

INTRODUCTION

Many African countries are experiencing a problem of congestion in prisons. This situation makes it difficult to implement relevant United Nations Instruments, inter alia, United Nations Standard Minimum Rules for treatment of offenders, Riyadh Guide Lines, Tokyo Rules, Beijing Rules and local instruments. One way to combat this problem is the strict implementation of national and international legal instruments. At the national level, we have: Habeas Corpus Act (Police), Nolle Prosequi (Prosecution), alternatives to imprisonment, indictment act, suspended sentence (Judiciary); review of sentence, release on parole; remission system (Prisons). The implementation of all those instruments will keep many people out of prison. 1

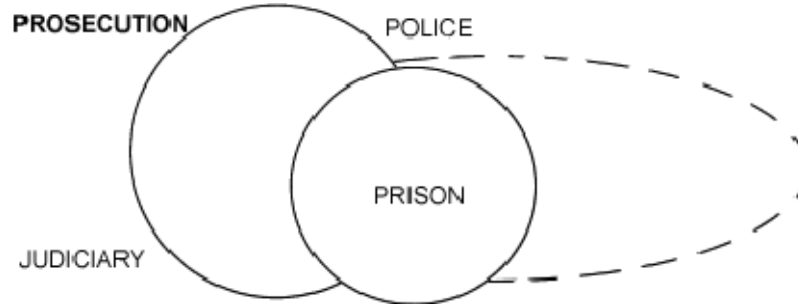
Unfortunately, at all levels, these instruments have not been wholly implemented though they could be useful in reducing the number of offenders in prisons, hence congestion.

Another way which is our approach is a successful resettlement of ex-offenders into their local communities which will prevent them from relapsing back into crime (recidivism). At the same time this social intervention is a way to educate, involve the members of the local communities as local social actors in prevention of crime, taking into consideration possible socio-economic consequences of further crimes on their lives.

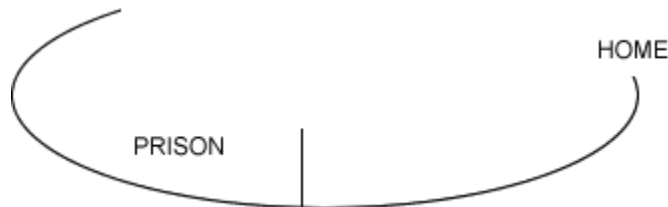
We are convinced that strict implementation of both local and international instruments and successful integration of offenders through our approach in their local communities or places of their choice will go along way to substantially reduce the number of persons in prison.

Some readers may think that our intervention is belated because it seems to be at the end of a process as prisons appear to be the last stage of the criminal justice system. A careful examination of the situation reveals that the justice system is seen and understood as linear process. The case of recidivism shows that it is a circular one: (police, prosecution, judiciary, prison to police; see figure (1) below).

(a) Circular Process in the case of a recidivist.



(b) Disruption of the process



Our efforts are geared towards disruption of that circle. The prison is our starting point.

As the reader will learn through this study, the approach described disrupts the process. Many cases analyzed during this study show clearly that disruption; (see inter alia quoted cases in this document). It is a successful resettlement when the inmate is accepted in his or her local community.

This study also shows that when there is a failure of resettlement because of non-involvement of local social actors in local communities, the ex-inmates will soon relapse into crime as indicated in the cases of TL and FM who were killed by mobs.

The two approaches can simultaneously be carried out when sufficient funds are available. The effectiveness of the criminal justice system will be enhanced.

As can be deduced from the above illustrations, imprisonment is not an end in itself, but a means to an end. The punitive logic (see sub-section, 4.1: Knife Logic) which is characteristic of imprisonment is not enough to break the circle.

Other logics such as the needle logic (see sub-section 4.2) are needed.

Our approach is qualitative. Referring to B. Glaser and Strauses we are using the grounded theory approach whose objectives are to generate adequate concepts from the data and the theoretical links found out amongst them. We have then a theoretical core explaining the problematic situation under study. The problem in our case is the social rehabilitation of the inmate or ex-prisoners in general.

The reader may observe frequent repetitions in this presentation. This is one of the constraints of the approach. Those repetitions are different links between sections, sub-sections and paragraphs showing in the final analysis, the internal cohesion. He may observe also that the formulation of some of the quotations is not good. In order to avoid any alternations of those quotations, they are kept in

their original form. To ensure the inmates' anonymity, only the initials of their names are used.

This study reveals that social rehabilitation is a process. Referring to Glaser, this is our core category. Unfortunately, the common understanding of social rehabilitation in many projects seem not to take into consideration the processual aspect of social rehabilitation. This aspect has the advantage of emphasizing to us different elements below:

There are steps to be fulfilled;

1. Every process requires reparation;
2. There are legal instruments to law support from;
3. The involvement of different social actors;
4. The necessary recourse to needle logic;
5. Social workers as a link

These elements are essential prerequisites for successful social rehabilitation of offenders. Referring to Glaser, those elements are categories generated during the study and are explanations of the main category. At least they are conditions to be fulfilled in order that social rehabilitation succeeds.

This study is an action research on social rehabilitation of offenders, initiated and launched by the Commissioner General of Prisons Uganda, and UNAFRI on the 19th April 1994. From a total of 50 cases, only received 4 or more visits while in and after release were analyzed. A number of these cases have been quoted to illustrate statements in the study. The results are considered to be very satisfactory and the exercise deserves to be continued and extended to other prisons in Uganda and other countries in the Africa Region.

At the same time this study demonstrates the kind of technical cooperation that should exist between UNAFRI and other African countries. The scarce financial, human and material resources available in our countries can be optimally used to achieve successful resettlement of offenders back home as social development actors.

We are convinced that the study could be undertaken in other countries of the region, in order to improve our understanding of correctional instruments, in pursuit of local and international instruments, which are dealing with the rights of prisoners in particular and human rights in general. Finally, in our view, this study is a way to implement local provisions, which have been allowed for time immemorial, to sink into oblivion and international instruments often considered irrelevant.

SECTION 1:

EVERY PROCESS REQUIRES PREPARATION: THE FULFILLMENT OF STEPS

As in every other process, social rehabilitation requires preparation so that we can move from one step to another, each step being the preparation of the other to follow. Unfortunately the penal practice on social rehabilitation in most African countries reveals that this is not the case. Hence the failure of rehabilitation initiatives.

As a rule the preparation has to begin as soon as the inmate is admitted into the

prison in order to maintain ties with relatives because the contribution of relatives, friends etc. is needed at this stage.

The social rehabilitation programme in many countries, as indicated by delegates during UNAFRI seminars, and in some documents, are failing in this objective because of lack of link with the outside and the involved social actors operating outside the needle logic.

1.1 IN PRISON:

1.1.1 Activities in General

Many activities are organized in prison for inmates, i.e. vocational training, sports, recreation etc. These activities are very important to inmates. Sports activities for example develop the inmates' sense of responsibility, fair play, initiative, self-confidence, rule respect, etc.

The full impact of training activities in prison will not be meaningful without linking them with outside.

During the course of training, the educators, the social workers, etc. should, through inmates' relatives and other visitors, explore and seek outside the prison, opportunity to practice the skills acquired during imprisonment.

III

(a) Summary of DM's case

DM (No.U 34/89), a 26 year old ordinary prisoner, not married and with no child, came from Luwero district and his earliest possible date of release was 21 May 1994. He was born from a polygamous family and his standard of education was P.VI. He was imprisoned for seven years and ten months, for burglary (c/s 281 of PCA) and theft; stealing a bicycle c/s 255(A) and escaping from lawful custody (c/s 103 of PCA). Before arrest and conviction, he was a soldier in the National Resistance Army. While in prison, he was taught carpentry and gained little experience in the trade. He was baptized, confirmed and became a committed Christian in prison. He was visited by relatives in prison a number of times. At home in Luwero, he was visited six times by the Prisons Social worker.

(b) Comments

While in prison he gained skills in carpentry. The social worker reports:

"In prison he was placed on carpentry, where he gained little experience and skills. He intends to work in any carpentry workshops where he would stay in Luwero."

Fortunately for DM, later on his brother succeeded in getting for him employment in a carpentry workshop in Kampala.

What we mean by creating possibilities for the inmate to practice the activity learned in the prison can consist of preparing the involved local social actors as the brothers in this case of DM.

After release, DM was not in position to implement directly the skills learned in prison. So he had to dig for more than one year, by that time he seems to be a hard working man. The relatives and neighbors were satisfied with his attitude.

One of the brothers preferred to direct DM to the activity he learned in prison.

"Then after which he was found a small carpentry workshop. Later, someone employed him to work for him."

What we need to indicate here is that we failed, while we were preparing DM to go to his local community; to link him to the owner of carpentry workshop, as a way of assisting DM to implement the skills he learned in prison. Fortunately, the brother filled that gap. This is to say that this possibility was available.

By the time of his release, contacts should have been established with potential employers, but this was not done. Although it was done at a later stage in his resettlement process.

In the case of FM the social worker and the father fortunately had the opportunity to talk about this aspect. When the social worker visited the home of FA, she had this conversation with the father:

"SW: Why do you plan to settle him on your land? Why not find a school for FA? Father: It is because when I used to visit my son at the reformatory school could find him very busy with agricultural activities. I was happy and I felt he should come home and continue with agriculture."

1.1.2 Vocational Training:

The activities such as blacksmith, carpentry, masonry, etc. should be organized taking into consideration the outside life, because life in prison should not be in isolation. Every time that link will be made, it will be efficient preparation for the inmate to leave the prison.

This link is also a way to reduce the permanent prisonization effects. During this preparation social actors such as educators (see section 3.7), prisons management and custodial staff (section 3.8) and the inmate himself (section 3.9) should be considered as social actors (see section 3.8) because their contribution is needed.

When an inmate is totally involved in that preparation we can succeed in changing his/her attitude. For example to make him accept the responsibility of the offence he/she committed while outside. One of the indicators to evaluate that change can be got from the inmate himself/herself; then instead of saying:

"They say I...."

Will become:

"I did..."

A change of attitude on the part of the prisoner as mentioned above is needed so that he/she can be involved in his/her rehabilitation process.

The walls around the prisons which are symbolic of unnatural social environment for the prisoner, should not be considered as a barrier between the life in prison and outside. The concept of social rehabilitation involves that link between life in prison and the outside.

1.1.2 The Exposition

The exposition of inmates to various skills alone is not enough. The inmate should be linked with the outside in order to improve the relationship with the members of his local community and the opportunity to implement the skills learnt while in prison.

It is worth to indicate here that the Penal Justice System professionals should always have in mind the fact that imprisonment does not often solve the problem existing between the inmate and the victim.

That is why during the first contacts with the inmates many of them prefer to go elsewhere after release than going home because of fear of the victims at home.

The social worker seems to be the key person to solve this remaining social problem. The successful initiatives on his/her behalf are the explanations of the reconciliatory attitude of the inmates.

As in the case of ES, he wrote a letter to his father assuring him:
"I will never repeat my mistake to attack my stepmother..."

1.2 OUTSIDE PRISON:

1.2.1. The Bad Picture of the Penal System

The data examined shows that there is always a link between the inmate and the relatives. But because of the bad picture the relatives, friends, neighbors, etc. have about the penal system, a big number of inmates are not visited. Even the first contact with the social workers is difficult and misunderstood.

As below this bad picture explains the impression the social worker got while visiting the mother of PS:

"I was introduced to her, but the first impression I got was that she had doubt about me. May be she mistook me to be one of the bad people who might have coned her. Sometime later I was told that many people coned her, especially during the hearing of Peter's investigation. She lost a lot of money. I understand some people continued going to her; that is why the mother is still sensitive about visitors, especially those visitors who mention PS."

This is really a bad picture of the penal system on the part of the local communities. This bad picture is also shown by the inmate especially on prisons. The following paragraph of the social worker's report on PS is sufficient illustration:

"When PS was asked about imprisonment, he replied that it is very bad to be a prisoner. Prisons staff hardly recognize you as a person. You lose your dignity and nobody can listen to you, even if you are completely worn out. A prisoner cannot suggest... Imprisonment is not a joke. Most people refer to prisoners as things, but not as people".

When the confidence was established between those local community members with the social worker, we learned more about this bad picture of the penal system.

II

(a) Summary of SM's case

SM (No.U666/93), a star inmate, educated up to P.VII only, claims to be a Mutoro by tribe (with a Kiganda name), but on the prison record, he is a Muganda by tribe. Before his arrest and conviction SM was a soldier in the National Resistance Army. When interviewed by the social worker, SM stated that his relatives were in Kasese District, while on prison record his father was in Bugerere, in Mukono District.

SM is from a monogamous family and has three sisters and three brothers. His father died in 1982 and the mother is still alive. Convicted and sentenced to 30 months' imprisonment for robbery, (c/s 272 of PCA) SM's earliest possible date of release from prison was 14 September 1994. While in prison, he was trained in the carpentry, was not visited and the social worker visited him four times after release.

b) Comment

In this case, SM's brother revealed the bad picture he had on the penal system. For him, inmates are beaten every day. That is why, without hesitation, he asked the following to the social worker to confirm his opinion on the penal system:

"I think you beat them every day and take them to shamba , is it so?"

SM's case is also sufficient illustration of the Penal System. Some relatives have a very bad picture of the penal system in general and of the prison in particular, so that they cannot believe in the capacity of this system to reform the inmate. When the social worker informed SM's father that his son became a good carpenter during his imprisonment, the latter could not believe:

"Tobiya" , he exclaimed.

This bad picture is the cause of the fear the relatives, friends and neighbors have to visit inmates.

III

(a) Summary of MM's case

MM (No.KGO 89/92), a 21 year old ordinary inmate, a Munyarwanda by tribe, comes from Mityana in Mubende District. He was born out of a monogamous family and both parents are alive. He is not married and has no child. He stopped at Primary III and before his arrest and subsequent conviction, he looked after his father's cattle. MM was sentenced to 30 months' imprisonment for stealing cattle (c/s 255 of the PCA) and escaping from lawful custody (c/s 103 of the PCA). While in prison he worked in the vegetable shamba. His earliest possible date (EPD) of release was 13th July 1994.

