

THE REPUBLIC OF UGANDA.



JUSTICE LAW AND ORDER SECTOR

CENSUS OF PRISONERS IN 48 CENTRAL GOVERNMENT PRISONS

30th SEPTEMBER, 2007.

Who is in Ugandan Custody and for what crime?
What is the Average Length of Stay on Remand in Uganda?
What is the level of Case Back-Log?
Is The Remand Population Reducing?
Has an Early Warning System on Growth of Backlog of Cases been established?

The Answers to all the above questions are inside.

Acknowledgements

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To, the Senior Technical Advisor, Ms. Evelyn Edroma, the Prisons Department with pleasure acknowledges your insight into policies aiming at promoting processes in Administration of Justice. It is your continued demand to demonstrate the impact of the reforms that has continued to drive the need for accurate information for decision making.

Acknowledgements are also made to various Prisons Officers especially Field Officers who not only provided information but also allowed the team to collect the information from respective stations.

Finally, we hope that Management of the JLOS will embrace the recommendations made in this report and continue with development of a reliable Management Information System.

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COMMISSIONER GENERAL OF PRISONS

ACRONYMS

DPP	Directorate of Public Prosecutions
GOU	Government of Uganda
ICT	Information communication Technology
JLOS	Justice Law and Order Sector
JSC	Judicial Service Commission
LAC	Legal Aid Clinic
LDC	Law Development Centre
MIA	Ministry of Internal Affairs
MIS	Management Information Systems
MoJCA	Ministry of Justice and Constitutional Affairs
NCSP	National Community Service Program
PEAP	Poverty Eradication Action Plan
SIP	Strategic Investment Plan
SWAP	Sector Wide Approach
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
UPF	Uganda Police Force
UPS	Uganda Prisons Service
PPU	Policy Planning Unit

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EXECUTIVE SUMMARY

The Prisoner Census (2007) is a follow up of similar census conducted in 2005. The main objective of the census was to collect high quality information on prisoners to **guide the Justice Law Order Sector (JLOS) in its interventions in development of a strategy for reduction of remand prisoner population specifically case backlog.** Other objectives of the Prisoner Census were:

- 1) Obtaining concrete information on prison population countrywide,
- 2) Establish the ratio of remand prisoners to convicts,
- 3) Establish prisoners' length of stay on remand disaggregated by offence, sex, and age,
- 4) Inform the JLOS on level of adherence to Constitutional set standards on administration of Justice;
- 5) Establish the available holding capacities- level of congestion, by identifying centers of high concentration and possible under-utilization of prison capacities so as to address the problem of overcrowding in prisons,
- 6) Generate more reliable statistics on key performance indicators for effective implementation, monitoring and evaluation of strategies including Case Backlog, Chain Linked Initiative, and Community Service in the JLOS.

This report presents the major findings on:

- a) Number of prisoners in custody as at 30th September 2007;
- b) Length of stay on remand for those in custody;
- c) Average length of stay on remand for the entire trial period before final case disposal;
- d) General prisoners statistics for those in custody

Key Findings

Table 1.0 Comparative analysis Prisoners Census 2003, 2005, and 2007- with the base year 1998

Issue	1998	2003	2005	2007
Insufficient compliance with Constitutional Standards				
i. Explicit time limits for maximum period of arrest & remand (art.23):				
• Non-Compliance with mandatory remand period - capital offenders	39%	3.4%	4.4%	19%
• Non-Compliance with mandatory remand period - other offenders	23%	19%	18%	36%
ii. Unspecified time limits for the entire criminal trial (art.28):				
• Average length of stay on remand (in months) - capital offenders	46		26	30.3
• Average length of stay on remand (in months) - other				

Issue	1998	2003	2005	2007
offenders				
• indefinite time spent on remand total prisoners beyond 3 years on remand	15%	1.3%	5.6%	11.6%
iii Standards for treatment of offenders (art.21,22,23,24,25,26,27,28):				
• Inhuman & degrading conditions of detention, overcrowding prison cells-#. of times exceeding capacity	3.0	2.0	2.1	2.0
High remand population:	69%	62%	60%	58.6%
Non-adherence to established investigation procedures				
• No preliminary investigation before arrest- conviction rate:	11%			
• Non-adherence to produce suspects to courts within 48 hours	70%			
iv. Slow investigation	11%			
• No prima facie case established before committal to prison: conviction rate				
Too few prosecutors (19%), Judges (86%), & Magistrates (Chief 83%, Gr1 49%), Police (24%) & Prison Officers (24%), of the establishment,	24%			65%
Cumbersome file handling & transfer procedures	50%			
• Loss of files between Police and Directorate of Public Prosecution				

Note: in 2007, compliance with constitutional remand period is affected by change in Constitutional mandatory remand period from 360 days for capital cases to 180days, and from 120 days to 60 days for other offences.

Details of key findings

1) General Statistics

- The total number of prisoners in custody¹ as at 30th Sept.2007 was **19,149** of which 58.6%(11,215) were on remand as compared to 62% registered in the census of 2005.
- Over the period, 2005-2007, remand population has reduced by **3.4%**
- The proportion of females has remained at **4%**.

2) Prisoners Population Growth

- Over the period (2003-2007), the crime rate² has increased by 7%, but the average daily prisoner population has remained relatively stable at approximately 19,000.
- The Prisoner population growth rate has continued to fall from 10% in 2003 to 3% in 2007 and is expected to decrease further.
- This has mainly been attributed to various interventions such as Paralegal Advisory Services that facilitate increased use of bail, and high prioritisation of Case back log reduction (by increasing number of session). The reduction in prisoners' growth rate

¹ This excludes prisoners in Local Administration Prisons estimated to be 10,096 prisoners

² Police Crime Report, 2007

would have been higher than attained if Chain Linked Programs was also prioritised.

- Other factors constant, prisoners' population should have increased at the same rate of crime as reported in Police Crime Report, 2007.

3) Congestion in prisons

- Overall, prisons continue to accommodate more than twice the total approved carrying capacity.
- On the census date, the prisons had 9,721 prisoners (103%) excess prisoners over and above their approved carrying capacity of 9,428 prisoners.
- The congestion problem is more pronounced in the stations of Upper, Kakiika, Masaka Rukungiri, Kumi, Ragem e.t.c. having prisoners four times over their approved carrying capacities.
- However, unlike in the last census when all prisons exceeded capacity, this time there were eight prisons that did not exceed their carrying capacity. These included Soroti, Tororo, Patiko, Mbale (W), Kigo (W), Bulaula, Bugungu YO and Masindi (W).

4) Age of Prisoners

- The overall average age of remand prisoners is 27.4 years compared to convicts which is 28.3 years.
- The majority (72.6%) of the prisoners are aged between 18 and 30 years. Three out of four remands (73.9%) are aged between 18 and 30 years which would be an economically productive age group.
- However, **79 juveniles** were still held in the prisons. 13 of these were less than 15 years old.

5) Nature of offences

- 69% of remand prisoners are on capital cases, leaving 31% on other offences.
- Out of 11,215 remands, 33% are on defilement charges, murder (20.9%), and aggravated robbery (11%).

6) Length of Stay on Remand (for those in custody)

- The overall average length of stay for all remand prisoners is **14 months** (410days).
- The average length of stay on remand for all capital offenders was **17.5 months** (524 days) while it was **5.0 months** (150 days) for other offenders.
- In terms of offences, on average defilement stay for 15mths; murder (20mths); aggravated robbery (20mths); rape (20mths); attempted Robbery (21mths); treason (19mths).

- The average length of stay on remand is highest in Upper (20.2 mths), Kigo (19.7 mths) and Bushenyi (18.5mths) prisons. However, most of the prisoners in these prisons are transferred from other prisons.

7) Average Length of Stay on Remand (for the entire trial period)

Length of stay on remand for the entire trial period

The length of stay on remand for the entire trial is computed as the time a prisoner stays on remand i.e. from the date of admission to prison to the date the case is disposed off i.e. either through conviction or case dismissal or case withdrawal.

The average length of stay on remand for the entire trial period is **30.3 months** for capital offences, **6.9months** for other offences.

Simple Interpretation

If one is arrested for a capital offence, other factors constant, is expected to stay on remand in custody for a period of **30.3 months**.

