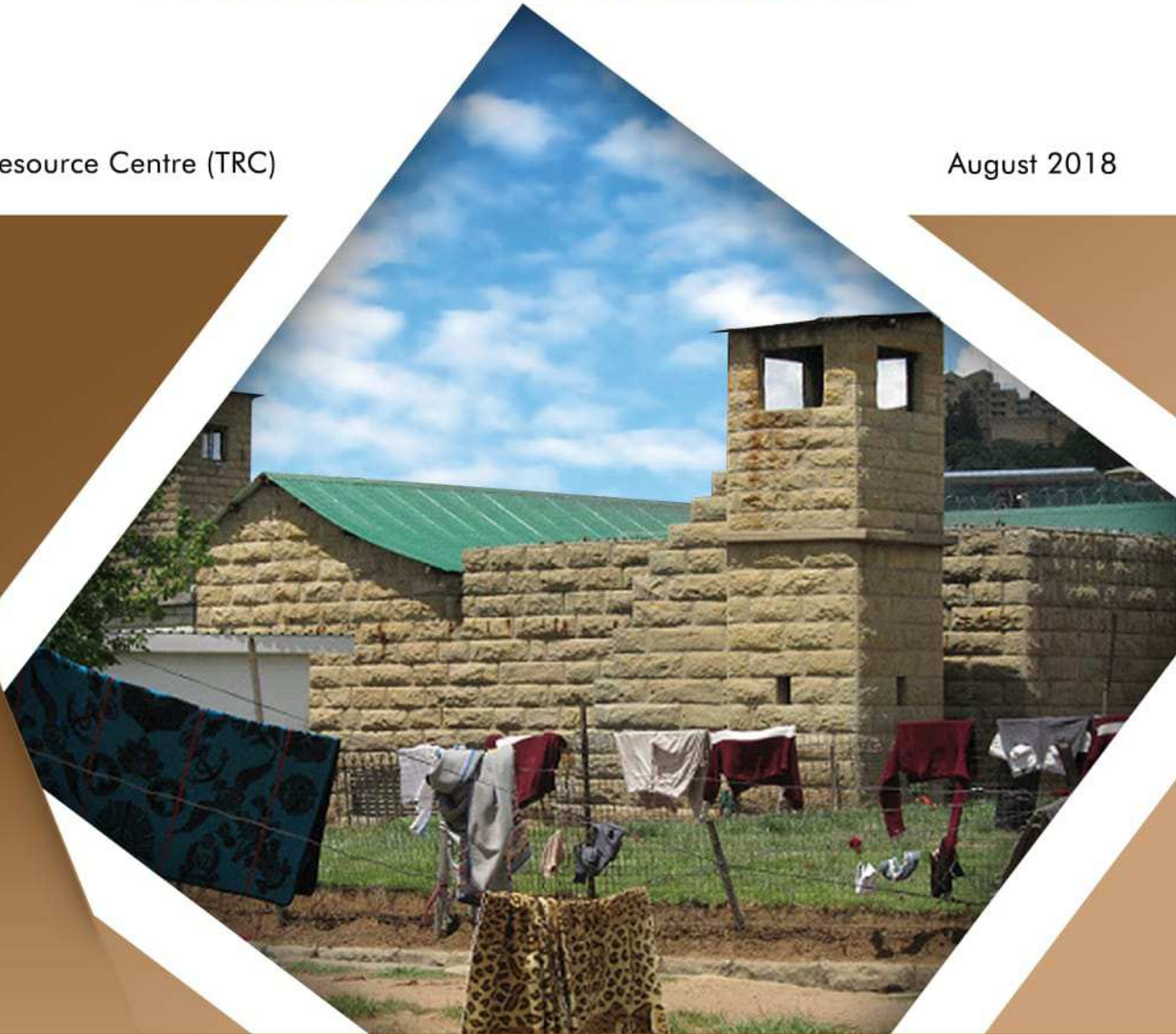


# THE STATE OF CORRECTIONAL FACILITIES IN LESOTHO

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Transformation Resource Centre (TRC)

August 2018



AN ASSESSMENT FROM HUMAN RIGHTS PERSPECTIVE

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## Acknowledgements **PDF Compressor Free Version**

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## Preface

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Transformation Resource Centre (TRC) is an ecumenical resource centre that advocates for justice, peace and participatory development. The centre has a Human Rights Unit which is responsible to ensure that human rights are promoted and protected by the duty bearer; the state. Recently, in one way or the other, state institutions have crossed the lines, by becoming human rights violators. As a result, the centre believes there must be a close monitoring, documenting and reporting of human rights violations. Against this backdrop, the centre commissioned human rights perspective assessment on the correctional centres to study the extend of human rights compliance, and any contraventions thereof and recommend appropriate remedies.



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### **Introduction**

**P**enal institutions in Lesotho are in dire straits. Many are in a deficient condition and their practises are at odds with human rights standards. By and large, those incarcerated in Lesotho's correctional facilities face years of confinement in often cramped and dirty quarters, with insufficient food supply, inadequate hygiene, and little or no clothing or other amenities. While these conditions are not uniform throughout the country, their prevalence raise concern and need to be addressed through corrections restructuring and attention to human rights fulfilment.

Moreover, there are also several barriers—including state secrecy, weak civil society, and lack of public interest—that inhibit the collection of reliable data on correctional facilities. This curtain of ignorance as to corrections conditions merely fuels the neglect and abuse of Lesotho's incarcerated. It is nonetheless imperative to investigate correctional facilities and generate information about the issues affecting the country's penal system. Against this backdrop, Transformation Resource Centre (TRC) commissioned a survey on the conditions and state of correctional facilities with keen interest on the observance of human rights in all fronts. This research was conducted in nine (9) districts of Lesotho, within eleven (11) correctional facilities.

### **Objectives of the Survey**

The umbrella objectives of this study were:

- i. To document the living conditions of inmates against the international and regional standards
- ii. To explore the state of human rights within the correctional institutions
- iii. To investigate trends relating to the number of detainees and offences committed
- iv. To document the warder's working conditions
- v. To explore available rehabilitation programmes and activities
- vi. To inform possible interventions in the promotion and protection of human rights in correctional facilities

### **Significance of the Study**

**T**he assessment of detention conditions is very important and gives the opportunity to explore inmate's experience of imprisonment. The corrections environment is characterized by isolation, communal life, violence, insecurity, and overcrowding. Incarceration is generally associated with unhealthy behaviours such as smoking, inactive lifestyle and irregular diet that lead to the increasing rates of physical and mental diseases. Health status is also deteriorated by unhealthy conditions of imprisonment such as lack of clean facilities or means for personal hygiene. In Lesotho, limited periodic work has been done in the field of assessing incarceration conditions with the few existing carried out by the Office of Ombudsman.