(b) Comment

The bad picture those local social actors have and even the inmates is not on the mistreatment of inmates, but also imaginary on the side of visitors. Here is some conversation between MM's father and the social worker:

"MM's father: Will they not mistreat me?"

SW: ... They will welcome you, they will ask you kindly whom you want and they will give you a seat.

MM's father: Can I bring him something to eat?

SW: You can bring, but the food has to be tested first.

MM's father: Thank you very much. I was worried at first, when I saw you. I thought you were CID.

SW: We all laughed."

This bad picture is also described by some inmates. Some of them got different view after release. This is what MM revealed to the social worker during the third visit the social worker paid to his home:

"I will come there to see you. You have been a friend to us all. I remember when we were at Kigo together I used to fear everybody, but now you have come here thrice, I am now used to you. We look like brothers who share problems I personally have. I will come there to see you all."

This revelation by the ex-inmate shows that there is really a change on the picture he had. He is ready to pay a visit to all of them (the social worker, the custodial staff, etc).

This bad picture is the explanation in some cases of the surprise observed by the social worker. Let us examine the case of JS.

IV

(a) Summary of JS's case

JS (No.MBP 617/94) is a star inmate, a Muganda from Mubende District and aged 23 years. He was educated up to Senior Secondary III, when he dropped out due to lack of school fees. He was born in a polygamous family. His father was still alive, but the mother died. JS is married with a child and by the time he was sentenced to imprisonment, he was not doing any serious work. He was sentenced to a fine of shs. 100.000 or six months' imprisonment, for obtaining goods under false pretence(c/s 289 of the PCA). His earliest possible date of release was 30th September 1994. While in prison, he was visited by a friend and after release from prison, the social worker visited the ex-inmate four times at his home in Mityana, Mubende District.

(b) Comment

We observed that this exercise has made some persons change the bad picture they had on the penal system in general and on prisons in particular. JS's father considered that there is a change. The social worker reports:

"He was so happy again, the worker visiting him and he greeted him. MM could not believe that the worker could visit him again and said; it is wonderful to see a government following somebody from prison to his home; this is a new nation; he nodded his head."

This statement is not only from JS's father, KN's father is of the same opinion as is reported by the social worker:

He was impressed that prisons/government is changing these days ..."

This case and others are indicative of a growing change of positive attitude towards the penal system in general and prisons in particular. It is also encouraging to note that both cases quoted are successful because the ex-inmates are now settled and leading a law-abiding and useful life.

We can say that we failed to change some other ex-inmates, who still have a very bad picture of the penal system in general and of the prisons in particular. PS, for example, in his reply to the social worker confirms this failure. For this ex-inmate, this bad picture is extended to the society in general:

This study shows a possibility of changing the attitudes inter alia of:

(1) The inmates that the social worker is there to prepare them for their return from prison back home.

(2) The custodial staff to consider themselves that their contribution in the social rehabilitation of inmates.

(3) The members of the local community that their contribution is needed without which our quest for a successful social rehabilitation is doomed to failure.

1.2.2 The Happiness of the Relatives

The relatives, friends, neighbors, etc. who do not visit either because of the bad picture of the penal system and consequently by the fear generated by this bad picture, or because of long distances, are nevertheless often happy when they learn that the relatives are about to be released. This is demonstrated in several cases below:

V

(a) Summary of TL's case

TL (No.U10/93) a star prisoner, was 37 year old man from Mityana, sentenced to two and a half years' imprisonment for illegal possession of firearms(c/s 285 of the PCA). Before his arrest and conviction, he was working as a driver. TL was married with children. His father and mother were still alive. While in prison, he worked as a cleaner. TL was visited only once while he was still on remand in prison, but when he was finally convicted, he was not visited. After release, his home was visited twice by the social worker.

(b) Comment

In the case of TL the social worker reports extreme happiness of the father to learn that his son was still alive and about to be released:

"The father could not believe his ears. He did not recall whether he heard properly, then he exclaimed: Where is TL? ...

The father sighed and came forward to embrace me. He was extremely grateful to hear about his son. He recalled with much regret that he has lost four of his children (three sons and one daughter) and he had assumed that TL was dead.

As we see below, because of lack of circulation of information, TL was presumed dead by the relatives. This explains the happiness and at the same time the suffering by the father.

III

(a) Summary of KM's case

KM (No.MBP451/93), an illiterate star prisoner, whose earliest possible date of release was 25th July 1994, is a Moslem by faith, married with seven children and comes from a monogamous family in Mityana. He was sentenced to two years' imprisonment for malicious damage of property(c/s 215 of the PCA). Before arrest

and conviction, KM was a driver in the National Resistance Army. In Prison, he was trained as a blacksmith and was visited several times by the wife. After release, he was visited four times by the social worker.

(b) Comment

Even in this case there is happiness and some suffering. The social worker reports:

"When I told the sister that KM was due for release on 25th July 1994, she was so happy. Then all of a sudden she cried a bit, saying that all those two years my brother has been in prison, I haven't been able to go and visit him. I comforted her, saying that it was not your fault, but now you have to prepare for his release, so that when he arrives he does not feel out of place as an outcast."

The bad picture described earlier is also the explanation of the surprise observed on the part of some relatives.

VII

VII. (a) Summary of KN's case

KN (No.LWP10/94), a star inmate, aged 25 years, came from a monogamous family in Masaka District. She was not married, but had two children. Her earliest possible date of release was 10th November 1994, from Luzira Women Prison, Kampala. She was imprisoned for one year for the offence of stealing from a dwelling house(c/s 282 of the PCA). Before her conviction, she was a Grade III teacher in Masaka. While in prison, she was not visited, but her father wrote a letter to her through the social worker. The social worker visited her parents twice, and after release she is in constant touch with the social worker.

(b) Comment

KN's father was really surprised when the social worker presented him with a letter from his daughter. The social worker reports:

"After introducing myself, I gave him the letter written by KN. It was a surprise visit because he never expected anybody to travel from Luzira to Masaka on behalf of a prisoner. The surprise of the father seems also due to the bad picture he has on the prison. It was also a shock to him to hear that his daughter KN was well and healthy and had taken the trouble to write to him."

Even in the case of DM the bad picture seems to be one of the explanations of the happiness as expressed by the mother.

"Oh my God, my son is still alive! Praise the Lord. Will he really come back here?"

Here the feeling of strong happiness is mixed with a very strong surprise.

VIII

(a) Summary of AS's case

As (No.U66/84) is a star inmate, a Moslem by faith, and a Muru by tribe, from the Sudan, whose parents migrated to Uganda when he was still a child. By the time of

his arrest and conviction, he was 38 years old and married with children. He was sentenced to fifteen years' imprisonment for kidnapping with intent to murder, (c.s 235 of the PCA) and his earliest possible date of release was 7th October, 1994. Prior to his arrest, he was a police officer (Assistant Commissioner of Police), and before he joined police, he was a professional mechanic. While in prison, he was trained in tailoring and was visited several times by his wife, relatives and friends. After release he was visited five times by the social worker before the ex-inmate left for Nairobi.

(b) Comment

In this case it is a friend who took the initiative to direct AS to the skills he learned in prison:

"Truly I convinced AS to come to stay with me. He brought all his family this way. We are going to start a project with him. I have a school down here, it is a Muslim school. AS is expert in tailoring, so I would like him to teach the children tailoring ... "

Even for this case and others, the necessary actions were not taken, failing then to lead the ex-inmates directly to the skills they learned in prison.

There is a clear need to prepare, using the different contacts (relatives, friends, neighbors, etc) with outside, so that on release the inmate is able to implement the skills learned during his/her imprisonment.

The two cases above show well that the preparation of the inmate to resettle will be almost completed when this aspect of implementing the skills learned in prison is taken into consideration.

Another case indicated by the UDPAS, where this aspect of early preparation was done; from release the inmate was successfully resettled as a carpenter for more than ten years.

1.2.3 Rapture

For the success of the social rehabilitation of the inmate, the social link with the outside (relatives, friends, neighbors, etc) should be instituted as soon as the inmate is admitted into the prison. The new case of ET shows that for some inmates there is no link at all with the outside.

IX

(a) Summary of ET's case

ET (No.LWP 11/95) is a star inmate, a Samia by tribe, who comes from Mukono District (East of Kampala). She was 40 years old at the time of her arrest, married to a man who had other women. The husband died, leaving her with three children. All her parents too had died. She was sentenced to eighteen months' imprisonment for the offence of child stealing (c/s 239 of the PCA). While in prison, she was looking after zero grazing dairy cows and she did not receive any visitors.

(b) Comment

We learn through subsequent visits that the inmate lost her land while in prison. The land was re-allocated to someone else by the LCI Chairman. Upon her release, the inmate mounted fruitless efforts to repossess her land. She reported that she was

disadvantaged because she was illiterate and unable to read a letter in her possession from the Resident district Commissioner (RDC) to the LCI chairman in respect of her land problems. As expressed by her lament:

"The time I stayed in prison is too long. I do not know, since I did not hand over my property to anybody, I presume to be in bush."

This case is an illustration of the need to start contact between the inmate and the outside as soon as possible. It will be noted from the above that if earlier contact between the inmate and outside relatives had been made, the chances of losing her land could have been minimized.

This omission reinforces our opinion of the necessity to establish earlier links between the inmate and his or her relatives as soon as he/she is admitted into prison. At this point, we disagree with the recommendation on preparation for release as contained in An Alternative White Paper on Correctional Services, a South African document that:

" ... efforts to reintegrate prisoners into society should be concentrated in the last part of every prisoner's sentence ... "

Because of lack of earlier contact with the outside, ET" land was unfairly taken away from her and she is now renting a small house in the suburb of her local town.

We would like to observe further, that apart from an inmate being facilitated to continue protecting his or her interest while in custody, and also continue his/her business activity through relatives, earlier contact with the outside also places the inmate into a better position, to benefit from the already existing legal provisions which entitle certain offenders to earn early release.

This would not be possible for the inmate to benefit if the linkage is established at the last month towards the inmate's release. Delayed linkage of the inmate and the outside renders nugatory legal (local and international) provisions, which empowers prison authorities to grant certain categories of deserving prisoners an earlier release through: parole, review of sentence, release on license, etc.

The case of ZM shows a total physical and social rupture where the offender is kept incomunicado leading to relatives presuming the offender dead.

The social worker reports:

"It had been rumored that he was dead, and she said that arrangements were being made for the last funeral rites for him."

This can be the main explanation of the relatives' happiness indicated above. Here also is a useless suffering due to the lack of circulation of information between the inmate and his/her relatives.

In spite of the different UN and local Instruments, some inmates and their relatives are still suffering from this situation. Our opinion is that Uganda and other countries in Africa have the minimum resources to change this situation.

The data under examination, as the reader will observe, after reading the complete study, reveals that in some of our African countries the minimum resources are available, but not used.

As a response to the above observation, it is often said that the implementation of the UN Instruments and even the local (national) ones is difficult. We are convinced that the meagre resources (human, material, financial, etc) available in our countries can allow us, if well used, to implement those instruments. The present project is a way of implementing all those instruments.

In light of the above cases, we recommend that contact between the inmate and the outside should be initiated as soon as possible following the inmate's admission into the prison. Contrary to the views held by the authors of An Alternative to the South African White Paper on Correctional Services, recommending that contact with the outside in favour of an inmate should be initiated three months to the end of the sentence.

The success of SB's case demonstrates immense advantages that can be reaped from institution of earlier contact between the prisoner and the outside. SB, while in prison was regularly visited by his wives whom he directed to continue with the business and raise money to pay off the debts that led to his imprisonment. Consequently, because of the good and earlier contact with the outside, the business continued and flourished after release from prison.

ET's case demonstrates that earlier contact with outside can assist in providing earlier solutions to a problem which had been complicated by lack of contact with the outside. ET lost her land because it was reallocated while she was in prison, serving a sentence of one and a half years, without any contact with the outside. This was a cause of useless suffering to ET.

The cases of TL and ZM highlight further useless suffering inmates and their relatives are subjected to, if no earlier contact with the outside means we are doomed to failure in our quest to reintegrate the offender back to the local community, because the members of the local community are not involved in the social rehabilitation of ex-inmates; the cases of TL and ZM are a clear testimony to this lack of contact with the outside. The involvement of those local social actors are needed. This involvement brings a difference between TL and ZM cases. The late, but total involvement of the local community members in the case of ZM makes the results of this case very satisfactory. Although in the case of TL lack of involvement by local community members makes the case unsatisfactory.

1.2.4 Useless Suffering

PS's case and others draw our attention to the suffering that can be experienced by the inmates, relatives, etc. because of lack of circulation of information between them. The social worker reports:

"At this time, the mother seems to yield. She changed her face and put on a smiling face. I noted so because she even extended her hand to shake with me. She told me that at first she had doubt about me and she apologized. She said she was happy to hear about her son. She told me she could have visited him today but she ran short of money. She therefore sent the sister of PS. She sent him some few gifts."

Below is a case demonstrating the useless suffering of the inmate and the relatives, the case of ES.

X

(a) Summary of ES's Case

ES (No.U69/87) is a star inmate aged 32 years, who comes from Masaka District and is married with three children. Educated up to Senior Secondary III, ES was born out of a monogamous family. His father died, leaving his mother with seven children. He was sentenced to death for murder, (c/s 183 of the PCA) but the death sentence was commuted to life imprisonment, whereby his earliest possible date of release was 9th September, 1994. He spent most of his time of imprisonment, in the condemned section of the prison. He did not, therefore, train in any vocational trade. Before his arrest and sentence to imprisonment, he worked as a pump attendant at a Petrol Station in Kampala; worked as a fishmonger; a trader in second-hand clothes; and finally joined the army in 1979.

(b) Comment

ES and his relatives experienced the same suffering. The report from the social worker describes the suffering of ES.

"ES became so desperate that he stopped counting himself among human beings. The mother also became so scarce that she could even take months without visiting him. He could only count on his fellow condemned prisoners as his close friends and relatives ..."

Cases of TL, DM and ZM also demonstrate the useless suffering inflicted on inmates, relatives, neighbors, friends, etc. through non-contact with the outside.

