

**THE IMPACT OF PUNISHMENT AS CRIME PREVENTION IN UGANDA:
A CASE STUDY OF LUZIRA PRISON**

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DECLARATION

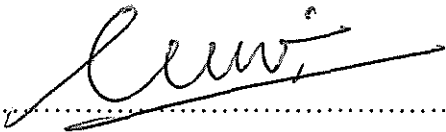
I Magino Rogers declare that this research paper is my original work and has not been submitted for any Bachelors or Masters or PHD or Diploma in any University.

Signed *Magino Rogers*


Date *03rd Nov 2014*

APPROVAL

I hereby certify that this work contained in this research paper entitled “**The impact of Punishment as Crime Prevention in Uganda case study of Luzira prison**” has been under my supervision and I have approved it for submission to School of Law Kampala International University.

Signature.....

Mr. Arinaitwe Asaph

Date .....

DEDICATION

I dedicate this research paper to the following people who have ensured that my education is a success.

1) **God** being my first priority in everything I do, Great thanks to him for the knowledge and wisdom he has granted to me through the four years because with God all things are possible.

My supervisor **Mr. Arinaitwe Asaph** for the great work he has done in supervising my research work without giving me any hardship and ensuring that this research is complete and a success.

) My beloved mother **Mrs. KATOOKO JUSTINE** for the gift of love she showed to me her first born, the support she has given me both financially and morally and the advice she gave me through the difficult times and also through the trials and temptations I encountered.

) **Lastly to all my family members for their contribution.**

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I wish to express my sincere gratitude to the following people because this work would not have been possible without them.

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LIST OF ABBREVIATIONS OF ACRONYMS

UNSMR	United Nations Standard minimum role for treatment of prison Committee
ICRE	International Committee of the Red Cross
AG	Attorney General
PCA	Penal Code Act Cap.

ABSTRACT

This study investigated the impact of imprisonment as crime prevention in Uganda.

The study was based on the following objectives: to determine how Punishment affects while preventing crimes in Uganda .The study was conducted through descriptive survey research design; data was collected between June and July, 2014 using questionnaires and review of secondary data techniques from the Luzira prison in Kampala. Data was analyzed using frequency counts and snow ball sampling system to determine the impact of Punishment. The study found out that prisoners are tortured and therefore the government should train spies to report such acts in the prisons in Uganda.

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CHAPTER ONE

1.1 Introduction

Imprisonment is the act of restraining the personal liberty of an individual; confinement in a prison.

According to the “**Black Law Dictionary**” imprisonment connects the act of being confined specifically in prison.

Punishment is the fact of being punished, as for an offence, fault etc.

A prison or jail is a facility in which individuals are forcibly confined and denied a variety of freedom under the authority of the state as a form of punishment.

According to the oxford history of prison¹, the word prison immediately evokes stark images; forbidding walls spiked with watch towers, inmates confined to cramped cells for hours on end; the suspicious eyes of armed guards.

It must be emphasized that people are taken to prisons as a punishment and not to be violations of their right and freedoms far and above the denial of the right to liberty which is only right that is lawfully taken away by imprisonment.

On this, the former chief justice of Zimbabwe, Gubbay C.J authoritatively stated “the view is no longer firm in this jurisdiction and in many others that by reason of his crime a prisoner sheds all basic rights at the prison gate. Rather he retains all the rights of a free citizen save for those withdrawn from him by the law, expressly or by implications, or those inconsistent with the legitimate objectives of the correctional system.

1.2 The background to the problem of punishment

Convicted criminals were sentenced to their punishment by justice of the peace at sessions and the judges at the old Bailey. There were a number of possible punishments to choose from. While some were dictated by statute for specific offences, the justices and judges after had the

¹ The oxford history of prison

opportunity to use their discretion, as they attempted to match the punishment to the punishment to the individual circumstances of the criminals and the crime.

1.3 The brief historical perspective of the prison system in Uganda

There were no formal prisons in Africa before the advent of colonialism but there were kingdoms and leaders used some places to keep law breakers for example Buganda kingdom had the Kabaka who gave orders to arrest and punish them . The 1901 order in council was passed later which incorporated all English laws, including laws on prisons, onto Uganda's legal systems. It was only in 1958 that first comprehensive legislation on prisons came into existence with the passing of the prison ordinance of 1985 which sought to consolidate and amend the laws relating to prisons. It also provided for their organization and the powers and duties of prisons officers. It is important to note that the most of the provisions of the ordinance were adopted from the United Nations.