### 2.3.1 Social Process Theories PDF Compressor Free Version

Social process theories are rooted in Psychological and Sociological theories. They include Sutherland's (1939) Differential association and Albert Bandura's (1973) Social learning theory. Social process theories focus on the acquisition of criminal behaviour. Hugh, and David, (2010) argue that social process theories are more micro sociological as they are concerned with how individuals acquire social attributes through interaction with others.

### 2.3.2. The Theory of Differential Association

**T**he Chief proponent of this theory was Edwin Sutherland. "In 1939 Edition of Principles of Criminology, Sutherland forwarded what is known as differential association theory Hugh, et al (2010). According to this theory, criminal behaviour patterns can be acquired through interaction and communication just like all other behavioural patterns. Individuals may acquire criminal behaviour patterns because they are exposed to situations where there is criminal behaviour. Sutherland, Donald and Cressey (1974) argued that criminal behaviour was not caused by physiological or biological pathologies as advanced by Biological and Psychological Theorists. They maintained that criminal behaviour is rather a possible outcome of normal interactive processes in daily lives of people.

Advancing the same argument, Agnew (2002) holds that Interaction with criminal peers is a major cause of crime and criminal behaviour. Criminal behaviour, he says may be repeated and become chronic if reinforced. This theory may to some extent explain habitual criminal behaviour among some prison inmates. It might as well give insight into the feasibility of certain prison administration policies in effectively rehabilitating prison inmates. For instance the consequence of prison residential facilities that do not separate juvenile inmates from older ones, or mixing those who commit petty crimes such as pick pocketing from serious offenders involved in murder, carjacking or drug trafficking. Ray (1959) however criticized the differential association theory on the grounds that it leaves out the influence of personality traits and other psychological variables. He argued that the theory does not explain why people respond differently to the same situation.

### 2.3.3 Social Control Theory

**A**gnew (2002) identifies Hirschi, Reckless, Gottfredson and Hagan as the proponents of social control theory. This theory was premised on the argument that "The key factor in crime is thus the presence or absence of control. These controls or containment might be rooted in relationships for instance social bonds or be internal for example social control (Agnew 2002). Reiss (1951) argued that "Delinquency was behaviour consequent to failure of personal social controls". Hirschi (1971) who stood out as the most prominent of the social control theorists developed a version of the theory which focused on the special circumstances that inhibit criminal behaviour. Hirschi (1971) cited by Hugh, et al (2010) argues that these special circumstances exist when an individual's bond to conventional or moral society is strong. He maintained that the social bonds depend on four elements.





## Chapter Two

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Review of Literature on Penal System of Lesotho

### 2.1 Introduction

The discussion in this chapter is based on the review of literature. The literature reviewed consisted of the international instruments and local legislation on the rights of offenders.

### 2.2 Definition of concepts

**Criminal justice system** - criminal justice system comprises agencies of government like police, courts and corrections, responsible for appending adjudicating, sanctioning and treating criminal offenders.

**Deviance** - deviance is the behaviour or activities that most people consider wrong or disturbing and therefore worthy of punishment or treatment.

**Incarceration** - incarceration is confinement in a correctional centre.

**Juvenile** - juvenile is a person who has not reached the age of maturity.

**Correctional Facility** - is the state or federally operated facility for incarceration of offender sentenced by criminal court.

**Re integration** - reintegration is the goal of corrections that focuses on preparing the offenders for return to the community unmarred by further criminal behaviour.

**Rehabilitation** - rehabilitation is treatment of criminal offenders aiming at preventing future criminal behaviour.

### 2.3 Theoretical framework

There are a number of distinct Criminological theories most of which are relevant but beyond scope of this study. The Social process theory and Control theory are considered to be mainstream in conventional Criminology.

(Siegel, 2002:331).  
(Goode, 1996:21).  
(Gaines and Miller, 2003:392).  
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Advancing the same argument, Agnew (2002) holds that Interaction with criminal peers is a major cause of crime and criminal behaviour. Criminal behaviour, he says may be repeated and become chronic if reinforced. This theory may to some extent explain habitual criminal behaviour among some prison inmates. It might as well give insight into the feasibility of certain prison administration policies in effectively rehabilitating prison inmates. For instance the consequence of prison residential facilities that do not separate juvenile inmates from older ones, or mixing those who commit petty crimes such as pick pocketing from serious offenders involved in murder, carjacking or drug trafficking. Ray (1959) however criticized the differential association theory on the grounds that it leaves out the influence of personality traits and other psychological variables. He argued that the theory does not explain why people respond differently to the same situation.

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These elements are attachment, commitment, belief and involvement. According to Jensen (2003) “these were four basic ‘social bonds’ that could constitute significant barriers to youth involvement in delinquency”. Attachment refers to the individual's affective involvement with people close to him or her such as relatives, parents, teachers and friends. Individuals are said to deviate when attachment to significant people in his or her life is weak. Jensen (2003) holds that commitment was measured in terms of aspirations and goals of people, including rational as well as emotional investments.

This was further elaborated by Hugh, et al (2010) who said “commitment refers to weighing of costs and risks of deviance in light of that person's investment or stake in conformity”. For example, an ex-prison inmate who is despised by relatives due to his or her criminal behaviour may not hesitate to become a habitual criminal because he or she will literally have nothing to lose in terms of social ties with relatives. The implication in the context of prison rehabilitation most probably being the extent to which prison rehabilitation programs elicit the support of relatives, to facilitate reintegration of inmates back into society. Hirschi (1971) defines belief as “a common value system within society or group whose norms are being violated” it probably entails personal acceptance of societal moral conceptions that inhibit delinquency. Involvement according to Hirschi's theory, of social control referred to the level of an individual's involvement in conventional things.

