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## Delivering Timely Justice in Africa

Posted By [Kersty McCourt](#) On October 4, 2011 @ 10:51 am In [Africa, Rights & Justice](#) | [No Comments](#)

In 2011 the number of people incarcerated worldwide topped 10 million. But many of those detained have never appeared before a judge. As part of the Open Society Justice Initiative's work on the [Global Campaign for Pretrial Justice](#) <sup>[1]</sup>, I have just returned from the 13<sup>th</sup> Annual Conference of the [International Corrections and Prisons Association](#) <sup>[2]</sup> (ICPA) which focused on reintegration and rehabilitation.

Dupe Atoki, the African Commission's Special Rapporteur on Prisons and Conditions of Detention, attended the event in Singapore and highlighted the challenges faced in Africa. She identified the length of time that people spend in pretrial detention as one of the most serious challenges facing correctional services in Africa, drawing attention to the numerous instances where she had found remand prisoners waiting for up to five to ten years for a court appearance.

"Facilities are overstretched and overcrowding is widespread, leading in turn, to poor sanitary conditions," she told the conference. "Detainees also experience emotional trauma, in part, due to the uncertainty of their detention as they don't know if or when they will be released. This also poses a management problem for the prison service as they are unable to plan for rehabilitation and reintegration".

Two of our partners are involved in efforts to reduce excessive pretrial detention: Robert Omita Okoth, the Assistant Commissioner for Welfare and Rehabilitation at the Uganda Prison Service, and Elinor Chemonges, of the Paralegal Advisory Service in Uganda. They both talked to me in Singapore about the challenges they are trying to overcome.

**Robert Omita Okoth:** As correctional services we are the end of the criminal justice pipeline and thus feel the reverberations of decisions made upstream. I am, however, convinced that as correctional professionals we need to take a proactive role and engage with programs and policies that relate to the early part of the criminal justice system. In Uganda 54 per cent of the prison population remain in pretrial detention, and this impacts the prison service, both directly through costs related to operations and administration, and indirectly due to overcrowding or the inability to effectively run rehabilitation and reintegration programs.

The costs of accommodating huge numbers of pretrial detainees cannot be ignored and the large numbers also impact negatively on the ration of staff to inmates. Pretrial detainees generally experience greater stress which also puts an additional strain on prison staff. The precarious and often arbitrary nature of their detention increases the risk of resentment and violence.

The impacts of a large remand population on overcrowding cannot be ignored. Congestion levels are at 200 per cent, which means that prisons are holding two detainees per 3.6 square meters. Such levels of overcrowding result in unsanitary conditions, increased violence, a constant lack of privacy and reduced possibilities for recreational activities. Thus prison staff are forced to focus on the absolute necessities and are unable to devote much needed to rehabilitation programs which have been proven to significantly reduce recidivism.

***The percentage of detainees awaiting trial in Uganda has decreased over the last years from 64 per cent in 2005 to 53 per cent in 2011 – what in your view are some of the major initiatives that have brought about this change?***

Two initiatives stand out in this regard: the [Chain Linked Initiative](#) <sup>[3]</sup>, and the work of the Paralegal Advisory Service. Bringing all the different justice and security agencies together [in the Chain Linked Initiative] on a regular basis has improved coordination and allowed agencies to address bottlenecks in the system.

At a more specific level the Paralegal Advisory Service (PAS) has had a huge impact especially through programs that provide basic legal assistance and seek to secure access to bail for eligible suspects. The partnership between the PAS and the Uganda Prison Service was established in 2005 and brought together paralegals and prison social workers thus also providing a link between rehabilitation programs in prison and reintegration in the community. The period of the project coincides with a reduction in the percentage of pretrial detainees but unfortunately to date the program is not yet available in all parts of the country.

***Elinor, you run the Paralegal Advisory Service in Uganda – what do you see as the unique features of this program and some of the opportunities and challenges ahead?***

**Elinor Chemonges:** The unique feature of the Paralegal Advisory Services is the partnership between civil society and government with a common commitment to assist suspects at the very start of the justice system. The program empowers pretrial detainees to seek justice by furnishing them with information on their rights and on the procedures and workings of the justice system. Detainees are supported by paralegals and social workers who follow up on cases to ensure that they don't stagnate throughout the trial process. The paralegals also provide essential legal advice and help to trace family members and potential sureties.

Over the years there has been a significant increase in the number successful applications initiated by the PAS program. For example, the number of successful bail applications has increased from 784 in 2005 to 4177 in 2010. In addition specially trained mediators have ensured that relevant cases are diverted away from the criminal justice system.

As we move ahead we are transitioning towards the prison service taking up increased responsibility and budgetary allocation for the program and we are also looking to ways to increase the coverage.

***How do both of you see the ICPA conference in relation to your work?***

**Elinor:** Most correctional facilities grapple with similar issues such as overcrowding, recidivism and limited engagement of communities. On the other hand, there are innovations and interventions developed in different jurisdictions which could be shared and replicated in many places without reinventing the wheel. There is therefore a need to take advantage of such fora like the ICPA as a 'fishing pond' for solutions to existing challenges.

**Robert:** ICPA brings together correctional professionals from over 70 countries - it is therefore a vital forum for sharing experiences and best practices. Gradually there has been increased participation from the Africa region which is also important as we plan for the Africa Correctional Services Association (ACSA) meeting which will be held in Kampala in 2012. Very few presentations specifically pay attention to the decisions made at the point of arrest and the consequent repercussions for correctional services – thus I would be keen to see further attention to pretrial justice issues both through national interventions and through the work of ICPA and other international fora.

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URLs in this post:

[1] Global Campaign for Pretrial Justice: **[http://www.soros.org/initiatives/justice/articles\\_publications/publications/pretrialjustice\\_20090903](http://www.soros.org/initiatives/justice/articles_publications/publications/pretrialjustice_20090903)**

[2] International Corrections and Prisons Association: **<http://www.icpa.ca/news/1456>**

[3] Chain Linked Initiative: **[http://www.fdcuganda.org/index.php?option=com\\_content&view=article&id=74:human-rights&catid=20:human-rights&Itemid=179](http://www.fdcuganda.org/index.php?option=com_content&view=article&id=74:human-rights&catid=20:human-rights&Itemid=179)**

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