8) Status of cases and adherence to Constitutional Limits

- 1,257 remand prisoners (11%) had stayed on remand beyond the period stipulated in the constitution i.e. 60 days for petty offenders and 180 days for capital offenders.
- Of these, 489 were capital offenders whereas 768 were other offenders.
- Out of 489 capital offenders, 160 of these were on charges of defilement, murder (141) and aggravated robbery (166). The remaining 22 prisoners were charged of Rape -9, treason-12, and kidnap-1
- There were five (5) cases pending the Minister's Orders.

9) Levels of Staffing

- The current overall staff to prisoner ratio is **1 staff: 6.5 prisoners** (excluding Prisons Headquarters' staff). The ideal staff prisoner ratio is 1:3
- 12 of the stations have staff to prisoner ratios that are within the recommended international standards of **1:3**.
- However, there are prisons with much higher warder to prisoner ratios including Gulu (1:21), Upper (1:13), Jinja(1:10), Kakiika (1:10) Kampala Remand (1:9) among others.

10. Recommendations

a) Annual prisoners' population growth rate of -0.89%

A negative prisoners' annual population growth rate of 0.89% amidst increasing annual crime rate of 7%, given Uganda's National average annual population growth

rate is 3.2³%, is a positive indicator of the Justice Law Order Sector's commitment to reducing Case Back-log in prisons. Given limited number of Judicial Officers at the time that managed to reduce prisoners' growth rate, there is no doubt that with increased number of Judges, other factors constant, the prisoners population will be reduced tremendously.

It is, therefore, our strongest recommendation that *Case Backlog Reduction Programme, Chain-Linked Initiative, and Para-Legal Advisory be strengthened further*. It cannot be argued that the reduction in prisoners' population growth rate is attributed to other exogenous factors such as Community Service Programme or Presidential Pardon because the reduction is on remand population.

b) Compliance with Constitutional mandatory remand periods

1,257 (11%) remand prisoners (capital offenders =489, other offenders = 768)had stayed on remand beyond the period stipulated in the Constitution i.e. 60 days for petty offenders and 180 days for capital offenders. There were five cases pending the Minister's Orders who had stayed beyond 3 years.

Our observation is that there is **no clear system in the Criminal Justice System that tracks persons in custody and the status of their cases at national level**.

It therefore, our strongest recommendation, that the sector build such a system that tracks all offenders in custody including the status of each case. This will enable the sector to keep track of all cases such that overstaying cases are easily identified.

c) Average length of stay on remand

The length of stay on remand from the date the prisoner is admitted to prison to the date the case is disposed off has increased from **26months** in 2003 to **30.3 months** in 2007. This finding supports our earlier finding that prisoners staying beyond 3 years on remand have increased from **5.6%** to **11.6%**. This has no linkage and therefore, can not be explained by reduction of Constitutional mandatory remand period.

Increase in average length of stay on remand may be attributed to lack of systematic system in Criminal Justice System to track offenders in prison that would guide criteria for cause listing offenders due for trial (first in, first out).

Our recommendation is to **review the session system including criteria for cause listing**.

d) High remand population

Over the period, 1998-2007, the crime rate has increased by more than 10%, but the remand population has reduced by 10.4% (i.e. from 69% in 1998 to 58.6% in 2007).

³ 2002 Uganda Population and Housing Census Report by UBOS

Aware that the Judicial Officers have not been increased by the same proportion, the implication of this inverse relationship implies that Judiciary has done its best.

However, using international comparisons, Uganda has the lowest imprisonment rate of 106 prisoners⁴ per 100,000 populations, but with the highest remand population of 58.6%.

As noted earlier, in January 1998, the Government of Uganda carried out a Review of the Criminal Justice System to evaluate delivery & access to justice in Uganda. A number of problems were identified ranging from **non-adherence to established investigation procedures**, slow investigations, Insufficient Compliance with Constitutional Standards, Inefficient coordination of the Criminal Justice System, to **few staff in the Criminal Justice Agencies**.

It is on the above premise, that a number of sector reforms were initiated ranging from Session systems, case backlog, to chain-linked initiatives.

It is our strong recommendation, therefore, for the sector to again review the entire Criminal Justice System to identify the existing bottlenecks for new interventions other than evaluating the case back-log or chain-linked initiatives alone.

e) Management Information System

There is an urgent need to conduct a comprehensive systems study to come up with an appropriate MIS, with proper terms of reference. The systems study will highlight Software requirements; Hardware specifications; User requirements such as training in elementary statistics and computer skills and appropriateness of the environment and suitability of the existing infrastructure.

An Integrated Prisoners' Database was designed to capture the census data using Microsoft Access. Routine updating of data is expected to take place using this database. However, as this database grows bigger, its efficiency and effectiveness will be adversely affected.

It is recommended that a more robust database platform like Oracle or Sybase be thought of as the nearest alternative to efficiently and effectively store this data.

The Integrated Prisoners database will initially run on one computer. It is recommended that all Prisons be computer-networked to have the database distributed. When this is done, more efficient and faster decision making will be achieved. This will mean details pertaining to any prisoner or any reports asked for could be obtained from any computer on the network.

⁴ Including prisoners in Local Administration Prisons estimated at 10,096 prisoners

f) Records Management:

There is need for training of clerks. All the Receptionists in prisons should be taken for training course in record keeping. This can enable them be multi-skilled in the day-to-day execution of their duties. There is need to improve on record books being used and encourage standardisation in all stations.

Review of prison books and forms is also necessary to come up with standard forms to avoid duplication of variables. There is need to include all socio-economic variables in all forms e.g employment is not captured in the case of remands. There is need for sufficient parameters to allow for sociological and criminological studies as well as to provide a basis for policies, plans and strategies.

STRUCTURE OF THE REPORT

The preliminary is basically the executive summary and introduction of the whole report. The rest of the report which presents and discusses the results is divided into four parts:-

Chapter 1 of the Report provides a background to the census as well as explaining organizational framework of Uganda Prisons Service as part of the Justice Law and Order Sector. The chapter highlights the legal and policy framework within which JLOS operates.

Chapter II describes the organisation and coordination of the census. It also gives the methodology used.

Chapter III presents the findings on the general statistics of the prisoners with regard to gender, whether remand or convicts, nature of offence, age (juveniles), and employment and discusses the problem of overcrowding of prisons. Identifies Prisons congestion levels, and proposes possible remedies.

Chapter IV makes use of survey findings on key performance indicators used in the monitoring and evaluation to make recommendations for different strategies on the Administration of Justice such as Case Backlog Clearance.

CHAPTER ONE: INTRODUCTION

1.0 Background

1.1.0 International and Regional legal and policy framework

The international framework relating to administration of justice is well established and is contained in a number of treaties.⁵ At the regional level, African countries have developed and ratified a number of the international treaties contextualising them in the African circumstances. These treaties are mainly aimed at improving fast access to speedy trial for both persons in detention and out of detention.

The body of principles relating to administration of justice has been ratified by Government of Uganda at different times, and if applied to the day to day operations of the JLOS sector, would provide a good legal basis and measures towards the attainment of State obligations. Reports by Uganda Human Rights Commission⁶ continue to highlight challenges faced by Uganda in meeting international standards relating to administration of justice. Some of the key treaties include:

- The International Convention of Civil and Political Rights (ICCPR) 1966
- The International Convention on Economic, Social and Cultural Rights (ICESCR) 1966
- UN Standard Minimum Rules for the Treatment of Prisoners (UN, 1957)
- Convention against Torture and other ill treatment (CAT- UN 1984)
- Body of Principles for the Protection of all Persons under Detention (1988)
- Code of Conduct for Law Enforcement Officers- General Assembly Resolution 34/169 of 17 December 1979
- UN Standard Minimum Rules for Non Custodial Measures (Tokyo Rules- UN 1990)
- African Charter on Human and People's Rights (1981)
- Kampala Declaration on Prison Conditions in Africa (1996)

1.1.1 National Legal and Policy Framework

At national level, Uganda has ratified a number of treaties providing minimum standards for prisons conditions and suspects' rights. Key principles are also contained in the Constitution of the Republic of Uganda, 1995 (as amended in 2005). Chapter 4 guarantees fundamental rights including the right to a speedy trial within stipulated time limits for capital and petty offenders, right to legal defence, right to information, right to freedom from torture, cruel and inhuman degrading treatment , right to life, right to personal liberty including detention in a place authorized by law.

