



Who are women prisoners?

Survey results from Uganda



Who are women prisoners? Survey results from Uganda

© Foundation for Human Rights Initiative and Penal Reform International 2015

The Foundation for Human Rights Initiative and Penal Reform International would like to thank the Uganda Prison Service for their assistance and support and Frances Sheahan for her input.

This publication has been produced with the financial assistance of the UK Government.

The contents of this document are the sole responsibility of Foundation for Human Rights Initiative and Penal Reform International and can in no circumstances be regarded as reflecting the position of the UK Government. This publication may be freely reviewed, abstracted, reproduced and translated, in part or in whole, but not for sale or for use in conjunction with commercial purposes. Any changes to the text of this publication must be approved by Penal Reform International. Due credit must be given to the Foundation for Human Rights Initiative and Penal Reform International, and to this publication. Enquiries should be addressed to publications@penalreform.org.

Foundation for Human Rights Initiative (FHRI)

Plot 1853, Lulume Road, Nsambya
P.O Box 11027, Kampala, Uganda

Telephone: +256 414 510263
Email: info@fhri.org.ug
www.fhri.or.ug

Penal Reform International

Head Office

60–62 Commercial Street
London E1 6LT
United Kingdom

Telephone: +44 (0) 20 7247 6515
Email: publications@penalreform.org
www.penalreform.org

First published in July 2015.
ISBN 978-1-909521-43-8

The Foundation for Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation established in December 1991.

It seeks to resolve impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution and other internationally recognised human rights instruments. FHRI addresses the entire range of human rights: civil and political as well as economic, social and cultural rights as defined in international human rights covenants. This is done through public education, capacity building efforts for the community leaders as well as strengthening collaboration with grass root structures, strategic partnerships, media campaigns, mass empowerment, research, monitoring, documentation and reporting; strategic litigation and legislative analysis, review and advocacy.

Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide.

We promote alternatives to prison which support the rehabilitation of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

We currently have programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus, and work with partners in East Africa and South Asia.

To receive our monthly e-newsletter, please sign up at www.penalreform.org/keep-informed.

Contents

Acronyms	4
1. Introduction	5
2. Context	6
1. Rate of imprisonment of women	6
2. Prison system	6
3. Women's prisons	7
4. Alternatives to detention	7
5. Women in prison with their children	8
6. Monitoring mechanisms	8
7. Reforms	9
3. Research methodology	10
4. Survey results	11
1. Age, marital status and children	11
2. Levels of education	11
3. Economic status and employment	11
4. Offences and charges	12
5. Sentences	13
6. Pre-trial detention	14
7. Reasons for committing the offence	14
8. Women convicted of or charged with murder/manslaughter of a male family member	14
9. Access to legal representation	16
10. Practical consequences of conviction and imprisonment	17
11. Psychological or psychiatric consequences of imprisonment	18
12. Drug and alcohol dependency	18
13. Experience of domestic violence and sexual abuse	19
14. Support requirements to build a new life	19
15. Previous offences and obstacles to reintegration	21
5. Conclusion and recommendations	22
Appendix	26
PRI's Toolbox on the UN Bangkok Rules	26

Acronyms

FHRI	Foundation for Human Rights Initiative
JLOS	Justice Law and Order Sector
NGO	Non-governmental Organisation
PAS	Paralegal Advisory Services
PRI	Penal Reform International
STI	Sexually Transmitted Diseases
TB	Tuberculosis
UPS	Uganda Prison Service
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
UNODC	United Nations Office on Drugs and Crime

1. Introduction

Women and girls comprise the minority of prisoners¹ around the world, constituting an estimated two to nine per cent of national prison populations. Given that they are few in number, women offenders find themselves in criminal justice systems that are designed for men and do not address their specific needs.

The lack of attention dedicated to women prisoners to date also means there is a lack of research and data available on their backgrounds and characteristics. While some research and statistical data on women in prison has been published in a few countries, information is relatively scarce about women who come into contact with the criminal justice system in the large majority of jurisdictions.

Who are the women held on remand or imprisoned following conviction? What offences have they been charged with or convicted of? What triggered their confrontation with the criminal justice system? What is their background? Do they have dependent children? Were they employed prior to arrest and what is their level of education? Have they experienced violence or do they have a history of drug or alcohol dependency? What are the consequences for them of conviction and imprisonment? And perhaps most importantly: what kind of support do these women feel would help them most in building new, self supporting lives following release?

Answers to these questions are of more than just academic interest. Increasing the knowledge about the background, characteristics and social reintegration needs of female offenders is an important first step for policy makers and practitioners to review and adjust legislation and policies in a gender sensitive way. It is worth emphasising that treating women offenders and prisoners differently from their male counterparts is

not unfair or discriminatory. In fact the reverse is true. Women offenders and prisoners have distinctive needs that must be identified and addressed so that they receive equitable treatment.

With financial support from the UK Government, the Foundation for Human Rights Initiative in partnership with Penal Reform International undertook this research project to fill some of the gaps in our knowledge about female offenders in Uganda.² It constitutes the fourth report in this series: the first three reports by PRI focused on the South Caucasus (Armenia and Georgia), Central Asia (Kazakhstan and Kyrgyzstan) and the Middle East and North Africa (Jordan and Tunisia).³

While this research project does not assess how far states have progressed towards implementing the UN Rules for the Treatment of Women Prisoners and Non custodial Measures for Women Offenders (the Bangkok Rules), its objective is to support the implementation of the international standards set by the Bangkok Rules. By providing facts and figures, the report seeks to illustrate the need for gender specific policies that respond to the needs of women in prison, and to enable countries to identify the key areas which need to be addressed as a matter of priority. In this way, we hope the research project will be an important step towards ensuring a proportionate and sensitive response to offending by women.

This report first examines the context of women in prison in Uganda looking at issues such as ongoing reform initiatives and trends in the rate of women's imprisonment. It then presents findings from the survey and concludes with a number of recommendations highlighting the key areas of concern that are raised in the research.

1 The term "prisoner" is used to refer to all persons detained or imprisoned on the basis of, or allegation of, a criminal offence, including pre-trial, under-trial detainees and convicted and sentenced prisoners.

2 The scope of the research was inspired by Rule 67 of the Bangkok Rules, which explicitly encourages research into the aforementioned topics. For the full text of the Bangkok Rules see: www.penalreform.org/priorities/women-in-the-criminal-justice-system/international-standards/.

3 Find the three reports in multiple languages at www.penalreform.org/priorities/women-in-the-criminal-justice-system/bangkok-rules-2/research/.

2. CONTEXT

Rate of imprisonment of women

In August 2014, there were 42,193 people in prison in Uganda – of these, 46 per cent were convicted prisoners and 54 per cent were held in pre-trial detention.⁴ Uganda is ranked 19th highest out of 53 countries in Africa in terms of its rate of imprisonment.⁵ Women make up six per cent of all prisoners, totaling 1,879 as of August 2014. Of these women, 999 women were in pre-trial detention, constituting 53 per cent of the female population in detention. The population of women in prison in the past three years has been steadily growing from 1,447 in July 2012 to 1,879 in August 2014. There were 24 foreign national women prisoners and 226 children living with their mothers in prison in July 2014.⁶

Table 1: Total number of women prisoners in Uganda from July 2012 to July 2014⁷

	July 2012	July 2013	August 2014
Total number of women prisoners in Uganda	1,447	1,592	1,879

Prison system

The primary legislation governing prison regulation in Uganda is the Prisons Act of 2006⁸ which brought local administration of the prison system under the operational responsibility of the Uganda Prison Service (UPS)⁹. The UPS has responsibility for over 238 prisons which are spread across all the regions of the country.

The functions of the UPS as set out in the Prisons Act are to ensure that every person detained in a prison is kept in humane, safe custody and produced in court when required until lawfully discharged or removed from prison. The UPS is also charged with facilitating the social rehabilitation and reformation of prisoners through specific training and educational programmes; and to facilitate the reintegration of prisoners into their communities.¹⁰

According to the 2013 Human Rights Report on Uganda by the US Department of State, prison conditions in Uganda remained poor and in some cases, life threatening.¹¹ Prisons outside Kampala lacked food, water, medical care, bedding and means of transporting inmates to court, while also suffering from inadequate and poorly designed physical infrastructure and poor sanitation conditions. Among the serious problems described were also long periods of pre-trial custody, overcrowding, and inadequate numbers of staff. The current staff to prisoner ratio is 1:8.¹² Severe overcrowding across all regions of the country was specifically noted as a problem affecting the female wings of prisons.¹³ (See Table 1 on the increasing rate of women in prison).

Statistics from the Uganda Bureau of Statistics in 2014 showed a prison population increase of 12.5 per cent since 2012, with more than half of the prisoners being on remand.¹⁴ In 2014 the national occupancy rate was 259 per cent (259 prisoners in every space meant for 100 prisoners) with the Central Region worst affected.¹⁵ The Ugandan prison system had an approved capacity in 2014 of about 16,094 prisoners, but was accommodating 42,193 prisoners of whom 30,314 were male and 1,879 were female.¹⁶

4 Figures provided to FHRI by the Uganda Prison Service, October 2014 – reflecting information obtained in August 2014.

5 International Centre for Prison Studies, available at www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=15 <accessed 2 June 2015>.