Standard minimum role for treatment of prison (UNSMR)² by 1964, the prison person operated thirty prisons throughout the country, many of which were industrial or agricultural facilities intended to rehabilitate prisoners by means of subjecting them to physical labour³. In the same year of first Africa.

Commissioner of prisons was appointed which was the turning point of the Uganda prison service.

During the 1970's prisoner abuse became increasingly common place as civilians and military prisons conditions deteriorated beyond imagination. This persisted throughout committee of the Red Cross (icre) to observe the conditions of prisoners in the civil prisons. This undertaking initiated processing of slow but steady prison reforms in Uganda and since there has been significant process in relation to the reformation of the prison system to bring it to line with internationally accepted standards. A very important development has been the passing of the prisons act cap 17 of 2006. The prisons act emphasize prisoner's right and is aligned to the 1995 constitution of the Republic Of Uganda and the international and regional human rights instruments ratified by Uganda.

² Held at Geneva in 1955 and approved by the 4 economic ans dossal council on 31st July 1957

³ Extracted from Uganda prison system available at w.w.w.country-data.com/egi-bin/query/r-14175.html.accessed

1.4 The laws governing prisons in Uganda

Article 23 of the 1995 Constitution of The Republic of Uganda⁴, guarantees the right to liberty and sets out the limited circumstances under the persons' right to liberty can be curtailed, for example detention at a lawful detention centre and being produced in court of law or being released on police bond within 48 hours for all suspects.

The Penal Code Act Cap 120, prescribes punishment to the convicted people among which include imprisonment.

The Prisons Act Cap 17 of 2006⁵ creates an organ that enforces imprisonment as a punishment. The Republic of Uganda as well as a host of international and regional human rights instruments, including the United Nations standards minimum rules for treatment of prisoners (UNSMR)

The Police Act also gives the police power to arrest and put criminals in custody as a punishment.

1.5 Statement of the problem

Imprisoning individuals who break the law has many goals. Imprisonment shows society's abhorrence for certain anti social behaviors and incarceration removes individuals from the community for some time. Most offenders however, are eventually released from prison, thus imprisonment like any other forms of punishment aims at debilitation of offenders. Another goal of incarceration is that improvement has become a fairly common consequence of the law. It is notable that, despite goal of imprisonment mentioned above, it goes without mentioning that the conditions with which the prisoners are sometimes subjected an unconstitutional.

1.6 Objectives of the study

The main objective of this study is to weight the effects of imprisonment and observe whether it is consistent with the legitimate penological objectives of the correctional system. Thus, viewing how reformative. to the prisoner it and how different its values are for prospective criminals.

1.7 Specific objectives of study

- i. To find out the behavior of the citizen who have ever been punished.
- ii. To find out the threat of punishment that deters people from engaging in illegal acts.
- iii. To find out whether people change after being imprisoned as a punishment.

Article 23 of the 1995 constitution of the Republic of Uganda
The Prisons Act Cap 17 of 2006

1.8 Hypothesis

There is a significant relationship between punishment and crime prevention in Luzira Prison.

1.9 Scope of the study

My study focused within Luzira prison as the major sample of the study areas from which I drew a conclusion, which is a general reflection of all other unstudied prisons in Uganda.

CHAPTER TWO

2.0 Literature review

The right to personal liberty and security of a person is guaranteed under the provisions of Article 23 of the 1995 Constitution of the Republic of Uganda. Crucially, this right has been rid of the wanton restrictions by the way of claw-back clauses in the same Constitution. There are additional guarantees against preventive and incommunicado detention under Article 23 (5) and the order of corpus is guaranteed as a non-derogable right, Article 23 (9) and 44 (d) which strengthens it as a remedy.

Further, it follows that the right to personal liberty should not be arbitrary defined. The grounds for such deprivations are spelt out under Article 23(1) of the 1995 Constitution. However, the law order agencies have not often shown sufficient cause to effect arrests rather, the tendency as incidents have attested if for the police to arrest an detain individuals upon a whim and without reasonable cause as the commission or suspicions of commission of criminal offense the “arrest first and investigate later approach in the law and order functioning of the police has beck pointedly criticized with the human rights commission observing in *James Hafaska v D/SP Josh Bwango*.

“We take exception to the practice in this country where the police have a culture of arresting people first then investigate later. This in our experience has denied a lot of innocent people their liberty. Even when prudence would have meant that a matter should be investigated first before an arrest and detention is made.