Imprisonment itself is punishment. Holding a prisoner contrary to Section 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners or local legislations results into useless suffering of the offender and relatives. Kept in that situation, the imprisonment of social rehabilitation programmes is comprised and the picture of the penal system will continue to be bad before prisoners and the relatives.

XI

(a) Summary of SN's case

SN (No.LWP43/94) is a star inmate, a Muganda from Mawokota in Mpigi District and she was 19 years old at the time of her arrest and conviction. Both the father and mother died. SN was married with 3 children, but her husband also died. She never went to school, although her parents could afford to pay for her school fees. She simply did not want to go to school. She was imprisoned for two months for the offence of administering grievous harm to a person (c/s 212 of the PCA). While in prison, she was visited by her inlaws many times, and after her release from prison, the social worker visited the ex-inmate's home four times.

(b) Comment

The case of SN shows how a mother can suffer in prison. When the social worker visited her in prison, she revealed:

"...I am worried about my children. I don't know how they are now, because my in-laws they don't tell me their condition."

She later asked the social worker to visit her home.

1.2.5 Reconciliation

By reconciliation we mean a progressive approach through which an inmate and his/her local community members are prepared to enter into needle logic in order to ensure efficient and effective social rehabilitation of the inmate.

As indicated below, reconciliation is really needed because as some cases indicate, when there is a failure or when this aspect of social rehabilitation is neglected, the results are unsatisfactory.

As an illustration of successful reconciliation, let us refer to the case of JS.

What we are trying to illustrate here is the fact that if the inmates themselves have this positive attitude, the social worker should take this opportunity to encourage the inmates/relatives or even the victims to be open to this reconciliatory initiative. But in case this positive attitude is not initiated by the involved persons, the social worker is the one to initiate the process.

During the preparation period before JS was released, the social worker paid a visit to the parents. He informed them that their son had changed; the father showed a positive (reconciliatory) attitude:

"... but as you have come, it seems he has changed. He is free to come back."

This reconciliatory attitude will help the social worker to achieve this objective. The above quotation shows that the parents were ready to contribute and to be involved in the process of reconciliation.

It is essential to indicate here also the positive attitude of the son asking through his letter to the parents, to be pardoned because his contribution to the process is also needed.

This positive attitude on the part of the parents and the inmate (the son) will facilitate the reconciliation. The reconciliation process had been set in motion because when the father received the letter from the son requesting to be pardoned by them, action was taken. During another visit to this family, as a response to the social worker's efforts to reconcile JS and the parents, the father replied:

"Oh! It was a very difficult task but I managed it ...I also got that chance. I told her that there was a crucial issue which need her attention before she goes back, that a prison officer visited us and was to come back... I gave her a letter from the boy. She read it twice and laughed, when she laughed,. I knew that I had won the case and she asked me what she should do with the letter. I did not hesitate to answer her. I said to her that I hope you have read the content and it is a self-explanatory letter and the officer wanted to see both of us to discuss about the matter. The woman jumped and said she was going, that for her she had forgiven the boy as the matter had reached the authority. She had no problem, she said. She did not give any condition, (the father explained the worker)."

Here also, the reader will observe the reconciliatory attitude of the stepmother. Indeed this had facilitated the reconciliation of the son with his parents. The social worker succeeded in getting the contribution of both parents.

JS's case and others also show how the social worker succeeded in getting the involved social actors enter into needle logic.

1.2.6 The Link with Outside

This is a pre-requisite for a social rehabilitation of inmates. It appears that often in many of our countries this basic social work is half way done. The data under study shows that the main work is not accomplished. We wish to re-emphasize that this is the main explanation of the failure of the inmate's social rehabilitation projects in many of our countries. We cannot prepare an inmate to go back home (Local community) without preparing the local social actors to receive him/her; better with the involvement in the exercise of those local social actors.

The cases where up to this data we consider as successes , are due to the fact that the inmate and the local social actors were prepared.

Contributions came from the inmates themselves and the relatives, friends, neighbors, etc. in other words, we succeeded because they were reconciled. Indeed the inmate should be reconciled with his/her victim, relatives, etc.: In short, with all the members of the local community so as to be accepted by them. This should be done under the 'needle logic" so as to shift from sector 1 to 4, where the relationship among the antagonists is more complex and are taken into consideration, not the private interest, but the collective one.

To succeed in the reconciliation of the antagonists the "useful" information should be circulated between them. This circulation of information should also be amongst the relatives of the inmate so that they can contribute efficiently to his/her resettlement

XII

(a) Summary of SB"s case

SB (No. MBP.429/94), a star inmate, is a Munyoro by tribe, aged 34 years, a Moslem by faith and comes from Masaka District. He is a businessman and married to two wives. SB was convicted and sentenced to eight months imprisonment for issuing a false cheque (c/s 364 of the PCA). While in prison, he was not trained in any trade and was regularly visited by his wives.

(b) Comment

This case shows what kind of link can be established among an inmate and his/her relatives outside prison. In the case of SB the following quotation reveals what the two wives were able to do while their husband was in prison. The social worker reports:

". . . through putting funds together, we have been able to raise some good money. During one of our visits to the prison, he told us that he wanted us to raise for him some money so that he can get back to business."

The wives succeeded to raise the money needed. The amount that led SB to imprisonment was paid and today SB's business prospers because he resumed his business without any problem. The success of this case is due to permanent contact

of SB with his wives. We consider that his return home was well prepared.

DM and JS cases throw more light on this statement. Before release, DM's fear was the victim. He almost refused to go back home. This refusal demonstrated by the fact that he initially gave a wrong address of the relatives:

"Sir, I would like to apologize to you for not being straight forward. I realized later when I went back to my word, when I consulted my friends, I was told you were the right person to help me. Now I am requesting you to go to my sister. She will be the one to tell you all the things connected to the man. I have written this letter to introduce you to her and to tell you everything."

We learn from the social worker's visit to DM, that DM's fears unfounded because the victim, after reading the letter of apology from DM, revealed his mind:

"I cannot reply this letter because I had forgiven DM long time ago, he is free to come back. He grew up in my home he is my son too."

When DM got this useful information through the social worker, his fear to return home vanished. This shows the necessity of circulation of information between the involved social actors.

One of the roles of the social worker is to establish the social link and circulation of information. As the reader may observe, when the information is in circulation between the involved social actors, (victim, relatives, neighbors, etc.), this can facilitate the reconciliation between, inter alia, the victim and the offender.

DM's case is not an isolated one. This necessity is also demonstrated in JS, whose fear of his stepmother whom he beat, leading to his father chasing him away from home. During the time the social worker was preparing JS for release, JS revealed: **". . . I intend to change the place and I would like to go back home, but even my father does not know that I am in prison. The stepmother misled him, so he does not care about me."**

As indicated above, when the basic social work is done, the possibility of reconciliation is great. We are of the opinion that the social worker has well prepared JS and his relatives. Otherwise the future of this case should be different.

PS's case draws our attention to the suffering that can be experienced by the inmates because of lack of circulation of information between the inmates and the relatives, as the social worker reports:

"At this time, the mother seems to yield. She changed her face and put on a smiling face. I noted so because she even extended her hand to shake with me. She told me that at first she had doubt about me and she apologized. She said she was happy to hear about her son. She told me she could have visited him today but she ran short of money. She therefore sent the sister of PS. She sent him some few gifts."

ES and his relatives experienced the same suffering. The report from the social worker described the suffering of ES:

"ES became so desperate that even stopped counting himself among human beings . . . (ES paragraph 6) . . . as his relatives."

SB's case shows that relatives should not be inactive in the preparation of the inmate's release. When they are totally involved in the release of the inmate, some action facilitating the rehabilitation process is taken by them.

About the debt incurred by the husband which led to his imprisonment, the wives had this to report:

" . . . it hasn't yet been paid, but also the man, the owner of the money of late has left for Saudi Arabia, because we wanted to pay him but we have failed, because we can't get into contact with him. We are now waiting for him to come out of prison to handle it."

Some misleading officials reports and observations often made during conferences seem to be at variance with the above statements, alleging that local communities reject totally an ex-prisoner identified as an incorrigible criminal. These observations are not based on facts. This is because there are no preparations on behalf of the inmate and the local social actors. This kind of observation shows that something was not done and we have to identify that obstacle so that the process continues. One of the cases we consider to be a successfully reconciled is the case of JS.

SECTION 2

LEGAL INSTRUMENTS SUPPORT

Correctional workers should be aware of the existence of national and international instruments at their disposal which are meant to promote the social rehabilitation of inmates. Unfortunately, their implementation has been allowed to pass into oblivion for many reasons.

One of the reasons, referring to our data, that those who had to implement those instruments are deeply emerged in punitive logic with the result that the referred instruments above are thought to be irrelevant.

It is not therefore uncommon to hear from correctional officers that international instruments advocating social rehabilitation of inmates are regarded as too advanced to be implemented in our local environments.

However, taking into consideration the African social realities, (the extended families, neighborhood, the logic of conflict resolution), our data has revealed that those national and international instruments can be implemented.

We hasten to point out at this stage that our contribution to show how both local and international Instrument can be implemented, after evaluating the human, material and financial resources available in the under developed countries. In making our contribution, we were influenced by the foresight of both national and international legislators, who had laid useful structures for achieving an effective social rehabilitation of inmates. We wish to use the following instruments below to show the foresight of the legislature and why some of the provisions they put in place were partially or never implemented at all.

As local legal instruments, we consider the Prisons Act, the Prisons Rules, the Children Statute, Minimum Standard Rules for the Treatment of Prisoners, the Tokyo Rules, the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty as these are found to be related to the social rehabilitation process.

We are mainly dealing with these instruments although there are some other laws and acts linked with them, such as Labour Rules of the International Labour Organization (ILO) on prisoners etc.

2.1 PRISONS ACT AND PRISONS RULES

As national instruments we can refer to sections 49 of the Prisons Act and remission of part of sentence of certain prisoners; Section 50 of Prisons Act on criminals to be released on license only; Section 51 on review of sentences; Section 51 (Release on Parole).

2.1.1 Remission of Part of Sentence of Certain prisoners (Section 49)

Sub-section 4 of that Section is more relevant:

"The Commissioner may recommend to the Minister designated . . . that should advise the President to grant a further remission on special grounds."

The concept of special grounds covers the following conditions:

- a) The terminally sick
- b) The aged who are not on capital charges
- c) Breast feeding mothers held on petty offences, etc.

2.1.2 Release of Habitual Criminals on Licence only (Section 50)

When a prisoner is due for release on licence, Section 50, Sub-section 2 below specifies the power of the Commissioner General of Prisons, inter alia, to release and revoke such a licence.

After reading the above document, the reader will observe that the provisions are silent on who has to implement the decision made by the Commissioner General of Prisons. However, in the licence book, it is specified that the police are the ones to supervise:

" (a) The Licence shall contain the photograph and the finger prints of the holder, who shall retain it and produce it to a Magistrate, Police Officer, Prison Officer or his Gombolola Chief, on demand.

" (b) The Licence shall not break the law, nor shall he associate with persons of bad character; he shall not lead any idle life.

" (c) He shall proceed to his intended place of residence without delay, and report to the nearest Police Station within 48 hours. If he lives further than ten miles from a Police Station, he may report to his Gombolola Chief instead.

"(d) He shall report once a month in the manner described at (c), and also whenever he changes his address."

The field observation, however, has revealed that there has been total failure by police to implement the provisions quoted above. In our view, the police failure in the supervisory role can be explained as indicated below, by the fact that the inmates had no initial confidence in the whole penal system.

We are also of the opinion that a special section be created in the police and trained on the supervision of licences. On this task they should be assisted by well trained social workers who should be capable of winning the confidence of the inmates.

2.1.3 Review of Sentences (Section 51)

This section deals with long sentence prisoners, i.e. lifers and persons imprisoned for 7 or more years. For those cases the Commissioner shall:

". . . submit to the Minister for the time being designated . . . a report on the general condition and conduct of every prisoner undergoing imprisonment for life or for a term exceeding seven years, at the end of every four years of such imprisonment or at such lesser period as that Minister or the Commissioner considers desirable."

The review of sentences of this class of offenders is one sided and does not seek coordination with other social actors involved in effective rehabilitation of the offender as observed in this study.

2.1.4 Release on Parole (Section 52)

This section provides for release on parole, persons sentenced to four years or more. The legislator foresees that there is a necessity to prepare the prisoner to join the normal life outside. For that reason Section 52 provides:

"(1) A prisoner serving a sentence of imprisonment for a period of four years or more may be allowed by the Commissioner within three months of the date he is due for release on conditions and for reasons approved by the Commissioner to be temporarily absent from prison on parole or a stated length of time which shall not be greater than fourteen days.

(2) The commissioner or an officer in charge may at any time recall a prisoner released on parole.

(3) Any prisoner who fails to return to prison on the completion of the period of his parole or when informed that he has been recalled under the provisions of subsection (2) of this section shall be guilty of an offence and may be arrested without warrant and shall be liable on conviction to the same punishment as if he had escaped from prison.

(4) A prisoner when released on parole who contravenes the conditions imposed upon him shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a period not exceeding six months."

This section has never been implemented at all and there is no documentation to prove the contrary of what is said about this statement.

Why are the sections not implemented? The reply to this question, taking into consideration the data examined and the needle logic involved, seems to be due to the non-involvement of other social actors identified in the study, in particular the social workers who are the link between the inmate and the intended place of resettlement. It should also be added that up until now the penal system and society at large have not embraced the fact that social rehabilitation of offenders is a process.

Even though those legal instruments on parole, release on licence, review of sentence, etc. were meant to facilitate the social rehabilitation of ex-offenders, experience has shown that this has not been the case. In case of release on licence, there is a total failure. We refer to a well known case of a notorious robber here in Uganda in 1960s, (KT), who was released on licence in 1974, failed to report to police and went to a neighboring country from where he committed another offence and was imprisoned. From then he has never been heard of. This seems to have been the last case of release on licence, because until now there are no more licence books with Prisons.

In our view, there is need to extend the training of police and prison officers in particular to embrace new penology. This is important for the implementation of legal instruments on parole, release on Licence, review of sentence, etc. all of which are meant to facilitate the social rehabilitation of offenders. If we continue to quote the punitive logic, we shall continue violating prisoners' rights through non-implementation of the said legal instruments, for it is evident that the application of those instruments has sunk into oblivion for many years.