6 Figures provided to FHRI by the Uganda Prison Service, October 2014.

7 *Ibid.*

8 The Prisons Act 2006 repealed and replaced the Prisons Act, Cap. 304, 1958.

9 The Prisons Act, 2006.

10 Section 5 of the Prisons Act, 2006.

11 US Department of State, Bureau of Democracy, Human Rights, and Labor, 2013 *Human Rights Reports: Uganda*, 27 February 2014.

12 According to the Uganda Human Rights Commission's 17th Annual Report (March 2015), 81 per cent of detention places were understaffed in 2014, see <www.uhrc.ug/sites/default/files/ulrc_resources/UHRC%2017th%20Annual%20Report%202014.pdf>. See also Uganda Prison Statistics which state that the staff to prisoner ratio is at 1:8.

13 *Ibid.*

14 Uganda Bureau of Statistics, Statistical Abstract, 2014, available at <www.ubos.org/publications/statistical-abstract/> <accessed 2 June 2015>.

15 *Ibid.*

16 US Department of State, Bureau of Democracy, Human Rights, and Labor, 2013 *Human Rights Reports: Uganda*, 27 February 2014.

Women's prisons

At present there are 238 prisons in Uganda holding convicted and pre-trial detainees. Of these, over 110 prisons hold convicted and pre-trial female prisoners either exclusively or in separate parts of men's prisons. Thirteen are exclusively women's prisons. Luzira women's prison (which is located near the capital city of Kampala) houses the largest number of female prisoners, both convicted and on remand, and had a population of 405 women and 27 children at the end of 2014.

The Prisons Act specifies that there should be separation of male and female prisoners except for the purpose of work or training, and then only under strict supervision, and that male and female prisoners shall be kept apart and confined in separate prisons or separate parts of the same prison in such a manner as to prevent contact or communication between the sexes.¹⁷ The Prisons Act also stipulates that in order to ensure the protection of female prisoners, their care, custody and supervision should at all times during detention be under the responsibility of a female prison officer.¹⁸ FHRI has observed that this principle is upheld in practice.

However, according to the US State Department, 'although there were separate facilities for female prisoners in central prisons, services and facilities for female prisoners including separate cells, were lacking in some areas'. The report also stated that the number of infants housed with their mothers in prisons increased during 2013, however, the UPS did not have budget for adequately accommodating pregnant women or mothers with infants.¹⁹

Alternatives to detention

There are a number of alternative measures and sanctions to detention available in Uganda including caution, payment of fines and community service. There is no system of probation for adults in Uganda, only for children. The right to bail as an alternative measure to pre-trial detention is provided for in the Constitution, which states that 'where a person is arrested in respect of a criminal offence the person is entitled to apply to

court to be released on bail and the court may grant that person bail on such conditions as the court considers reasonable'.²⁰ The law on bail²¹ requires an accused person to fulfill several conditions before being granted bail, including, amongst others, taking a personal cognizance from the accused (usually in the form of money as a promise to attend hearings) and admitting at least two sureties. However, in a society where over 20 per cent of the population live below the poverty line, these conditions can render a significant number of the accused unable to access bail since the majority do not have a fixed place of abode and cannot produce sureties.²²

A community service programme was introduced in Uganda in 2001 following a commitment to undertake reforms that were intended to address issues of rehabilitation and prison overcrowding. Community service is administered by the Ministry of Internal Affairs and it has a range of objectives including the rehabilitation of petty offenders, the reduction of recidivism and promotion of social cohesion through reconciliation of petty offenders, victims and the community.²³ The implementation of community service as an alternative sentence is currently facing challenges. While the law allows courts to exercise their discretionary powers with regard to either using prison sentences or community service, courts remain reluctant to use community service as an alternative to imprisonment because magistrates tend to view it as a 'soft' option which may be frowned upon by victims or the community.

In 2012 and 2013, 8,856 Community Service Orders were imposed by the courts and out of these 739 were imposed on female offenders, which constituted 8 per cent of all Orders.²⁴ The same placements are given to men and women. Commonly women are given placements that involve gardening, office cleaning and filing, and nursery tree planting for example. The criteria for deciding what placement is given includes consideration of the health and work experience of the offender, as well as what placements are available in the relevant location.²⁵ The Community Service Department

17 Section 29 of the Prisons Act, 2006.

18 Section 60 of the Prisons Act, 2006.

19 US Department of State, Bureau of Democracy, Human Rights, and Labor, 2013 *Human Rights Reports: Uganda*, 27 February 2014.

20 Constitution of the Republic of Uganda, Article 28(6).

21 Constitution of the Republic of Uganda, Article 23(6); Magistrates Courts Act, Section 76.

22 Foundation for Human Rights Initiative, *Uganda: The right to a fair trial: Next steps*, Report for the period 30 June 2011-June 2012, p33.

23 Penal Reform International, *Alternatives to imprisonment in East Africa: Trends and Challenges*, 2012, p14.

24 Figures provided by the Community Service Department, November 2013.

25 The Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013, 53.

told FHRI that while there is no gender aspect in decision-making on placements required by law, in practice gender is taken into account.²⁶

Women in prison with their children

The challenges relating to the situation of children of imprisoned women prisoners is of growing concern in Uganda and the world over. Due to the fact that the proportion of male prisoners has always been larger than that of women and that the prison system is mainly designed for men, there has been a general disregard for the gender-specific needs of women including pregnant or breastfeeding mothers.²⁷ However, in recent years the number of women in prison has steadily grown and this change in the composition of the prison population has highlighted the shortcomings in prison systems in meeting the gender-specific needs of women prisoners and of their children.²⁸

The Prisons Act of 2006 provides for female prisoners to be admitted with their infants²⁹ and for a female prisoner, pregnant prisoner or nursing prisoner to be provided with special services needed.³⁰ The children of female prisoners should be supplied with clothing and other basic necessities until they are 18 months old. After 18 months of age, children are not allowed to stay in the prison facility;³¹ however in practice children often stay in prison up to four years of age. Where there is no relative or friend who is able and willing to provide child support, the Commissioner General of Prisons may entrust the care of the infant to the welfare or probation authority as the Commissioner General sees fit.

Putting these provisions into practice is challenging for many reasons. For example, in facilities such as Luzira Prison, the biggest women's prison in Uganda, it can be difficult for children to be transferred into the care of relatives for various reasons including the failure of fathers to care for their children, child neglect,

and/or high levels of poverty amongst prisoners' families. Furthermore, women prisoners originating from upcountry (non-urban areas) are not visited by their relatives who may otherwise have taken the children home, so other living arrangements have to be organised.³² In Luzira Prison, the NGO Family of Africa³³ supports children of the prisoners so that when they turn two years old they can stay at a day care centre overlooking the holding cells and every Sunday they are taken to the cells to spend the day with their mothers. However, this is not a service provided in upcountry prisons. For example, in Moroto Prison mothers claim that sometimes their babies go without food and generally live in unhygienic places which are not suitable for children.³⁴

There were 34 children living with their mothers in the prisons visited to conduct the survey. Authorities explained that these children may not be separated from their mother at 18 months old because there was no one to care for them and in some instances they were still breastfeeding. Some of the main challenges faced by breastfeeding mothers included a lack of specialised child-friendly facilities and poor diet.

Monitoring mechanisms

Various institutions are tasked with monitoring the treatment and conditions of women prisoners in Uganda under the Prisons Act. The Chairperson and members of the Uganda Human Rights Commission, Judges of the High Court, Court of Appeal and Supreme Court, all Cabinet Ministers and the Inspector General of Government are permitted to regularly inspect all prison institutions as Visiting Justices.³⁵ They make remarks, suggestions and recommendations about their findings or what they deem necessary for the attention of the Commissioner General who is responsible for the supervision, administration and control of the Service.³⁶

²⁶ Information provided to FHRI, May 2015.

²⁷ Prisons Act Reform, Issues Paper, 2014.

²⁸ *Ibid.*

²⁹ Section 59(1) of the Prisons Act, 2006.

³⁰ Section 59(3) of the Prisons Act, 2006.

³¹ Section 59(4) of the Prisons Act, 2006.

³² FHRI interview with the Officer in Charge, Luzira Women's prison.

³³ Family of Africa is an Italian non-governmental organisation near Luzira prison which accommodates children detained with their mothers. It offers a number of services including food, clothing, medical care and accommodation. However, in other prisons especially upcountry, without the support from NGOs and other support networks, responsibility for the care of the child remains in the hands of the prison management.

³⁴ 'Prison babies: When children are forced to live in jail', *Daily Monitor*, 30 September 2013, available at: <www.monitor.co.ug/artsculture/Reviews/Prison-babies--When-children-are-forced-to-live-in-jail-/691232/2012308/-/item/0/-/12jrdxz/-/index.html> <accessed 2 June 2015>.

³⁵ Section 109(1) of the Prisons Act 2006: 'There shall be regular inspections of all prison institutions by persons to be known as Visiting Justices who shall be appointed by the Minister by statutory instrument'.

³⁶ Section 109(1) of the Prisons Act, 2006.

These remarks are entered into the Visiting Justices' book, and submitted to the Commissioner General by the officer in charge of the prison visited.