On the other hand, the practice has prevailed where the individuals arrested and detained are not given reasons for arrest and detention or where a reason is availed, the reason cannot be brought within the parameters of articles 23 of the 1995 Constitutional thus, in *Mohamood FE Hossouna v AG*. A charge preferred against an individual arrested a being in respect of “state matters” was criticized as a charge that does not exist in any statute book in Uganda.

Several other literatures have been reviewed in this study and they attempt to show some scholar’s view of the concepts of imprisonment as a means of rehabilitation. Thus, zamble and Proporino in the book (*Bartol & Bartol, 1994 at page. 366*) concluded from their research that “prisons do not produce permanent harm to the physiological well-being of inmates” however as a

matter of critique my study has found that there are certain prison conditions where this may not be the case as where inmates are subjected to over-crowding and isolation.

Similarly, Bartol C.R, & Bartol, A.M (1994) psychology and law: research and application (2nd edition). It is stated that, whether an inmate becomes several psychologically affected by solitary confinement is dependent on how much time is spent in isolation. For instance an inmate who is placed in isolation for a few days not be as psychologically affected by the experience in comparison to an inmate who is isolated for a longer period of time.

Further, the overall results of the studies have shown that, individual inmates react differently to confinement, they discovered that emotional disruption and adjustment were clearly problems for most inmates during the early stages of their sentence resulting from the dramatic disruptions to their life caused by many restrictions and restraints inherent in prison. The studies have found that during the time span of an inmate's sentence, psychological reactions to imprisonment will often follow a (U-shape) pattern, with the strongest emotional stress reactions occurring at the beginning of the sentence, and at the end of their sentence and as the time to be released approaches. This is partly due to the anticipation and feelings of uncertainty about one's ability to adjust and cope in the outside world again, after having adjusted to the prison life. During the middle of the sentence, anxiety is usually quite low and some acceptance of prison life is generally gained.

In respect of the prisoner's rights, Chief Justice Zimbabwe, Gubbay CJ authoritatively stated

"The view is no longer firm in jurisdiction and in many others that by reason of his crime a prisoner sheds all basic rights at the prison gate.

The above statement as a matter of fact is true to the extent that the prisoner has every inherent right of any other human being and those rights are not shaded off by the fact of they having lost their right to personal liberty through arrest and detention. However as a matter of critique, there is usually a difference between the law in books and (be law in practice. Thus, in practical reality the study points that the prisoner is subjected to a number of ill treatments such as torture, forced labour in the names of communal service, poor accommodation and feeding to mention but a few. All these constitutes a deprivation of other rights of prisoners other than those withdrawn from him by the law or those inconsistent with the legitimate objectives of the correctional system.

An additional literature review is stipulated in the Good news Bible in the Book of Mathew Chapter. 27 on which explains ‘they crucified him and then divided his clothes among them by throwing dice. After that they sat there and watched him. Above his head they put the written notice of the accusation against him “this is Jesus the king of Jews”.

Then they crucified two bandits with Jesus, m on his right and the other on the left.

It follows that, Jesus was in a form of imprisonment while on the cross. This is because it constituted incarceration, humiliation, and a total deprivation of his personal liberty to continue doing the mission of God. This point out the act that imprisonment is not a new concept to our

society but stressed its origin way back from the biblical point of view when it was used by the Pharisees to punish and get rid of Jesus who according to them fell below their expectations and failed to relieve them from the Roman dominion.

2.1 Rule 10 of the United Nations standard minimum rules for treatment of prisoner

Provides that, all accommodation provided for the use of prisoners and in particular all sleeping accommodation must meet all requirements of good health. This includes due regard to climatic conditions, cubic content of air, minimum floor space, lightening, heating and ventilations. Even though the prisons act makes no direct provision for standards in respect of clothing, bedding and accommodation, these are indirectly referred to in the provision for the development of regulations. **(Section 124)** of the Act **26** mandate the minister to develop regulations it provides the minister may in consultation with the commissioner general, by statutory instrument, make regulations for effective management and government of prisons and the prisoners whether in above or beyond the limits of the prison and generally for the better carrying out of the provision and purposes of this act. More specifically, the regulations need to address 2(e) the safe custody, management, organization, hour’s mode and kind of labour and employment, clothing, maintenance, instruction discipline, treatment, restraint, correction and discharge of prisoners.

Rule 10 of the united nation standard minimum rules for treatment of prisoners **27** is far from being adhered to as most facilities were found to be in a deplorable state. For example at Luzira Prison, prisoners were detained in an old building with cracking walls. At a certain building of one of the sections had been blown off during a storm and had not been repaired. Most of the structures visited were dilapidated and posed a risk of collapsing on the prisoners. It’s clear from the above findings that most of the prison buildings are in poor state, poor hygiene and sanitation

in and around the prisons is also a cause for alarm. It was found that most of the water sources in the prisons are unsafe and water supply infrastructure dilapidated.