1.2 Justice, Law and Order Sector Framework

⁵ See http://www.ohchr.org/english/about/publications/docs/pts11_En.pdf

⁶ See Uganda Human Rights Commission, Annual Report 2006

The duty to protect, promote, fulfill and uphold the rights of those incarcerated including speedy trial rests entire in Justice Law Order Sector. The right to personal liberty and freedom of movement is a fundamental right protected by law. It is only denied under certain circumstances that have been laid out in laws. Incarceration on suspicion of or having been convicted for committing offences punishable under law is one of those areas under which the right to liberty may be denied. But presumption of innocence until proven guilty remains a cornerstone in administration of Justice.

The **Mission** of the JLOS is *to ensure all people in Uganda live in a safe and just society.*

The **JLOS purpose is:** *“to improve the safety of the person, security of property and access to justice in order to encourage economic development and benefit poor and vulnerable people.”* To attain this purpose, the JLOS identified five key objectives as below:

- O.1 To promote the Rule of Law and Due Process
- O.2 To foster a Human Rights Culture across JLOS institutions
- O.3 To enhance Access to Justice for all particularly for the poor and the marginalised
- O.4 To reduce the incidence of Crime and Promote Safety of the Person and Security of Property
- O.5 To enhance JLOS contribution to economic development

1.3. Highlight of Criminal Justice System review study findings -1998

In January 1998, the Government of Uganda carried out a Review of the Criminal Justice System to evaluate delivery & access to justice in Uganda. The following problems were identified:

- a) Insufficient Compliance with Constitutional Standards
- iii. Explicit time limits for maximum period of arrest & remand (art.23):
 - 39% of capital offenders had stayed beyond mandatory remand period (of 360 days),
 - 23% of petty offenders had stayed beyond mandatory remand period (of 120 days).
- iv. Unspecified time limits for the entire criminal trial (art.28):
 - 15% of capital offenders had stayed beyond 3 years in custody,
- v. Standards for treatment of offenders (art.21,22,23,24,25,26,27,28):
 - Inhuman & degrading conditions of detention for human habitation, both police & prison cells existed with some prisons accommodating up to 12 times their design capacities.
- b) Slow reporting of criminal cases by the public to police
 - Cases were first being reported to Local Councils
 - Crucial evidence lost or compromised
- c) Non-adherence to established investigation procedures

- No preliminary investigation before arrest: conviction rate was 11%
 - No pressure to rapidly gather further evidence & proceed with trial
 - Remand culture was a common phenomenon: 69% of offenders in custody were on remand.
 - Non-adherence to produce suspects to courts within 48 hours : Over 70% were staying beyond 48 hours
- d) Slow investigation
- No prima facie case established before committal to Prison
- e) Cumbersome file handling & transfer procedures
- Loss of files between Police and Directorate of Public Prosecution
- f) Frequent Case Adjournments
- Parties request and courts granted adjournments.
 - several months before space could be found for the court's calendar to reschedule the matter
 - Adjournments were costs to witnesses in terms of time & money
- g) Too few prosecutors (19%), Judges (86%), & Magistrates (Chief 83%, *GrI* 49%), Police (24%) & Prison Officers (24%), of the establishment, (January 1999).
- h) Delays in appointing defence lawyers
- The right to legal representation for those charged with capital offences.
- i) Overcrowding in prisons and high remand population:
- 30% prisons accommodate more than 4 times designed capacity.
 - 69% of total population of prisons was on remand.
- j) Inefficient coordination of the Criminal Justice System
- No coordination meetings were taking place among CJS agencies
 - No mechanism for identification of problems facing the entire CJS in order to enhance access to Criminal Justice, the Justice Law Order Sector, instituted the Chain Linked Initiative, Case Backlog Projects, and Community Service Programme.

1.4. Management Information System (MIS)

The MIS in the JLOS is still not developed and is still largely manual though at DPP, Judiciary, and Police there are attempts to computerize the systems. At the moment, there is no comprehensive information system that traces suspects from Police to Prisons through DPP and Judiciary with Bio-metrics features.

The Prisoner Census, therefore, is a key Justice Law and Order Sector (JLOS) activity under taken to collect high quality data on prisoners for the generation of reliable statistics not only for monitoring and evaluation of various strategies and programmes in the sector but also further programming of the sector reforms.

In absence of computerized database systems in the UPS, Prisoner's Censuses have become necessary to collate detailed quality data on the prisoners. The Prisoner's Census of 2007 was done as a follow-up to the Census of 2005.

1.5. Objective of the Prisoner Census 2007

The main objective of the census was to establish the length of stay on remand for persons in custody and average length of stay on remand in the entire trial process. The purpose was to provide the basis for monitoring and evaluation of programmes in access and administration of justice and aid further programming based reliable information. Other objectives included:

- i) Establish the level of backlog of cases at different levels of jurisdiction- High Court, , Chief Magistrate, -Magistrate Grade 1, Supreme Court & Court of Appeal;
- ii) Identify and locate all persons whose cases are backlogged, (in respect to area of jurisdiction),
- iii) Identify all persons on in custody and the reason for incarceration,
- iv) Establish adherence to Constitutional set standards by identifying the No. of remands who have stayed beyond the mandatory of 180 days for capital offenders and 60 days for other offenders;
- v) Identification of the centers of high concentration and possible under-utilization of Prison capacities so as to address the problem of overcrowding in prisons.
- vi) Generation of more reliable statistics on key performance indicators for effective implementation, monitoring and evaluation of strategies including case backlog, chain linked, Community Service in the JLOS.
- vii) Filling in gaps in the socio-economic data to serve needs of planning and building social and economic indicators to monitor the progress towards attainment of national targets.

For effective planning and decision-making in the Uganda Prisons Service (UPS) in particular and JLOS in general, there is need to have accurate data on prisoners at all times. The UPS receives monthly returns from prisons all over the country but these returns are highly summarised which makes it difficult to extract detailed variables to meet the needs of various statistics analyses.

The reliability and accuracy of this data is very important and calls for an efficient database. It was upon this basis that the Policy and Planning Units of the Ministry of Justice and Constitutional Affairs and the Uganda Prisons Service decided to conduct a Prisoners Census. The census date was set on **30th September, 2007**.

CHAPTER TWO: ORGANISATION OF THE CENSUS

2.1 Introduction

The Prisoners Census Night was **30th September 2007**. During the census, trained enumerators visited every Prison and collected information on all inmates who spent the Census Night in the 48 Central Government Prisons.

The covered both remands and convicts in the 48 Central Government Prisons. It provided accurate data on prisoners for effective planning and decision-making in the Uganda Prisons Service in particular and JLOS in general.

2.2 Methodology

A number of steps were under taken in conducting the census to ensure the reliability and accuracy of the data collected. The census was conducted by the staff Policy and Planning Units of the Ministry of Justice and Constitutional Affairs and the UPS.

2.2.1 Detailed Analysis of Information Needs

An analysis of the existing manual data and reporting requirements was undertaken with a view of identifying potential bottlenecks in the existing system of managing prisoners' data. Site visits were made to selected prisons to establish the kind of information captured. The data, reporting needs and workflow were established during this stage.

Currently, monthly returns of prisoners from prisons all over the country. The returns are highly summarized which makes it difficult to extract detailed variables to meet the needs of various statistics analyses.

2.2.2 Census Design and Coverage

The census was conducted as a comprehensive **de jure census**, covering all the 48 Central Government Prisons in the country. In the morning of the Census Day (**30th September, 2007**), a head count of the prisoners i.e. 'UNLOCK' figures were carefully taken. Prisoner records of all prisoners in custody on that day were recorded from the Prisons Admissions (counter) Books at each prison. These also worked as the target for further census activities that took place. The report, therefore, has a quantitative analysis of all the Central Government Prisons and their inmates in the country.

2.2.3 Survey Organization

The organization of the census was headed by the Head of the Planning Unit of the UPS. A centralized approach to data collection was used and comprised of 4 field teams. Each

team consisted of a Supervisor, 4 Enumerators and a Driver. Fieldwork was undertaken with the use of mobile field teams whereby work was programmed from the headquarters to all the Prisons.

2.2.4 Data Management and Processing

Data Collection

Different data collection tools were designed for remand and convicted prisoners. Special questionnaire books of size A3, were designed and printed for data collection. These were color coded. These were as comprehensive as possible so as to capture whatever data is recorded in the reception books. A pre-test on the developed questionnaires was conducted to ensure data collected meets the needs of the various JLOS institutions in the Criminal Justice System.