2.2 THE CHILDREN STATUTE 1996

This new Children Statute repealed the Reformatory Schools Act and Approved Schools Act. The Uganda legislator has put in place mechanisms through this Statute to withdraw, the child from the penal system as soon as possible. This is in line with the new penology some of whose elements are given below:

"(1) Where a child is arrested, the police shall under justifiable circumstances caution and release the child.

"(2) The police shall be empowered to dispose of cases at their discretion without recourse to formal court hearings in accordance with criteria to be laid down by the Inspector General of Police."

The legislator gives the local council members an important role to play:

"(3) As soon as possible after arrest, the child's parents or guardians and the Secretary for Children's Affairs of the Local Government Council for the area in which the child resides, shall be informed of the arrest by the police."

This is really a new penology involving all the social actors other than the penal system professionals as was the cases in the past. The legislator also foresaw the contribution of the parents or guardians:

"(4) The police shall ensure that the Parent or guardian of the child is present at the time of the police interview with the child except where it is not in the best interest of the child."

Other sub-sections bring out the legislator's foresight in involving important social actors in the decriminalization and protection of the right of the child. However, we would not hasten to add that the data examined refers to prison case only and it is our sincere hope that funds permitting, the study should be extended to cover remand homes as well.

At the level of the judiciary the legislator has provided the family and children court. Even sections 14-19 have the objective to take the child out of the formal adult court. By the 14th section, the legislator had installed the family and children court in every district, and any other lower government unit designated by the Chief Justice in the Gazette.

In order to avoid the negative impact of the penal system on the child, the legislator foresees the need for continued parental care for the child, by cautioning (Section 18):

"A Family and Children Court shall not make a supervision order or a care order unless it considers that doing so would be beneficial to the child."

This legislator's desire to keep the child out of the penal system appears in section 91(1):

"(1) Where a child appears before a court charged with any offence, the magistrate or person presiding over the court shall inquire into the case and unless there is serious danger to the child, release the child on bail -

**(a) On court bond on the child's on recognisance;
(b) With sureties, preferably the child's parents of guardians who shall be bound on a court bond, not cash."**

In our opinion, in light of the new penology the Ugandan legislator did a better job by affirming the local council courts, which is a direct implementation of the international instruments, such as Beijing Rules and Riyadh Guidelines.

We wish to give the reader direct access to the relevant section (93) of the role of the local committee courts as follows:

(2) A Village Resistance Committee Court shall have the criminal jurisdiction set out in the Third Schedule to this Statute in a case involving a child.

(3) A Village Resistance Committee Court shall be the court of first instance in respect of the criminal offences referred to in sub-section (2) of this section involving children.

(4) A. (3) A Village Resistance Committee shall have jurisdiction to try a child for any of the following offences -

(a) affray, under section 74 of the Penal Code;

(b) any offence against section 162 with the exception of paragraph (b) of sub-section (1) of the Penal Code;

(c) common assault, under section 227 of the Penal Code;

(d) actual bodily harm, under section 228 of the Penal Code;

(e) theft, under section 245 of the Penal Code;

(f) criminal trespass, under section 286 of the Penal Code;

(g) malicious damage, under section 315 of the Penal Code.

(5) A Village Resistance Committee Court may, notwithstanding any penalty prescribed by the Penal Code, in respect of the offences specified in sub-section (3), make an order for any of the following relief -

- (a) reconciliation**
- (b) compensation**
- (c) restitution;**
- (d) apology; and**
- (e) caution.**

(6) In addition to the relief under sub-section (4), the court may make a guidance order under which the child shall be required to submit himself to the guidance, supervision, advice and assistance of a person designated by the court.

We would like to emphasize here that this jurisdiction (local committee courts) is or should be mainly under the needle logic, given the orders the local committee can make Rules for the Treatment of prisoners.

A. Standard Minimum Rules for the Treatment of Prisoners.

2.3.1. Contact with Outside

This Provision (37) of the Standard Minimum Rules for the Treatment of Prisoners states:

"Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits."

Once again we express the opinion that links by correspondence and visits can be more effectively carried out by the social workers and religious leaders. This was not effectively done in the past. That is why, for example, KN's father was really surprised:

". . . It was a surprise visit because he never expected anybody to travel from Luzira to Masaka on behalf of a prisoner. It was also a shock to him to hear that his daughter KN was well and healthy and had taken the trouble to write to him."

This quotation illustrates the lack of circulation of information between the inmate and his/her relatives in general. The following case of TL is an additional information to the above:

". . . and I mentioned about TL. The father could not believe his ears. He did not recall whether he heard properly, then he exclaimed, where is TL? I responded that TL is still in prison in Upper Prison Luzira and is due for release on 7th October 1994. I informed the father that his son TL sent warm greetings to him. At this juncture the father sighed and came forward to embrace me. He was extremely grateful to hear about his son . . . The father informed me that he was planning to hold the last funeral rites for TL. . ."

This last quotation clearly shows that there was no communication at all between the father (relatives) and his son in prison, whom he had considered dead as he had already lost three sons and one daughter. This is a source of useless suffering. This is not an isolated case. ZM's case is similar to TL's case:

". . . She was extremely happy to learn that ZM was still alive and she wished her husband was around to hear by himself. She clapped, made noise and uttered some words in Gisu ."

It is worth noting here that the happiness and suffering is not shared by the relatives, but also by the neighbors, in short, by the local community. This shows that some local community members, if not all of them, are involved some how in every social aspect of life in their community. The local community is not considered as available human, material and financial resources to be used in the process of social rehabilitation.

Even then, inmates have the desire to communicate with the outside. But there is no structure enabling them to do so. This seems to be the feeling of ES.

The social worker revealed the following:

"None of ES's close relatives nor his beloved mother knew the latest development of his retrial. There was no way he could send the message to his mother. This could mean to sponsor someone to reach there. He only waited for his day to come and leave the great gates, as he called them."

We learn from the above quotation that ES had a complete rupture or communication with his relatives. His wife stopped visiting him when the death sentence was passed. The relatives stopped visiting him thinking he had already been hanged, not knowing that they are supposed to be informed when such a person is to finally be executed. After the first visit, the social worker reports:

"The mother, after hearing that ES's death sentence was commuted to ten years' imprisonment, and consequently that ES was to be released soon, the mother was shocked and could not believe that her son was still alive."

For almost seven years, ES was not visited and was considered dead by his relatives. In this case it is obvious that the inmates' human rights which are also the relatives' human rights, often not taken into consideration, are violated yet Provision No. 37 of the United Nations Standard Minimum Rules for the Treatment of Offenders stipulates that:

"Prisoners shall be allowed under necessary supervision to communicate with their family and repeatable friends at regular intervals, both by correspondence and by receiving visits."

This case also shows the useless suffering the inmates and relatives have to suffer sometimes. ET's case is also another illustration. She revealed to social worker of her suffering because of lack of information from the LCs about her land. She had to say the following:

"I intend to go back to dig, but my fear is about my land. The RCs might have re-allocated it to some one else. They have a habit of selling people's land who are not there. Since this year began I have not received any visitor. I am still doubtful, I am likely to have no where to stay, I do not like to come back to prison because of my land."

This case shows that when the problem the inmate is facing while in prison is solved, his or her social rehabilitation is likely to be successful. The contact with the outside is a way to solve this kind of problem; in this particular case, contact with the LC members of his/her local community requesting them to take care of his/her land while he/she is in prison.

Unfortunately, when we got in touch with the members of LCI, it was too late because ET was due for release and the Land was already sold to a man. This case shows the necessity to link, the inmate to his/her local community, as soon as possible in order to avoid this kind of situation.

As illustrated by the above different cases, there is really a need to link the inmate with the outside as soon as possible. Social Rehabilitation can succeed if the conditions indicated earlier are put in place, and especially if the links with the outside are carried out.

2.3.2. Religion

Provision 42 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states:

"If the Institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis."

Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected:

"So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination."

This practice has very positive impact on the inmate as DM confirms in these words:

"I am completely changed. I shall not repeat this behavior. I used to go to church from time to time, but not on regular basis. Religion was not an important part of my life as I was growing up, but now, I am a true Christian. I got baptized and confirmed in prison. I am sorry for what I did."

This change will continue and become more lasting on the life of DM as it is reported by the mother to the social worker in these words:

"DM is changed, he is a true saved person. He even gave a testimony in the Church about two weeks ago and he asked those he offended to forgive him."

2.3.3. Notification of Death, Illness, Transfer

Provision 44 of the above Instrument is a way of informing the inmate about his/her life in prison. This provision stipulates:

"Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner."

A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside wither under escort or alone.

Every prisoner shall have the right to inform at one his family of his imprisonment or his transfer to another institution."

Economic constraints in our countries e.g. lack of transport etc. will not in most cases permit prison administration to implement this provision, but the available human resources if tapped and fully utilized will change the current situation for the better.

2.3.4. Guiding Principles

The following provisions of the same Instrument tally with the understanding of social rehabilitation as a process . As provision 60(2) puts it in these words:

"Before the completion of the sentence it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

To complete the preceding quotation, Provision 61 adds:

"The treatment of prisoners should emphasize not their exclusions from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners.

There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners."

2.3.5. Social Relations and Aftercare

The preceding provisions provide directives while the offender is still in prison. This international instrument foresees the necessity for social relations and after care of an ex-prisoner. The following provision (80) states:

"From beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain r agencies outside the institution as may promote the best interests of his family and his own social rehabilitation."

Contrary to South African Alternative Paper on Correctional Services, consideration shall be given to the inmate's future after release from the beginning of his/her sentence.

A careful reader will observe that this instrument spells out different steps of the process under study: social rehabilitation process. In our view the implementation of that instrument is not really a problem. Many of our countries can marshal the available human and the scarce financial resources to achieve invaluable results.

B. The Tokyo Rules

2.3.6. Non-Custodial Measures

This Instrument for non-custodial measures provides a set of basic principles to promote the use of non-custodial measures as well as minimum safeguards for persons subject to alternative to imprisonment.

It provides guidelines from pre-trial stage to post-sentencing stage. We are mainly interested in the last stage, our sample being constituted by the inmates. At this level, the main objective is the social rehabilitation of the inmate. Provision 9.1 of this Instrument states:

"The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early re-integration into society."

This is why we consider that the preparation of the inmate should start as soon as possible in order to avoid long institutionalization of inmates. The competent authority is provided, with the following post-sentencing dispositions by provision 9.2:

- "a) Furlough and half way houses**
- b) Work or education release**
- c) Various forms of parole.**
- d) Remission**
- e) Pardon."**

This exercise prepares the inmate so that the competent authority can implement section IV (post-sentencing stage) of the Instrument. Then the release on parole, section 52 of the Prisons Act, is implemented.

Taking into account the above stated considerations, the objective of staff training is the social rehabilitation of inmates. The provision 16.1 of this instrument stipulates: **"The objective of training shall be made clear to staff, their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protective society. Training should also give staff an understanding of the need to cooperate in and coordinate activities with the agencies concerned."**

In many of our countries in Africa, the training of staff overlooks the social rehabilitation of inmates, more emphasis is put on security. In this context, the social worker in the Prison Department is referred to as the "Poor Cousin" of the Department. This is due to the fact that this kind of system is operating under punitive logic.

This Instrument emphasizes: research, planning, policy formulation of that evaluation. This study is an implementation of that section. Research is the only way to improve on our knowledge and know-how so that we are able to put in place new policies.

C. The Beijing Rules

2.3.7. The Administration of Juvenile Justice

In this sub-section we are concerned with the remand homes. Section 18.1 (various disposition measures) states:

"A large variety of disposition measures shall be made available to the competent authority, allowing for flexibility so as to avoid institutionalization to the greatest extent possible. Such measures, some of which may be combined, include:

- a) care, guidance and supervision orders;**

- b) probation;**
- c) community service orders;**
- d) financial penalties and restitution;**
- e) intermediate treatment and other treatment orders;**
- f) orders to participate in group counseling and similar activities;**
- g) orders concerning foster care, leaving communities or other educational settings;**
- h) other relevant orders."**

Section 18.2 of the Beijing Rules states:

"No juvenile shall be removed from parental supervision, whether partly, entirely unless the circumstances of his/her case make this necessary."

With respect to section 95 (Family and Children Court of the Children Statute 1996) quoted above, the Uganda legislator is implementing this Instrument and did better by discharging absolutely the child:

(a) cautioning, binding the child to be of good behaviour;

(b) compensation, restitution or fine, when the situation allows.

Let us repeat that this project (the social rehabilitation of inmates) is an implementation of national and international instruments; for example Section 25 (mobilization of volunteers and community services) of the Beijing Rules, and Sub-section 25.1 specifies that:

"Volunteers, voluntary organizations, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of the juvenile in a community setting, and as far as possible, within the family unit."

The commentary on the above sub-section reflects:

"... the need for rehabilitative orientation of all work with juvenile offenders. Cooperation with the community is indispensable if the directives of the competent authority are to be carried out effectively. Volunteers and voluntary services in particular have proved to be viable resources but are at present underutilized. In some instances the cooperation of ex-offenders (including ex-addicts) can be of considerable assistance."

The findings of the study make us emphasize that all locally available human resources should be collective social actor plays or should play an important role in their local community on the implementation of the measures made at the level of police and the judiciary, this being part of their work. The Ugandan legislator has foreseen provisions strengthening this role of local communities.

Who should be the link between the young offender in the remand home and the local community, where he/she comes from? The social worker is the one to link the up.

XII

(a) Summary of FA's case

FA (YOB) is a star juvenile aged 19 years, by the time the social worker had interview with him. He is a Nubian by tribe and a Moslem by faith. FA comes from Busia in Tororo District, and was educated up to Primary IV level. Both parents are still alive although they are separated and the father has married another woman. He has two brothers and two sisters. FA was detained for three years, for the offence of stealing from a vehicle,(c/s 255 (A) of the PCA) whose owner (victim) he did not

know. While in the reformatory school, he was trained in agriculture and was visited by both the father and the mother a number of times. FA was well behaved in prison.