The more involved a person is the lesser the opportunities to commit crime. The justice delivery system control measures may be at primary prevention level, such as capacitating families and communities to strengthen social bonds that make community members responsible for their behaviour, the Zimbabwe Republic Police's neighbourhood watch committees may be a manifestation of the use of social control measures. This study is also interested in knowing from the prisoner's perspective how the strengthening of such social bonds, especially during rehabilitation may facilitate the success of rehabilitation. This study would also like to assess to what extent weakened social bonds may pose a challenge to prison rehabilitation outcomes.

### **2.3 International, regional and national instruments relevant to the penal system of Lesotho**

In Lesotho, there are a number of international instruments and local legislations that inform correctional system of Lesotho. These include;

- a) Luanda Guidelines on the conditions of arrest, police custody and pre-trial detention in Africa, 2014.
- b) International Covenant on Civil and Political Rights, 1992.
- c) Kampala Declaration on prison conditions, 1993.
- d) Ouagadougou Declaration on accelerating the prison and penal reforms in Africa, 2002.
- e) United Nations Standard Minimum Rules for treatment of offenders (SMR) ratified as Mandela Rules (2015)
- f) United Nations Standard Minimum Rules for non-custodial measures (Tokyo Rules)
- g) United Nations Convention on the Rights of the Child, 1989.
- h) Beijing Rules, 1985.







The declaration was held from 19<sup>th</sup> to 21<sup>st</sup> September 1996 under the ambit of the African commission. The declaration advocated for broad reforms such as the rights of prisoners and adoption of prison rehabilitation programs. Of particular interest to this study are the action plans that came out of the declaration, two of which are; "Prisons in Africa should be considered in the context of economic development, social and cultural values and social change. Emphasis should be placed on providing education; skills based training and a work programme that is in the interest of the offenders while incorporating elements of self-sufficiency and sustainability of both the prison institution and the detainees as a community". "Secondly, Governments were also advised to review penal policy in light of the Kampala declaration and call other national and international agencies (Governmental and non-governmental) to assist them in this task".

The document was addressed to governments and criminal justice institutions as well as to non-governmental organizations and associations working in this field. It was meant to be a source of inspiration for concrete actions. The conference was held under the auspices of the African commission of human and people's rights. Participants came up with various strategies to meet the following recommendations; (i) reducing the prison population; (ii) making African Prisons more self-sufficient; (iii) promoting the reintegration of offenders into society and applying the rule of law to prison administration. This conference advocated for the adoption of rehabilitation programs in prison, so as to facilitate reintegration of offenders and contribute to their individual social development. Other recommendations were encouraging best practices, promoting an African Charter on prisoners' rights and looking towards the United Nations Charter on the basic rights of prisoners. These initiatives led to changes in the way prisons are administered in Africa.

Pieces of Legislation include;

- a) Constitution of Lesotho 1993
- b) Children's Protection and Welfare Act 2011
- c) Correctional Services Act 2016
- d) Criminal Procedures and Evidence Act 1981
- e) Government Gazette 1995
- f) Labour Code Order 1992
- g) Ombudsman's Act 1996
- h) Penal Code Act of 2010
- i) Prison Proclamation Act 1957
- j) Speedy Court Trials Act 2002

## 2.4 Trends in correctional facilities of Lesotho

Lesotho has a population of approximately two million (Bureau of Statistics, 2011). Almost a quarter of this, are Basotho who live and work in Republic of South Africa. The official carrying capacity of these eleven (11) correctional centres is said to be three thousand and ninety (3090). According to Johnson and Ngozwana (2016) total prison population in 2016 was two thousand and two hundred sixty-five (2265). Previously, prison population was 2908 in 2000, 2712 in 2005, 2498 in 2010. United States Department of State' country report (2013) noted that Prison conditions were bad. Following a visit to Mafeteng correctional facility in March 2013, Minister of Justice and the Correctional Service Mophato Monyake acknowledged conditions were "appallingly unpleasant and that the situation was compounded by the fact the main building is very ancient." The Lesotho Correctional Service (LCS) closed the facility on October 22 and relocated the prisoners to other facilities.



The Corrections administration reported an adult prison population of 2,326 (2,265 men and 61 women), a pre-trial detainee population of 474 (466 men and eight women), and a juvenile population of 75 (53 boys and 22 girls). The prisons had a combined capacity of 2,936. Authorities held juveniles in different detention centres and separated males and females within adult and juvenile facilities. The head of the nongovernmental organization (NGO) Lesotho Ex-Offenders Association stated prisoners regularly raped other prisoners, putting them at risk of HIV and other sexually transmitted diseases. The Lesotho Correctional Service (LCS) commissioner set up a commission of inquiry to investigate the problem of prisoner abuse.

According to Lesotho Correctional Services (LCS) nursing staff, 34 percent of female prisoners were HIV-positive, compared with a 27 percent rate in the general female population. Nine prisoners died in custody: three reportedly from AIDS-related complications; one from tuberculosis; one from cancer; and four from unconfirmed causes. Although prisons provided potable water, sanitation was poor and facilities lacked bedding. Proper ventilation and heating/cooling systems did not exist, and some facilities lacked proper lighting. There were no reports of food shortages in Maseru Central Prison, but food quality was poor. The institutions did not provide special assistance to prisoners with disabilities, who relied on voluntary assistance from other prisoners. As with many public buildings in the country, prison buildings lacked ramps, railings, and other measures facilitating physical access for prisoners with disabilities.





**Research Findings**

This chapter presents a compendium of findings from eleven (11) correctional facilities across nine (9) districts of Lesotho.

**Section A**

This section presents information on demographic characteristics of offenders. This data comprise the following variables; number of offenders received by age, sex, educational status, length of imprisonment (including the number of persons on remand, discharged and recidivists), type of offences committed, hospitalised and those reported to have died in Correctional Institutions.

