

The

COMMUNITY SERVICE PROGRAM

An Update

National Community Service Committee

*Sept. 2001*

## **Background on Community Service Program**

Over the last five or so years, issues of penal reform and prison conditions have been under focus both within Uganda, the African level and the international scene. In 1996, a Pan-African Seminar on Prison Conditions in Africa was held in Kampala. The resultant Kampala Declaration that subsequently became a United Nations document made specific recommendations to African states concerning prison conditions; remand prisoners, prison staff and alternative sentencing. Delegates agreed to adopt Community Service as an alternative to imprisonment.

In November 1996, a meeting was convened for stakeholders in Kampala on the introduction of Community Service. An Interim Committee on Community Service was appointed and since then, several consultative meetings have been. Several issues have been raised in these meetings justifying the introduction of Community Service. The following problems were identified among others:

### **?? Poor Prison Conditions**

Among the issues of concern were the severe inadequacies, poor physical health and sanitary conditions, inadequate recreational, rehabilitation and vocational programmes, restricted contact with the outside world and the huge remand

population. The Seminar further noted that conditions in many prisons in Africa do not conform to the African Charter and international human rights norms and standards for the protection of prisoners.

### **?? Overcrowding**

One fundamental problem is the overcrowding. Some facilities, including contain up to three times the number of prisoners they were built to house. Because space is at such a premium, inmates sleep even on passageway floors. This has a vast effect on the sanitation, health and feeding facilities. It is hoped that Community Service will reduce the congestion of prisons by diverting deserving offenders to do work that is of benefit to the community.

### **?? High costs of running prisons**

According to the figures available from the Uganda Prisons Service, the cost of keeping a prisoner in jail has become crippling. The cost of feeding and catering for inmates is very high. It is estimated that Uganda Prisons spends at least Shs. 60,000 per month on feeding a single prisoner. It is therefore irrational to jail a person for failure to pay Shs. 12,000 for graduated tax.

### **. Recidivism**

Some of the results of a research conducted by the Prisons Service indicates that the rate of recidivism is 60%, i.e. out of every 10 prisoners released, 6 end up

committing crimes again and going back to prison and so the circle continues. Research has shown that fewer people who are sentenced to Community Service are less likely to commit further crimes than those who are sent to prison. This is because hardly any prison in Uganda today has facilities for separation of the different categories of prisoners, except for gender separation. Hardcore criminals and petty first offenders are kept together in the same wards where they associate and learn more criminal tendencies.

### **?? Lack of rehabilitative programmes for prisoners**

There are no meaningful rehabilitative programmes in the prisons. Very few prisons offer skills training programmes to prisoners. Mental rehabilitation is almost non-existent because there are no qualified personnel trained counsellors to offer social rehabilitation to prisoners.

### **?? Punitive attitude of both the judiciary and the public**

The attitude of the community towards offenders is a punitive one rather than a reformist one. This is reflected in their demand for the harshest punishment (imprisonment) for every crime committed, regardless of the gravity. The judiciary on the other hand has bowed to the demands of the public by awarding imprisonment almost solely for every punishment despite the fact that there exist other alternatives in Uganda's laws. The challenge therefore is to sensitise both

the public and other key players on the importance of Community Service and other alternatives to imprisonment.

### **?? Human rights and implementation of international standards**

Uganda as part of the international community has made several commitments on international standards in various fields. Both the OAU and the UN has developed standards in the field of human rights and treatment of offenders. One such instrument is the United Nations Standard Minimum Rules on Non-custodial Measures (The Tokyo Rules). Uganda is obliged to implement these rules.

### **Action So Far Undertaken**

In light of the above, an Act of Parliament, Act No.5 / 2000 was passed into law in 2000 to introduce Community Service as a penal sanction in Uganda. An Interim National Committee on Community Service consisting of about 16 members working on a voluntary basis set the ball rolling culminating in the passing of the Act as well as setting out the basics for implementation. The said committee has over last two years or so received assistance from various donors and well-wishers. Among them are Penal Reform International PRI, the Canadian International Development Agency (CIDA), the European Union, the Danish International Development Agency (DANIDA), Friedrich Ebert Foundation and Konrad Adenauer Foundation. Funding was also received from the British High Commission, the French Embassy and the Mennonite Central Committee (MCC).

Assistance in kind has been received from DED and VSO in the form of volunteer personnel.