(b) Comment

This case shows fruitful involvement of FA's parents and relatives. After the first visit by the social worker to FA's parents, the social worker reports:

"The mother and father of FA visited him several times at the reformatory school. The father had also sent him letters and messages, through other relatives who visited FA. Both parents of FA have been very active in visiting their son in the reformatory school. This shows that the relationship between them is still good."

Each of these opportunities should be exploited for the better preparation of the child and parents (relatives) to be reunited.

As a reply to the social worker, the father disclosed:

"I am extremely happy. The mother and relatives are waiting to welcome him back home and the young sisters and brothers have missed him very much. They all could not go to visit him in Bugungu due to financial constraints."

About the future of FA, after the following question of the social worker:

"... why do you plan to resettle him in your land; why not find a school for FA?"

The father had this to say:

"... it is because when I sued to visit my son at the reformatory school, I could find him very busy with agricultural activities. I was very happy and felt he should come home and continue with agriculture."

Even the neighbors were very ready to receive FA. Replying to the social worker about the relatives and neighbors' attitude, the mother said:

"... they are all going to be very happy to receive him home. We have been anxiously waiting to hear when he would be released."

The second case is difficult; the case of IS here under shows a different situation where the social worker will play a key role in linking the juvenile with outside:

XII

(a) Summary of IS's case

IS (YOB) is a star juvenile, a Musoga by tribe from Kamuli District and aged 19 years, at the time of interview with the social worker. He is a Protestant by faith and was educated up to Primary VII level. IS was born in a monogamous family and both parents were alive but divorced. He was not visited at all in the reformatory school, neither by relatives nor friends. IS was sentenced to three years' detention for house breaking and theft (c/s 283 of the PCA). He stole household property, i.e. TV, TV deck and clothes from WB, for whom he worked and whom he claimed was his father. The social worker visited the so called father (the victim) once. His earliest possible date of release from detention was 27th July 1994. He was disobedient and smoker of cigarettes.

(b) Comment

This case is a difficult one. The first difficulty is that the man indicated as his father, was not the father. The so called father was surprised by the claim that he was IS's father. As a response to the social worker's information, he said:

"Madam! I am surprised to hear that IS was claiming me to be his father. I admit that I helped IS because he was desperately looking for employment in town here; I sympathized with him and employed him in my farm at Namayira. Unfortunately, instead of IS to appreciate my assistance to him, he broke into my house and stole TV, TV deck, radio cassette, suits, shirts, money and other clothes of my wife and my children. This resulted me to take IS to police..."

Because of what IS did, the so called father refused to have him back, but gave him the following proposals:

"... we should try to find from RCs and probation officer of Kamuli here. May be they can be of some help. I am sure when the inmate comes back to me here, I will give him transport to go to his parents."

We consider that there is at least a reconciliatory attitude from the so called father, in that he was prepared to give him (IS) transport to go to his parents. As they continued discussing, the social worker convinced him to allow IS back in his home:

"... after talking and convincing WB for a long time, he accepted to help the inmate on condition he promises never to steal again."

On release IS was accepted by this man as he promised. He resumed his work at the farm. The social worker succeeded in reconciling them.

D. THE RIYADH GUIDELINES

2.3.8 The Socialization Process

Our attention is drawn mainly to socialization process. Section 4, paragraph 12 puts strong emphasis on the family:

"Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family should be pursued. The society has a responsibility to assist the family in providing care and protection in ensuring physical and mental wellbeing of the children. Adequate arrangements, including day care should be provided."

The involvement of the family, as a collective social actor, is really needed for a successful rehabilitation of young offenders and even adults.

We would like to comment briefly on the issue of community involvement (section C of part IV) of this Instrument. The perception of the community in general seems, in our opinion, to be the reason why related provisions are difficult to implement. To avoid this difficulty, this study is dealing with the microsociological which puts emphasis on the concrete social entities as local communities. The advantage at this level is that social initiative can be more efficient if carefully conducted.

We hope our readers will understand our emphasis on the concept of local communities. As it appears in this study; this concept is very operational in the field.

Referring to section 5 of Riyadh Guidelines (social policies), government agencies should give high priorities to plan and program for young persons and should provide sufficient funds and other resources for effective delivery of services, facilities and staff for adequate services. Our view is that if those plans and programs take the level of local communities, (we mean the involvement, of the social actors) for their implementation, then those plans and programs will be more effective.

SECTION 3:

SOCIAL ACTORS

As indicated above the Social Rehabilitation is a process. For a successful social rehabilitation the following conditions should be met; the use of needle logic; the accomplishment of each step; the involvement of local social actors; the confidence of the inmate on the social worker, etc.). As social actors we have inter alia:

- i. Social Workers
- ii. L.C. Members
- iii. Family Members
- iv. Neighbors
- v. The victim and his/her family
- vi. Religious Leaders
- vii. The Uganda Discharged Prisoners' Aid Society (U.D.P.A.S.)
- viii. The Inmate.

Below here we now highlight the role played by some social actors.

3.1 SOCIAL WORKER AS A LINK

The social worker is one of the important social actors whose contribution is needed. As already indicated in the previous sections, the important role of the social worker is to link the inmate with the outside has been demonstrated. One cannot talk of social rehabilitation process without social workers. That is why a two-day seminar was organized by UNAFRI and Uganda Prisons Service for them, in order to update their training. They were exposed to the needle logic and other new strategies meant to facilitate the involvement of local social actors in the resettlement of the ex-inmates. In Uganda there has been a talk of rehabilitation in the absence of social rehabilitation. This condition is not being accomplished.

It is true that in the past voluntary organizations such as the Uganda Discharged Prisoners' Aid Society (UDPAS), an after care organization, were and even now are available. Although in most districts this organization is not functioning, therefore ineffective. This is very important in so far as they assist the ex-prisoners to get jobs in the local communities where they come from or the one receiving them, but this is not enough. It is imperative that there should be good relationships between the ex-prisoner and members of the local community. The acceptance of ex-prisoners will be concrete if the local community members are ready to use these services so that he/she will be contributing to the socio-economic development of the community. This is one of the most important aspects of the work of the social worker.

Some members of the local community are conscious of this aspect of socio-economic development. This observation is from, inter alia, GM's case.

XIV

(a) Summary of GM's case

GM (LWP.22/92), a star inmate aged, 22 years, from Mbarara, was married with two children but later divorced. She was from a monogamous family and educated up to S.III. Both parents are alive, though separated. GM was sentenced to three and half years imprisonment for conspiracy with her brother, with intent to murder (c/s 197 of the PCA). Her earliest possible date of release was 29th September, 1994. While

in prison, she worked in the shamba first and later transferred to the handicraft workshop. She was not visited in prison, but received anonymous threatening letters from outside. The social worker visited her five times after her release.

(b) Comment

The first reference to socio-economic development of the local community is from LC1 Chairman who describes GM to the social worker as follows:

"... she was very hardworking and had helped the man get to his present status..."

We have also to add the observations of LCIII Chairman to the social worker.

"She was very good, well behaved and hardworking girl. We expect a lot from her in terms of development."

These quotations are self-explanatory. It is, therefore, worth to prepare the ex-inmate and the local community members completely so as to ensure a successful social rehabilitation of the ex-inmate. He will then positively contribute to the socio-economic development of the particular area. This preparation is one of the main roles of the social worker.

In order to improve relationship between the inmate and the local community members, the social worker should make the inmate have confidence in him/herself, then the inmate.

Will develop a reconciliatory attitude.

Let us refer again to ET's case. When the social worker asked her if she felt that she was charged wrongly, she answered:

"No, I was in the mistake... I apologized to them."

This positive attitude of accepting the mistakes done by the inmates is sometimes initiated by the inmates themselves. This is what we learn from SN's case who said:

"After I had fought, I tried to beg her leniency but she refused to forgive me. When I was taken to court, I accepted the charge.

If the victim was a neighbor, this positive attitude from that time should bring reconciliation between them.

This is the reason why it was possible for the social worker to establish the link with the outside. In the following cases, DM and TL, the social workers were also misdirected. Concerning TL, the social worker reports:

"... we traced the father of TL almost from house to house, but in vain. We also tried neighbouring villages, but no where to be seen. There was JS, but when I enquired whether he has a son by the name of TL, he denied. I was really in dilemma; the time was running out and the bill of the transport hired services. I realized that it was a total failure. The LCs confirmed to me that there was no such a person in their village. They advised me to go back. I regretted my failure and came back to Kampala."

Fortunately, the social worker was not discouraged. He was really determined:

"... this was a lesson to me, but I was not prepared to give up."

He will succeed to get the correct address from the inmate:

"After emphasizing that, I forgave him and told him that I am still willing to go and visit the place where he intends to settle after release. He directed me a new."

3.1.1. In Prison

The social worker has to make the inmate reconcile with himself i.e. to get the inmate have internal reconciliation in order to assume responsibility for what he did. To be concrete, this inmate has to move from the usual prisoners' phenomenal position of "They say I . . ." to "I did . . ." as the social worker succeeded in the case of DM:

"Sir, my problem is like this . . . I committed the offence at our village to one of our neighbor's house. This man was LC II Chairman Mr LB. I don't know whether he is still LC Chairman."

The social worker succeeded to get the information from DM and LO because they took the social worker into confidence. In the case of DM, he had this to say:

". . . I would like to apologize to you for not being straight forward to you. I realized this later when I went back to my ward. When I consulted my fellow inmates I was told you were the right person to help me. I am requesting you to go back to my sister. She will be the one to tell you all things to connect you to the man I have written this letter to introduce you to her."

As said above this is a firm foundation of the social intervention. This is why DM's case and others are some of the successful ones. Once the inmate does not have confidence in the social worker, he/she will not give proper information.

The patience and determination of the social worker are creating an atmosphere of confidence between the social worker and the inmate. This is demonstrated in the cases already quoted above: i.e. the cases of DM and TL. It is worth noting that in order to pursue this demonstration, we refer to LO's case.

XV

(a) Summary of LO's Case

LO (No.U66/93) is an ordinary prisoner, a Japadhola by tribe, aged 45 years and educated up to Primary IV level. He was sentenced to 30 months' imprisonment for the offence of escaping from lawful custody (c/s 103 of the PCA) and at the same time on remand for another offence of murder (c/s 183 of the PCA). He comes from Mukono District and before his arrest and imprisonment he served in the army. Married with children, LO was born out of a monogamous family. While in prison, he was not trained in any vocational trade while in prison and was visited once by his uncle.

(b) Comment

What we would like to point out from this case is a strategy to be developed by the social worker, in order to ensure an atmosphere of confidence, is that the social worker may postpone the interview/visit until when the inmate will be ready to cooperate.

After the first visit the worker reports:

"LO was very difficult to deal with. So, I asked him to come back the following morning and he agreed." The following day, LO was really cooperative:

"LO came changed. He answered some of the questions. . ."

He furnished the social worker with the needed information. This case was suspended because LO is still on remand in prison pending another charge of escape from lawful custody.

This is one of the steps of preparation we are talking about. Doing that we are building a strong foundation for the social intervention because we cannot go ahead without the inmate's involvement in the process.

At this level, useful information shall be collected by the social worker. He/she will discover influential persons in the life of the inmate. That can be the beginning of the concrete link with the outside world.

3.1.2. Outside Prison

The contribution of local social actors outside is very useful and indicates what they can do for the inmate. The case of DM brings this out clearly by linking the inmate with the victim. DM's problem was his fear of the victim. There was really a need for him to know what the victim was thinking about him and the disappearance of his sister, who should have given him the information, was another problem for him:

"The disappearance of my sister has caused problems to my life. I will not be safe at home. I wanted the sister to let me know about the man (the victim). I don't know what he thinks about me."

The social worker will be the link between the inmate and this sister. We observe that the absence of that link is a cause of anxiety on the part of the inmate. After visiting the home of the inmate's sister, the social worker had this conversation with him on his request:

DM "... Did you succeed Sir?"

SW "... Yes, but fruitless."

DM "Why fruitless, Sir?"

SW " I did not get her there but your in-laws were present and cooperated with me. Your sister N. had gone to her husband's village and she was expected back after one week."

It is apparent that when a social link is established, the inmate seems to be relieved of the questions, the inmate had longed for news from outside (from his sister). That is why the inmate seemed to be happy following the social worker's observation who had this to say:

"The prisoner was stimulated after he received the news from the sister's home. He became . . . friendly . . . revealed his secret. He expressed willingness to reconcile with the man. . . "

The nature of information given to the social worker shows a high level of confidence required, the case is also an illustration. In order to indicate how far this confidence can reach, we refer to the following case of CA.

(a) Summary of CA's case

CA (LWP.12/93), a star inmate, 23 years old from Apac District, single and no child. She is from a monogamous family, with both parents still alive and educated up to SIV. CA was sentenced to a period of two years' imprisonment or a fine of U. Shs. 150.000/- for the offence of threatening violence. She could not pay the fine; therefore she had to serve the sentence of imprisonment.

Before conviction, she worked as a clerk. While in prison, she was visited a number of times by her brothers, but the father refused to visit her. She was eventually released on 26th August 1994 (EPD) and the social worker continued to visit her.

(b) Comment

This lady found in the social worker a person to confide in. At this time she was the only person with whom she could share her problems:

CA "Aunt, I do not know whether I told you. When I was in prison, I was tested for HIV; the results were positive.

SW ". . . would you like us to discuss it?. . . "

CA "Yes, I want you to know that I am thin because of thoughts/worries and sickness itself."

They then decided to sit under a tree and the social worker counseled her, after which she asked her if she could include this part of their talk in her report. She agreed and the social worker suggested to her to be going for treatment in the staff clinic, and she promised to register there for further HIV management.

It is important to stress here that even after release all contacts or links which can be beneficial to the ex-inmate should be exploited.

The social worker took a very good initiative to the ex-inmate by linking CA with Port Bell Women's Resettlement Project. The social worker reports:

"CA is now one of the women profiting from this project. The project is only for discharged women from prison. She is in the first batch, undergoing training for four months, after which they will go back to society, equipped with various skills of their choice of specialization."

The inmate's confidence in the social worker should continue after release. This will keep the ex-inmate in good contact with the social worker and will become the one the ex-prisoner will confide information. That is also the case between D.M. and the social worker:

DM "Affende I am trying to put up a grass thatched hut and get married. Do you support me?"