The Uganda Human Rights Commission (UHRC) is mandated to investigate complaints of human rights violations including those relating to detention. The UHRC was established under the Constitution as an independent body with a mandate to promote and protect human rights, including investigating complaints of torture and other ill treatment.³⁷ The UHRC has been accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions, which monitors national institutions' compliance with the Paris Principles.³⁸ UHRC has held the same accreditation status since 2005.³⁹ In fulfilling its mandate during 2014 the UHRC visited 180 prisons in the country. UHRC noted some positive developments such as an increase in the number of Human Rights Committees in prisons,⁴⁰ phasing out of the bucket system for disposing of waste during the day, and increased access to health services in prison facilities. However they highlighted some concerns which included persistence of cases of long and arbitrary detention, imprisonment of children with adults, continued detention of prisoners awaiting minister's orders,⁴¹ and the dire working conditions for staff in prisons and police.⁴²

Inspections by other bodies or groups including the Special Rapporteur on Prisons of the African Commission on Human and Peoples' Rights,⁴³ teams composed of persons from other official or external bodies or non-governmental organisations (NGOs), and human rights groups are also allowed to monitor prisons subject to the permission of the Commissioner General. Civil society organisations including FHRI, international NGOs and foreign diplomats have in the past managed

to get authorisation and agreement to regularly monitor places of detention but require advance notification and written agreement.

Reforms

The Prisons Act of 2006 repealed and replaced the previous Prisons Act Cap.304 in order to bring it in line with the Constitution of Uganda. However, this new Act has been criticised for falling short on a number of internationally agreed principles for the treatment of prisoners. Specifically, it is not clear or is silent on issues pertaining to pre-trial detention, social reintegration, health-care, prisoners with special needs such as elderly prisoners, mentally ill prisoners, women with children and prisoners with disabilities, as well as alternative measures and sanctions such as community service and restorative justice.⁴⁴

In 2014, the Uganda Law Reform Commission (ULRC) initiated the process of reviewing the Prisons Act to bring it into conformity with internationally agreed principles including the UN Standard Minimum Rules for the Treatment of Prisoners as well as the Constitution. To date the Commission has drafted an issue paper which underlines the need to address the gender-specific needs of women in prison in Uganda, but issued no details on what this entails.⁴⁵ The Commission has however also noted progressive steps taken towards the eradication of inhumane conditions within places of detention. The Uganda Prison Service has continued to register improvement, with 43 prisons having completely eliminated the use of the bucket system, for example. In 2012 and 2013 water borne toilets were installed in 20 prison units; however many other places of detention continue to use the bucket system during the day and at night.

37 Constitution of the Republic of Uganda, Article 51.

38 Principles Relating to the Status of National Institutions (Paris Principles), adopted by the UN General Assembly, A/RES/48/134, 20 December 1993.

39 Accreditation status of National Institutes, as of 28 January 2014; available at www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf <accessed 3 June 2015>.

40 The Uganda Prison Service established Human Rights Committees to ensure compliance with human rights obligations and to address human rights complaints in prisons. The Human Rights Committees undertake human rights education, peer reviews and compliance monitoring of human rights standards in prisons.

41 Under law, when in the course of the trial after an inquiry has been made that a person is incapable of making their defence, the court should order their detention, and the file should be sent to the Minister of Justice for certification.

42 Uganda Human Rights Commission, 17th Annual Report 2014. Available at <http://www.uhrc.ug/our-annual-reports> <accessed 2 June 2015>.

43 Although the Special Rapporteur has the potential to contribute to oversight and accountability mechanisms, this opportunity has not yet been used in Uganda. See also Roselyn Karugonjo-Segawa, *Pre-trial Detention in Uganda*, 2012.

44 Uganda Law Reform Commission, Issues paper: Review and Reform of the Prisons Act No.17 of 2006. Note: Social rehabilitation and re-integration of prisoners is included in the Prisons Act, given the role of the Uganda Prison Service in facilitating this.

45 *Ibid.*

3. RESEARCH METHODOLOGY

This research is based on a survey conducted with 194 women prisoners in Uganda between August 2014 and February 2015, constituting 10 per cent of the total female prison population in Uganda. Both convicted prisoners and pre-trial detainees participated in the survey and all of the survey questionnaires were completed privately, anonymously, and confidentially, by way of one-to-one interviews.

Table 2:
Number/proportion of women prisoners who participated in survey – as of August 2014

Women prisoners in Uganda	Total number	Number who participated in survey	Proportion who participated in survey
Convicted	880	78	8.6%
In pre-trial detention	999	113	11%
Total	1,879	194*	10%

*Three women did not respond to the question as to their pre-trial or convicted status.

Number/proportion of children living women surveyed – as of August 2014

Total number of children living in prison with the women surveyed	Proportion of women surveyed living with their children in prison
35	18%

The survey was carried out in Luzira Women's Prison, Kigo Women's Prison, Kasangati Prison, Butuntumula Prison, Jinja Women's Prison, Gulu Women's Prison, Masaka Prison, Nakasongola Prison and Kauga Prison. All prisons visited were dormitory style prisons and were under the supervision and management of female prison officers. These prisons are spread out across the Eastern, Central, Southern and Northern regions of the country. They were selected in order to obtain information from women prisoners who originated from different regions of the country and who had been allocated to prisons with different security categories.

The purpose of the research was explained to each prisoner and they were asked if they were willing to participate on an anonymous basis. Prisoners were told that they could end the survey at any time or decline to answer any questions.

4. SURVEY RESULTS

Age, marital status and children

The largest group of women surveyed were between 21 and 30 years old – 40 per cent. The proportion of women between 31 and 40 years was 32 per cent and just 14 per cent were between 41 and 50 years old. Only seven per cent were over 50 years. Therefore, 72 per cent of women in prison who participated in the survey were aged between 21 and 40 years old. The vast majority of women prisoners surveyed were either married or separated (38 per cent and 26 per cent respectively). A further 16 per cent of the women defined themselves as single. Ninety-two per cent of the women surveyed have children. Of the 179 women who are mothers, 237 of their children were under 18 years old and only 39 children were over 18 years old.

Between them, the 194 women surveyed had 276 children. 70 of the children lived with their mother's family, 42 with their father and 28 with their father's family, and eight children lived in a social service programme. Thirty-five children were living with their mother in prison (one woman had two children in prison). There were 24 of the children whose whereabouts were unknown to their mother. Five per cent of the women were pregnant.

Levels of education

The largest group of the women surveyed – 36 per cent – had only been to primary school. Over a third of the women surveyed said that they had not been to school and 29 per cent had been to secondary school. Only three per cent had completed university or vocational studies. These levels of education are generally lower than the levels found within the general female population. The Uganda Bureau of Statistics found that 49 per cent of women in the community had been to primary school, a quarter were illiterate, 22 per cent had been to secondary school, and four per cent had post-secondary education.⁴⁶

Just under 50 per cent of the women surveyed were more interested in vocational training compared to the 15 per cent who showed interest in formal education to help them build a new life upon release. (See page 19).

Table 3: Levels of education

Never been to school	32%
Primary school	36%
Secondary school	29%
Vocational school	1.5%
Completed university	1.5%

Economic status and employment

Three quarters of women who participated in the survey said that they were poor (40 per cent) or very poor (36 per cent). A fifth of women identified themselves as being of average income. Just one per cent identified themselves as being above average income and none as high earners. These findings show the disproportionate level of poverty among women prisoners compared to the general community, where 20 per cent of people live below the poverty line according to the World Bank.⁴⁷

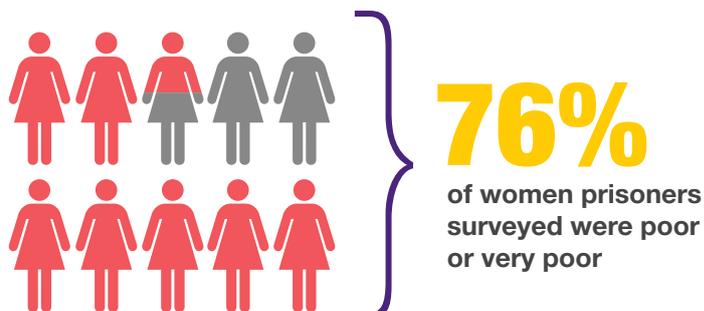


Table 4: Economic status of women prisoners surveyed

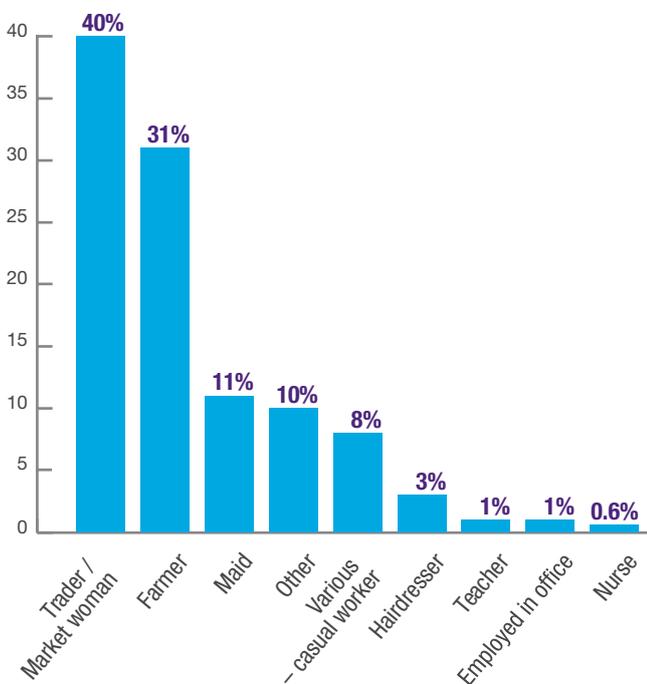
Very poor	36%
Poor	40%
Average income	21%
Above average income	1%
Did not respond	2%

⁴⁶ Uganda National Household Survey Report 2009/2010.