**Demographic Profile of Correctional Institutions****Table 3.0**

Correctional Institution	Institution capacity	Received in 2018	Current no. of inmates		
			Females	Males	Total
Qacha's Nek	120	64	0		81
Berea	170	127	0	145	145
Leribe					276
Buthe-Buthe					86
Mokhotlong	150	78	66		66
Mohale's Hoek	600	188	0	422	422
Quthing	-	77	0	77	77
Thaba-Tseka	150	159	2	101	103
Maseru Central	500		1	719	720
Juvenile Training Centre	50	7			44
Female Correctional Institution	70	45	56	0	56





Table 3.0 (above) presents a statistical compilation of correctional facilities' carrying capacities, number of inmates received in 2018 until the month of May, 2018, as well as the actual number of inmates incarcerated based on sex. Maseru Central correctional facility has a carrying capacity of 500 persons, and it is currently overcrowded with around 720 inmates. Whereas Female Correctional Facility received an estimated 45 persons in 2018 with actual record of 56 inmates incarcerated which scores 80 percent of its carrying capacity, Juvenile Training Centre received 7 persons in 2018 and is currently housing 44 inmates which is 88 percent of its holding capacity. Thaba-Tseka Correctional facility has a holding capacity of 150, yet it received 159 offenders in 2018, and currently houses 103 inmates. On the other hand, Quthing Correctional facility with no clear carrying capacity, houses 77 inmates. Mohale'sHoek correctional facility with a largest carrying capacity of 600 persons, currently houses 422 inmates and it received 188 offenders in 2018.

Mokhotlong correctional facility is estimated to have a holding capacity of 150 persons, with current record of 66 inmates. This facility received 78 persons in 2018. Berea correctional facility is estimated to have a carrying capacity of 170 persons; it received 127 offenders in 2018 and currently houses 145 inmates. Butha-Buthe correctional facility currently houses 86 persons. Qacha's Nek Correctional facility is estimated to have a holding capacity of 120, while it received 64 inmates in 2018 and currently has 81 inmates. Leribe Correctional facility has an estimated 276 inmates incarcerated.

### Distribution of offenders who fell sick, hospitalised and died

**Table 3.1 Average reporting sick, hospitalised and those who died at Correctional Institutions**

Correctional Institutions	Reporting Sick	Admissions to Hospital	Deaths
Mokhotlong	91	2	0
Thaba-Tseka	44	1	1
Qacha's Nek	0	0	0
Quthing	11	0	0
Mohale'sHoek	36	3	1







Table 3.1 illustrates number of offenders who fell sick, got hospitalised and died. Out of 11 correctional facilities that were visited only 5 provided data on this aspect as depicted on the table above. Mokhotlong Correctional facility saw around 91 inmates who reported sick, with 2 being hospitalised. Thaba-Tseka correctional facility had around 44 inmates who fell sick, with 1 inmate being admitted at hospital and 1 passing on. Quthing correctional facility saw about 170 inmates reported sick. Mohale'sHoek correctional facility recorded about 36 inmates who fell sick, with 3 inmates getting admitted and 1 dying.

### Distribution of offences committed based on educational background

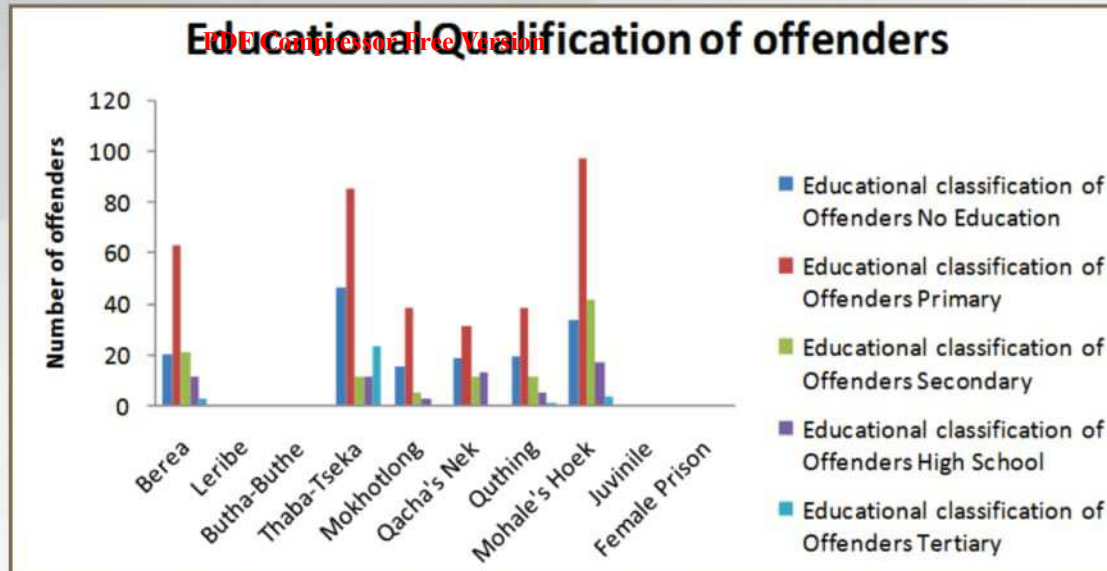
Table 3.2 below present's distribution of types of offences committed judged against their educational qualification. Offences committed against Persons saw high proportion of offenders who have primary education. 52 of offenders who committed this kind of offence had no education at all. Around 19 inmates who committed other kind of offences had primary education, whereas none of inmates who committed offences against property had tertiary learning.

Table 3.2 Distribution of Offences by level of education					
Type of offence	Educational attainment				
	None	Primary	Secondary	High	University
Offence against Person	52	168	42	22	3
Offence against Property	25	44	17	10	0
Other offences	8	19	7	4	2
<b>Total</b>	<b>85</b>	<b>231</b>	<b>66</b>	<b>36</b>	<b>5</b>

### Distribution of educational attainment of offenders per correctional facility

Figure 3.0 below presents data on six out of eleven correctional facilities. This data displays educational qualification of offenders incarcerated in respective facilities. Almost all of these corrections have most inmates with primary education. On the same vein, Thaba-Tseka and Mohale's Hoek have highest inmates who attained primary education. On the other hand, Thaba-Tseka has the highest number of inmates with no education.