SW "It is a good idea to have a house and marry. When you have a woman you are respected, at least you develop your kibanja"

This is a very vital role to be played by the social worker. Doing so we are totally in the social rehabilitation process. When the social worker succeeds in creating that good atmosphere a for successful social rehabilitation of the inmate, those pieces of advice are likely to be implemented by the ex-inmate:

"Affende I took your advice and it helped me, since I came I have not associated with bad groups. If I do not have something to do at home, I go to the garden, spend time there and come to sleep."

Let us refer again to KM's case. We consider this case was a successful one, because the social worker succeeded linking this man with his local community. Due to

successful preparation, a member of his local community (a LC official) linked him his employer who gave KM the job of a driver. The social worker reports:

"I asked him whether he was the one who had secured a job for KM. He said that since he knew that KM was a driver, he had a friend who was looking for one. So, it was easy to connect KM to him. Luckily enough he started working straight away, and informed me that everything has been a success for him, and his family ever since he started working."

When KM got a job, he was able then to meet all his family obligations. On this, we learn from the social worker:

"The wife was so happy to meet me once again. She told me how resettlement was, the problems they experienced, but these were minor ones and could easily be handled. In the other hand, she was happy because they had achieved a lot while in the village. Even school fees and food were no longer a problem to them."

3.2 THE UGANDA DISCHARGED PRISONERS' AID SOCIETY (U.D.P.A.S.)

The Uganda Discharged Prisoners' Aid Society is one of the important social organs for the resettlement of ex-prisoners. It is a voluntary charitable organization run under the auspice of the Prisons Department. The society is open to people from all walks of life i.e.; people from various religious organizations, businessmen and women, civil servants, professionals such as criminologists, sociologists, social workers, etc.

3.2.1. Brief History of U.D.P.A.S.

The history of the Uganda Discharged Prisoners' Aid Society is linked with history and development of similar societies in Britain as Uganda was a British Colony. From 1948 (after the 2nd world War) up to 1957 some form of aftercare services to some discharged prisoners were undertaken by the Province Commissioners, Public Relations and Social Welfare and the Probation Departments.

This after care work handled through the official government machinery was mainly confined to contacting local authorities and relatives of the prisoners with the aim of resettling them. Some attempts were also made to obtain employment for a few ex-prisoners.

Towards the end of 1957 the Luzira Discharged Prisoners' Aid Committee was formed. The Prisons Department and the Department of Probation and Social Welfare continued to provide some assistance to some prisoners who were about to be released and ex-prisoners in conjunction with the Luzira Discharged Prisoners' Aid Committee.

It is of interest to note that the Luzira Discharged Prisoners' Aid Association (the origin of the Uganda Discharged Prisoners' Aid Society) was formed in 1957 at the same time when the United Nations Minimum Rules for the Treatment of Offenders (UNMR) were adopted by the United Nations. The formation of the society and was prompted by a circular letter, No. 688/7, dated 20th June, 1957 from the Home Secretary for colonies. This circular followed the approval of the United Nations Standard Minimum Rules for the Treatment of Offenders.

At the instigation of the Commissioner of Prisons in 1974, a national organization of

the Uganda Discharged Prisoners' Aid Society was formed with branches in the city and most of the major towns of Uganda. The political instability in the 1970s and 1980s made most of the branches of the society in upcountry towns to become dormant.

3.2.2. Organization

The Executive of the Uganda Discharged Prisoners' Aid Society is made up of:

- i. Chairman
- ii. Vice Chairman
- iii. Secretary
- iv. Assistant Secretary
- v. Treasurer
- vi. Executive Committee Members - 4 of whom are elected by the Annual General Meeting.

3.2.3. Aims and Objectives

As stipulated in Article III of the Constitution of the Uganda Discharged Prisoners' Aid Society, among others, the aims and objectives of the society are:

1. To educate the public to realize the need and importance of accepting and resettling ex-prisoners back into the society.
2. To inculcate into the minds of ex-prisoners a desire to work with the rest of the citizens for the betterment of the nation.
3. To co-operate with Discharged Prisoners' Aid Societies and similar organizations in Africa and elsewhere.
4. To work in co-operation with other Voluntary Organizations in the country.
5. To work in liaison with the appropriate Government Organs for furthering the aims and objectives of the society.

As the reader will observe, Uganda Discharged Prisoners Aid Prisoners' Society is heavily involved in this project (study). This study shows a systematic way of handling ex-inmates' social rehabilitation. Let us take this opportunity to call upon other institutions with similar objectives/aims to join in this exercise by way of putting together our human, material and financial resources in order to achieve this noble cause. The contribution of U.D.P.A.S. as an illustration to fill the gap which government cannot fill, for example, transport from the place where the ex-prisoner was arrested to his home village, the offer of some items, such as hoes and pangas, carpentry tools, for those who are going to do carpentry; seeds, clothing, blankets, etc. There are also counseling services offered by UDPAS.

3.3. LOCAL COUNCIL (LC)

When the National Resistance Movement (NRM) came to power in 1986 it established a Resistance Council System of administration. This form of administration was meant to transfer power to the ordinary people at the grassroot level.

3.3.1. Structure:

These councils are organized such that all persons aged 18 years and above in every

village in the country form the Local Councils (LC I). These councils elect committees of 9 members who form LCI Executive Committee.

All the LC I Executive Committees in the Parish form the LC II who in turn elect from amongst themselves an Executive of members, LC III, etc., etc.

We are only concerned with LC I Executives and perhaps LC II and III as they directly affect the social rehabilitation and resettlement of ex-offenders. This is why the complete structure of the LC system up to District Level is not given herein.

At village level the major functions of LC I - III can be summarized as follows:

- i) Administrative Communication Channels
- ii) Overseeing project implementation
- iii) Settlement of local disputes
- iv) Security
- v) Mass mobilization, etc.

Some cases such as GM, DM and KM used above, show the way the LCs can be involved in the social rehabilitation process of ex-inmates and the results achieved there after. The various ways of involvement in this exercise can be used as a course content for training or sensitizing the local council members.

Here, the U.D.P.A.S., for example, can contribute by organizing this kind of activity as one of its aims and objectives especially for the transient offenders with strong contribution from the local community.

3.4 THE LOCAL COMMUNITY

3.4.1. LC Members

As seen above (see LC Organization) there are five levels. LC I is the nearest to the people. When we are in the field they appear to be involved in this social intervention.

This level is convenient and necessary one in which different social actors as LC I members, religious leaders (see sub-section 3.6), neighbors, etc., have to be involved. We have to note that LS I members have to handle petty offences in the community.

The role to be played by the LC I members can be to monitor and assist the ex-prisoners on their settlement. Since we are in the field, LCI, LC II and LC III members should be totally involved in the rehabilitation and resettlement of ex-inmates. As in DM's case, they can act in their capacities as LC Members:

"In my capacity as LCIII Chairman I have nothing bad to comment on DM. Since he came back he is a quiet good person."

This can do more than only acting in their official capacities as LC members. They are also duty bound as members of respective local communities to contribute to the social rehabilitation of ex-inmates. In his capacity as uncle of DM, he supported DM's building his own house and getting married and had this to say:

". . . we have been telling our son to build his own house he fears to stay alone."

3.4.2. Neighbors

Neighbors also have an important role to play. They should be gravely involved in the exercise. Their opinion on social rehabilitation of the inmate is a way to evaluate the success of social rehabilitation resettlement of ex-inmates. ZM's case is self explanatory. The social worker reports:

". . . SM assured me that my friend ZM is a good man, that he changed completely and that the village as whole feels proud of him. SM emphasized that ZM is trusted and a reliable member of the family. ZM told me that ZM stays with his wife... and that they are happy. This was a good report to me as a worker, first to learn that ZN is at home and secondly that ZM is a good member of the village and that he was coping up with the community."

The preparation of neighbors can be very difficult but the social worker should not be discouraged by the negative attitude of some members of the local community. The training received and experience gained normally cover this kind of situation. So, it is possible to change this negative attitude. The same case of ZM is an illustration. The involved social worker reports the following of ZM's case:

". . . YW, who on my first visit was not willing to welcome him..., had developed positive attitude towards ZM. YM was happy to meet me and appreciated our kind services. YW stated that so far no complaint about ZM. May be some time later. We hope that he will peacefully settle. I thank him for good welcome accorded to ZM, when released from prison. I encouraged him to assist him as much as possible."

This case and others show that a well trained and experienced social worker has the skill to involve all the local community members in this kind of social intervention exercise.

As indicated above, in the preceding paragraph, we failed in TL and FM cases mainly because, of the involvement of all the local community members as local social actors.

In the following two cases of FM and TL, we manage to link these two inmates with the outside. The aunt, in the case of FM and the father in the case of TL.

XVII

a) Summary of FM's Case

FM (No.KGO.34/92) is a star inmate aged 22 years and sentenced to three years' imprisonment for stealing a vehicle (c/s 255(A) of the PCA). His earliest possible date of release was 26th June, 1994. While in prison he was deployed to work in the kitchen. Before arrest and conviction he worked as an office messenger at Entebbe. His mother died when he was still young. He had a young woman with whom they stayed and had one child. The young woman was the only person who visited him in the police cell. His real father was not known but the so called father with whom he grew up had 18 children from different women. Apparently he was not visited while in prison.

b) Comment

The social worker will note that the person indicated as FM's father was not the real father. The so-called father informed the social worker thus:

"You know the problem of us men! FM is not my son. FM is born from the house-girl who was working for me. He was produced from the house-boy, who was working for a certain European... The house-girl brought the boy (FM) and purported that he was my son; okay I looked after the boy for a

time being and the mother departed for some other unknown place, by now FM was around six years."

As a result of this situation, the so called father will not be involved in the social rehabilitation.

The contact with FM's sister failed. It was very difficult for the social worker to trace her by the address given to her by FM. She even changed her name as the social worker reports:

"I understand she was staying with an auntie called Mama N? I asked. She said yes, but she has changed her name. She is now called Jaja."

So, only FM's aunt was contacted and will be the only link FM will have with the outside. She promised to link FM to his uncle and mother:

"I am going tomorrow to meet with his uncle (her real brother). I want to come to a compromise where FM will stay. With me or with him. I want to talk with my mother too. I feel FM should learn building houses (mason); he can even do welding. He can take one from the two."

The aunt acted as the only link. Unfortunately FM was killed by a mob because of robbery, four weeks after his release from prison. This is what the social worker learnt the second visit to the so-called father and also from the aunt.

The case of EN did not even go far, this must be taken into consideration. The local social actors were not involved at all:

XVIII

(a) Summary of EN's case

EN (LWP.25/93), is a 19 year old woman from a monogamous family in Seeta, Mukono District, a star offender, married with one child. Both parents died and she grew up with a step-mother, who later chased her away. She was later brought up by her grand mother. EN was educated up to P.VI level, imprisoned for 18 months for theft, loss of her friend's husband's property, kept in her home (c/s 302 of the PCA). Before her imprisonment, she was a petty business woman, and while in prison she was not visited. The social worker tried to visit her sister twice but without success.

b) Comment

This case is a total failure because her relatives were not linked to her. The social worker did not succeed in getting the required information: for example, where he came from, the names and addresses of contact persons (relatives, friends, neighbors, victims, etc), to be contacted so as to receive back the ex-inmate. The first time the social worker had been directed to a sister:

"The inmate had directed me to ask from the market in Gaba but nobody knew the sister. So I decided to come back and talk to the prisoner, whereby she directed me anew."

The second time he went back to trace the sister, it seems the inmate again gave a wrong address:

"I went as directed by the inmate, looked for the home but in vain. The home, however, I was directed to one of the relatives. I came back and went another time but also in vain. The prisoner was, however, released and she has gone to a place I cannot know."

Let us refer again to TL's case where the father was the only link with the outside. This led to a failure in the social rehabilitation of TL, who after seven months resumed bad company. One of his brothers revealed:

"Late TL found his old friends in Kampala and planned quick means of getting money. I was informed that it appears, on the fateful day, after robbing or house breaking, or robbery from passengers, they were raided and killed."

The death of TL is an opportunity for us to take stock of three important aspects, among others;

- i) the purpose of imprisonment, mainly is to socially rehabilitate the offender;
- ii) the span of vocational training, which should encompass contact with potential employers when a prisoner is in prison;
- iii) effectively involve the local community in social rehabilitation and resettlement of the offender into his new or old habitat, which is difficult for him to abandon.

This failure appears to reveal non-involvement of relatives in the process of social rehabilitation and resettlement of the ex-inmate. What can be the reason for the failure here? We do recognize that the supervision on the part of the social worker was inadequate. Visits should be more frequent, at least every month. This weakness of inadequate supervision by the social worker was also identified by the brother, who lamented:

". . . My dear, TL would take heed, and I wish you regularly visited late TL; he would have listened and abided by your words."

Later on, the father also expressed the same opinion:

". . . I wish TL remained in prison at least, I would be with hope. I wish you closely supervised him, other than taking long to check on him."

3.5 THE POLICE

In the areas where the Police are directly in touch with the population, as social actors they should make a contribution to the exercise. At the level of our intervention, at the villages, the police have no representation. For that reason their contribution should be low at that level.

In some case, e.g. Prison Rules, Section 101, sub-section (a), (e), (f), (g) (ii), and sub-section 5; Police are mandated to supervise ex-inmates released on license and ex-inmates who are mandatorily released under police supervision .

Due to lack of conditions/requirements developed in this study:

- i) Preparation
- ii) Good implementation of legal support
- iii) Co-ordination with other social actors
- iv) Needle logic,

The police efforts to successfully supervise and ensure ex-inmates do not relapse into crime often fail. This is demonstrated by the high failure rate of releases on license. The failures are attributed to lack of co-ordination between Police and Prisons management and the persistent use of punitive logic.

An example of lack of co-ordination between Police and Prisons Management is that there are no books indicating completion of supervision of license releasees sent back by Police. This can be explained by the fact that there is breakdown in the supervision exercise. As a remedy more social workers (welfare officers) should be recruited, associated and included in the work, as the legislator puts it in the Children Statute.

