



Read-out from CSSP's Learning Seminar: 'Prison Reform: the triple challenge of women imprisoned with their children'

Introduction

On June 5th and 6th 2017, over 80 representatives from government, civil society, prison communities and development partners came together in Adama to listen to and debate learning from the experience of two of CSSP's CSO partners working with prison communities in Oromia, SNNP, Harari and Amhara regions. The primary focus was on the triple challenge of women offenders, imprisoned with their innocent children and anxious about family members left at home. This note provides an overview of the debates, tentative conclusions and proposed actions coming from the seminar.

Inputs to the seminar*

- Findings from the CSSP Results Review Report on civil society work with prison authorities, and information on national/international prison standards - presented by Getahun Kassa
- Inputs from the Federal Prisons Commissioner, and the Prison Commissioners of Oromia and Amhara Regional States
- A field visit by participants to Asella Prison, Arsi Zone
- Action Research presented from Universities of Wollo and Arsi on the impact of prison on women criminals, the situation of innocent children incarcerated with their mother, and recidivism (the tendency of ex-offenders to re-offend)
- Presentations and photo galleries from the work of Dessie-based Addis Hiwot Rehabilitation and Reintegration Association (AHRRA) & Adama-based Initiative for Improving of Standard of Prisons (IISP)
- Testimonies from two former women offenders

"The seminar offered so much learning on what should be done by the Federal and Regional Correction Centres for women prisoners, and children incarcerated with their mothers. It has highlighted the special interests and demands of these people; the government now needs to consider and address these in its future plans and actions."

Ato Haile Adero Federal Pardon Board.



Key findings

- The number of women prisoners and children incarcerated with mothers is increasing over time. Their condition is generally disregarded in bail hearings, including pre-trial.
- Poor women offenders receive minimal legal consultation during their trial; many are convicted on the basis of false witness (by relatives or in-laws).
- Prison centres were designed to serve adult men. Women's and children's special needs and interests have been totally overlooked. Children end up in environments that are damaging to them, devoid of education, play and peer learning.
- Government is committed to respect and protect rights of prisoners including women and incarcerated children. Measures have been taken to improve conditions including the change of name from pejorative terms (such as *Isir Bet*, *Alem Bekagni*, *Kerchelle*, *Wenni Bet* etc.) to Correction Centres.
- Incarcerated children are deprived of their right to liberty – a right enshrined in international and national laws and standards – because they are unable to leave at will. The constitution states that children in prison with family members are entitled to equal benefit of all their rights: for example, to education, safety and health services.
- There are, however, huge gaps in protection of these children which can be addressed with effective application of these laws and standards.

*All inputs available online go to the CSSP website <http://cssp-et.org/resources/learning-and-engagement/> and for the Results Reviews <http://cssp-et.org/resources/results-review/> and to see images.

Key debates and conclusions

These revolved around three core issues:

- The resourcing of prison centres relative to other law enforcement agencies
- The complexity of diverse prisoner needs
- The potential for greater collaboration between prison service CSOs and academic organisations.

Opening remarks from Ato Desalegn Regassa (Federal Corrections Centres Director) noted progress made over the last two decades: *“Our present Federal System has addressed several political, social, economic and legal demands of nations, nationalities and peoples including the rights of prisoners and prohibition against their inhumane treatment. Correction Centres are no more exercising torture and other cruel punishment on prisoners as the Military Regime used to do.”*

Nevertheless, the discussion concluded that prison centres are given less attention than other law enforcement institutions. Prisoners tend to be regarded as a homogenous group: usually adult men. In reality, they are a heterogeneous group with different needs and interests. In addition, innocent children are also ending up in prison to be with their convicted mothers.

Administration of these complex categories of people requires adequate resources and administrative sophistication. But prison centres are under resourced, obtaining little support from other government sectors or CSOs to address challenges facing prisoners. Prison centres need not only more budget but also innovative ideas and practices to enhance the sector’s capacity to deal with this complexity.

Despite the sensitivity of approaching the prison sector, IISP (see IISP Director Ato Kumsa in adjacent photograph) and AHARRA have provided strong models for reaching out to selected prison centres in Oromia, Amhara and other regions. CSOs have helped to surface problems facing prisoners *and* prison administrations: for example, what factors need consideration in deciding whether children should be admitted to prison with their mothers; the application of pardon legislation for mothers of young children; and the need for special legal aid for women convicted on the basis of false testimony.