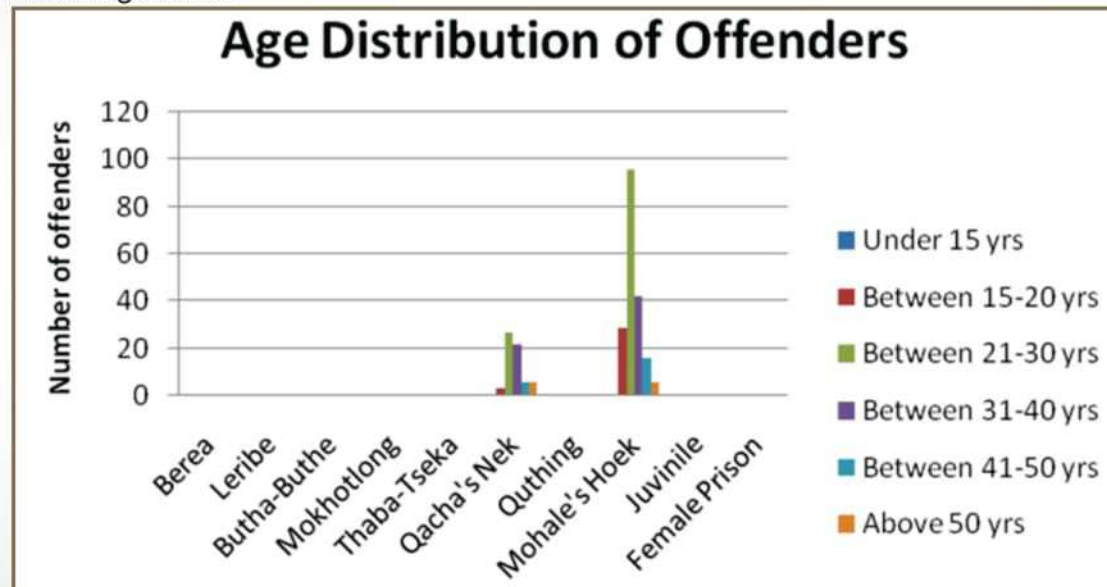




#### i. Age distribution of offenders within correctional facilities

Whereas eleven correctional facilities were visited, only two provided data on the age distribution of offenders. Mohale's Hoek correctional facility has the highest number of inmates who are aged between 21 to 30 years, while Qacha's Nek has the lowest number of inmates between 15-20 years old. These facilities have no inmates below the age of 15.

Figure 3.1







## Length of Imprisonment

Figure 3.2

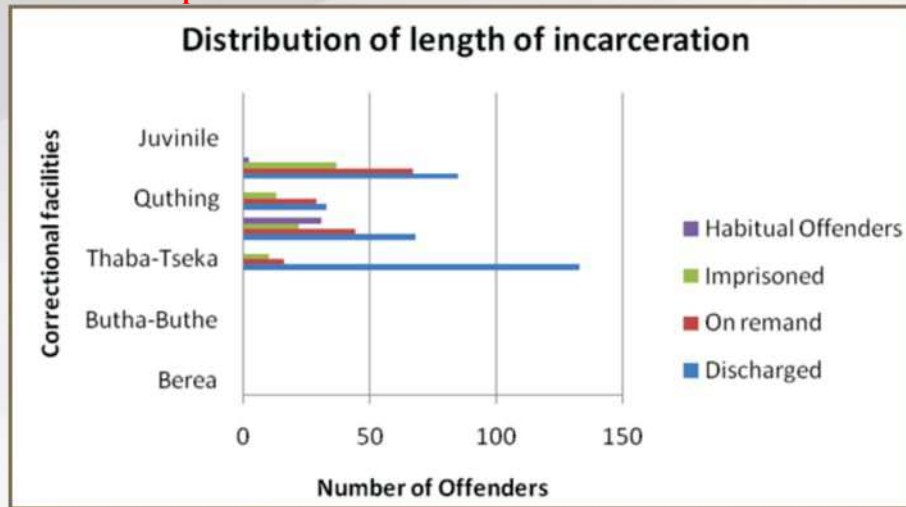


Figure 3.2 presents data on the length of imprisonment handed down on offenders in four respective correctional facilities. Juvenile has the highest number of offenders who are on remand and who have been discharged. Thaba-Tseka correctional facility has the highest number of inmates being discharged.

## Classification of offences committed per correctional facility

Figure 3.3

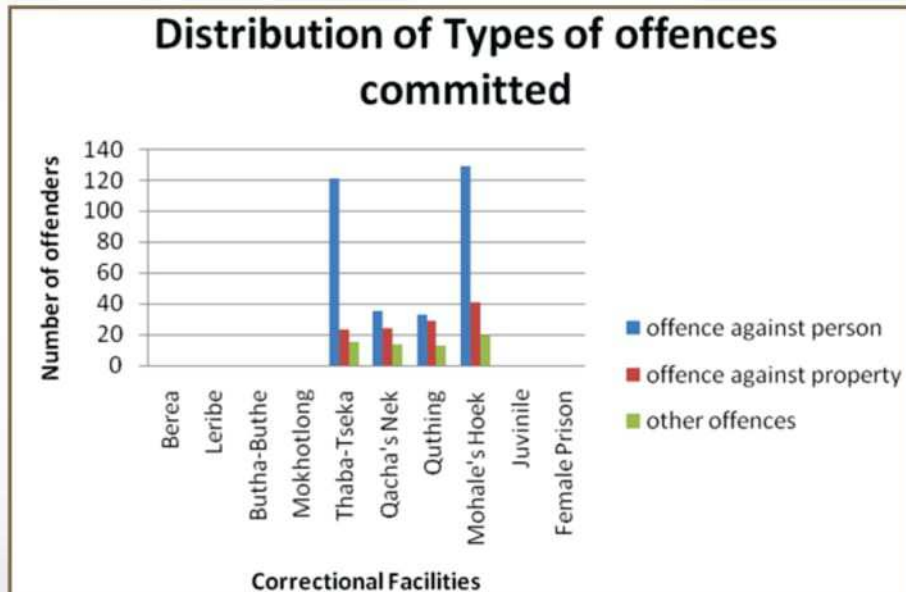




Figure 3.3 shows a pattern of offences committed per each correctional facility. Only four of the eleven correctional facilities provided data on this. Mohale's Hoek and Thaba-Tseka have the highest inmates who have committed offences against person. On the same vein, Quthing and Qacha's Nek have the lowest number of inmates who committed offences against person. Mohale's Hoek further dominates the rankings by having highest number of offenders who committed offences against property.

## Section B

This section presents general situational analysis of the correctional facilities. It primarily focuses the status of offenders, warders and general living conditions by giving detailed information on clothing, infrastructure, cells, sanitation, rehabilitation programmes, kitchen services, warder-offender relations, general living conditions of offenders, access to healthcare, and crimes within the correctional facilities, provision of post detention and reintegration programmes, and working conditions of warders.