In spite of lack of Police in the village, their contribution is indicated in GM's case when there was a need to protect her from those who had threatened her life on release. She was asked to report to Police station before going home after her release from prison. This request by the police officer was expressed as follows:

". . . she should try to pass here in Mbarara in order to assist us in our further investigations and more instruction as to how she should conduct herself in the village concerning her security."

All social actors dealing with the penal system cannot continue working in isolation. The police are no exception. The mission of police is not limited to arrest only, but also they have a very important duty of educating the population.

It is observed that in their everyday work police officers use the Needle Logic Approach. This has no link whatsoever with mismanagement of cases brought to police.

To focus our attention on the subject under study we would like to stress that the attitude of police towards ex-inmates should be under the Needle Logic.

In this way they will be very important social actors in the exercise of resettlement of ex-prisoners. They have to reconcile the ex-inmates with the local community. This means police should avoid pointing a finger at ex-inmates whenever a criminal act is committed as this will have bad impact on the ex-offenders.

This bad impact can be that the ex-inmate will have a feeling that the community has no trust in him. He feels he is being identified as an incorrigible criminal, hence stigmatized.

Data examined in this study shows that the police are involved in the exercise: the social rehabilitation and resettlement of the ex-inmate. This GM's case where due to the good initiative of the social worker, the police advised her:

". . . to be more careful at the time of release, ... try to pass here in Mbarara ... "

We are of the opinion that the contribution of the police officer will be enhanced if the needle logic approach is used in assisting GM in her social rehabilitation and resettlement. The same is true in the mandatory mission of the police on supervision of ex-inmates.

3.6 RELIGIOUS LEADERS

The contribution of these social actors is very important. They have to operate at two levels: in and out of prison.

3.6.1. In Prison

The work done by them helps the social worker. DM's case demonstrates what the work of the religious leaders can be affective in bringing about positive change of the

behavior of the inmates. Religious leaders play a very important role in bringing about moral regeneration.

DM came into prison as a pagan. Due to the good contact with the religious leaders he became a devoted Christian. We can find the legal support of this work to be done by the religious leaders in provisions 41 and 42 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

3.6.2. Outside Prison

The work of the religious leaders should not stop with the release of the inmates. It should continue outside. The religious leaders in prison should establish as soon as possible the link between the inmates and the religious leaders of their local community so that once on release there is no disruption and the inmates can continue to practice their religions. DM's case is a clear testimony.

The link proposed here, unfortunately, was not done when he was in prison. This link will be established by himself (as devoted protestant born-again). The social worker learns from DM's mother the following:

". . . DM was changed. He is a true saved person. He even gave testimony in the church about two weeks ago and he asked those he offended to forgive him."

Reference can be made also to the case of ZM. The social worker reports:

"I was happy to learn that he regularly attends Sunday services from the catholic mission nearby and that he mixes freely with people."

We acknowledge this positive religious change experienced by the prisoner was not only the contribution of the local religious ministers, but also the immense contribution by voluntary religious organizations, like Prison Fellowship Uganda, Christian Light Foundation, etc.

3.7. EDUCATORS AND INSTRUCTORS

These social actors also play a significant role. It is important to observe that traditionally these actors were exclusively dealing with imparting know how to the inmates in their respective trades. Such an approach has a weakness in the social rehabilitation process, as it lacks link with socio-economic aspect of the life outside.

In fact after release, the ex-inmate will not be practicing his trade in isolation. He will be dealing with customers, relatives, etc. who need advance information and preparation about the ex-offender so that they can accept him/her as a carpenter, tailor, mason, etc. We learn from Welfare and Rehabilitation Section of Prisons Department some successful cases where a team of educators, social workers and Uganda Discharged Prisoners' Aid Society members have made very successful contacts which allowed a young man to continue with his education from O' Level (Senior IV) to Makerere University, where he graduated with a BA in Education. This is not an isolated case. Therefore, what we are asking to be done is possible. Unfortunately, this is one of the isolated many ex-inmates and lads as possible.

We would like to re-emphasize that the earlier preparation through linking the inmate with relevant social actors has a pay off in as far as it enables the offender to appreciate the change she/he has undergone while in prison.

Local actors' appreciation will give the ex-offender the chance to take up his/her rightful place in the socio-economic development of the area. This gives the ex-offender a feeling of acceptance by the local community and get integrated into it. This is demonstrated by DM, who until now, has happily not relapsed into crime unlike TL and FM, who were not trained in any trade while in prison. DM continues to avoid bad groups.

We have to emphasize in this sub-section 3.7 that the training offered to an inmate in prison should take into consideration the economic climate of the local community from which he comes. Relevant training be given to the offender in order to facilitate his linkage with potential employers and local community, as pointed out in the preceding paragraph.

Referring to section 6 of the Prison Rules which states:

"At every prison there shall be a reception board consisting of the officer in charge and such other persons as the Commissioner may determine, who shall interview every prisoner as soon as possible aft his reception in prison and consider what arrangements are to be made for his/her training."

The legislator understood that to ensure the successful social rehabilitation and reintegration of offender, well rounded training in different skills is a very important component. Unfortunately, this is not implemented in the majority of cases. TL and FM never received any training at all in any skill and, therefore, given no opportunity at all to create a linkage between the inmate and the would-be potential employers, and at the same time the involvement of the local community in the social reintegration of offenders. This could be the possible explanation of the failures of these two cases.

It is imperative therefore, and where possible, the reception/classification Board considers the economic climate of the area the inmate emanates from, when choosing the training to offer, while at the same time taking into account the security arrangements of the institution.

Furthermore, during this period the interests of the inmate as a social actor should be taken into consideration in conformity with United Nations Standard Minimum Rules for Treatment of Prisoners. Section 72 (2) stipulates:

"The interest of the prisoners and their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution."

3.8 PRISON MANAGEMENT AND CUSTODIAL STAFF

What we endeavor to show in this study are the necessary linkages among the social actors identified in the course of this study and others who are apparent, but are part and parcel of the criminal justice system e.g. the police, Prosecutors, Judges, Magistrates, Probation Officers, Ministers and even behind the scenes: the legislators (law makers).

Prison Officers in their day to day work need the contribution of other social actors, inter alia, social workers (see sub-section 3.1), religious leaders (see sub-section 3.6), and others. Prison Act and Prison Rules for example provide the legal support of the religious contribution in these terms:

"The officer in charge shall make such arrangements as he shall consider practicable for the holding of religious services in the prison and for the religious instruction of prisoners."

3.8.1. With Religious Ministers

Section 63 of Prison Rules stipulates:

"Every prisoner on admission shall be required to state his religion and denomination and he shall be treated as a member of such religion and denomination until such time as a minister of religion at the request of the prisoner certifies in writing that he belongs to another religion or denomination. Ministers of religion shall be permitted to visit prisoners at such times as the officer in charge shall consider desirable. The officer in charge shall make such arrangements as he shall consider practicable for the holding of religious services in the prison and for religious instruction of prisoners."

3.8.2. With Visiting Justices

On Appointment and Powers of Visiting Justices, Section 74 of Prisons Act (1964) states:

"The Minister shall, from time to time, appoint by statutory instrument fit and proper persons to be visiting justices for each prison. The District Commissioner, the Chief Magistrates and resident magistrates and all administrative officers in any area in which a prison is situated shall be ex-officio visiting justices of that prison.

A visiting justice may at any time visit a prison in respect of which he is a visiting justice:

Provided that a female visiting justice shall not visit that part of a prison set aside for the detention of male prisoners.

A visiting justice may inspect the several wards, cells, yards, punishment cells and other apartments and divisions of the prison, inspect and test the quality and quantity of the prisoners' food, and question any prisoner or prison officer, and shall ascertain so far as possible whether this Act and rules made thereunder and the prison standing orders are adhered to, and shall call the attention of the officer in charge to any irregularity that may be observed in the working of the prison or in the treatment of any prisoner confined therein, and shall exercise and perform such other duties as may be prescribed.

The visiting justices for any prison may appoint a chairman and may act as a Board of visiting justices and may at the end of each year or at any other convenient time render a report to the Commissioner on the state of the prison for which they are visiting justices."

Unfortunately, nowadays the above social actors (the visiting justices) are no longer in the field, although they used to play a very important role in the past.

Those linkages are also a way to improve the living conditions in prisons and a way to facilitate the social rehabilitation of the inmate as the identified social actors should be involved in the process.

The linkages we are talking about should be at different levels in the day-today

operations of prisons. The custodial staff should, for example, taking into consideration security aspects, have to be assisted by the social worker so that there is easy circulation of information between them. Therefore, there should be no apathy as it is sometimes observed:

"The prisoners are there with their man."

All officers involved in the day-to-day running of prisons should work as a team. All members of that team should avoid negative attitudes and initiatives towards social rehabilitation of offenders, taken by among others (social workers, the religious leaders, educators, etc.).

3.9 THE INMATE

It will be very difficult to succeed in the social rehabilitation process without active involvement of the inmate and the future ex-inmate. At both stages we have to consider him as a social actor whose contribution is very necessary. At this level the social worker has a very crucial role to play.

The social worker will have to reconcile the inmate with him/herself. This means accepting the offence he/she committed and being sorry for what he did. She/he should be ready to go back to his/her local community. When the social worker succeeds in achieving this, then reconciliation with the local social actors will be possible. This was to be the case with DM:

. . . I request you highly never to still imagine my past after this. I am really changed and swear never to follow that trap. I believe in coming out a new man in body and mind . . .

The case of JS is another illustration. He took the initiative to write a letter to his mother whom he had beaten, leading to his father expelling him from home. He informed her:

"He will never repeat this grievance towards his stepmother, and that he will remain obedient to both parents."

This positive attitude of JS facilitated reconciliation. The reconciliation between JS and the stepmother, was organized by the father.

The following third case is yet another testimony of reconciliation reached by the offender towards the father. KN had once been requested by the father to assist in the running of his home, following KN's mother's death. To this, KN objected. However, the father did not take it bad. He played a significant role in finding KN and her new found husband a decent place to live in, while in Masaka. It was in that place where KN stole someone's dress, leading to her imprisonment and to the father's disappointment.

Well prepared by the social worker for release, KN realized the deep disappointment of her father; so she developed a new positive attitude towards the father. In this case the social worker succeeded in getting KN from prison, back home, as evidenced by the following:

"Madam, this world is funny. When I was released, I did not want to disappoint my father any more. I came here straight, and tried to settle down. . ."

The non-involvement of the inmate can spell failure; the case of BN is the consequence of non-involvement.

The first contact between the social worker and the inmate is a determinant of subsequent useful contacts with outside social actors, i.e. the family, relatives,

neighbors, the victim, religious leaders, etc. The social worker in pursuing his/her mission will have to improve the relationship between the inmate and the local social actors. The needle logic shall prevail over the punitive logic, due to the former's ability to reconcile these different and annoying entities.

In a given case if the social worker fails in the reconciliation process with the local community, then with assistance of other actors like the UDPAS he should create other social relations in order to resettle the ex-inmate, in places such as:

- (h) the Kiswa Hostel (Property of UDPAS);
- (i) Home for the Provident, Nkokonjeru (Property of the Little Sisters of St. Francis).

The data of the 26 analyzed cases show that the more the local social actors, identified and involved, the more the chances of success. We can classify this into levels of involvement below:

SOCIAL ACTORS' CONTRIBUTION LEVELS

Contribution Level and Results Obtained

Level of Contribution	Resultants	Name	Sex	Age	No.Of Social Actors	No. Of Cases
I (High)	VS	D.M.	M	26	16	3 21
		Z.M.	M	54	6	
		J.S.	M	23	4	
II (average)	S	K.N.	F	25	6	19 67
		K.S.	M	23	7	
		N.N.	M	30	2	
		S.M.	M	25	5	
		C.A.	F	23	5	
		S.N.	F	26	6	
		P.S.	M	35	6	
		F.A.	M	19	4	
		G.M.	F	32	7	
		B.B.	M	28	8	
		S.B.	M	34	8	
		E.S.	M	39	11	
		S.D.	M	38	5	
		A.S.	M	48	6	
		E.T.	F	40	3	
E.N.	M	30	5			
K.M.	M	42	6			
M.M.	M	21	4			
I.S.	M	21	2			
III(low)	NS	B.N.	F	19	0	3 21
		T.L.	M	21	1	
		F.M.	M	22	1	
TOTAL						25 00

VS: Very Satisfactory

S: Satisfactory

NS: Not Satisfactory

Source: UNAFRI

This table highlights the positive contribution of social actors towards reintegration of ex-inmates into his/her local community. This means the greater the number of local social actors identified, the higher the possibility that the ex-offender being reintegrated into his/her former community will succeed.

The converse is true, i.e. the lower the number of local social actors involved, the higher the chances of failure to reintegrate the ex-offender into his/her local

community. We hasten to observe that in some cases, as it is in that of IS, if there is an involvement of the local social actor who is at the same time the victim of IS, the chances of reintegration are high. As indicated in table 1 above, levels 1 and 2 are taken as successes. For instance, in level 1 (high), concerning DM, JS, and ZM, the number of social actors involved in the local community was very high and the results (12%), hence a resounding successful reintegration into the local community on their part.

Next on the scale is level 2 (average). There is relatively a good chance of success by 76% of the cases improved the relationship between the ex-offender and other members of the local community. This need is often expressed by the relatives of the inmates or even by the ex-offenders themselves.

The third level (low) is an indication of less involvement of local social actors in social reintegration of ex-inmates, leading to expected poor adjustment into the community. This level constitutes 12% of failure.

The table above builds the statement that the less the social actors involved, in the social rehabilitation of the offenders, the less chances the ex-offender has in keeping a law-abiding life outside. On the contrary, the more social actors are involved in the social rehabilitation of the ex-inmates, the more chances the ex-inmates have in settling into their local communities and live law-abiding lives.

The involvement of as many social actors as possible should be done when ex-inmate decides to resettle in his/her place, where he/she is from, in another place other than his/her original local community, because, as said above, the interest of the inmate or ex-inmate is paramount. In so doing the inmate or ex-inmate will have a feeling of being respected and will have self satisfaction. This type of inmate is likely to cooperate at all stages of social rehabilitation process. He will feel more committed and responsible during the process. Those qualities are prerequisites for the success during the social rehabilitation process.