Recent research initiatives by Arsi and Wollo Universities include a focus on women offenders, children incarcerated with mothers, and recidivism. They also plan to offer legal and psycho- social services for prisoners, and technical and extension services for prisoners interested in horticulture, poultry production and other income generating activities.

Key lessons for the future

- Federal-Regional balance:** Federal Correction Centres are much better off than Regional State centres in terms budget and basic facilities. Conditions and facilities need to be standardized across all Correction Centres.
- Budget requirements:** Budget allocation for prison centres is very low: for example, Birr 11.80 per prisoner per day in Arsi Zone Correction Centre. No budget is allocated for children in prison even though children require more nutritious food. Courts have not enforced provisions for incarcerated children.
- Prison population included in services:** Apart from the education sector (which has started to assign teachers and education materials to meet the education for all policy) prisoners are absent from national planning processes for accessing basic social services. The health sector is vital for prisoners, including for pregnant women, and for managing communicable and non-communicable diseases. Prisoner health is one of the sector’s policy objectives (MIH – mobile integrated healthcare).
- Addressing women’s triple challenge:** Women prisoners with children suffer triple challenges: taking care of themselves in women unfriendly prisons; looking after children incarcerated with them with very limited support; and being depressed about the family members (including older children) left behind at home without their support. Prison centres should address the multiple challenges of women offenders as part of government’s commitment to prisoners’ rights. This includes: separate compounds for women and children; facilitating links between incarcerated children and children in the neighbourhood (Assela) and market linkages for prisoners producing items for sale.
- Guidelines for incarcerated children:** The educational and psychological progress of children through school grades is severely hampered by incarceration over long periods. Clear guidelines for how prison centres should handle these matters are urgently required and would benefit from broad consultation.



Key lessons for the future (cont'd)

- **Prison sector capacity increased:** The prison sector needs to increase capacity to make use of prevailing national and international laws, standards and instruments to protect the rights of children.
- **Designated government body to handle post-prison:** Poor reintegration and rehabilitation of prisoners is posing new challenges. After release, many ex-offenders hesitate to go back to their community for fear of revenge from victims or loss of livelihood. The situation is worse for women and children. This situation raises the need for an appropriate government body responsible for this matter.
- **Civil society innovation helps government do a better job:** Prisoners' lives within and beyond prison are complex. Government cannot solve all the problems. The innovations that civil society can bring into prisons can be scaled up to help government deliver better services across the prison population.
- **Links between Violence Against Women (VAW) and imprisonment of women:** many women imprisoned for homicide have survived years of intimate partner violence. More needs to be done to understand this and in what ways law enforcement, legal and social work systems can respond to it more appropriately.
- **False Testimony:** There also appears to be a problem with the number of women being imprisoned on the basis of 'false testimony' by relatives or in-laws wishing to secure property from a widow on the death of a husband. Special legal aid is required for them; and investigation into its prevalence.
- **Prisoners are human beings too:** CSSP's Radical Inclusion framework (see below) looks at how an ideology of exclusion has developed in relation to women and men, girls and boys, who spend time in prison – and this can remain with them for the rest of their lives.



Key actions and results proposed – by actor

The Learning Seminar helped participants to acknowledge the progress, as well as to identify priorities for future action. Each of the stakeholders – government agencies, civil society, communities, prisoners and DPs – has a role to play to attain equality and justice for all in the long term, largely under the leadership of the government. Many of the recommended actions that follow depend on close collaboration between actors from the outset. The work of the five years through CSSP provides a strong foundation for this. The full breakdown of activities is on the next page.

Government actors...

...lead on development of comprehensive legal framework to address needs of women, incarcerated children, and young offenders in particular, in close consultation with civil society, community representatives and current and ex-prisoners.

...lead on development of opportunities for prisoners (especially women) to engage in productive activities to generate income to alleviate family worries and to support life beyond prison;

...lead on community consultation to create favourable conditions for released prisoners to reintegrate and rehabilitate into their respective communities;

...continue to promote more positive (corrective and educative) images of prison centres – to replace the prevailing image of places of punishment and alienation.

Civil Society Actors...