⁴⁷ World Bank data on Uganda, available at <<http://data.worldbank.org/country/uganda>> <accessed 2 June 2015>.

Three quarters of the women surveyed said they were working at the time of arrest, either in paid work or self-employed. The majority of the women were either working in trading/as a market woman or farming (40 and 31 per cent respectively). Other forms of employment the women indicated included maid work (11 per cent), casual work or 'other', such as waitressing or bar work.

Chart 1: The jobs women were employed in at the time of their arrest*



*Some women indicated that they were employed in more than one trade/job at the time of arrest.

Despite 75 per cent of women indicating they were working at the time of arrest, the low levels of income reflect the fact that the majority of Uganda's labour force is employed in low productivity activities, such as subsistence farming, or in urban areas in the informal sector.⁴⁸

According to the 2009 Uganda Gender and Productivity Survey, four out of every five women in Uganda are employed in agriculture and 42 per cent of women are unpaid family workers receiving no income despite contributing the largest proportion of the agricultural labour.⁴⁹ These gender gaps do not only lead to reduced incomes for women but also negatively affect the status of women within society.⁵⁰

When asked what support they would need to build a new life upon release, 60 per cent of the women said they needed help getting employment, while 48 per cent said they would need financial support for educational or vocational training. Nearly half indicated that they needed vocational training while in prison to prepare them for life out of prison, demonstrating their need to gain financial independence for themselves and their families. (See page 20).

Offences and charges

Over half of the women surveyed were either charged with or convicted of murder, manslaughter or assault (57 per cent). The rates for murder and manslaughter are very high compared to the findings from the other six countries where this survey was conducted,⁵¹ and is analysed further below on page 14. Other offences included theft (14 per cent), bodily harm (four per cent), and child abuse (five per cent). The remainder of the women prisoners were charged with or convicted of fraud, kidnapping, human trafficking, prostitution and inciting violence.

According to interviews conducted by the research team with NGOs and information provided by UPS, the survey findings are consistent with the common types of offences for which women in Uganda are usually charged or convicted, which include murder, manslaughter, assault, theft and arson.⁵² These offences are also broadly similar to the main offences for which male offenders are usually charged with or convicted for, which also are of a predominantly violent nature.⁵³

48 'Employment Opportunities Critical to Uganda's Economic Growth', *World Bank* website, <http://www.worldbank.org/en/country/uganda/publication/uganda-economic-update-jobs-key-to-prosperity> <accessed 2 June 2015>.

49 Uganda Bureau of Statistics, *Gender and Productivity Survey*, 2009.

50 European Consortium for Political Research, *Addressing Gender Gaps in Uganda's Labor Market*, Policy brief, 2011.

51 PRI's research found that in Kazakhstan, Georgia, Armenia and Tunisia less than 12 per cent of the women surveyed were charged with or convicted of murder or manslaughter of a male family member. In Kyrgyzstan and Jordan it was slightly higher at 20 per cent of women surveyed. See Penal Reform International 'Who are women prisoners?' research series at: <http://www.penalreform.org/priorities/women-in-the-criminal-justice-system/bangkok-rules-2/research/> <accessed 3 June 2015>.

52 Information provided by the Uganda Prison Services.

53 *Ibid.*

Table 5: Offences women surveyed were charged with or convicted of

Murder or manslaughter of husband/partner/ male family member	20%
Murder or manslaughter of someone other than husband/partner/male family member	25%
Assault	12%
Theft	14%
Child abuse	5%
Bodily harm	4%
Fraud	4%
Various other offences	16%

Sentences

Of the 78 convicted women surveyed, 29 (37 per cent), were serving sentences of more than ten years. A small percentage (13 per cent) had sentences of less than three years, and 40 per cent were serving sentences of 3-9 years. Chart 2 provides more detail on the sentences received.

The Commissioner General for Prisons has expressed concern at the increasing length of sentences being imposed by courts and the corresponding growth in the number of prisoners serving long sentences.⁵⁴ The survey findings show that women are not exempt from this trend. The Commissioner General also stated that '[N]on-custodial alternatives are often overlooked in favour of deprivation of liberty' even for minor non-violent offences.⁵⁵

Chart 2: Sentences received by surveyed women categorised under offences

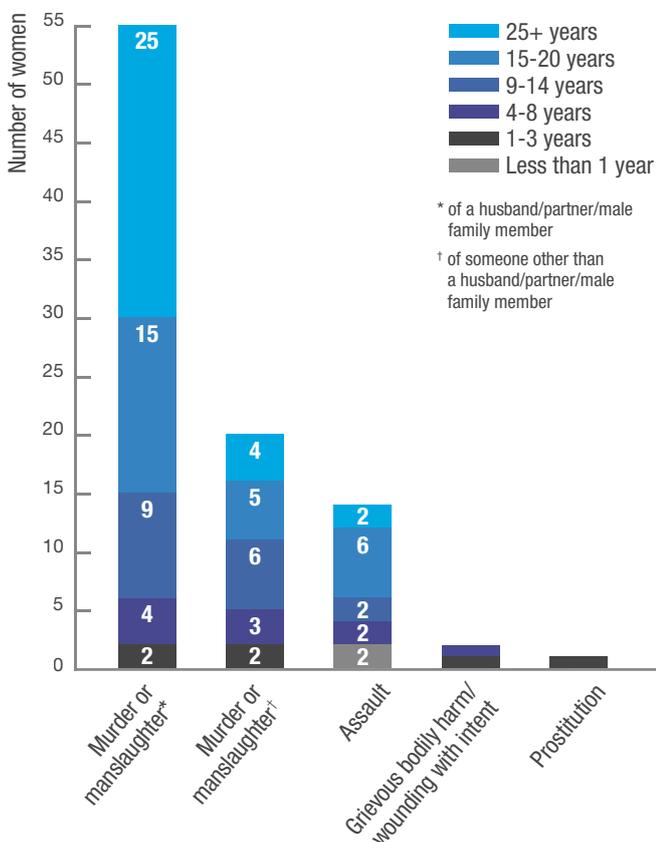


Table 6: Prison sentences for convicted women surveyed

Less than one year	5
1-2 years	5
3-5 years	18
6-9 years	13
10-19 years	20
20 years and longer	9
Did not respond	8

54 Byabashaija J O R, Commissioner General of Prisons, 'View of Uganda Prisons Service on the performance of the Judiciary', paper presented during Annual Judges' Conference (AJC), Entebbe, 24 February 2015.

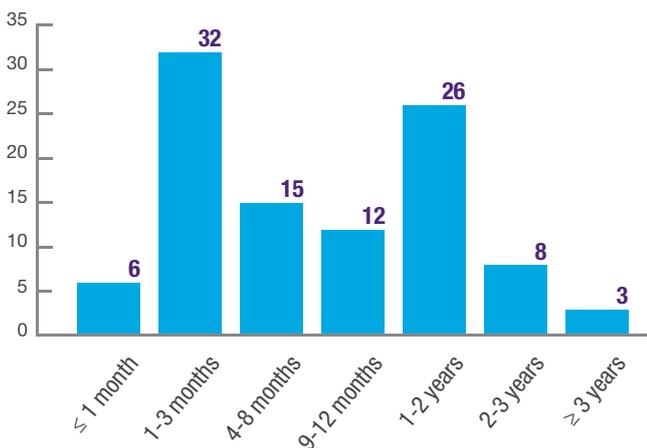
55 *Ibid.*

Pre-trial detention

As stated above, over half of the women surveyed were in pre-trial detention while 40 per cent had been convicted. Lengthy pre-trial detention is a long-standing and prevalent problem in Uganda, infringing on the rights of suspects and prisoners on remand. According to a report on Uganda by Avocats Sans Frontières and the International Human Rights Program at the University of Toronto, accused individuals are generally detained in poorly maintained, overcrowded prisons which impacts on their health and safety, and increases their risk of being subjected to torture and other cruel, inhuman and degrading treatment or punishment.⁵⁶

The increase in the number of male and female prisoners on remand⁵⁷ is due to a number of reasons including lack of transport, judicial officers being absent at court, particularly in High Court cases dealing with capital offences, and also absences of magistrates in lower courts.⁵⁸ Other contributing factors include failure of prosecuting authorities to present witnesses, defendants' inability to provide sureties, and failure by police to conduct timely investigations.⁵⁹ As of 31 July 2014, out of the 1,799 women in prison, 56 per cent had not yet been convicted and/or sentenced.

Chart 3: Length of pre-trial detention



Reasons for committing the offence

The three most common reasons for offending given by women who were already convicted were: to support their family (31 per cent), protect their children (37 per cent), and financial/poverty-related reasons (36 per cent). Other reasons given included domestic violence, self defence and coercion. (See Chart 4).