The Census questionnaires collected information about each prisoner including names, age, sex, tribe and religion. Other information relating to the case included date of admission to the prison; nature of offence; status of the case and if offence is capital the date of committal.

Enumerators were trained to record prisoner details in the designed tools. The techniques of handling coded questions were clearly explained to enumerators at this stage.

After field work, the filled record books were manually edited to ensure completeness, consistency and accuracy. The aim was to check for errors that could have been made in the field. A set of scrutiny notes to guide in manual checking was developed to assess the consistency of the data collected i.e. cold-deck scrutiny.

Data Capture and cleaning

A database system was developed using MS Access to capture the data. Specifically, data entry screens were designed to ensure that they are user friendly and that data is checked for consistency. The computer program checked for verification and validation during data entry and processing. Range and consistency checks were included in the data-entry program. Also other intensive and thorough checks were carried out by the processing team. The data entry clerks were also trained. They were shown various error messages that were likely to be communicated by the system and how they could respond to them. To ensure good quality of data, a system of double entry was used.

With work of this magnitude, it is almost impossible to completely eliminate data collection and capture errors. Data cleaning is therefore used to minimize some of these errors before analysis. This involved checking all the data for completeness, consistency and un-ambiguity. This stage also involved checking for possible outliers for the case of quantifiable data.

Data Analysis

This involved making frequency runs, cross-tabulations and establishing any logical relations between different variables. It also involved establishing any relationships

between the state of affairs as far as the data collected is concerned and any exogenous conditions. This analysis was mainly performed using SPSS and MS Access queries.

2.3 Parameters for Results Interpretations and Conclusions

A number of problems were encountered during the exercise. Conclusiveness of the data is limited by:

Records Management:

Generally, the problem of poor record management in most of the prison stations persists. Most stations use exercise books to capture details of prisoners. Since the data for the census was captured from counter books at the receptions, this posed a problem of matching the information in the exercise books with the format the questionnaires had.

Prison Books and Forms were non-existent in most of the prisons. There is a lot of non-uniformity in record keeping. There was a heavy workload in all the prisons viz a viz inadequate facilitation. This made the work of collecting together information very cumbersome, leading to unforeseen delays.

Information Gaps

In many cases the data records are not up to date especially as far as the status of the cases is concerned. In many cases a prisoner is taken to court and no record is kept in the records books.

Secondly, when a prisoner is transferred from one prison to another, information about him/her like date first admitted in prison, previous conviction if any is lost. This is because his/her records or detailed information remains at the former prison.

Nature of Data

First, it should be noted that only those cases that reach prisons through the trial process are recorded. This means that this report does not reflect crime incidence as reported at police and courts. In cases where offenders had more than one case count, the details of other accounts were also recorded and are available in the database.

Traditional Practices:

It was difficult to get all the data that was required due to the traditional practices of UPS as an institution. The best example was with remands where limited details are collected about remand inmates.

CHAPTER THREE: - CENSUS FINDINGS

3.0 Introduction

The Prisoners' Census 2007 covered 48 Central Government Prisons. It sought to assess the number of prisoners in custody, adherence to Constitutional standards, length of stay on remand, average length of stay on remand for the entire trial period, and level of congestion, staffing,. Focus was mainly on the remand prisoners to aid efforts of formulating a strategy to clear the backlogged cases. Where possible, comparison has been drawn with the Census of 2005. The census results were used to triangulate the police report, 2007 to evaluate the sector performance. The Census Date was **30th September 2007**.

3.1 Prison Population Size and Distribution

The total number of prisoners on the census day was 19,149 inmates, a 0.89% decrease from 2005 when the prisoner population was 19,321 inmates. The prisoners were categorised as shown in the table below:

Table 3.1: Summary of prisoner population

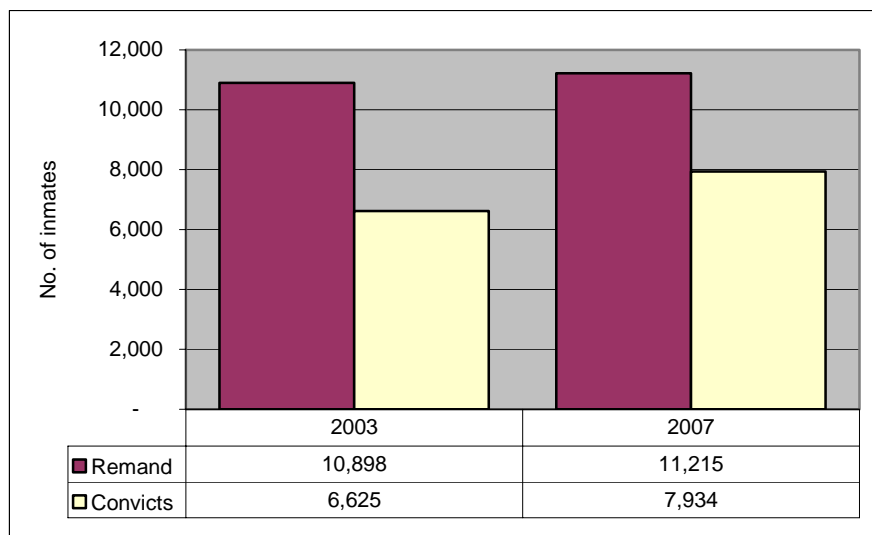
Gender	Remands	Convicts	Total	%age
Male	10,758	7,629	18,387	96.0%
Female	457	305	762	4.0%
Total	11,215	7,934	19,149	
%age	58.6%	41.4%		100.0%

The table 3.2 below further illustrates that there has been a drop in the proportion of remands to the total prisoner population from 62% in the last census of 2003, to 58.6% in 2007. This is a positive trend that more efforts are being directed to reducing remand population. The census also showed a much higher percentage of the male population (96%) as compared to female population (4%). The sex ratio over the last several years remained the same.

Table 3.2: Comparison between 2005 and 2007 censuses

Category	2003		2005		2007	
	Pop	%	Pop	%	Pop	%
Remand	10,898	62%	11,597	60%	11,215	58.6%
Convicts	6,625	38%	7,724	40%	7,934	41.4%
Total	17,523	100%	19,321	100%	19,149	100%

Figure 3.1: Comparisons between Remands and Convicts



3.2. International Comparison of Remands in Selected Countries

On international comparison, Uganda imprisonment rate is relatively low (106 per 100,000 people) as compared to other countries (Kenya -169 per 100,000 people)⁷. However, the remand population in Uganda is higher (58.6%) compared to Kenya where remand population is 39.4%. This calls for a comparative study in the administration of Justice in Uganda in relation to other countries.

Country	National Population(in million)	Prison Population	Imprisonment rate(per 100,000)	Official accom Capacity	%age of Remands
Uganda	24.5 (Feb.2005)	32,321	106	9,094	60.0
Kenya	32.5 (Sept 2004)	55,000	169	16,000	39.4
Tanzania	38.5 (Jan 2005)	46,416	121	22,699	43.9
S/ Africa	47.04 (Dec 2005)	157,402	335	114,795	29.4
Netherlands	16.37(Aug 2005)	20,747	127	20,522	30.7
Sweden	9.04 (Oct 2006)	7,175	79	6,752	22.2
Canada	31.75 (Oct 2003)	34,096	107	35,553	30.1
USA	295.1 (Dec 2005)	2,135,901	724	1,951,650	20.2

3.3. Prisoners Population Growth

The Uganda's National average annual population growth rate is 3.28%. For the period 2001 to 2003, the prisoners' population growth rate was 10% per annum, 6.8% above the national growth rate.

The period between 2003 and 2005 saw a tremendous decrease in annual prisoners' population growth rate from 10% to 3%. The average daily prisoner population has

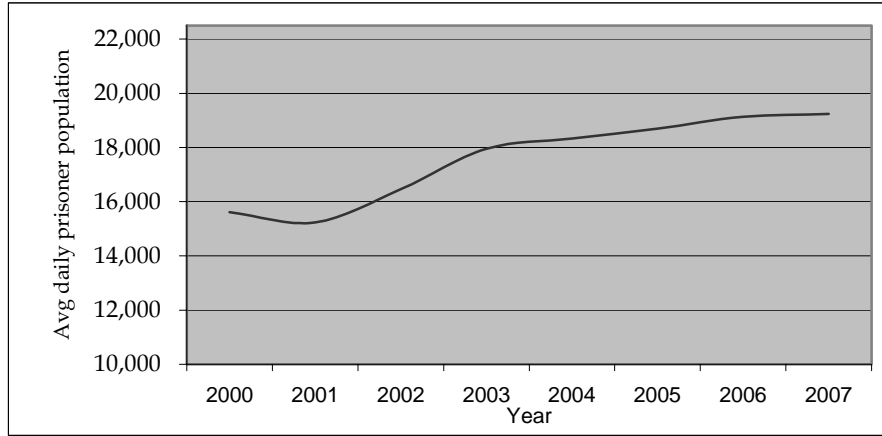
⁷ Including the prisoners population in LAPs estimated at 10,096

⁸ 2002 Uganda Population and Housing Census Report by UBOS

therefore, dropped from 19,321 prisoners in 2005 to 19,149 (0.89%) in 2007 as shown in the graph below.