(a) PRISON OVERCROWDING

This is one of the most pressing challenges facing the Uganda prison service with most of the cells having twice, thrice or even fivefold the number of inmates in excess of capacity. The total available prison capacity at the end of 2014 was 9428, but Ugandan prison provided accommodation to 19289 prisoners; more than double the specified capacity. For example Luzira prison with capacity of 31 had 207 inmates at the time of the visit by the civil society prison reform initiative team on 15th of July 2014 translating into an occupation rate of 6685 and Luzira women prison had 677 inmates in a space meant for 206.

The problem of overcrowding as is the case elsewhere in Africa, can be attributed to the fact that most prisons were built in the 1940's and although the population of Uganda has increased dramatically since then, the prison facilities have remained the same.

b) FREEDOM FROM TORTURE

Article 24 of the 1995 constitution of the republic of Uganda provides for an absolute prohibition of torture. In line with article 10(10) of the international covenant on civil and political rights which provides that persons deprived of their liberty should be treated with humanity and with respect for dignity must be guaranteed under the same conditions as for the free persons. Uganda acceded to the United Nations against torture in the 1986 and the international covenant on civil and political rights in 1995. However the findings show that it is still common place for suspects to be beaten to the extent of sustaining serious injuries by prison warder or katikiros. such cases were reported in Luzira. Torture remains regrettably a major in the Uganda's prisons.

A side from the above limitations, there are other challenges of imprisonment such as:

a) Imprisonment is costly on the taxes payer's money. Unlike other forms of punishment such as fines, hanging, community services to mention but a few. The imprisoned ought to be fed, accommodated, medically assisted and so forth all these are counted down from the taxes payers' money.

b) It is not one behind bar who is guilty of a felony. This is because at the scene of the crime most time it is only the offender and the victim plus a few by-standers who might also fail to properly

remember the face of the parties during the time to give testimony, but not the judge or any of the officers in the matter who are often bribed or prejudiced to pass a sentence of imprisonment against an innocent party. This is why justice is described by the great men as Thomas Aquinas as "just is that aids the most powerful."

(c) Prison aim to cure criminals of crime however their record has not been encouraging. Instead prisons do more harm than good. The pains of jail confinement affect all prisoners in different ways. To begin with the prisoners need to withstand the entry shock by adapting quickly to prison life. Prisoners are exposed to a new culture, which is very different from their own culture. Then they need to maintain outside links. For example, keeping in contact with family and friends becomes frustrating as manifested by reported suicidal tendencies in prisons.

(d) There is threat of deterioration. This is because there is lack of personal choice within the prison environment which may affect prisoners. After years of being told that what to do they may well lose the ability to think for themselves and make their own decisions and choices freely.

(e) It has failed to completely eliminate all the dangerous individuals from the societies. Thus, in many society criminals are still so many that have never been handed-down.

(f) It exposes prison officer to dangers of attacks by the hardened criminals who do not care of living in prison for the rest of their lives.

CHAPTER THREE

3.1 Methodology

A number of methods were employed in the process of this data collection and these are as laid down below.

a) INTERVIEW:

The interview was employed in a way that I had one on one talk with a considerable number of prisoners who explained situations related to their well being and being their experience behind bars. I also interviewed the welfare and rehabilitation officer, Madam Kanyango Martha on the plans for a proper welfare of those prisoners and she went on explaining the endeavors on the part of the government to improve the living and health conditions of the prisoners.

(b) QUESTIONNAIRE:

Under this method, I visited the mansion bay prison in Luzira remand prison and women prison and observed the conditions which the prisoners live. This process helped me not only in the process of data collection, but also drawing a conclusion as regards the prison conditions and its usefulness in Uganda today.

3.2 Causes of imprisonment in Uganda

A number of factors are advanced for leading to persons being imprisoned in Uganda and some of these factors are briefly explained below:

a) BREACH OF THE LAW:

In any country where the rule of law prevails, people who breach the provisions of the law are liable to punishment. Thus it is upon the court faces his fate at the law as consequence of his actions.

b) IGNORANCE OF THE LAW:

The common law doctrine is that the ignorance of the law is not a defense. However, some people find themselves in prisons for reasons, they cannot explain but their wrongful acts are rather explainable in the letters and the spirit of the law due to the law due to their ignorance of existence of these laws.

c) MORAL DEGENERATION:

In Uganda, just like in many parts of the world, human morals have greatly degenerated to the extent that some hardened criminals no longer care whether they are imprisoned or what they do is morally upright or not. What matters most people is that they have satisfied their needs for example theft, corruption, bribery, are some of the offenses that call for long time imprisonment but they are committed each day on a large scale.