Stakeholders including prison officials and NGOs confirmed in interviews with the research team that poverty and domestic violence are major causes of offending among women. Women are greatly affected by poverty and family breakdown in Uganda creating many female-led households. These factors coupled with ignorance of the law may lead women to resort to crime to be able to support their families or as a response of violence and trauma experienced.

Women convicted of or charged with murder/manslaughter of a male family member

The survey showed a relatively high rate of conviction for murder and manslaughter of a male family member with a total of 39 women out of the 194 women surveyed (20 per cent) convicted or charged with these offences.

An analysis of these women showed that the majority had children, and a third had their children living with them in prison. Their levels of education and economic status were generally low. Nearly a third of these women received family visits but most only every six months, and only two of the women reported having visits from their children living outside of prison.

Sixty-two per cent were convicted while the other 38 per cent were in pre-trial detention. Of those convicted, the majority were serving sentences of a minimum of 10 years. (see Table 8).

Of the 14 women in pre-trial detention, seven had been in detention for less than a year, five women for one to two years, and two women between two and three years. Nine of their cases had reached the High Court; three were at the magistrates' level and were waiting for indictment. Only two women said that they had been granted bail but were unable to meet bail conditions.

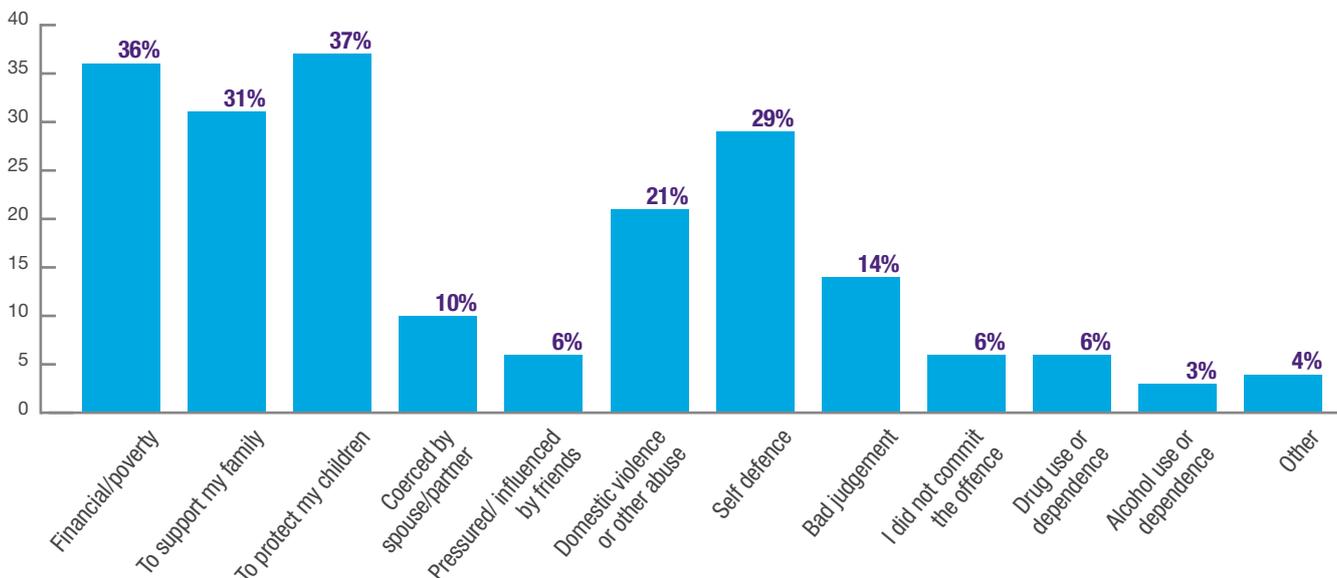
⁵⁶ Avocats Sans Frontières and the International Human Rights Program, University of Toronto, *Presumed Innocent, Behind Bars: The Problem of Pre-trial Detention in Uganda*, 2011.

⁵⁷ For example, the number of prisoners on remand increased from 18,808 in 2012 to 21,711 in 2013, see footnote 14.

⁵⁸ Uganda Human Rights Commission, *16th Annual Report 2014*. Available at <http://www.uhrc.ug/our-annual-reports> <accessed 2 June 2015>.

⁵⁹ *Ibid.*

Chart 4: Reasons for committing the offence given by women convicted*



*Women surveyed were invited to indicate more than one reason.

The most common reasons women convicted of the murder/manslaughter of a male family member gave for committing their offence were: protection of their children/family (29 per cent), self-defence (28 per cent), and domestic violence or other abuse (26 per cent).

Statistics from other countries suggest that there is a high correlation between women who have committed murder/manslaughter and women with a history of domestic violence or abuse. In Kyrgyzstan for example, a UN report noted that 70 per cent of women convicted of killing a husband or other family member had experienced a ‘longstanding pattern of physical abuse or forced economic dependence’.⁶⁰ Women surveyed in Argentina described how they used force against their abuser after suffering severe and ongoing domestic violence, including out of fear for the safety of their children.⁶¹ In Uganda this correlation has also been suggested by some members of the judiciary.⁶²

In this survey, 29 of the 39 women (74 per cent) convicted of murder/manslaughter against a male family member reported having suffered domestic abuse from a partner,

spouse or male family member. Twenty of these women said that this was a frequent occurrence. Ten of these women said they had experienced sexual abuse once or twice, and six of them had been sexually abused many times. Of the 11 women who responded to the question about the perpetrator, eight said that the perpetrator was their spouse/partner.

Table 8: Women convicted of murder/manslaughter of a male family member: length of sentence

2-6 years	4
7-9 years	2
10-15 years	6
15-20 years	4
20 years and longer	5
Unknown	3

60 Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Kyrgyzstan, 28 May 2010, UN-Doc. A/HRC/14/22/Add.2, para. 26.

61 Cornell Law School’s Avon Global Center for Women and Justice and International Human Rights Clinic, Ministry of Defence of Argentina and the University of Chicago Law School International Human Rights Clinic, *Women in Prison in Argentina: Causes, Conditions, and Consequences*, 2013, p19.

62 See ‘Rising cases of women killing their husbands worries Judges’ ‘New Vision’ 16 December 2014, which quotes the head of War Crimes Division Court Justice Moses Mukilbi as saying ‘the women in northern Uganda have suffered the brunt of massive rape, sexual exploitation and abduction and as a result they are traumatized and no wonder some of them have taken the law into their hands.’ Available at <<http://www.newvision.co.ug/news/662913-rising-cases-of-women-killing-their-husbands-worries-judges.html>> <accessed 2 June 2015>.

Of the
39 women
 convicted of murder or manslaughter
 of a male family member in Uganda



97%
 had children



74%
 reported they had experienced
 domestic abuse



74%
 were very poor
 or poor



49%
 had never been
 to school

33%
 only to primary
 school

Access to legal representation

Just over half of the women surveyed said they had access to legal representation (12 per cent of women surveyed in pre-trial detention and 33 per cent of those convicted). While most women are likely to have had some form of legal representation, the fact they did not identify it as such, may reflect dissatisfaction with the quality of legal representation, including insufficient time to meet with the legal representative,⁶³ and also their lack of knowledge about the legal process.

The Constitution provides for legal representation to individuals charged with an offence which carries a sentence of death or imprisonment for life.⁶⁴ The Poor Persons Defence Act provides for legal aid and states that 'where it appears for any reason that it is desirable, in the interest of justice, that a prisoner should have legal aid in the preparation and conduct of his or her defence at his or her trial and that the means of the prisoner are insufficient to enable him or her to obtain such aid, a certifying officer may upon committal certify that the prisoner is entitled to have legal aid'.⁶⁵ The Advocates (Amendments) Act also provides for pro bono legal services to the indigent regardless of the category

of offence committed.⁶⁶ Under Uganda's current model of state-sponsored legal aid (state brief system), an advocate is assigned to an accused and paid by the government for legal services rendered. Currently, the main challenge is the quality of legal representation provided by state briefs, which often leaves much to be desired because the advocates are unlikely to work as diligently as they would for clients who pay them satisfactorily.⁶⁷

Offenders accused of non-capital offences may hire a private lawyer, represent themselves, or rely on other legal aid service providers in the country. In 2008, the Legal Aid Service Providers Network (LASPNET) was established as an umbrella organisation of legal aid service providers. There are over 40 members of LASPNET including the Paralegal Advisory Services (PAS). From January to December 2014, PAS assisted over 37,837 offenders (6,222 women) to access justice through pro-active legal interventions at police stations, courts of law and in prisons. While the current state brief system and legal aid organisations provide for a large number of defendants, there is a need to expand the coverage to ensure access to all defendants.⁶⁸

63 Karugonjo-Segawa R / Uganda Human Rights Commission, *Pre-trial detention in Uganda*, APCOF Policy Paper November 2012, p8.

64 Article 28 of the Constitution of the Republic of Uganda, 1995.

65 S.2 of the Poor Persons Defence Act.

66 S.15A (1)-(3) of the Advocates (Amendment) Act, 2002. Under the Advocates (Pro bono Services to indigent Persons) Regulations, an advocate is required to provide a minimum of forty hours pro bono assistance to an indigent person each year.