Further analysis indicates that, between 2006 and 2007, the remand population reduced by 1.4%, and the overall number of convicted prisoners reduced by 6%. Worth noting is the fact that 58.6% of the prisoners were on remand in 2007.

Figure 3.2: Prisoner population trend for period 2000-2007



3.4. Comparative Analysis of prisoners' population growth rate with Police Crime Statistics

According to the Police Crime Report (2007), there has been a steady increase in the crime cases reported to Police as shown in the figure 3.3 below. The number of cases reported to Police increased by 7% between 2006 and 2007. Statistical Appendix Table 4.2 indicates that defilement, assaults and theft were the dominant crimes.

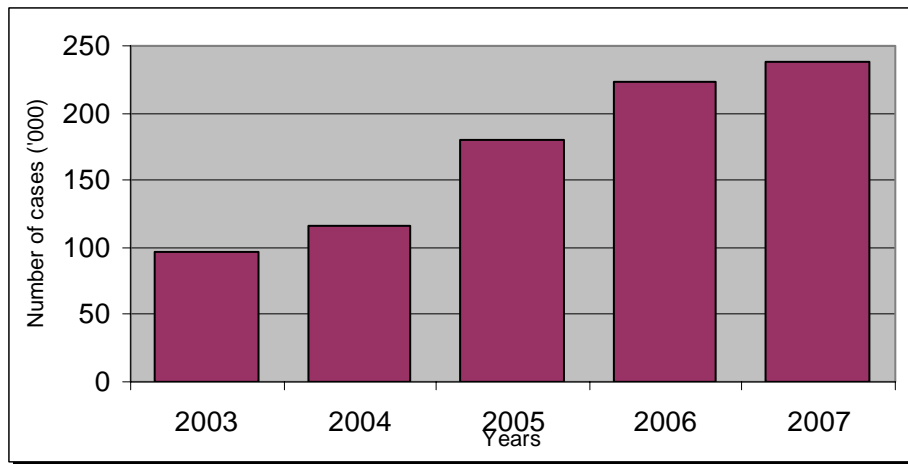
When prisoner census results are compared with Police Crime Statistics, where crime has increased by 7%, over the same period, one would expect the number of prisoners in custody to increase by the same proportion. On contrary, the prisoners population decreased by 0.89% over the same period.

Implication

Confidently, we can state that the rate at which Judiciary is disposing of cases from Prison is above case inflow (7%), or Police is using other diversionary measures. In either situation, this is a credit to the Justice Law Order Sector.

The possible interventions responsible for low prisoners' population growth rate are efficiency in Judiciary, Paralegal Advisory Services that facilitate increased use of bail, increased clearance through Case Backlog reduction and Chain Linked Programs to some extent.

Figure 3.3: Cases Reported to Police 2003 - 2007(in '000s)



Source: UBOS Statistical Abstract 2008

3.5 Length of Stay on Remand

3.5.1 Length of stay on remand for persons in custody

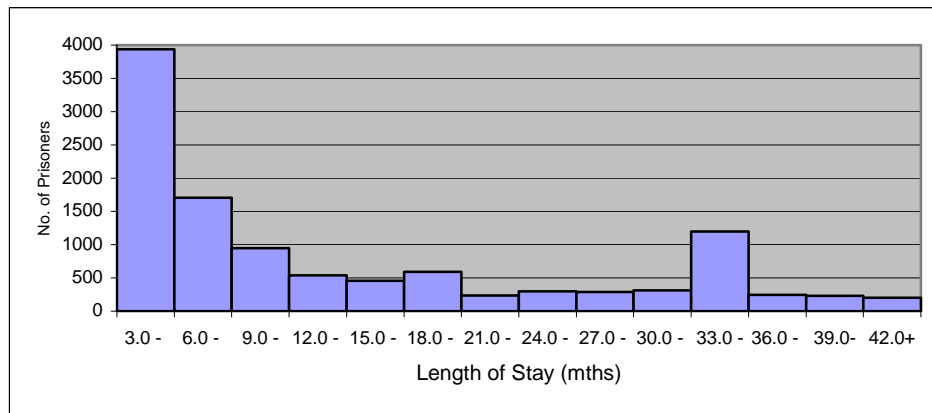
The overall average length of stay for all remand prisoners is **14 months** (410 days). The average length of stay on remand for all capital offenders was **17.5 months** (524 days) while it was **5.0 months** (150 days) for other offenders.

On average defilement stay for 15mths; murder (20mths); aggravated robbery (20); rape (20); attempted Robbery (21); treason (19).

Table 3.7: Offence categories and length of stay on remand

Offence Category	Total	%age	Average time on Remand	
			Days	Months
Defilement	3,689	47.7%	444.0	15
Murder	2,308	29.9%	592.0	20
Aggravated Robbery	1,236	16.0%	607.8	20
Rape	424	5.5%	609.8	20
Treason	39	0.5%	579.2	19
Kidnap	32	0.4%	504.1	17
Sub total	7,728	100.0%	524.4	17.5
Attempted Murder	79	39.7%	164.9	5
Attempted Robbery	79	39.7%	629.2	21
Manslaughter	15	7.5%	229.7	8
Attempted Rape	14	7.0%	148.1	5
Attempted Defilement	12	6.0%	163.5	5
Sub total	199	100.0%	1,335	
Other (Petty)	3,288	29.3%	149.8	5
Total	11,215			

Fig 2: Length of Stay on remand



The average length of stay on remand is highest in Upper (20.2 mths), Kigo (19.7 mths) and Bushenyi (18.5mths) prisons. However, most of the prisoners in these prisons are transferred from other prisons.

3.5.2. Length of stay on remand for the entire trial period

The length of stay on remand is computed as the time a prisoner stays on remand i.e. from the date of admission to prison to the date the case is disposed off i.e. either through conviction or case dismissal or case withdrawal.

The average length of stay on remand in custody to the time of final disposal of the case is **30.3 months** for capital offences, **6.9months** for other offences.

Simple Interpretation

If one is arrested for a capital offence, other factors constant, is expected to stay on remand in custody for a period of **30.3 months**.

3.6. Status of cases and adherence to Constitutional limits

At the time of the Census, 1,257 (11%) remand prisoners had stayed on remand beyond the period stipulated in the constitution i.e. 60 days for petty offenders and 180 days for capital offenders.

Of these, 489 were capital offenders whereas 768 were other offenders. There were five cases pending the Minister's Orders who had stayed beyond 3 years.

Table 3.5: Status of cases

Status of Case	Capital	Other	Total	Staying beyond constitutional limits	
				Capital (180 days)	Other (60 days)

On Mention (Not committed)	2,553	2,152	4,705	489	768
Committed to High Court	4,801	-	4,801	-	-
Hearing	238	1,077	1,315	-	-
Defence	-	29	29	-	-
Pending Judgment	8	162	170	-	-
Pending Ministers Order (not stated)	5 123	- 67	5 190	-	-
Total	7,728	3,487	11,215	489	768

Out of the 489 capital offenders who had stayed beyond statutory period, 160 were on charges of defilement, murder (141) and aggravated robbery (166) as outlined in the table below.