(d) THE WIDE GAP BETWEEN THE RICH AND THE POOR

The song of the wide gap between the rich and the poor is a common one to all the developing countries, Uganda in particular as a case in point. In such situation the poor always fight their way to make a living from those who have in plenty whether through working for them or stealing from them, an evil that gives birth to criminality which calls for among others the imprisonment of such offenders.

(e) THE NEED FOR SOCIETY TO RID ITSELF OF CERTAIN DANGEROUS INDIVIDUALS

There are some individuals who are so dangerous to the security of the society at large. For example the hardened criminals such as murderer, rapists, robbers, to mention but a few who are a threat to continued in the society. Thus, such individuals are better confined as a means of societal justice. It is also sometime in the interest of protecting such criminals that they ought to be confined since if left at large, they could run a risk of being pinched by the community of people who are tired of their antisocial behaviours.

(f) ILLITERACY

This is one phenomenon that leads to the breaking of the law in which a punishment such as imprisonment accords. Some people in Uganda are still unable to read and write and as a result they fall prey to the wrong side of the law. A good example is where a sign is put reading doesn't throw rubbish here or else you will pay a fine of 100,000 or serve a term of imprisonment in default. Such signs only communicate to those who can read. Thus leaving out those who cannot liable for the penalties that follow as a result of their inability or illiteracy.

(g) POVERTY

The wide spread poverty is one of the major causes of imprisonment in our world today. For example, a poor person may have no option but to steal from somebody in order to eat for that day yet imprisonment

is a penalty that follows theft in case one is apprehended and brought to book.

(h) CULTURAL DEGENERATION

It is notable that the western culture which has dominated the African culture is not only the good ones. Some of which have degenerating effects that are not appropriate to the African settings. For example, it may not be an offence for a white man to marry a relative yet this is an abomination to some cultures in Uganda and in the statute books it could lead to incest which is a very serious offence punishable by life imprisonment or death.

(i) EXISTENCE OF OBNOXIOUS PROVISIONS IN THE LAW BOOKS

There are some provisions in the laws which are so ambiguous to be understood and interpreted by an ordinary man. Most especially those laws that exist to suppress the political opponents. In these instances, prisons may be used by state authorities to perpetrate high handed and tyrannical practices like torture, arbitrary killings and other

j) PERMISSIVENESS OR OUR SOCIETIES

At the present date, no one in the society seems to care about other but each man for himself and God for all. A good example can be linked to the wide spread corruption which has been given a rest at every place. For example, the local Councils are also so corrupted that they prefer to take bribes from the criminals and go on to protect them instead of standing in for the right things.

(k) MENTAL DISORDER

Some persons commit crimes which lead to their imprisonment due to a mental disorder or disillusion. It should however be noted that a very large blanket is often thrown to cover criminals who fall into such category not because they are believed to be mentally ill at the time of commission of the crime, but they are usually rushed to the mental hospital for examination just as a delay tactics to protect the offender from the angry masses.

3.3. Significance of imprisonment

Imprisonment as a means of rehabilitation has a number of significant impact on criminal behaviors, public security, and law enforcement policy and these significance can be exhausted as below;

- a) It helps in the situations of emergency where there is need to protect the society from the harmful criminal behaviors of certain dangerous elements who need to be removed from the community with immediate effects for example serial killers, armed robbers, and so forth. Thus it is not only means of rehabilitation of offenders but means of protecting the society peace.
- b) Closely related to the above, imprisonment serves in some instances as a means of ensuring national security. For example by imprisoning the treason suspects or suicide bomber suspects, the national security is guaranteed
- c) Imprisonment is also a method of crime prevention. This is closely linked to the deterrence values that imprisonment contains. The incarceration not only make the offenders handicapped from committing further crimes, but also has the effect of deterring prospective criminal from engaging into open criminal acts due to the fears of being jailed too
- d) The correction policy is one of the significant goals that imprisonment has achieved to some extent. This is because imprisonment contains the qualities of rehabilitation and re-integration into the society. It is believed that the pain of confinement in which a prisoner experiences a limitation of movement and moral rejection has correctional values.
- e) Imprisonment is a law enforcement policy. It sends a signal of threat to criminals and to the public at large that the law does not end on paper and ink but extends to be implemented by ensuring that those held accountable for the breach of its provisions are punished.
- f) It promotes peace and order in the societies. This is because the disorderly and dangerous harmful individuals are handed down and incarcerated leaving the society at a considerable degree of order and peace for the time such threats are handicapped.
- g) Imprisonment has greatly reduced the tendencies 'Of mob justice from the societies. By eliminating such unwanted elements, it does not only protect the society but also such

individuals from the worth of the society so that they are not lynched, stoned or beaten to death as an expression of the society's abhorrence for their anti-social behaviors.