67 Karugonjo-Segawa R / Uganda Human Rights Commission, *Pre-trial detention in Uganda*, APCOF Policy Paper November 2012, p9.

68 Foundation for Human Rights Initiative, *Uganda: The right to a fair trial – Next steps*, Report for the period 30th June 2011 – June 2012, p43.

Practical consequences of conviction and imprisonment

Forty-three per cent of women surveyed lost their job because of imprisonment and 35 per cent lost their home. Imprisonment of parents significantly impacts families often leading to family breakdown.⁶⁹ The survey showed that 25 per cent of the women endured family breakdown, and 13 per cent said they were left by their husbands. As many as 20 per cent of women said that they experienced stigmatisation by their family and the community as a result of imprisonment.

A third of the women responded that their children were taken away as a result of imprisonment and nine per cent claimed their children were living on the street following their arrest. The impact of imprisonment on families can also be seen in the small number of women who are visited by their family (under a third at 31 per cent). Only 13 per cent were visited by their children who were living outside of prison. Of the 60 women who did receive family visits, 28 per cent had a weekly visit, 42 per cent had a visit once every six months, and 12 per cent had a visit just once a year.

Table 9: Practical consequences of imprisonment for women surveyed*

Loss of job	43%
Loss of home	35%
Children taken away	31%
Family broke up	25%
Stigmatised by family and community	20%
Health issues	24%
Husband left	13%
Children on the street	9%
Left school	4%
Other	2%

*Women could indicate more than one consequence.

Over 50 per cent of the women stated they had health issues and a quarter of these women attributed these health issues to their imprisonment. Eighty per cent of women surveyed said they had access to medical care with all of them accessing this through the prison nurse or doctor and just a small number accessing health services via an NGO or hospital or clinic outside of prison. Many women surveyed complained about the quality of the health services.⁷⁰ In 2008, UNODC reported a staff shortage in the Prison Health Service with only 112 positions occupied out of the 436 approved staff capacity, and in upcountry prisons only 25 per cent of positions were filled.⁷¹ Notably, 51 (out of 194) women volunteered that they were HIV positive (the women were not required to disclose their HIV status). Like the rest of the Ugandan population, prisoners experience the severe consequences of the HIV/AIDS epidemic. According to a study into the situation of HIV/STI/TB in Ugandan Prisons carried out by UNODC, the prevalence of HIV and syphilis among prisoners was higher than in the general population.⁷² They found the general prevalence of HIV among female prisoners was also slightly higher at 13 per cent compared to their male counterparts at 11 per cent.⁷³

To address the situation, specialised health services such as counseling, testing and anti-retroviral drugs for prisoners who are HIV positive or living with AIDS were provided in 33 prisons in 2013, including Gulu Prison, Patiko Prison in Gulu District and Masaka prison. There is however a need to widen the scope of these services. The Uganda Law Reform Commission has called for reforms to ensure that every prisoner has access to essential HIV/AIDS prevention, treatment and care, national evidence-based strategies on prevention, treatment, care and support in prison settings; and programmes that reach all prisoners and are linked with the services available to the wider community. However, no suggestion on incorporating a gender-specific strategy for the prevention, treatment and care for HIV positive women in prison was included.

69 For example, see Open Society Justice Initiative, *The Socioeconomic Impact of Pretrial Detention*, 2011.

70 According to the Human Rights Watch report *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan prisons* (2011), even in prisons with associated medical facilities, obtaining care is not guaranteed. Health infrastructure at most clinics is dilapidated or 'make shift' and only three of ten regional referral health units have laboratory services and CD4 count facilities were lacking at the regional level.

71 UNODC/UPS, *A Rapid Situation Assessment of HIV/STI/TB and Drug Abuse among Prisoners in Uganda Prisons Service*, 2008.

72 Ministry of Health, *Uganda AIDS Indicator Survey (UAIS)*, 2011.

73 UNODC/UPS, *A Rapid Situation Assessment of HIV/STI/TB and Drug Abuse among Prisoners in Uganda Prisons Service*, 2008.

Psychological or psychiatric consequences of imprisonment

Depression was cited by the majority of the women surveyed as the most common consequence of their imprisonment (63 per cent). There was a high rate of women experiencing insomnia (49 per cent). Another common consequence was anxiety which affected 30 per cent of women. Twenty-six per cent said they were lonely, whilst 18 per cent experienced anger, 20 per cent cited fear as a consequence of their imprisonment, and five per cent of the women said they had suicidal thoughts or had self-harmed respectively.

Given the extent of psychological issues experienced, it is surprising that only eight women (four per cent) had ever received treatment for psychological or psychiatric problems. Of the eight women who had received treatment, six said that they had developed these problems whilst in prison and two indicated that their condition worsened whilst in prison.

Fifteen of the women prisoners who were surveyed had attempted suicide or harmed themselves at some point in their life. Four of these women did this before imprisonment, seven of the women said they had attempted suicide and/or harmed themselves whilst in prison, and one of the women had harmed herself/attempted suicide both before and during imprisonment.

Under Ugandan law, persons with mental illnesses should not be detained in prison and arrangements must be made to remove them to a hospital for mentally ill persons as soon as possible. During the course of the trial, if the court has reason to believe that the accused has an 'unsound mind' and is consequently incapable of making his or her defence, the court has a duty to inquire into his or her mental state.⁷⁴ In such cases, the Minister of Justice may order that the accused be confined in a mental hospital or other suitable place of custody and the court must give the directions necessary to carry out the order. However, there are reported cases of prisoners with mental illnesses awaiting 'Minister's orders' (from the Minister of Justice) while in prison, and given that prisons in Uganda are ill equipped to provide mental healthcare this poses a major challenge to both the prison administration and the prisoners concerned.⁷⁵ The stigma and social

misconception surrounding mental illness means that a proportion of the prison population suffer from undiagnosed mental illnesses and receive no treatment as a consequence.⁷⁶ Some mental health issues may develop while in prison and these often go unnoticed. There is therefore a need for mental health services to be incorporated in the healthcare system within prisons.

Table 10: Psychological problems reported by women prisoners surveyed*

Depression	63%
Insomnia	49%
Anxiety	30%
Loneliness	26%
Fear	20%
Anger	18%
Self-harm	5%
Suicidal thoughts	5%
Started using drugs/alcohol	1%
Other	1%

*Women could indicate more than one consequence.

Drug and alcohol dependency

The women surveyed were slightly more affected by alcohol than drugs: 16 per cent said they were dependent on alcohol while only three per cent said that they were dependent on drugs.

In 2008, the UNODC undertook a Rapid Situation Assessment of HIV/STI/TB and drug use among male and female prisoners in which 48 per cent of the prisoners admitted abuse of drugs prior to imprisonment and 12 per cent of respondents admitted to having used drugs in prison. However, in this study more male prisoners than females confessed to having used drugs.⁷⁷ This study found that drug use amongst prisoners is an emerging problem and the absence of

74 S.113 of the Magistrates Courts Act (MCA) Cap 16; S.45(1) of the Trial of Indictment Act (TIA) Cap.23.

75 Foundation for Human Rights Initiative, *Uganda: The right to a fair trial: Next steps*, Report for the period 30 June 2011-June 2012.

76 For example, see, 'Living with mental illness in Luzira Upper Prison', *The Daily Monitor*, 5 February 2012, available at <http://www.monitor.co.ug/Magazines/Life/-/689856/1320170/-/c7htlg/-/index.html> <accessed 2 June 2015>.

77 UPS/UNODC, *A Rapid Situation Assessment of HIV/STI/TB and Drug Abuse among Prisoners in Uganda Prisons Service*, 2008.

drug dependence treatment programmes in Ugandan prisons is a shortcoming that is likely to result in the escalation of drug use and associated problems.⁷⁸

Interviews by the research team with prison officials indicated that the influence of alcohol and drugs was one of the factors that led to women committing offences and being imprisoned.

Experience of domestic violence and sexual abuse

Thirty-seven per cent of the women surveyed said that they had experienced domestic violence from their partner, spouse or any other family member and, of these women, 73 per cent (52 out of 71 women) indicated that the abuse had occurred many times. Twelve per cent of women surveyed said that they had been sexually harmed one or two times and 11 per cent many times, meaning almost a quarter of the women surveyed had been sexually harmed. Of the 45 women who said they had been sexually harmed, 20 (44 per cent) had been abused by their spouse or partner.