...continue to collaborate closely with prison authorities in completion of drafting and implementation of a legal framework, and effective socialisation with Ethiopian public (including with media);

...continue to promote innovative ways of addressing specific needs in the prison population, and preparation for life beyond prison;

...further facilitate community-level engagement to monitor effectiveness of prisoner welfare (esp. women, their children – in prison or in the community - & young offenders).

Academic Actors...

...undertake in-depth research (to inform future policy and to monitor accountability of legal profession) into the link between Violence Against Women and women imprisoned for homicide; and the alleged prevalence of false testimony as a factor in the imprisonment of women.

Development Partners...

...encourage joint and continued monitoring of the actions agreed, and support for a follow-up seminar with senior government representatives and civil society support.

What each actor would like to see within 12 months	What each actor plans to do to achieve this
<p>Government Actors want to deliver:</p> <p>a) a comprehensive legal framework in place and being implemented;</p> <p>b) increased opportunities for prisoners (esp. women) to earn income and support life beyond prison;</p> <p>c) more effective prisoner reintegration and rehabilitation; and</p> <p>d) in general, a more positive public attitude towards the country's 'correction' facilities</p>	<p><i>a) Legal framework</i></p> <ul style="list-style-type: none"> • Translate all international and national laws and standards and apply for prisoners in need of including women and children; • Use available resources effectively including <i>pro-bono</i> services of private licensed lawyers (50 hours free legal service/ lawyer/ year) specially for poor women/children; • Monitoring accountability of lawyers to represent their clients fairly • Coordinate between law enforcement agencies to do their share of burden in the prison centres including tackling petty offenses through other means (e.g. community services), application of restorative justice etc. <p><i>b) Income generation for inmates</i></p> <ul style="list-style-type: none"> • Work closely with universities and CSOs to identify productive potential (also build on existing ones) of the prison centres; • Facilitate linkages with micro financial institutions, input providers, and market facilities. <p><i>c) Ex-prisoner reintegration and rehabilitation</i></p> <ul style="list-style-type: none"> • Work on possible mechanisms to facilitate integration and rehabilitation of released prisoners with their communities; • Create possible diversion pathways and mechanisms for children who are at risk of becoming incarcerated with women facing custodial sentences. <p><i>d) More positive public attitude</i></p> <ul style="list-style-type: none"> • Use different media to build positive image of the prison centres; • Organize various forums for stakeholders including community representatives to discuss issues related to prisoners including people with special interest.
<p>Civil Society Actors want to deliver:</p> <p>a) evidenced-based input into drafting of legal framework, and its socialisation with public;</p> <p>b) more promotion of innovation to address specific needs in prison population; & preparation for life beyond;</p> <p>c) facilitation of community-level engagement to monitor effectiveness of prisoner welfare: esp. women, their children and young offenders.</p>	<p><i>a) CSO inputs to legal framework</i></p> <ul style="list-style-type: none"> • Maintain and build on strong relationships with government authorities and agencies to ensure that evidence from CSO experience feeds into government drafting process; • Use communications tools to share experience with relevant government actors. <p><i>b) More innovation</i></p> <ul style="list-style-type: none"> • Continue developing innovative responses to existing and emerging challenges within the prison population, and using existing partnerships with prison centres to test these approaches with potential for scaling up; <p><i>c) Community level engagement</i></p> <ul style="list-style-type: none"> • Build on existing links with communities (and their customary and religious organisations) to which ex-prisoners are likely to return. Facilitate stronger linkages between prison centres and communities to identify ways of increasing opportunities for effective reintegration and rehabilitation. • Consider supporting a joint community-prison platform for monitoring the well-being of women and incarcerated children, as well as young offenders.
<p>Academic Actors want to deliver stronger evidence base on the issue of women offenders & links with intimate partner violence and false testimony.</p>	<ul style="list-style-type: none"> • Undertake a comparative literature review on the situation of: women in custody and the links between their imprisonment and intimate partner violence and false testimony. • Present findings to relevant prison authorities as a basis for developing a research proposal in collaboration with government and civil society.
<p>Development Partners want to deliver support for continued follow-up of agreed actions.</p>	<ul style="list-style-type: none"> • Encourage joint and continued monitoring of the actions agreed • Support for a follow-up seminar with senior government representatives and civil society support.