- h) By imprisoning an offender, satisfaction is caused in the hearts of the victims. Thus, one would not be wrong to say that justice is revenge disguised in a legal custom. This is because once an offender is punished, justice is said to have met its very end result.

3.4 Limitations of imprisonment

(a) BACKLOG:

This is found to cause substantial problem for criminal cases and the prisons systems. When I talked to different prisoners from the different prisons, they all complained of the backlog and their inability to come before the judge of the magistrate quickly. Out of about 600 prisoners being held at Luzira prison about 100 had actually been convicted of a crime, while the rest of the prisoners are either waiting to be committed or on remand yet constitutionally they are supposed to be committed within 48 hours or be released on police bond but in actuality this often does not happen. In that respect, two of these male prisoners I interviewed in Luzira women prison one Kia and Namatovu have been in prison for 19 days and not yet committed.

It should be noted that the above act constitutes a violation of article 28(3) of the 1995 constitutions of the republic of Uganda⁶. And many other provisions. This gives the accused person a right to be presumed innocent until proven guilty. Thus the fact that some of these accused persons are locked behind bars are mere suspects whose guilt or innocence is yet to be proved is surely a violation of the constitutional provisions

B) THE RIGHT FOOD

Sec 69 of the prisons Act provides⁷ that a prisoner shall be provided with food nutritious value adequate for health and strength by the prison administration, at the hours and the food shall be of whole some quality, well prepared and served and drinking water shall be of wholesome quality, well prepared and served. And the drinking water shall be of wholesome quality, well prepared and served and drinking water shall be of wholesome quality, well prepared and served and

⁶ Act 8(3) a

⁷ The prisons Act cap 17 of 2006

drinking water shall be available to every prisoners whenever he/she needs it it's provision is a restatement of rule 20 of the united nation standards minimum rules for treatment of prisoner⁸.

How, most of the places of detention visited y civil society organization fell below is standard in my regards. First it was found that meals are served irresponsibly due to the ever- increasing number of prisoners, lack of food and adequate cool and clean utensils. At kigo prison, for example, prisoners had a two in one

Meal of yellow maize flour mixed with hot water and served at approximately 15hOO as both lunch and supper. The same practice was found in Luzira women prison with the only improvement being a breakfast of porridge served at 07hOO. In the same prisons like luzira it was found that prisoners received two meals per day being lunch and}upper. However, in all the prisons visited there were no special diets for the sick prisoners.

The food provided to inmates is not only insufficient in quality but also of low nutritional value. Consequently some prisoners, especially those in the rural area appear malnourished. Food for prisoners is usually produced by prisoners on prison farms. However, it's alarming to find that in police cells in Uganda there is no mechanism for feeding detainees and most of them went without food or depended on meals brought by their relatives. Nutrition in places of detention remains a serious problem and need urgent attention.

(c) ACCESS TO MEDICAL CARE:

The right to health care is a fundamental right for all human beings and prisoners are no exception to this. For all prisoners adequate health care begins at the time of admission into custody and prisoners have to be examined within 24 hours of admission to establish their health status. **Section 57(f)** of the prisons act⁹ provides for the rights of prisoners which include the right to have access to health services available in the country without discrimination due to their legal situation. This provision is supplemented by **Section. 75** of the Prisons Act¹⁰ which provides for the transferring a prisoner to hospital if he or she can no longer remain in prison. However, it is a great concern that these provisions are not yet functional in many prisons.

⁸ Right of United nations standard minimum rules for treatment of prisoners

⁹ Prisons Act Cap 17 of 2006

¹⁰ Supra

Following the civil society prison reform initiative research, through routine visits to prisons, observation reflected some improvements in this regard. A patient referral system whereby sick inmates are transferred to better medical facilities for treatment has been established. Importantly, at the end of 2007 the Uganda prison service had secured approval from the ministry of public service to recruit 111 health workers.