Table 3.6: Offender staying beyond Constitutional limits

Offence Category	Staying Beyond Limits
Defilement	160
Murder	141
Aggravated Robbery	166
Rape	9
Treason	12
Kidnap	1
Sub total	489
Others	768
Total	1,257

Table 3.7. Comparative analysis Prisoners Census 2003, 2005, and 2007- Key findings

Issue	1998	2003	2005	2007
Insufficient compliance with Constitutional Standards				
i. Explicit time limits for maximum period of arrest & remand (art.23):				
• Non-Compliance with mandatory remand period - capital offenders	39%	3.4%	4.4%	19%
• Non-Compliance with mandatory remand period - other offenders	23%	19%	18%	36%
ii. Unspecified time limits for the entire criminal trial (art.28):				
• Average length of stay on remand (in months) - capital offenders	46		26	30.3
• Average length of stay on remand (in months) - other offenders				
• indefinite time spent on remand total prisoners beyond 3 years on remand	15%	1.3%	5.6%	11.6%
iii Standards for treatment of offenders (art.21,22,23,24,25,26,27,28):				
• Inhuman & degrading conditions of detention,	3.0	2.0	2.1	2.0

Issue	1998	2003	2005	2007
overcrowding prison cells-#. of times exceeding capacity				
High remand population:	69%	62%	60%	58.6%
Non-adherence to established investigation procedures				
• No preliminary investigation before arrest- conviction rate:	11%			
• Non-adherence to produce suspects to courts within 48 hours	70%			
v. Slow investigation	11%			
• No prima facie case established before committal to prison: conviction rate				
Too few prosecutors (19%), Judges (86%), & Magistrates (Chief 83%, <i>GrI</i> 49%), Police (24%) & Prison Officers (24%), of the establishment,	24%			65%
Cumbersome file handling & transfer procedures	50%			
• Loss of files between Police and Directorate of Public Prosecution				

Note: in 2007, compliance with constitutional remand period is affected by change in constitutional mandatory remand period from 360 days for capital cases to 180days, and from 120 days to 60 days for other offences.

3.7 Age of Prisoners

The overall average age of remand prisoners is 27.4 years compared to that of convicts which is 28.3 years.

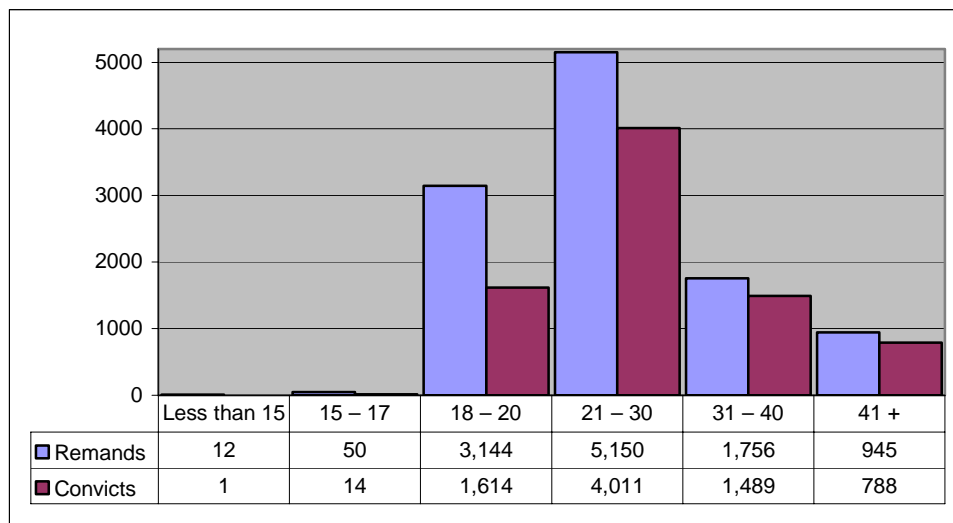
The majority (72.6%) of the prisoners are aged between 18 and 30 years. Three out of four remands (73.9%) are aged between 18 and 30 years which should be an economically productive age group. A total of 79 juveniles are held in the prisons. 13 of these are less than 15 years old. The age distribution of the prisoners is presented in the table and graph below.

Table 3.8: Age distribution of prisoners by gender and category

Age Group	Remands				Convicts				Total	%age
	Female	Male	Total	%age	Female	Male	Total	%age		
Not Stated ⁹		158	158	1.4%	1	16	17	0.2%	175	0.9%
< 15	-	12	12	0.1%	-	1	1	0.0%	13	0.1%
15 - 17	1	49	50	0.4%	1	13	14	0.1%	64	0.3%
18 - 20	78	3,066	3,144	28.0%	45	1,569	1,614	14.4%	4,758	24.8%
21 - 30	224	4,926	5,150	45.9%	144	3,867	4,011	35.8%	9,161	47.8%
31 - 40	90	1,666	1,756	15.7%	74	1,415	1,489	13.3%	3,245	16.9%
41 +	64	881	945	8.4%	40	748	788	7.0%	1,733	9.1%
Total	457	10,758	11,215	100.0%	305	7,629	7,934	70.7%	19,149	100.0%
Average Age	30.3	27.3	27.4		30.1	28.2	28.3			

⁹ Ages for that No. of prisoners are not recorded in the Prisoners Admission Book.

Figure 3.5: A distribution of prisoners grouped by category



3.8 Levels of Congestion

The UPS is charged with the responsibility of providing reasonable, safe, secure and humane custody of offenders with universally acceptable standards. However, most prisons continue to be heavily congested housing inmates in excess of their approved capacities.

Overall, prisons continue to accommodate more than twice the total approved design capacity. Despite increasing accommodation from 8,993 in 2003 to 9,721 in 2007, the high levels of congestion have persisted. On the census date, the prisons had 9,721 (103%) excess prisoners over and above their approved carrying capacity of 9,428 prisoners. A comparison between 2005 and 2007 is presented in the table below:-

Table 3.9: Comparison of Levels of Congestion

Year	Population	Approved Capacity	Excess	No. of times exceeding Capacity
2005	17,523	8,530	8,993	2.1
2007	19,149	9,428	9,721	2.0

The congestion problem is more pronounced in the stations of Upper, Kakiika, Masaka Rukungiri, Kumi, Ragem e.t.c. carrying prisoners four times over their approved carrying capacities. Table 3.5 below shows the levels of congestion in all the prisons.

However, unlike in the last census when all prisons exceeded capacity, this time there were eight prisons that did not exceed their carrying capacity. These included Soroti, Tororo, Patiko, Mbale (W), Kigo (W), Bulaula, Bugungu YO and Masindi (W).

The problems associated with overcrowding are numerous. Because of the limited space the recommended prisoner classification is affected. Petty offenders are mixed with convicted capital offenders which may turn them into hard core criminals.

Secondly, the human rights of the prisoners especially the humane treatment and welfare of prisoners is grossly compromised. This makes it difficult to rehabilitate them.

Thirdly, the existing infrastructure is constrained leading to faster wear and tear. Provision of essential basic services such as food, health care and uniforms is affected.

Table 3.10: Prisoner populations and level of congestion

Station	Remands			Convicts			Total	Capacity	Occupancy Rate
	Female	Male	Sub total	Female	Male	Sub total			
Adjumani	7	87	94	5	190	195	289	210	137.6%
Amita	0	20	20	0	82	82	102	16	637.5%
Apac	2	84	86	9	78	87	173	52	332.7%
Arua	12	342	354	8	126	134	488	212	230.2%
Bufulubi	0	13	13	0	266	266	279	127	219.7%
Bugungu YO	0	1	1	0	64	64	65	110	59.1%
Bugungu YP	51	52	103	2	288	290	393	162	242.6%
Bulaula	0	0	-	0	145	145	145	157	92.4%
Bushenyi	19	415	434	1	52	53	487	146	333.6%
Fort Portal	25	691	716	5	75	80	796	317	251.1%
Gilgil	0	0	-	0	61	61	61	52	117.3%
Gulu	17	411	428	16	90	106	534	140	381.4%
Ibuga	0	0	-	0	278	278	278	140	198.6%
Isimba	0	0	-	2	471	473	473	224	211.2%
Jinja (W)	25	0	25	22	0	22	47	36	130.6%
Jinja @	0	518	518	0	84	84	602	314	191.7%
Jinja Main	0	97	97	0	497	497	594	336	176.8%
Kakiika	0	509	509	0	93	93	602	117	514.5%
Kampala @	0	791	791	0	88	88	879	309	284.5%
Kamuli	0	54	54	0	37	37	91	51	178.4%
Kiburara	0	0	-	0	427	427	427	356	119.9%
Kigo	0	648	648	0	78	78	726	468	155.1%
Kigo(W)	17	0	17	16	1	17	34	36	94.4%
Kitalya	0	0	-	0	296	296	296	246	120.3%
Kotido	3	35	38	1	23	24	62	26	238.5%
Kumi	8	144	152	5	48	53	205	52	394.2%
Lira	23	333	356	5	71	76	432	129	334.9%
Loro	0	0	-	0	148	148	148	32	462.5%
Luzira Women	112	0	112	109	0	109	221	76	290.8%
M/Bay	0	564	564	0	424	424	988	602	164.1%
Masaka	27	562	589	15	117	132	721	206	350.0%
Masindi	0	471	471	0	143	143	614	228	269.3%
Masindi Women	32	0	32	4	0	4	36	36	100.0%
Mbale(M)	0	630	630	0	168	168	798	376	212.2%
Mbale(W)	19	0	19	20	0	20	39	91	42.9%
Mbarara (M)	0	452	452	0	106	106	558	222	251.4%
Mbarara (W)	0	0	-	22	0	22	22	36	61.1%
Mororto	5	97	102	1	29	30	132	178	74.2%
Mubuku	5	95	100	6	219	225	325	241	134.9%
Muinaina	0	167	167	0	44	44	211	94	224.5%
Mutukula	0	0	-	1	94	95	95	32	296.9%
Nakasongola	1	52	53	0	50	50	103	31	332.3%
Namalu	0	0	-	4	234	238	238	147	161.9%
Ndorwa	12	168	180	5	40	45	225	71	316.9%
Patiko	0	0	-	0	25	25	25	32	78.1%
Ragem	0	3	3	0	94	94	97	24	404.2%
Ruimi	0	4	4	0	425	425	429	369	116.3%
Rukungiri	12	284	296	6	61	67	363	69	526.1%
Soroti	12	272	284	10	100	110	394	444	88.7%
Tororo	11	319	330	5	196	201	531	582	91.2%
Upper	-	1,373	1,373	0	903	903	2,276	668	340.7%
Total	457	10,758	11,215	305	7,629	7,934	19,149	9,428	203.1%