### Clothing

Inmates in Mohale's Hoek and Quthing are provisioned with clothing and shoes but they are also allowed to get them from home. Correctional administration provides blankets and mattresses. In Maseru-Central, few inmates are given old and torn clothes left by previous convicts, while the rest get clothes from families and friends. However, high profile offenders are often prioritized by being given new clothes. In Mokhotlong, inmates indicated that the facility does not provide clothes and shoes, so they are forced to get them from families and friends. They further mentioned that they are given few blankets. This raises serious concern since Mokhotlong is one of the coldest places in the country.

In Leribe and Butha-Buthe inmates are given old and torn clothes, while others receive none. They receive no shoes at all, thus leaving them with one option-to secure clothing from families and friends. While Berea resembles these aforementioned facilities, shoes are provided to few individuals who are tasked with performing certain activities such as farming and carpentry. In Thaba-Tseka, offenders are given clothes, but the shoes are often available. They are also not provisioned with warm clothes in winter.

Qacha's Nek Correctional facility gives its newly incarcerated inmates old clothing that was used by released convicts and ordered to surrender their own clothing. They are given old boots that were worn by the correctional officers. In Juvenile, inmates are given inadequate clothing and in winter they have to get warm clothes from their families and friends. In Female Correctional Facility, inmates have adequate summer clothing, they lack warm clothes for winter.

### Infrastructure

In Mokhotlong, the building is estimated to be 66 years old. There are no toilets in the holding cells. As result, inmates are using 'bucket system' which poses serious hygiene implications. These building rarely receive







sun thus making them to be very cold, especially where female prisoners are residing. The holding cells are very small, with only ten cells having beds. The carrying ratio is between nine to twelve inmates per cell which poses worrying concerns for health. There are two cells for female inmates, and similarly they do not have toilets and beds. In Mohale's Hoek the holding cells have electricity, toilets and bathrooms. However, the cells are small and cold, with bathrooms not having warm water.



A Cell in Mohale's Hoek

The cells are overcrowded with not less than fifteen inmates per each cell. Some inmates have beds while others have mattresses. The kitchen does not have all the basic and necessary equipment, while some of the equipment has broken down. There is a television room, workshop and handicrafts display room. In Female Correctional Facility there are toilets in the cells, with some leaking. Inmates are given mattresses, which sometimes they share when the facility receives more inmates. The cells are overcrowded with nine to eleven inmates. In Butha-Buthe, six to eleven inmates share a cell. There are no bathrooms and inmates sleep only on mattresses. This correctional facility has a television room and three classrooms. There are electric pots





which are not functional; instead the facility uses gas stove and three big pots. The roofing of the cells is leaking so much that when it rains they are unable to sleep.

Maseru-Central Correctional facility buildings and entire infrastructure are old. Holding cells have toilets which are not working due to lack of water. There is inadequate drinking water. Inmates buy bathing (warm) water with tobacco. The cells are overcrowded coupled with poor ventilation caused by among others blocked toilets and lockups that begin from afternoon until morning. Inmates are sharing mattresses coupled with old, dirty blankets. There are no cleaning materials such as brooms. The kitchen is untidy with no proper equipment as well as poor hygiene by those preparing the food. The kitchen has three electric pots. In Quthing, the entire infrastructure is below standard correctional facility. Almost all cells are cold, with no toilets. Inmates sleep on mattresses. While the kitchen lacks equipment, however, it is clean.

In Thaba-Tseka, the infrastructure is good and surroundings are clean. Holding cells are clean, inmates have been given thick mattresses with some cells having beds and toilets. Like the rest of the correctional institutions, this facility faces overcrowding wherein each holding cell houses more than ten inmates. The kitchen has electric pots and gas stove. Berea correctional facility is very cold with most buildings leaking. Cells have poor sanitation system with no toilets. The cells are overcrowded, cold and with no heaters and light mattresses given to inmates. This facility does not have isolation cells, so infectious disease are rapidly spreading.



A cell in Quthing







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A bathroom in Quthing

Qacha's Nek Correctional facility needs a total revamping, almost all building are in bad condition. The cells have no toilets and bathrooms, and no windows to allow ventilation. The cells' roofing is leaking. Inmates are given mattresses to sleep on and they indicated that these are not adequate since it is very cold. In Leribe, the surroundings are clean and paved. There is a television room but subscription has not been paid to have a viewing. The facility does not have play grounds. Holding cells are in good condition. The facility has isolation rooms to quarantine sick inmates. There are showers and toilets but there is no water for them to be functional. Inmates indicated that the blankets and mattresses are not enough. The kitchen is in good condition, with proper food storage and a section to wash dishes.





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Surroundings in Thaba-Tseka

### General Living Conditions of Inmates

In Mokhotlong Correctional Facility, inmates are provisioned with basic cosmetics which include sanitary pads (for female convicts), Vaseline and soap. Inmates are fed on menu basis which is often three nutritious meals a day. Inmates have adequate access to healthcare services. In Mochales' Hoek, inmates who prove to be in serious need are the only ones that are given soap and vaseline. Inmates indicated that they are not allowed to attend close family members funeral. In terms of access to healthcare, nurses are readily available to attend the sick, coupled with monthly visit by a doctor. Furthermore, new inmates undergo tuberculosis screening and HIV testing, and those found to be sick are placed on treatment. Furthermore, inmates charged that they are not afforded balanced diet, and this poses a serious challenge for inmates who are chronic medication.







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Kitchen in Mohale's Hoek

Female Correctional Facility provides basic cosmetics including washing powder, bath soap and vaseline to inmates. Other materials such as sanitary pads, toothbrushes and toothpastes are donated by faith based organizations. Inmates have access to medication; however, those who are given referrals take a long time to secure those referrals. Juvenile Training Centre has twenty-two inmates in each cell. This facility has fitted kitchen with electric pots. Inmates mostly eat beans, peas and vegetable. There is also a nutritionist who supervises inmates on how to prepare the food. Inmates in Maseru Central are given bath soap and washing powder, although not in regular basis. The rest of other basic cosmetics, inmates often seek means to have them.