With the assistance received, the Committee held two consultative workshops, a national one in Kampala in March 12-13<sup>th</sup> 1998 and a regional one in Arua in June 24<sup>th</sup> -26<sup>th</sup> 1998. The workshops targeted all key players in the implementation of Community Service. Additionally, the Committee organised a Public debate on Community Service and seminars for members of parliament on the Sessional Committee on Defence and Internal Affairs, in March 1999 and April 2000. Other activities included fact-finding missions to the districts of Mukono and Mpigi, and a radio programme.

Additionally because of the setting up of the Chain linked project by the Judiciary in Masaka, community service ideas were introduced there. Thanks to the effort of the Case Management committee at Masaka.

To ensure that all aspects of the program were given equal attention, sub-committees were set up to deal with different aspects of the programme. These included legislation, research, training, publicity, finance, guidelines and planning.

The following is a summary of what has taken place and the current plan of action:

a) *The Community Service Act* Implementation of the programme expected to begin in this year of 2001 with the recent appointment of the National and District Committees. A National Coordinator has also been appointed recently and is to assume office soon. Other staff is in the process of being recruited.

b) *Application of the Act*. It has found been not feasible, taking into account resources and our lack of experience, to launch a scheme nation- wide. Four magisterial areas of Masaka, Mpigi, Masindi and Mukono have been selected as pilot areas to implement the scheme and test its viability. The Minister of Internal Affairs notified the Chief Justice that those areas have made arrangements for the courts to make Community Service Orders. The regulations to guide implementers however have not yet been gazetted. This act has delayed issuing of orders.

c) *Preparation for implementation*. Planning workshops and monthly meetings of the Committee and regular meetings of the sub-committees have been on going.

Since the launching of the district committees in May 2001, sensitisation workshops and training of implementers have taken place in the districts. The districts are now ready to implement the programme.

- d) Funding of the implementation program. The European Union (EU) through Penal Reform International (PRI) offered a grant 1999 of 235 000 Euros to cover the initial period of 18 months, with effect from March 1 2000. This grant expires in this month of Sept. 2001. However, a request has been made for the extension of the same to December 2001. An additional European Union grant of 1m euros has been made to the program by European Union via the EU Delegation office in Kampala document. This new grant is to cover a period of eighteen months from October 2001.
- e) Enabling sub- Legislations: The interim sub-committee on guidelines prepared draft Regulations and guidelines for the implementation of the Community Service Programme. A workshop for all stakeholders was held on 27 July 2000 to discuss the draft. The recommendations made during the workshop were used to prepare the final draft of the Regulations and Guidelines, which was submitted, to the First Parliamentary Counsel. The Minister of Internal Affairs has signed it and the document is now with the Government Printer for gazetting. The only snag is that, the document has over delayed at Entebbe.
- f) Operational guidelines. Documents such as terms and conditions of service, agreements with placement institutions, job descriptions of essential staff, financial regulations, reporting mechanisms and so one have or are being designed to cater for the various aspects of administration.

g) Research. The interim sub- committee on research made several visits to two of the pilot districts of Mukono and Mpigi and conducted research into acceptability of the programme. The process consisted of interviewing administrators, prisoners, magistrates, and heads of institutions and members of the public about the scheme. It can safely be stated that the concept is accepted in principle and the details of operation have been and will be further explained in subsequent training workshops for the stakeholders.

The new Research and Publicity sub-committee is developing a research strategy to be followed.

h) Training. The interim sub- committee on training organised a series of workshops in July 2000 and is to organise others during April- May 2001 to cover probation officers, heads of institutions, magistrates, the media, NGOs, the police, prisons, prosecution and members of the National and district committees. These trainings are made possible with the funding from the EU through PRI and Danida Judiciary Project. The same committee has also come out with a Training Manual, which was tested during March 2001. The new training committee is studying the training instruments with a view to modifying them to suit changed circumstances. The district committees

have launched a series of training of stakeholders to sensitise them of their roles.

- i) Publicity. The interim sub- committee on publicity ran radio programmes since 1997. Posters, stickers, and brochures have been printed. The brochure in English has been translated into six major local languages in Uganda i.e. Ateso, Luganda, Lugbara, Luo, Runyakitara and Swahili. The sub-committee has also issued press releases on Community Service. The new publicity sub-committee has been merged with the research one and they are reflecting on what the interim sub-committee did in order to come up with updated programs.

j) Other Assistances.

- a. The Danida Judiciary project is the driving force behind the operations of the programme and continues to assist in all ways possible. At the beginning, it offered a meeting room for the National Committee and availed a small room for the secretariat. With the funding from EU/PRI, the same project assisted financially by filling funding gaps to help construct a secretariat for the national committee as an extension of its buildings.

b. Penal Reform International provided USD 4,600 for the purchase of a computer for the scheme. The computer has been in use since 1997. A computer expert seconded and funded by PRI visited the secretariat in July 2000 to install all the needed programs on the computer and offer training to the Administrative Assistant on data base, specifically geared towards dealing with the Community Service forms.