Since the last census in 2003, a number of prison wards have been constructed/renovated leading an increase in the capacity by the 898.

3.9 Categories of offences

Of the 11,215 inmates on remand, majority 7,728 i.e. (69%) were capital offenders. Of these 33% were on defilement charges, 20.9% on murder charges and aggravated robbery (11%). Other petty offenders' account for 30% of the remand population.

Table 3.11: Offence categories and length of stay on remand

Offence	Female	Male	Total	%age
Defilement	6	3,683	3,689	47.7%
Murder	257	2,051	2,308	29.9%
Aggravated Robbery	5	1,231	1,236	16.0%
Rape	-	424	424	5.5%
Treason	5	34	39	0.5%
Kidnap	6	26	32	0.4%
Sub total	279	7,449	7,728	100.0%
Attempted Murder	7	72	79	39.7%
Attempted Robbery	-	79	79	39.7%
Manslaughter	2	13	15	7.5%
Attempted Rape	-	14	14	7.0%
Attempted Defilement	-	12	12	6.0%
Sub total	9	190	199	100.0%
Other Offences	169	3,119	3,288	29.3%
Total	457	10,758	11,215	

Note that the 6 females are charge with facilitating defilement.

Comparing census results for 2003 and 2007, the composition by nature of offence of the prisoners on remand has largely remained the same as shown in the table below.

Table 3.12: Composition of Remands Comparison

Offence Category	2003		2007	
	Population	%age	Population	%age
Defilement	3,428	31.5%	3,689	32.9%
Murder	2,352	21.6%	2,308	20.6%
Aggravated Robbery	1,282	11.8%	1,236	11.0%
Rape	412	3.8%	424	3.8%
Treason	134	1.2%	39	0.3%
Kidnap	37	0.3%	32	0.3%
Sub total	7,645		7,728	
Attempted Murder	75	0.7%	79	0.7%
Attempted Robbery	28	0.3%	79	0.7%
Manslaughter	11	0.1%	15	0.1%
Attempted Rape	12	0.1%	14	0.1%

Attempted Defilement	5	0.0%	12	0.1%
Sub total	131	100.00%	199	
Other (offences)	3,122	28.6%	3,288	29.3%
Total	10,898		11,215	

3.9 Staffing

The current staff to prisoner is 1:6 against ideal ratio of 1:3. However, there are prisons with much higher staff to prisoner ratios including Gulu (1:21), Upper (1:13), Jinja(1:10), Kakiika (1:10) Kampala Remand (1:9) among others. 12 stations have staff to prisoner ratios that are within the recommended international standards of 1:3.

Table 3.13: Prison staffing levels and length of stay on remand

Station	Total Staff	Prisoner Staff Ratio	Average Length of Stay	
			(Days)	(Mths)
Adjumani	69	4.2	99.9	3.3
Amita	27	3.8	45.6	1.5
Apac	46	3.8	65.0	2.2
Arua	104	4.7	204.6	6.8
Bufulubi	57	4.9	29.8	1.0
Bugungu YO	36	1.8	-	-
Bugungu YP	46	8.5	247.3	8.2
Bulaula	33	4.4	-	-
BUSHENYI	56	8.7	275.9	9.2
Fort Portal	87	9.1	556.1	18.5
Gilgil	25	2.4	-	-
Gulu	25	21.4	295.1	9.8
Ibuga	47	5.9	-	-
Isimba	57	8.3	-	-
Jinja (W)	25	1.9	317.6	10.6
Jinja ®	58	10.4	443.4	14.8
Jinja Main	100	5.9	478.2	15.9
Kakiika	58	10.4	352.2	11.7
Kampala ®	96	9.2	76.8	2.6
Kamuli	23	4.0	44.0	1.5
Kiburara	57	7.5	-	-
Kigo	99	7.3	592.4	19.7
Kigo(W)	20	1.7	359.5	12.0
Kitalya	50	5.9	-	-
Kotido	32	1.9	50.3	1.7
Kumi	51	4.0	347.8	11.6
Lira	74	5.8	437.2	14.6
Loro	37	4.0	-	-
Luzira Women	67	3.3	400.2	13.3
M/Bay	203	4.9	526.6	17.6
Masaka	82	8.8	462.3	15.4
Masindi	78	7.9	470.7	15.7

Masindi				
Women	21	1.7	536.6	17.9
Mbale(M)	89	9.0	377.5	12.6
Mbale(W)	22	1.8	414.1	13.8
Mbarara (M)	66	8.5	405.2	13.5
Mbarara (W)	21	1.0	-	-
Mororto	35	3.8	149.1	5.0
Mubuku	62	5.2	105.8	3.5
Muinaina	40	5.3	315.7	10.5
Mutukula	29	3.3	-	-
Nakasongola	49	2.1	91.4	3.0
Namalu	59	4.0	-	-
Ndorwa	48	4.7	345.8	11.5
Patiko	16	1.6	-	-
Ragem	25	3.9	16.0	0.5
Ruimi	72	6.0	87.8	2.9
Rukungiri	54	6.7	420.6	14.0
Soroti	78	5.1	337.8	11.3
Tororo	73	7.3	195.7	6.5
Upper	171	13.3	605.6	20.2
Total	2955	6.5	410.6	14

CHAPTER FOUR

CONCLUSIONS AND RECOMMENDATIONS

a) Annual prisoners' population growth rate of -0.98%

A negative prisoners' annual population growth rate of 0.89% amidst increasing annual crime rate of 7%, given Uganda's National average annual population growth rate is 3.21¹⁰%, is a positive indicator of the Justice Law Order Sector's commitment to reducing Case Back-log in prisons. Given limited number of Judicial Officers over the same period that managed to reduce prisoners' growth rate, there is no doubt that with increased number of Judges, other factors constant, the prisoners population will be reduced tremendously.

It is, therefore, our strongest recommendation that *Case Backlog Reduction Programme, Chain-Linked Initiative, and Para-Legal Advisory be strengthened further*. It cannot be argued that the reduction in prisoners' population growth rate is attributed to other exogenous factors such as Community Service Programme or Presidential Pardon because the reduction is on **remand population**.

b) Compliance with Constitutional mandatory remand periods

1,257 (11%) remand prisoners (capital offenders =489, other offenders = 768)had stayed on remand beyond the period stipulated in the Constitution i.e. 60 days for petty offenders and 180 days for capital offenders. There were five cases pending the Minister's Orders who had stayed beyond 3 years.

Our observation is that there is **no clear system in the Criminal Justice System that tracks persons in custody and the status of their cases at national level**. Although the remand population has reduced, the number of offenders staying beyond mandatory period has increased. This may be attributed to reduction in remand period from 360 days for capital offenders to 180 days and from 120days to 690 days for other offenders.