SECTION 4:

RECONCILIATION: AS A LOGIC OF SOCIAL REHABILITATION PROCESS

When there is a problematic situation, the social reaction of the members of the local community can be based on different logics:

- i) Punitive (knife),
- ii) Therapeutic,
- iii) Conciliatory,
- iv) Compensatory.

In this study we are only dealing with two of those logics:

The punitive logic which seems to be the main logic used in penal justice system and the reconciliatory or needle logic which we are trying to demonstrate that the more the penal system uses the reconciliatory or needle logic, the more successful the social rehabilitation and reintegration process will be.

4.1 KNIFE LOGIC

This logic (the punitive logic) has the objective to punish the offender. This is also the objective of imprisonment because for a long time this punishment was believed to correct the offender. Many studies show that this objective, correction through punishment, has never been achieved. That is why some of them consider that the penal justice system is in crisis or wanting.

However, we can say that the contemporary justice system in many countries is beginning to be opened to other logics inter alia, the needle logic. This is not to suggest that the punitive logic should not be abolished in favour of the needle logic. But the needle logic should prevail over the punitive logic.

In practice in many countries there is a trend towards the use of needle logic, because it is observed that the punitive logic continues to fail the social rehabilitation of the prisoner. Data under study shows that the process of social rehabilitation cannot be achieved if the punitive logic continues to operate at the expense of the needle logic.

As the Manyanga proverb quoted above, the knife logic (punitive logic) cannot repair the torn social fabric. The if we need to succeed in the social rehabilitation of the future ex-inmate we need to resort to the use of the needle logic.

4.2 NEEDLE LOGIC

One of the main objectives of needle logic is to bring about reconciliation. The social worker by means of mediation or negotiation should reconcile the inmate with his/her local community. The main tool for him/her to use is the needle logic in order to win the participation of all the social actors involved. For us this approach is the only logical one, which seems to be best suited for repairing the torn social fabrics.

Each of the social actors involved should be guided by this logic. Let us refer to DM and ZM cases in sub-section in the following sub-section, for illustration.

4.2.1. The Victim

There is a close relationship between the victim and the offender. That is why the victim reported that:

"..... I had forgiven DM a long time. He is free to come back. He grew up in my home and he is my son to..."

Given the relationship between DM and the victim, the victim did not want to take the case to the penal justice system. This attitude facilitates reconciliation, especially after seeing that the penal system is unable to repair the torn social fabric.

The study shows that the powerful penal justice system confiscated from the local social actors the case and ignored totally the interests and wishes of the victim. The work of the social worker should then be to take into account the wishes of the victim and other social actors involved. The social worker should be oriented to the needle logic. The victim shows that there is no longer problem between him and the offender.

The victim of ZM has also forgiven ZM who had stolen his chicken. This is to show DM's case is not in isolation and that a victim can be approached and prepared to forgive the offender. The social worker reports:

"... YW indicated he had forgiven ZM. I thought this was a very useful and promising comment."

From the above account it can be seen that the needle logic is still preferred by the local social actors. In spite of the rude interference by the punitive logic, the local social actors are still able to exercise reconciliation. This proves the effectiveness of the needle logic in the social rehabilitation process. That is why in table I, DM's case shows the highest number of local social actors.

4.2.2. The Offender

The offender should also be involved in the needle logic. The access to that logic on the part of the offender is sometimes difficult because knowing very well that the penal justice system logic is a punitive one, the offender will censor all information to give to the penal system personnel. This can explain why BN refused to give the correct address to the social worker. DM's initial distrust in the social worker is another explanation:

This attitude of DM will be an important element for the successful social rehabilitation. We can consider the victim's and the offender's attitudes, and the skill of the social worker involving many social actors has contributed to the higher success ranking of DM and other cases used in Table I above.

The different elements that the Social worker gathered together constitute the social fabric to be mended. They were able to succeed in this exercise because they were all involved in the social rehabilitation process. Even DM who had intended to go and live elsewhere after release:

"... I will look for a carpenter's job around Luwero Town."

Will be able to join his local community where relatives, neighbors and all local community members including the LCII and III Chairmen are all very happy with him.

SECTION 5:

SOCIAL REHABILITATION AS A PROCESS

The study shows the different conditions to be satisfied when need to succeed in the social rehabilitation process. As the reader will observe the first four sections describe those different conditions explaining what is or should be the social rehabilitation.

In other words, referring to Glaser's terminology, this is the core category. The four other categories are showing the conditions without which the social rehabilitation as a process cannot be achieved.

Let us now refer to each of them in order to stress the theoretical links between each of them and the core categories and amongst themselves.

5.1 PREPARATION

The social rehabilitation, like all other processes, requires preparations. That means, to go step by step. Each step being a preparation for the one to follow.

Another condition is that this process should begin as early as possible. This is in order to minimize the bad prisonization effect. This will facilitate also the contact with the outside. As we know, long absence weakens the relationship. Hence the

necessity to make adequate preparations for the offender's resettlement in the local community.

Let us refer again to KN to illustrate the necessity for early preparation of ex-inmates for release. KN" case shows the social rupture between KN and the father. But the initiative taken by the social worker will re-establish a social link between KN and the father, and this as shown above will lead to reconciliation between them. The father was completely surprised by that initiative. The social worker reports:

"... It was also a shock to him to hear that his daughter KN was well and healthy, and had taken the trouble to write..."

This contact will allow KN and other inmates of our sample to go back to their homes.

5.2 LEGAL INSTRUMENTS SUPPORT

There are legal provisions put in place supporting the implementation of successful social rehabilitation. These provisions, as foreseen by the legislator, are meant for social rehabilitation of inmates. Some of these provisions are examined in this study their and weaknesses have been identified. The major weakness is that these sections of the law do not cover sufficiently the different steps of the social rehabilitation process.

We are of the opinion that those sections are silent on the role to be played by different social actors identified in the study. This means that there is no legal support for all social interventions to be carried out by those actors. By the same token the preparation is compromised.

This second condition: the need to improve the legal support available in our countries so that this legal support can enable the social actors to better organize and implement the preparation of social rehabilitation, needs to be specific on the role to be played by those social actors.

5.3 SOCIAL ACTORS

The reader will observe that we are referring to national and international instruments. At the national level the study shows that many provisions foreseen by the legislator, are not implemented. This compromises a lot of social rehabilitation initiatives taken by different social actors. This section considers the foresight of both national and international instruments, which support the social rehabilitation of offenders. Some sections of these instruments have been examined during the study. Weaknesses have been noted especially where they do not cover sufficiently the different steps to be followed in the social rehabilitation process.

As a result of these weaknesses, sections of the local Instruments are observed to be silent on the roles to be played by the social actors. This means that there is no legal support spelt out for social intervention to be carried out by the identified social actors. To repeat, by the same token, the preparation is so compromising.

As demonstrated in Section 3 (Social Actors) there is no social rehabilitation without the involvement of social actors identified in this study. Those social actors: (social workers, religious leaders, administrators, traditional leaders, opinion leaders, neighbors, offender and victim families, educators and instructors, Prisons management and custodial staff, the Police, etc) are the ones to prepare, to

implement legal instruments and to initiate the use of the needle logic.

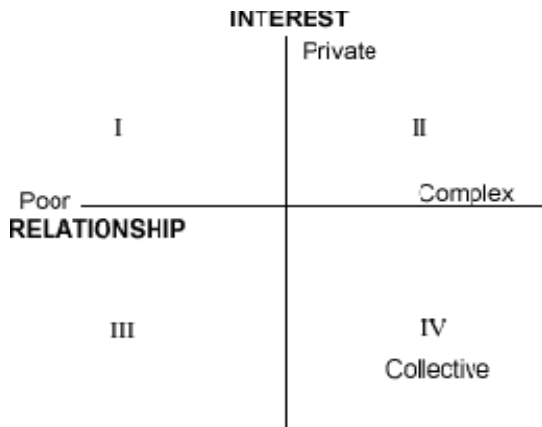
This third condition: the involvement and contribution of social actors, should not be underrated if we need to rehabilitate the inmate or ex-inmate. But it has to be noted that the absence of those actors means that we are perhaps doing something, but surely not social rehabilitation.

5.4 THE NEEDLE LOGIC

The three first conditions are not sufficient without the fourth: the needle logic. In effect the social rehabilitation means the improvement of relationship between the inmate or the ex-inmate with all other members of his/her local community.

This improvement can be achieved under the guidance of the needle logic.

Fig 1: The Interest and Relationship Model



Let us refer to the above Figure 1 for illustration.

In general when the situation is problematic the involved local social actors can be placed in quadrant I; because the relationship between the inmate and some of those actors, as shown in our data should be poor, as each of the involved actors trend to emphasize private interests.

To succeed in the social rehabilitation of the inmate, or the ex-inmate, the social worker as a link has to reconcile all of them. The needle logic should be understood as a mechanism by which the torn social fabrics can be sewn back. The objective of the needle logic is to emphasize shift of the interests of local social actors from often private to collective and the relationship from poor to complex; then they can be located in quadrant IV.

5.5 INDICATORS

When those four conditions are met or are being met, the following indicators will confirm the success of social rehabilitation and reintegration process:

- (a) the confidence of the inmate in before the social workers;
- (b) becoming a strong believer while in prison and outside;

(c) the need for reconciliation with the victim:

"I am guilty and I would like to reconcile to the man."

(d) relatives' appreciation:

"I thank you Sir, you really changed my son..."

(e) the contribution of the local actors as the LCI Chairman reporting:

"..... when KM came back to settle on our village we had no quarrel with that and we welcomed him back."

6.0 SUMMARY CONCLUSIONS AND RECOMMENDATIONS

To summarize our study, we would like to emphasize that the social rehabilitation and reintegration of inmates or future ex-inmates is a process

Then at each stage local social actors involved should be identified and their positive contribution should be encouraged. In order to achieve a lasting social rehabilitation and reintegration of offenders, there should be coordinated efforts between social actors within the prison, during the period of the inmate's incarceration and social actors outside the prison.

This study shows clearly that there is no meaningful social rehabilitation and reintegration of inmates without adequate involvement of social actors identified during this study. It seems to us that the more social actors are identified and involved by the social worker in a particular case, the more successful the social rehabilitation and reintegration of that case is. We are convinced, through this study, that successful social rehabilitation can be achieved if and only if the needle logic approach prevails over the punitive approach.

We recommend that this study should be extended, funds permitting, to cover more prisons and more inmates countrywide. At the same time this approach deserves to be implemented in other countries of Africa so that efficient policies can be formulated for improvement of rehabilitation of prisoners in Africa.

In comparison with the quantitative approach and others, this approach of the grounded theory, shows many advantages, inter alia, collection of empirical data, involvement of many local social actors, resulting in their discovering and learning about day-today new practices involved in the social rehabilitation and reintegration process. The possibility of progressive evaluation in the course of the study and comparison of data during the study.

Human resources available and which can be offered by the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) should be tapped and utilized by all African countries to carry a similar study. We are glad to report that we have already tapped these invaluable human resources at UNAFRI.

We, therefore, feel we shall be amply rewarded if African countries enter into future collaboration with us in research of this nature so as to improve the design and develop realistic policies for the prevention of crime and treatment of offenders, and improve on the made of information flow amongst the social actors.

BIBLIOGRAPHY

1. Becker Howard S., "Outsiders: Studies in the Sociology of Deviance"; Free Press, New York, 1963
2. Black D.; The Behaviour of Law - New York, Academic Press, 1976
3. Comaroff and S. Roberts, Rules and Processes; The Cultural Logic of Dispute in an African Context; The University of Chicago Press, Chicago, 1981.
4. Debuyst Christian; Dangerosité et justice pénale; Collection Deviance et Société; Médecine et Hygiene; Masson, 1981.
5. Debuyst Christian (Homage ' a); Acteur Social et Deliquance; Pierre Mardaga (éditeur), 1990.
6. Foucault Michael; Discipline and Punish, New York, 1978.
7. Glaser B.G., and Strauss AL; The Discovery of Grounded Theory Strategies for Qualitative Research; Chicago: Aldine, 1967.
8. Glaser B.G.; Theoretical Sensitivity: Advances in the Methodology of Grounded Theory; Sociology Press, 1978.
9. Goffman E., "Stigmaté, les usagers Sociaux des handicaps", Minnit, Paris, 1968.
10. Gulliver P.H., Disputes and Negotiations; A Cross-culture Perspective; Academic Press; Orlando, Florida; 1979.
11. Howard S. Becker, "Outsiders: Studies in the Sociology of Deviance", Free Press, New York, 1993.
12. Keturah Kamugasha Akiiki (by); Equality Behind the Bars: in the New Vision, vol.2, No.43, Tuesday, February 20, 1996.
13. N. Masamba Sita; le "ntumbu" ou le "kibuku", vers une théorie formelle du controle sociale; theése de doctorat, U.C.L., 1989.
14. Mckillop Sandra (ed.by): Keeping people out of Prison, in Conference Preceding No.11, AIC 1990.
15. Norwitz Allan V. - The Logic of Social Control; Plenum Press. New York and London, 1990.
16. Ortman Rudiger; Deviant Behavior, Personality and Prisonization; in Gunther Kaiser and al. (ed.by); Crime and Criminal Justice; Max Plank Institute, Freiburg 1988.
17. Penal Reform Lobby Group; An Alternative White On Correctional Services; February 1995.
18. Penal Reform International, Briefing No. 3.
19. Philippe Reform and al.; Les forces cahées de la justice: la crise de la justice penale; Editions du centurion, Paris, 1980.
20. Share Bryons, The Changing Role of The Prisons Officers in England and Wales; in the Keeper's Voice, Vol. 16, No.2, Spring 1995.
21. South Africa White Paper.
22. Strauss A.L.; Qualitative Analysis for Social Scientists; Cambridge University Press, 3rd ed., 1989.
23. The Uganda Government; The License Book; printed by the Government Printer, Entebbe, Uganda, 1964 .
24. Van Outrive L.; "Stigmatization, un prolongement de l'analyse criminologique," R.D.P. & C, 1973.
25. Vedder C.B. and al.; Penology, a Realist Approach Charles C. Thomas, Publisher 1964.