcome these?

- Procedural Changes
 - Conduct thorough needs/skills assessment on each offender and work site to enable proper placements.
 - Revise/develop guidelines to widen the scope of placements in order to ensure tangibility of work performed by offenders
 - Develop work profile in each court jurisdiction
 - Conduct risk/needs assessment to inform creative placements
 - Better designing of exchequer/ donor funding to guarantee sustainability when funding runs out
- Increased Interaction with Stakeholders
 - The local committees be more proactive in identifying tangible work sites
 - Sensitize all potential work agency heads and showcase success stories.

c) Are there any examples of how this has been achieved?

- The Kenya CSO Act gives wide discretion on the nature of placements – Judges/CSO officers can be creative.
- The Kenyan system requires every station to maintain an updated district work profile.
- Tree nurseries and other empowerment projects in Kenya specifically put in place to address criminogenic factors.
- In Namibia specific meetings with programmatic stakeholders such as ministry of health has managed to effect positive attitude change.

There was further discussion throughout the plenary about how to ensure that CSOs are not used for the benefit of private individuals as this has a negative effect on community perception.

In response it was noted that the overriding concern should be on the kind of change that CSOs bring about other than considering who they benefit.

Group 3 Discussion – Building Partnerships

a) What are the range of partnerships that need to be established with other agencies in order for community service orders to work as well as they can?

- Courts
 - Mount joint training
 - Information sharing i.e. Judiciary have greater knowledge of performance of CSO
 - Share results and achievements (reviews)-Engage judiciary
 - Partnerships in monitoring of projects
 - Conduct regular committee meetings and other non-routine meetings
 - Participate in sensitizing offenders about CSOs
- Police and Prosecution
 - Attend CSO meetings
 - Share information
 - Support/positive attitude to CSOs
 - In case of breach, execute arrests
- Government Agencies & Admin Structures
 - Resource mobilization
 - Identifying placement institutions
 - Participate in supervision
 - Skills training (Vocation)
 - Awareness creation
 - Promote PPP to enhance awareness of CSO
- NGOs (Local & International)
 - Advocate for CSO
 - Resource mobilization (Financial & Material)
 - Information sharing
 - Promote research
 - Capacity building (Economic empowerment)
 - Promote best practices
 - Promote poverty reduction programmes
- Offenders/Families/Victims
 - Comply to CSO orders
 - Accept offenders/encourage them perform orders and counsel offenders
 - Promote victim-offender reconciliation
 - Offenders/Families/Victims
- Volunteers
 - Advocate for CSO
 - Resource mobilization (Financial & Material)
 - Information sharing
 - Promote research
 - Capacity building (Economic empowerment)
 - Promote best practices
 - Promote poverty reduction programmes

b) How can these partnerships be created, widened and strengthened?

- Have regular consultative meetings for joint agenda and common interest
- Develop MOU/Letter of agreement
- Involve them in planning & developing action plans
- Where applicable, gazette membership in CSO committees
- Recognize efforts through letters of recommendation
- Embedding their roles in relevant laws
- Recognize work of offenders
- Identify peer support (Offenders)

In conclusion it was noted that there is need to come up with more solutions to address all the identified challenges.

There is also further need to be mindful of all external factors that impact on the programme, as well as to be aware of the challenges of other technical needs such as capacity, infrastructure and equipment.

Session 2:

Group 1 – Gaining Political Buy-in and investment

a) What are the challenges to persuading local and national leaders of the value of CS and the need to invest in it?

- CSO issues touch on wider social issues e.g. gaining buy-in requires change of perceptions /attitudes about criminals and offending in general. General mind-set concerning criminals makes acceptance of CSO challenging
- Lack of political will: CSO not prioritised by many governments one of the reasons for that is that it doesn't produce any tangible results, in other words its impact is not visible
- No compelling legislative framework compelling use of CSOs
- Cases ending up in CSO are regarded as low profile thus it's not taken seriously
- Failure to provide proper feedback on the positive results of CSO and lack of publicity.

b) What can be done to overcome these?

- Improve data management
- Articulate CSO sentencing guidelines in the law
- Increase visibility of work done by CS
- Involve stakeholders
- Involvement of academic think tanks and research institutions.

A key question that came out during the discussion was whether there is a great need for political will to enforce CSOs. In response it was noted that there is need to consider Public-Private partnerships.

c) Are there any examples of how this has been achieved?

- Tanzania put high profile individuals on CSO to get the general public to appreciate it

- Involvement of stakeholders - a Chief Judge in the UK spent a day doing community service to gain a real understanding
- Uganda and Kenya's new laws make specific provisions for CSOs
- A number of countries advertise work done by offenders on CSO

Group 2 – Empowerment, Socio-economic factors and Reoffending

a) How can community service contribute to reducing poverty related offending?

- Initiate empowerment projects to improve the effectiveness of CSOs processes
- Change perceptions of offenders
- Promote skills transfer e.g. construction work, fish ponds, rabbit rearing to impart skills
- Worksite employing offenders (provide opportunities for gainful work)
- Enhance family relations with offenders continuing with their normal life
- Offenders being visible in the community thereby reducing chances of re-offending.

b) What lessons have been learned from the existing empowerment projects?

- Empowerment projects reduced poverty related offending
- Offenders gained skills and created opportunities for self-employment
- Improvement of attitudes of stakeholders
- Improved service delivery

c) How can community service contribute to other Sustainable Development Goals?

- Poverty eradication; when offenders acquire skills
- Environmental sustainability; e.g. tree planting
- Improved food security; when they are involved in gardening
- Gender equality; CSOs make special consideration for gender issues.
- Improved access to education.

Group 3 – Alternatives to Imprisonment beyond Community Service

a) International standards require a wide range of noncustodial penalties including CSOs; what other alternatives to prison should be developed or introduced in the African context?

- Probation orders
- Diversion from prosecution
- Alternative Dispute Resolution/Restorative justice
- Fines
- Suspended sentence
- Conditional & Unconditional discharge
- Compensation
- Restitution
- Electronic monitoring
- Treatment orders (Alcohol, drugs, psychiatric cases)
- Caution

Note: It was discussed that it is important to ensure that legislation doesn't criminalise misdemeanours leading to net widening.

It is important to think about how to ensure each sentence fulfils the purpose and is just and fair.

b) Are there any examples of how other alternatives have contributed to prison decongestion?

- Parole
- Early Release system in Namibia
- Commutation to the sentence served by high court
- Amnesty in all countries
- Remission of sentence
- Work Release Programme
- Night/Weekend imprisonment

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