This facility three nurses, one nursing assistant, pharmacy technician, four counsellors and six officers to escort inmates to medical check-ups. This correctional facility has two inmates diagnosed with diabetes, nine inmates have asthma, nine inmates have epilepsy, twenty inmates are under tuberculosis treatment and two-hundred and twenty-three are under antiretroviral medication. However, some inmates charged that







sometimes the clinic does not have life-saving medication, and those on treatment are not getting appropriate diet to take their medication. Furthermore, inmates who request special diet are allowed to bring food to their cells, whereas every inmate is allowed to receive food from family and friends. Inmates have also lamented that sometimes they are fed expired food, and accused the warders of denying them to eat meat.

In Qacha's Nek inmates receive no basic living materials from the administration. Offenders depend on hand outs given by good Samaritans who come after a while. Inmates indicated that most of the time they are served food which is not well prepared. They lamented the fact they are fed same servings every day. This correctional centre has one nurse, one pharm technician, one nutrition officer and two counsellors. One hundred and eight inmates are under antiretroviral therapy, while six are receiving tuberculosis medication, and twenty-six inmates are undergoing mental health care and twenty-one inmates are diagnosed with high blood. Medical staff noted that medication is not consistently disbursed to the centre.

Inmates in Thaba-Tseka Correctional centre are given basic living materials such as washing powder, bath soap and vaseline, and the centre allows them to receive any from family and friends. The centre has healthcare facility which provides basic health services. Inmates noted that food is well cooked under satisfactory hygienic conditions. However, the centre has abandoned daily feeding programme due to lack of funds. In Quthing, inmates noted that they are living in appalling conditions. Inmates noted that they have infected one another due to overcrowding and sometimes slow response by correctional administration to attend sick inmates. This centre has a small but tidy kitchen wherein some of the inmates are cooks. Inmates eat vegetables, beans, peas and sometimes meat.

On the other hand, the healthcare centre within this correctional facility provides screening for new admissions and those found to be sick are put under treatment. Medical staff which comprises of three persons, lamented the fact they sometimes fail to secure medication on time. Inmates receive no basic living material from the centre, and mainly depend on their families and friends to come forth. In Berea, inmates are given only washing powder and bathing soap, while they are allowed to receive other basic living materials from family and friends. Inmates noted that they receive adequate healthcare services, except on weekends when the nurse is not around. Inmates further noted that their kitchen lacks standard hygiene, coupled with unbalanced diet.

Both in Butha-Buthe and Leribe, inmates are given some basic living materials by the facility, with most of these materials expected to come from families and friends. In Leribe, there is a clinic that offers basic healthcare services to inmates. These include providing HIV and tuberculosis treatment as well as family planning services. In Butha-Buthe, there is a clinic although it has a small consultation room. Inmates in both correctional facilities noted that they are given food which does not have oil and salt, and they eat same food all the time coupled with porridge as their breakfast.







## Crimes within Correctional Centres

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This survey found that correctional centres are increasingly becoming breeding grounds for crime, with a phenomenon of gangsterism wherein most inmates are forced to join. Other forms of crime include the following;

- a) Assault
- b) Theft
- c) Sodomy
- d) Drug and Substance abuse
- e) Prison break away although it is rare.

## Rehabilitation and Reintegration Programmes

In Mphahle's Hoek and Quthing inmates receive formal education training. Quthing correctional centre provides primary education, while in Mphahle's Hoek inmates receive primary, secondary and high school education. Other rehabilitation activities in these centres include tailoring and handicrafts, although few inmates participate in these activities. In sporting, most inmates play soccer. Other personal development activities include taking part in farming projects such as crop farming and piggery. These correctional facilities have reintegration programmes which include counselling sessions given to inmates and victim-offender mediation (restorative justice). Offenders who show remorse and great progress during rehabilitation are given amnesty by the state.

In Mankhotlong, Qacha's Nek, Thaba-Tseka, Berea, Leribe and Butha-Buthe, inmates receive formal and informal rehabilitation programmes which include sewing, handicrafts, farming, brick layering, tailoring, carpentry, as well as soccer as recreational activity. Inmates receive primary education, except in Mankhotlong where currently formal programmes have been suspended. Like other correctional centres, inmates in Mankhotlong, Leribe, Berea and Butha-Buthe undergo counselling services as well as victim-offender mediation as means to rehabilitate and finally integrate inmates back into the society. In Female Correctional institution, receive no formal training. They take part in sewing and tailoring projects as well as netball and traditional singing as recreational activities. This correctional facility has reintegration programmes which include counselling sessions given to inmates and victim-offender mediation (restorative justice).



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## Handicrafts products in Mohale's Hoek

In Maseru-Central inmates receive training on vocational skills on carpentry, brick layering, jewellery, leather works, tailoring and farming. Furthermore, inmates receive primary education, while the ministry of education and other Non-governmental Organizations (NGOs) provide secondary and high school education to some inmates. This centre provides psycho social support and counselling to inmates. Inmates are integrated back into the society through victim-offender mediation, amnesty which is rarely given (by state) to inmates who show remarkable progress as well as parole by correctional centres.



## Rabbits Project in Mohale's Hoek







## i. Working Conditions and General State of Warders

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In all most all correctional centres, warders noted the following challenges:

- a) There is less office space in most centres;
- b) There is inadequate basic equipment such as computers;
- c) Warders lamented that they do not have commensurate training and skills to handle day to day challenges;
- d) Warders noted that promotions are politically motivated;
- e) Most of the junior officers lamented that correctional authorities have not reviewed their salary and rank structures;
- f) Warders further noted that they receive uniform after a while, and mostly struggle to cope in winter;
- g) Warders mentioned that correctional facilities are less secure and they have managed to keep inmates through the help of a prayer and Bible;
- h) Warders noted that they have no escort cars which poses serious challenges during rehabilitation and reintegration mission

## Chapter Four

### Summation of Findings and Recommendations

This chapter introduces summary of findings, and further provides practical steps of redress that should be taken.

#### Summary of Findings

- a) Almost all of the institutions visited in one form or the other have poor infrastructure, which is not habitable; Thaba-Tseka correctional centre is partly positively different from the rest;
- b) Inmates are in serious need of clothes, shoes and other basic living materials;
- c) Almost all correctional facilities are overcrowded; with most of these numbers comprising inmates on remand and awaiting trial.
- d) Healthcare services in corrections are not adequate and in some institutions in dire straits;
- e) A higher proportion of inmates are convicted for “offences against person”. Simultaneously, with most centres being male dominated; there are high rates of sexual crimes amongst inmates.