Women's experience of domestic and sexual violence may be under-reported in this survey due to stigma. The results are inconsistent with other studies which show that gender violence is more widespread in Uganda. According to the 2011 Uganda Demographic and Health Survey, for example, 56 per cent of women aged 15–49 have experienced physical violence at least once since the age of 15. The survey also showed that at least six in ten of all married women have experienced emotional, physical or sexual violence within their households.⁷⁹

In 2007, the Uganda Bureau of Statistics found that although both women and men experience violence, women were more likely to suffer every form of violence with a vast majority of violence committed by an intimate partner.⁸⁰ Also, according to the 2011 Uganda Demographic Health Survey, 60 per cent of women who have experienced sexual violence said their current husband or partner was responsible, while another 20 per cent were sexually abused by a former husband or partner. The figures were similar for sexual violence with 55 per cent perpetrated by the current husband and 18 per cent perpetrated by a former spouse or

partner.⁸¹ Violence in intimate relationships, especially for women, is often perceived as 'natural and normal', which suggests that in reality the prevalence is higher than that reported. The 2006 Uganda Demographic Health Survey widely indicated that domestic violence is commonly justified by society in circumstances such as neglecting the children, going out without telling the husband, refusing to have sex, arguing with the husband or burning the food.⁸²

While there have been some positive recent steps to fight violence against women in Uganda, in particular the adoption of laws criminalising domestic violence, measures necessary to ensure the implementation of laws are lacking. In 2011, Uganda enacted the Domestic Violence Act (2010) which provides for the protection and relief of victims of domestic violence and effective prosecution of perpetrators of domestic violence.⁸³ Despite this development, domestic violence continues unabated. In recent years, research shows incidents are increasing, with a 14 per cent increase in deaths caused by domestic violence in 2011.⁸⁴ It is still a very common occurrence that is rarely reported to the authorities. There are many reasons for this, including stigma, lack of knowledge about rights to protection, lack of knowledge about support networks available, poverty, and the common belief that domestic violence is acceptable. While some organisations offer support and legal aid to women victims of violence who are seeking help, there are no shelters or safe-houses.

Support requirements to build a new life

The top three support requirements while imprisoned identified by women surveyed were vocational training, access to legal representation and medical care.

The Uganda Prison Service (UPS) is charged with facilitation of the social rehabilitation and reformation of prisoners through specific training and educational programmes.⁸⁵ The majority of the women surveyed affirmed that there were educational or skills training options available to them, and nearly 63 per cent of women said they were actively participating in free vocational/skills training during imprisonment.

⁷⁸ *Ibid.*

⁷⁹ Uganda Demographic and Health Survey, 2011.

⁸⁰ Uganda Bureau of Statistics, 2007 Statistical Abstract.

⁸¹ Uganda Demographic and Health Survey, 2011.

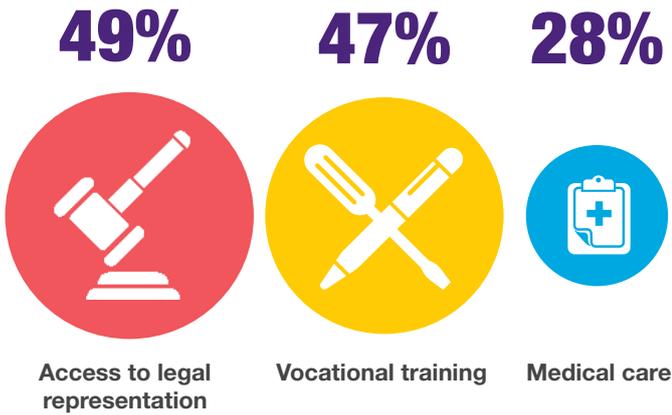
⁸² Uganda Demographic and Health Survey, 2006.

⁸³ Memorandum to the Domestic Violence Act, 2010.

⁸⁴ Uganda Police Annual Crime and Traffic/Road Safety Report, 2011.

⁸⁵ Section 5(b) of the Prisons Act, 2006.

The top three support requirements during imprisonment



In 2014 it was reported that the UPS conducted skills training and education in 161 prisons where 1,959 inmates – men and women – were enrolled in vocational skills training and 2,227 underwent formal education.

Nearly half of the women surveyed stated that they needed vocational training during imprisonment to build a new life, significantly higher than the 15 per cent who wanted formal education. Vocational training courses provided to women prisoners by UPS include among others tailoring, handicraft, weaving, beauty skills and leather works; all are available to women prisoners on an optional basis. NGOs, such as Product of Prisons, also provide vocational training to women prisoners who are paid for their work so they can contribute financially to their families and facilitate their re-entry into the community. While vocational training is available in some prisons, there is a need to make it accessible to all prisons and also to increase the scope of training available in order to equip the women with sustainable skills upon release. Formal and vocational education in prison helps prisoners prepare to lead law-abiding lives after serving their sentences. However, due to limited government funding and resources, not all prisons in Uganda have fully equipped centres to offer vocational skills. Currently educational courses are only provided at the following prisons: Luzira Upper, Luzira Women, Murchison Bay, Kigo, Gulu, Mbale, Mbarara and Arua.

Forty-nine per cent of women identified legal aid as a support required during imprisonment to build a new life, while 28 per cent of women indicated they needed medical care. These findings demonstrate the need to expand the coverage of legal aid services, especially to indigent women, and the lack of adequate health care available in prison.

The survey findings also highlight the level of abandonment and isolation experienced by women prisoners. A fifth of the women prisoners surveyed said they needed more visits from their family and children. (See page 17 for survey findings on family visits).

Reasons for the limited number of visits may be due to the fact that some women are imprisoned far from their homes which makes it difficult for friends and families to travel, due to cost and distance. Furthermore the high level of stigma associated with committing a crime – particularly in the cases of murder or manslaughter – may have an impact on family relations. Another reason may be owing to the fact that the women have not had the opportunity to tell their relatives where they are. Eight per cent desired to be transferred to a prison near their home.

Table 11: Support requirements during imprisonment to build a new life*

Formal education	15%
Vocational skills training	47%
Access to legal aid	49%
Medical treatment	28%
Counseling and therapy for drug and alcohol problems	4%
Counseling and therapy for domestic violence	7%
Counseling and therapy for mental health problems	6%
More visits from family and friends	21%
Transfer to prison closer to home	8%

*Women were invited to identify more than one support requirement.

Women identified a number of ways in which they would need support **upon their release** from prison. The two most commonly identified were support with finding employment – 60 per cent of women highlighted this as a priority – and financial support (47 per cent). Around 17 per cent of women required support with housing and 11 per cent stated they needed support with treatment for health problems (after release). Several of the identified needs reflect the social isolation and family breakdown endured by women prisoners. Twenty-one per cent indicated that support to reunite with their family and spouse would help them rebuild their lives; 24 per cent wanted support to reunify with their child or children. Ten per cent said they needed legal advice.

Table 12: Support requirements to build a new life following release*

Housing	17%
Employment	60%
Financial support	47%
Reunification with family or spouse	21%
Reunification with children	24%
Access to legal advice	10%
Treatment for health problems	11%
Counseling and therapy: drugs and alcohol problems	1%
Counseling and therapy: domestic violence	2%
Counseling and therapy: mental health support	2%
Child care support	5%
Protection from violence	5%
Other support services	6%

*Women were invited to identify more than one support requirement.

Previous offences and obstacles to reintegration

The majority of the women were first time offenders. Only 12 per cent of the women surveyed (both pre and post-release) had been imprisoned before – 23 out of 194. Stigmatisation and having no source of income upon release from prison were cited by 30 per cent of these women as significant obstacles to their reintegration. The research shows that many challenges faced by the women on release are direct consequences of their imprisonment: 43 per cent had lost their jobs, 35 per cent lost their homes and had experienced family breakdown including their husbands leaving them. These consequences have a direct correlation with challenges that await these women upon release as they try to start a new life and shows that a lot of support by government and other stakeholders is needed to help the women to reintegrate.

Only 13 per cent of the women surveyed who had previous convictions had received assistance from the Government or NGOs upon being released previously.

5. Conclusion and recommendations

This research does not provide an assessment of the extent to which the Government of Uganda has implemented the UN Bangkok Rules nor an appraisal of the conditions for women prisoners in Uganda. The recommendations set out below, therefore, do not include measures to improve physical prison conditions. Instead they highlight the key areas which should be addressed as a *matter of priority* in order to respond to the most urgent needs of women prisoners that have been raised in this research. It is hoped that these recommendations will inform the review of the Prisons Act to bring it in to conformity with international standards including the UN Bangkok Rules and the revised UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).⁸⁶

1. Reduce the high numbers of women in detention

The population of women in prison in Uganda has increased over the past three years and now stands at six per cent of the total prison population. It is striking that the vast majority of the surveyed women were first time offenders – 88 per cent. Over half of women prisoners were in pre-trial detention, with some of these women being in detention for more than two years. While the right to bail is provided for in the Constitution, the conditions imposed by the courts are often too onerous for women who do not have access to sureties or do not have a fixed place of abode. Community service is available as an alternative to imprisonment; however it is rarely used in practice. Steps should be taken to reduce the imprisonment of women, taking into account women's history of victimisation and care-taking responsibilities.