Further progress is that HIV, AIDS - positive inmates continue to receive antiretroviral drugs and over 800 prisoners are on this therapy. This improved access to medical services has, according to the commissioner general of prisons, Dr. Johnson Byabashaija, reduced the mortality rate, especially in the Kampala extra region, by 66%.¹¹

There is however, a persistent shortage of the required drugs as well as qualified medical personnel at most prisons. Consequently, the sick prisoners are taken to the nearby health centers for all ailments ranging from common cold and flu to diarrhea and malaria. In respect of (HIV/AIDS), it was observed that most prisoners in urban centers had facilities and had attempted to facilitate access to (ARVS) but this was not always successful. At Luzira prison the supply of (AR VS) and other drugs were found to be irregular. In summary, it must be acknowledged that access to medical care has improved greatly but there remain a number of serious and persistent changes.

3.5 Problems encountered during the process of data collection

(a) FINANCIAL CONSTRAINT

This was one of first and the foremost difficulty faced during the process of this research. This is because every process needed money for example photocopying, surfing the internet for data, transport to the prisons and hunaries, typing, binding and so forth all needed money.

(b) HESITANT NATURE OF THE RESPONDENTS

Some respondents regarded me with a considerable degree of qualifications believing that the research is not only for academic purposes but could be used against them by state intelligence or

¹¹ In a speech delivered during the annual report consultative meeting held at Rider Hotel, Seeta (Mukono), on 22nd February, 2008

organizations which would demand that they are also exposed by names and addresses, a fact that caused fear among them making it difficult to extract information from them.

(c) LANGUAGE BARRIER

Some of the respondents could not express themselves in the official language to the questions put to them but could only speak their local languages, so that problem threw me to the need of finding interpreters who could help me during such occasions yet they were never for free.

(d) ILLITERACY

Quite a number of prisoners could not read or write the questionnaires. This became a major challenge because I had to explain the question in the local language and come back to translation which was a risky process because it involved the possibility of having the meaning of the question changed from the original intended purpose the questions were designed to achieved.

(e) CORRUPTION

This is a vice that has killed the soul of everyone in this nation. It happened that everyone I needed information from would first demand for something popularly styled as “Kitu Kidogo” meaning some form of a bribe to open the way for me to the place I needed to reach. Or for him to release the information in this knowledge. For example one Matovu a prisoner in Luzira who I approached with the questionnaire and asked if he was in possession to answer, replied and said “Madam it’s okay as long as you have come with my lunch today.”

(f) BAD WEATHER

This season with which this research was conducted was unpredictable, could rain or shine any minute making the roads so muddy and traffic jam associated so much with these leading to a lot of inconvenience. Sometimes I could reach the prisons past the time of visitation and could be denied a chance to see the prisoners until the next day.

(g) TIME FACTOR

Time balancing is the one I mean here in particular, it was hard to work during the day, attend lecturers in the evening and go on researching for data related to my topic. Thus I was between the rocks.

(h) BUREAUCRACY

This exercise entangled me into many processes. To every institution I would visit, there was need to introduce myself with an introductory letter from the university from one desk to the next, show of identity card and sometimes I was told to go back the next day because the officer in charge who could enable me to get the information had not worked on that day to mention but a few.

3.6 Library research

The researcher carried out extensive literature review to understand the concepts better which called for lot of background information. Different information was obtained and reviewed from the Institute of psychology book bank of Kampala international University, KLU Social Research Center Library and Kampala international university main library.

3.7 The research design

A case study research design was used since it accepts multiple methodologies of including qualitative, quantitative and participatory these where supplement and complement one another. Each method was used has advantages and disadvantages but was planned that their use in the field of research would help one another. Besides that, studies on impact of imprisonment have been dominated by quantitative analysis but in order for the researcher to understand the concepts better; both qualitative and quantitative methods were used. While quantitative methods were used to correlate the social-economic circumstances that led the crime commission and delinquency among juveniles, qualitative methods became necessary to elucidate why crimes and delinquency occur among the adults juveniles.

3.8 Participatory approach methods

Materials were gathered from group discussions where participatory exercise was carried out, Through group discussions and in-depth interviews with key informants, participatory approach enabled the researcher to reach the once the criminals in prison and marginalized group of juvenile delinquents and the reasons to why they committed such crimes. It also helped the researcher to come up with behavioral traits of some of respondents as criminals and juvenile participated in the exercise.

3.9. Data analysis

Data Analysis is viewed as a challenging and existing stage of the qualitative research process. This

process is continuous and often repetitive (Ritchie & Lewis, 2003).Data may also be treated as representing phenomena in terms of such things as feelings, experiences, events, or perceptions. as in this study (Ritchie & Lewis, 2003).