It therefore, our strongest recommendation, that the sector build such a system that tracks all offenders in custody including the status of each case. This will enable the sector to keep track of all cases such that overstaying cases are easily identified.

c) Average length of stay on remand

The length of stay on remand from the date the prisoner is admitted to prison to the date the case is disposed off has increased from **26months** in 2003 to **30.3 months** in 2007. This finding supports our earlier finding that prisoners staying beyond 3 years on remand have increased from **5.6%** to **11.6%**. This has no linkage and therefore, can not be explained by reduction of Constitutional mandatory remand period.

¹⁰ 2002 Uganda Population and Housing Census Report by UBOS

Increase in average length of stay on remand may be attributed to lack of systematic system in Criminal Justice System to track offenders in prison that would guide criteria for cause listing offenders due for trial (first in, first out).

Our recommendation is to **review the session system including criteria for cause listing**.

d) High remand population

Over the period, 1998-2007, the crime rate has increased by more than 10%, but the remand population has reduced by 10.4% (i.e. from 69% in 1998 to 58.6% in 2007). Aware that the Judicial Officers has not been increased by the same proportion, the implication of this inverse relation ship is that Judiciary has done its best.

However, using international comparisons, Uganda has the lowest imprisonment rate of 106 prisoners per 100,000 populations, but with the highest remand population of 58.6%.

As noted earlier, in January 1998, the Government of Uganda carried out a Review of the Criminal Justice System to evaluate delivery & access to justice in Uganda. A number of problems were identified ranging from **non-adherence to established investigation procedures**, slow investigations, Insufficient Compliance with Constitutional Standards, Inefficient coordination of the Criminal Justice System, to **few staff in the Criminal Justice Agencies**.

It is on the above premise, that a number of sector reforms were initiated ranging from Session systems, case backlog, to chain-linked initiatives.

It is our strong recommendation, therefore, for the sector to again review the entire Criminal Justice System to identify the existing bottlenecks for new interventions other than evaluating the case back-log or chain-linked initiatives alone.

e) Management Information System

There is an urgent need to conduct a comprehensive systems study to come up with an appropriate MIS, with proper terms of reference. The systems study will highlight Software requirements; Hardware specifications; User requirements such as training in elementary statistics and computer skills and appropriateness of the environment and suitability of the existing infrastructure.

An Integrated Prisoners' Database was designed to capture the census data using Microsoft Access. Routine updating of data is expected to take place using this database. However, as this database grows bigger, its efficiency and effectiveness will be adversely affected.

It is recommended that a more robust database platform like Oracle or Sybase be thought of as the nearest alternative to efficiently and effectively store this data.

The Integrated Prisoners database will initially run on one computer. It is recommended that all Prisons be computer-networked to have the database distributed. When this is done, more efficient and faster decision making will be achieved. This will mean details pertaining to any prisoner or any reports asked for could be obtained from any computer on the network.

f) Records Management:

There is need for training of clerks. All the Receptionists at the prisons should be taken for training course in record keeping. This can enable them be multi-skilled in the day-to-day execution of their duties. There is need to improve on record books being used and encourage standardisation in all stations.

Review of prison books and forms is also necessary to come up with standard forms to avoid duplication of variables. There is need to include all socio-economic variables in all forms e.g employment is not captured in the case of remands. There is need for sufficient parameters to allow for sociological and criminological studies as well as to provide a basis for policies, plans and strategies.

Table 4.1: Geographical Regions and Prison stations.

Geographical Region	Sub-Region	Districts of Operation	Prison Stations
Eastern	<i>Eastern</i>	Soroti Kapchorwa Mbale Tororo Kumi Busia Katakwi Sironko Pallisa Kaberamaido	Soroti Kumi Mbale(M) Tororo Mbale (W)
	<i>South Eastern</i>	Iganga Mayuge Kamuli Jinja Bugiri	Bifulubi Jinja Main Kamuli Jinja (R) Jinja (W)
Northern	<i>Northern</i>	Gulu Lira Pader Apach Kitgum	Patiko Lira Apac Loro Gulu
	<i>North Western</i>	Yumbe Adjumani Moyo Nebbi Arua	Gilgil Adjumani Arua Ragem
	<i>North Eastern</i>	Kotido Nakapiripirit Moroto	Amita Moroto Namalu Kotido
Central	<i>Southern</i>	Masaka Sembabule Rakai Kalangala	Masaka Mutukula Bugungu(YO)
	<i>Central</i>	Mpigi Mubende Wakiso Kiboga Luwero Nakasongola Kayunga Mukono	Bugungu(YP) Kitalya Muinaina Bulaula Nakasongola Kigo Kigo (W)
	<i>Kampala</i>		Upper Luzira(W) M/Bay Kampala (R)
Western	<i>Western</i>	Kasese Bundibugyo Kabarole Kamwenge Kyenjojo	Fort Portal Ruimi Ibuga Mubuku
	<i>South Western</i>	Mbarara Rukungiri Kabale Ntungamo Bushenyi Kisoro Kanungu Hoima Masindi Kibaale	Mbarara Mbarara (W) Rukungiri Ndorwa Kiburara Kakiika Bushenyi Isimba Masindi Masindi (W)

Table 4.2: Number of crime cases reported and prosecuted, by category

Penal Code Offences	2006		2007		
	Reported	Prosecuted	Reported	Investigated	Prosecuted
Murder other than by Shooting	2,319	767	2,398	1,707	1,128
Murder by Shooting	377	106	247	220	68
Attempted Murder other than by Shooting	379	162	446	372	181
Attempted Murder by Shooting	190	45	140	140	30
Attempted Suicide	175	42	190	108	16
Rape	750	223	809	599	266
Defilement	15,385	3,606	17,031	12,230	3,965
Indecent Assault	811	310	1,004	563	244
Incest	38	13	51	32	1
Common Assaults	37,943	6,205	39,545	24,416	3,376
Aggravated Assaults	5,839	1,935	6,189	4,423	1,155
Unnatural Offences	62	33	56	37	22
Aggravated Robbery	1,937	335	1,828	1,443	508
Simple Robbery	6,230	824	6,411	4,223	833
Burglary and Theft	6,107	1,505	6,230	4,552	1,038
House Breaking	2,375	706	2,632	1,955	456
Shop Breaking and theft	1,676	504	1,817	1,242	420
Other Type of Breakings	1,369	375	1,463	1,046	289
Theft of Motor Vehicles	1,206	190	1,375	954	160
Theft from Motor Vehicles (Spares	1,043	162	1,091	707	122
Theft from Motor Vehicles (Property	1,183	124	1,231	707	77
Theft of Motor Cycles	944	178	1,223	881	205
Theft of Bicycles	3,871	1,218	3,650	2,544	496
Theft of all Kinds	61,517	13,046	67,601	42,137	7,059
Receiving	798	250	266	155	69
Forgeries and Uttering FALSE Documents	978	174	897	685	98
Issuing FALSE Cheques	1,605	78	1,473	1,012	35
FALSE Pretence	9,677	1,295	11,823	7,084	856
Counterfeiting	1,335	314	1,267	817	46
Riot and Unlawful Assembly	10	4	36	6	52
Terrorism	34	13	45	9	3
Arson	2,055	488	1,925	1,326	521
Treason	9	5	48	11	17
Sedition	10	3	2	1	-
Malign Damage	7,376	1,339	7,877	5,014	1,098
Idle and Disorderly Persons	2,346	1,183	1,973	1,237	937
Embezzlement	762	88	411	332	56
Causing Financial Loss	44	7	40	36	9
Abuse of Office	57	19	66	59	20
Escape and Rescue	1,619	945	1,498	1,234	239
Promotion of Seditiousness	1	1	-	-	5
Other Penal Code Offences	37,069	6,795	40,242	24,960	4,360
OTHER LAWS					
Immigration Act	311	229	288	242	84
National Drug Policy and	1,861	1,148	2,018	1,662	801
The Enguli Act	49	35	13	6	14
Urban Authority Rules	5	-	11	7	-
The Firearms Act	234	90	210	152	69
The Games Act	155	102	-	-	-
The Prevention of Corruption Act	51	20	19	12	11
All other Acts	1,217	314	872	544	147
Total	223,394	47,553	237,978	153,841	31,662

Source: UBOS Statistical Abstract 2008