- Gender-sensitive non-custodial measures should be applied instead of pre-trial detention wherever possible; for example, the surety imposed must be reasonable and proportionate given the defendant's circumstances and where bail requires regular reporting to authorities, transport to the respective police station or court must be affordable and feasible for women, and not jeopardise their caretaking responsibilities. The length of time women spend in pre-trial detention should be

subject to ongoing court review. (Bangkok Rules, Rules 57, 58 and 60 and UN Standard Minimum Rules for Non-custodial Measures – The Tokyo Rules, Rule 6.2)

- Courts should be permitted to take into account childcare or caretaking responsibilities of women defendants, including that such responsibilities render absconding of women defendants more unlikely and pre-trial detention is therefore less likely to meet the requirement of necessity. (Article 30 of the African Charter on the Rights and Welfare of the Child – ACRWC – as interpreted in General Comment No.1 and Bangkok Rules, Rule 57)⁸⁷
- Courts should be given the authority to consider mitigating and gender-specific factors when sentencing women offenders. (Bangkok Rules, Rules 57 to 61)
- Alternative sanctions to imprisonment should be developed which build on existing community service programmes and which also address the most common causes leading to women's contact with the criminal justice system, including the provision of counselling for victims of domestic and sexual abuse. (Bangkok Rules, Rule 60)

2. Address violence against women

Thirty-seven per cent of the women who were surveyed said that they had experienced domestic violence from their partner, spouse or another family member and, of these women, 73 per cent indicated that the abuse had occurred many times. It is possible that the real proportions are in fact higher. As many as 74 per cent of women who were charged or convicted with murder/manslaughter of a male family member reported having suffered domestic abuse from a partner, spouse or male family member. Women in these circumstances may raise a defence of provocation or self-defence but the law is silent as to whether a background of systemic domestic abuse can constitute a mitigating circumstance to be weighed up when sentencing. The fact that high proportions of women prisoners have experienced domestic violence must be meaningfully acknowledged and addressed within the criminal justice system:

⁸⁶ The UN Commission on Crime Prevention and Criminal Justice adopted the revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) at its 24th Session on 22 May 2015. It is expected that the Rules will be adopted by the UN General Assembly at the end of 2015. See Resolution 'United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)', UN Doc E/CN.15/2015/L.6/Rev.1 at: <www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN152015_L6Rev1_e_V1503585.pdf> <accessed 2 June 2015>. See PRI's website for more information at: <www.penalreform.org/news/mandela-rules-on-prisoner-treatment-adopted/>.

⁸⁷ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), *General Comment No. 1 on Article 30 of the ACRWC: "Children of Incarcerated and Imprisoned Parents and Primary Caregivers"*, 8 November 2013.

- The Domestic Violence Act (2010) must be properly resourced and implemented so that perpetrators are prosecuted. In order to achieve this, the Act must be better known amongst prosecutors and the Judiciary and there must be greater public awareness of its provisions amongst the general public.
- Research is required to examine the extent to which experience of domestic violence is taken into account as a mitigating factor at the point of sentencing for women convicted of murder/ manslaughter of a male family member as provided for in the Bangkok Rules.⁸⁸ Such research should also enquire into the extent to which self-defence can be raised in the context of systematic domestic violence.
- When developing post-release reintegration strategies, provision must be made for those women who are in need of protection upon release in order to prevent that they are forced to return to a violent household. They should have the option of being voluntarily placed in appropriate safe accommodation following release while support is provided to find suitable accommodation.

3. Ensure women's equitable access to effective legal aid

The research showed the need for better quality and wider provision of legal representation, with just over half of the women surveyed saying they had access to it, reflecting the inadequate quality of representation and the women prisoners lack of knowledge on the legal process. Legal aid was indicated as the most important support required to assist with or facilitate rehabilitation and reintegration by almost half of the women prisoners surveyed.

- Women should be provided with access to legal aid services that incorporate a gender perspective in line with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. (Guideline 9)
- The low quality of legal aid should be addressed, and provision should be extended to all regions of the country to ensure that all women can access legal representation at all stages of the criminal justice process.

4. Strengthen provision of health-care services to women prisoners

The research indicated a high level of mental health-care needs amongst women prisoners in Uganda – 63 per cent of women surveyed said that they experienced depression as a consequence of their imprisonment and 49 per cent experienced insomnia. Access to psychologists or psychiatrists is very limited. Over half of the women surveyed said that they had health issues and, although the majority had access to medical care, many stated that the quality of care was not satisfactory. Treatment for health problems was one of the most commonly identified support requirements needed during imprisonment. A quarter of the women prisoners disclosed voluntarily that they were HIV positive but women prisoners have limited access to HIV/AIDS prevention and care programmes.

- Gender-specific health-care services must be addressed as a priority. (Bangkok Rules, 6 to 18 and 48)
- A gender-sensitive policy is required that ensures all women prisoners have access to HIV/AIDS prevention, care, treatment and support services, including prevention of mother-to-child transmission. The policy must also ensure treatment and care for women prisoners who are HIV positive or living with AIDS. (Bangkok Rules, Rules 14 and 17)
- There is an urgent need to improve psycho-social services to respond to the high level of mental health issues among women prisoners. Such services should have a multi-disciplinary approach that maintains confidentiality and does not rely on medication alone. (Bangkok Rules, Rules 6, 12, 13, 16 and 42)

⁸⁸ See Bangkok Rules, Rules 57, 58, 60, 61, 62, 64 and 65

5. Provide women prisoners with rehabilitation and reintegration services

Demand for vocational skills training was particularly high amongst the support requirements listed by women who participated in the survey and 60 per cent identified that they needed support with finding employment upon release. Very few women who had been imprisoned before had received any support after release.

- A strategy should be developed to improve the rehabilitation and after-care programmes provided to women prisoners in preparation for and following their release. Such programmes should include training in marketable and relevant vocational skills and can be conducted in partnership with civil society organisations. Gender-specific vocational and rehabilitation services should be made available in all prisons where women are housed. (Bangkok Rules, Rules 42 and 46)
- It is essential that responsible ministries and civil society organisations develop and implement pre- and post-release reintegration strategies that focus on employment and reunification with families (where appropriate) and that take into account the gender-specific needs of women to enable them to build a new life following release. (Bangkok Rules, Rules 43, 46 and 47)

6. Improve conditions for children living in prison with their mothers

Although this issue was not addressed in the survey questionnaire, during the research the often dire situation of children living in prison with their mothers became apparent. Often they lacked basic food, health-care and sanitation. This is inconsistent with the Bangkok Rules and Uganda's obligations as a State Party to both the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child which clearly state that children living in prison must be provided with their basic needs, quality primary health-care services, and an environment to ensure their upbringing is as close as possible to that of a child outside prison. (Bangkok Rules, Rules 48-52 and Article 30 of the ACRWC as interpreted in General Comment No.1.)

- Ensure that a non-custodial sanction is always considered when sentencing parents/primary caregivers to take into account the impact of a parent's imprisonment on their children. (Bangkok Rules, Rule 49 and Article 30 of the ACRWC as interpreted in General Comment No.1)
- In the very exceptional circumstances when alternatives to detention cannot be applied and it is in a child's best interests to remain with their mother or primary caregiver, the protection of the rights of the child must be ensured while housed in prison, in particular the provision of adequate nutrition and health-care. (Bangkok Rules, Rule 49-51 and Article 30 of the ACRWC as interpreted in General Comment No.1)

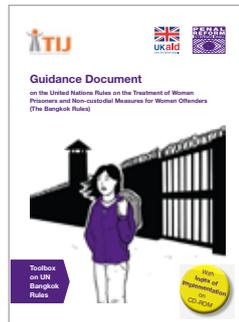
PRI's Toolbox on the UN Bangkok Rules

Toolbox on the UN Bangkok Rules

PRI has developed a range of practical resources to assist in putting the UN Bangkok Rules on women offenders and prisoners into practice.

Guidance document:

A guide to each Rule, suggested measures for implementation at policy and practical level, with examples of good practice to inspire new thinking.



Index of Implementation:

A comprehensive checklist for an assessment of implementation of the Rules, structured for different actors. Can be used in developing policies and strategies.

Both documents jointly published with the Thailand Institute of Justice.

Online course: Women in detention – putting the UN Bangkok Rules into practice:

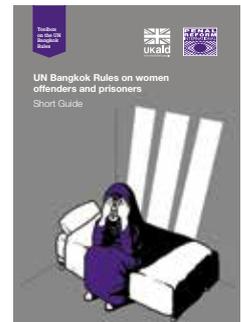
A self-paced, free online course combining analysis of the Rules, interactive assessments and application of the Rules to real life situations, with a certificate issued at completion.

A guide to gender-sensitive monitoring:

A guide to help bodies monitoring places of detention incorporate a gender perspective into their work and address violence against women and girls in detention. Jointly published with the Association for the Prevention of Torture.

Short Guide to the Bangkok Rules:

A short illustrated guide to the Bangkok Rules, providing an overview of the typical profile of women offenders and their needs, and what the Rules cover.



Access to justice – discrimination against women in criminal justice systems:

This briefing paper maps concerns relating to the discrimination of women as alleged offenders in the justice system.

Neglected needs: Girls in the criminal justice system:

This briefing paper highlights the particular issues facing girls involved in criminal justice systems and makes recommendations for strengthening the protection of their rights. Jointly published with the Interagency Panel on Juvenile Justice (IPJJ).

E-bulletin:

A quarterly round-up of information on women in the criminal justice system, the Bangkok Rules and activities by PRI and others on the Rules. Sign up by emailing info@penalreform.org

Please visit: www.penalreform.org/priorities/women-in-the-criminal-justice-system/

Resources are available in multiple languages.

**Foundation for Human Rights
Initiative (FHRI)**

Plot 1853, Lulume Road, Nsambya
P.O Box 11027, Kampala, Uganda

Telephone: +256 414 510263

Email: info@fhri.org.ug

www.fhri.or.ug

ISBN 978-1-909521-43-8

Penal Reform International

60–62 Commercial Street

London E1 6LT

United Kingdom

+44 (0) 20 7247 6515

www.penalreform.org

Twitter: [@PenalReformInt](https://twitter.com/PenalReformInt)