### ***Networking with other organisations***

In order to succeed, the Community Service Program intends to network with other organisations with the same or complimentary roles and objectives, especially the already existing programs which promote community service such as *The Chain linked Project* at Masaka and the government departments within the Justice, Law and Order sector JLOS, so as to maintain and promote a unified approach to tackling the problem of providing an alternative sanction to imprisonment.

### **STRUCTURE OF COMMUNITY SERVICE**

The structure of the programme is as follows;

## **Ministry of Internal Affairs**

### **Main Role**

~~✍~~ Policy formulation and approval

~~✍~~ Appointment of National and District Community Service Committees

~~✍~~ Amendment of Act

~~✍~~ Provision of the Regulations and Guidelines

Advise the Chief Justice which area is ready for Community Service

## **National Community Service Committee**

### Composition

A Judge (chairperson)

Chairperson Uganda Law Reform Commission

Director of Public Prosecutions

Permanent Secretary Ministry of Internal Affairs

Commissioner of Prisons

Inspector General of Police

Commissioner for Child Care and Protection

Commissioner for Local Government

A representative of NGOs

Two representatives of the Public

### Roles

~~2.2~~ To monitor the operation of Community Service in all its aspects and liase and communicate with any office or person responsible for the matter in issue

~~2.3~~ Implement Community Service Act

~~2.4~~ To propose measures for the effective operation of Community Service.

~~2.5~~ To receive and consider any complaints or views and make recommendations where possible, on the nature of Community Service by the offender;

~~2.6~~ To supervise the work of the s upervising officer and in that regard to coordinate its activities with the supervising courts;

~~2.7~~ Administrators, supervisor, direct, control the National Secretariat and District Committee through the secretary.

~~2.8~~ Advise the Minister of Internal Affairs on Community Service activities.

~~2.9~~ Liase with Chief Justice on the progress of the programme

~~2.10~~ Liase and communicate with any person

~~2.11~~ It can dismiss any programme personnel

~~2.12~~ Propose areas for the effective operation of the Scheme

~~2.13~~ Assist the Minister to compose and create functions for the District Community Service Officers

~~2.14~~ Liase with and supervise the activities of the District Community Service Committee.

To under take any other function required of it under any law for the proper implementation of the Act

## **General Secretary**

### Roles

- To assist the National Committee to carry out its functions
- To keep records of the meetings of the Committee
- To carry out any other duties assigned to him / her by the National Committee

## **National Coordinator**

### Roles

- ~~Head~~ **H**ead the Secretariat
- ~~Responsible~~ **R**esponsible to implement Community Service on behalf of NCCS.
- ~~To be~~ **T**o be the accounting officer.
- ~~Manage~~ **M**anage and supervise staff at the Secretariat
- ~~Carry out~~ **C**arry out fundraising activities for the programme.
- ~~To assist~~ **T**o assist National Secretary in all matters.
- ~~Liaise~~ **L**iaise with the District Committee.
- ~~Coordinate~~ **C**oordinate, monitor, liaise with and supervise the activities of the District Committee.
- ~~Liaise~~ **L**iaise with government and non-government organizations
- ~~Any other~~ **A**ny other duties assigned to him/her

## **District Community Service Committee**

### Composition

Senior Magistrate in the District                      Chairperson

District Probation Officer                                Secretary

District Police Commander

CAO or a representative

RDC or representative

A representative of the District prisons

Executive officer of court

Town clerk or a representative

LCV or representative

A representative of NGO's

Two representative from the public appointed by the Minister.

### Roles

~~✓~~ To embark on public campaigns to make the programme popular

~~☒~~ To supervise, monitor evaluate the implementation of Community Service in the District

~~☒~~ To visit institutions to see the performance of offenders

~~☒~~ To advise the National Committee on the failures and progress of the Scheme.

~~☒~~ To submit monthly reports on Community Service implementation

~~☒~~ To identify institutions where the Magistrates can send offenders.

To hold monthly district meetings.

### **District Community Service Coordinator**

#### Roles

~~☒~~ District Probation Officer

~~☒~~ District Secretary on Community Service

~~☒~~ District Coordinator on Community Service

~~☒~~ District Community Service supervisor

**Diagram : 1 Community Service: Organization Structure**