Data gathered from the interview provides a rich description along with a complex collection of information from the participants. Merriam (2001) notes that analysing data involves making sense out of the data. It reduces, consolidates and interprets what participants report throughout the interview press Vjiller and Glassner (1997) suggest that researchers cannot provide a minor reflection of the social world but they can provide access to the meanings people attribute to their experiences and social words.

The aim of the research was to identify female and male inmates own perceptions of the impact of Imprisonment on their Health Rights and Well-being. Obtaining female and male inmates perspectives was important because it could result in a deeper conceptualization and understanding of their perception of the Impact of Imprisonment on their Health Rights and Well-being.

Subsequent data analysis was based on the transcribed Semi-Structured Interview Data.

Data Analysis was done through systematic reading, Re-reading, and sifting. Sorting and coding data into categories, themes and sub themes.

Six data categories emerged from this process, which related to the inmates bio-data, health. Healthcare service, nutrition, activity, hygiene and sanitation in prison-which have major implications for inmate health rights.

CHAPTER FOUR

4.1 Statistical reflection of the study areas

The summed up statistic below points to the different categories of prisoners detained in Luzira in an attempt to show that most of the prisoners in cells constitutes the greatest number of individuals who are yet pronounced guilty but either on remand or debtors who are categories transferred from one prison to another.

Table1: Summary of UPS prisoners statistical returns July 2014

CATEGORIES	JULY			JUNE			JULY% OF JUNE
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
Convicted prisoners	24600	900	25500	18662	822	19484	130
Remand prisoners	26722	1124	27846	16446	948	17394	160
Total debtors			268			284	
Total population	51322	2024	53614	35108	1770	37162	144
Approved accommodation			26648			26648	
Occupancy percentage			446			442	

Figure 1: Population for July 2014 As Compared To June

Compared to the previous month of June, the overall population increased by 1.3% with an absolute increased of 392 prisoners.

There was an increase in convicted prisoners by 1.8% absolute increase of 234, remand prisoners increased by 1% absolute increase of 188, debtors decreased by 5.2% absolute decrease of 16 prisoners as shown in the table above.

4.2 Findings of the study

Imprisonment as a mode of rehabilitation could be termed as one of the best measures of handling criminals because of the deterrence value and qualities of rehabilitation contained in its concepts.

Thus, according to the findings of this research, it has to a greater extent served its purpose since the research shows that because of its crime rate has dropped by 6% in 2014 and that a number of convicts express a lot of fear towards custodial sentence and instead prefer the other forms of punishments. However the significant challenges toward the prison system which undermines its ability to completely serve its original objectives is that of failure to meet the minimum requirements for human detention which cannot be dealt with just overnight, but calls for a combined efforts not only on the part of the government but also the international community, non government organizations and civil society at large.

4.3 Theoretical frame work/recommendation

It must be appreciated that Uganda has made tremendous strides in the improvement of prisons conditions. This can be manifested in the passing of the prisons Act, setting human rights-based legislative framework recognizing the full range of prisoner's right. However, there is still a long way to go in combating the challenges of prison overcrowding, torture, inadequate nutrition. Accommodation and poor hygiene.

The prison Act is a superb piece of legislation which if implementation would turn Uganda prison into some of the best prisons in Africa similarly; the problem of backlog if not treated with urgency may have far reaching consequences on prison reform.

Therefore the government should recruit more judicial officers and pay them handsomely in time in order to enhance their devotion to do justice and also ensure money allocated for prisons service is trickled down to the rightful beneficiaries by holding accountable those who misappropriate these funds to counteract these shortcomings

4.4. Conclusive remarks

The prisons system in Uganda is discovered to have served its primary objectives to a greater extent although the question of welfare remains the biggest challenge, the welfare and psychological freedom of the individual inmate doesn't depend on how much education,

recreation, .and counseling he receives but rather, on how he manages to live and relate with the other inmates who constitute his crucial and only meaningful word.

It is what the prisoner experiences in this world; how they attain satisfaction, and how, they avoid its detrimental effects through adjustment process known as prisonization that ultimately decides how, if ever, they will emerge.

It has also been recognized, through simulations of prison environments, that lockups and isolation have the habit of dehumanizing prisoners by making them feel anonymous, and breeding ill feelings because of the rejection and condemnation by the society as a whole.

Likewise, it must be remembered that offenders have been drawn from society in which possessions are closely linked with concepts of personal worth by numerous cultural definitions. However in prison, inmates find themselves reduced to a level of living near bare subsistence.

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