- f) Corrections lack basic equipment and other working materials;
- g) Correctional officers are not adequately remunerated;
- h) Correctional institutions lack all necessary security features

### Recommendations

a) Increase the budget allocation to corrections to ensure that inmates get proper clothing, food and basic living materials;

b) Increase resource allocation to ensure officials are properly remunerated and motivated to work. The kind of services they provide require their complete mental faculty, otherwise they become demoralised and ineffective. Staff is of paramount importance in accomplishing the goals of any correctional facility. They will make their optimum contribution if supported by effective personnel development opportunities and positive working conditions. Staff should have the opportunity to participate in the formulation of policies related to both programs and administration. Staff organizations should be involved in furthering this process and correctional agencies must be accountable.

They should be subject to regular, independent and public assessment. Allocations should also be made to improve conditions in corrections like Quthing and Qacha's Nek and employ more personnel in the social and health sectors in these institutions. Provisions should also be made for the acquisition of more equipment for skills development and recreational facilities;

c) Ensure that prisons are regularly inspected by government officials such as the Commissioner and Deputy Commissioners of Prison and at quarterly intervals by authorities from the ministry. The Heads of Correctional facilities and even the Commissioner of Corrections may be immune to the complaints they receive almost every day and become accustomed to them such that they refer to them as the "usual complaints". To a lesser extent, the Independent/External Corrections Visitors (ICVs) can suffer the same fate. Prisoners may be reluctant to speak to ICVs and even the Deputy Commissioners because they are under the impression that they will not or cannot do anything. But a visit from a high ranking official such as the Principal Secretary or the Deputy Minister or Minister will afford the prisoners an opportunity to speak openly;

d) Explore the possibility that police be capacitated to deal with petty crimes like traffic offences where they can simply issue a traffic ticket as punishment for offence committed. This will reduce overcrowding in prisons and will save courts time to deal with serious offences crimes. Alternative sentences to incarceration such as community service should also be explored and encouraged. This will go a long way to decongest corrections and not disrupt the social life of those who commit minor offences. The building of new prisons might reduce







the problem of overcrowding. Persons charged with criminal offences must be afforded a fair hearing within a reasonable time. This will reduce number of inmates on remand or those awaiting judgements in custody. However, without a simultaneous process of dealing with the causes of crime, the sentencing regime and a favourable community support, overcrowding in corrections would be hard to contain;

e) Another progressive strategy towards decongestion of these correctional centres would be to resuscitate Parole Boards and provide parole to convicts who successfully complete rehabilitation and prove beyond doubt that they are unlikely to engage in recidivist behaviour;

f) Encourage periodic inter-district staff exchanges and organise workshops to train corrections officials on latest corrections policies and management techniques. If these workshops are organised at national level, efforts should be made to replicate it at district level;

g) Leverage the planned security reform sector to involve all stake holders in the criminal justice system to discuss ways of improving the criminal justice system – the police, the prosecutors, the prison officials and the judiciary. NGOs and other members of civil society working in this sector should also be involved in the dialogue;

h) Members of civil society, especially NGOs should be allowed to constantly visit corrections and other places of detention to ensure that the government is meeting its domestic as well as international human rights obligations towards inmates;

i) NGOs should encourage and organise retreats and workshops for corrections officials and inform them of best practices in other penal systems in Africa and around the world;

j) Human rights training should be extended to all levels of administration. Senior officials should be encouraged to attend human rights training courses relating to corrections management and the treatment of prisoners.





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## PRISON CONDITIONS IN LESOTHO JANUARY – MAY 2018

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Section 1. Status of offenders, warders and general living conditions:

### 1. Clothing and shoes – (Summer and Winter)

Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







2. Infrastructure – (Summer and Winter)

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





### 3.The Cells (occupation beds sanitation system)

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







#### 4. Programmes and Activities (formal and non-formal)

Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





## 5. Kitchen Services (preparation of food, hygiene and menus)

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







## 6. Working Relations (Offenders and Warders)

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





## 7. General living conditions (provision for sanitary towels, uniform for school going juvenile)

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







## 8. Access to medication **PDF Compressor Free Version**

Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





## 9. Crimes within correctional Institution

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







## 10.Provision for post detention and reintegration programme

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





11.Offices, Equipment, Computers, printers and stationary

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	







12. Working conditions, uniforms, general state of warders, security issues

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Correctional Institution	Remarks
MASERU-Central	
BEREA	
LERIBE	
BUTHA-BUTHE	
MOKHOTLONG	





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General Remarks (if any):

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## Section 2: Offences committed and circumstances surrounding offences:

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### 1. Persons received in Correctional Service

Correctional Institution	Institution capacity	Received in 2018	Total no. of inmates
Maseru-Central			
BEREA			
LERIBE			
BUTHA-BUTHE			
MOKHOTLONG			

### 2. Type of offences

Correctional Institution	Institution capacity	Received in 2018	Total no. of inmates
Maseru-Central			
BEREA			
LERIBE			
BUTHA-BUTHE			
MOKHOTLONG			

### 3. Length of sentence

Correctional Institution	Institution capacity	Received in 2018	Total no. of inmates
Maseru-Central			
BEREA			
LERIBE			
BUTHA-BUTHE			
MOKHOTLONG			







#### 4. Offenders' sex

Correctional Institution	Institution capacity	Received in 2018	Total no. of inmates
Maseru-Central			
BEREA			
LERIBE			
BUTHA-BUTHE			
MOKHOTLONG			

#### 5. Age groups and sex

Correctional Institution	Age	Age	Age	Age	Age	Age
MASERU-Central	<15 M= F=	15-20 M= F=	21-30 M= F=	31-40 M= F=	41-50 M= F=	>50 M= F=
BEREA	M= F=	M= F=	M= F=	M= F=	M= F=	M= F=
LERIBE	M= F=	M= F=	M= F=	M= F=	M= F=	M= F=
BUTHA-BUTHE	M= F=	M= F=	M= F=	M= F=	M= F=	M= F=
MOKHOTLONG	M= F=	M= F=	M= F=	M= F=	M= F=	M= F=

#### 6. Age groups per Correctional Institutions:

Correctional Institution	<15	15-20	21-30	31-40	41-50	>50
MASERU-Central						
BEREA						
LERIBE						
BUTHA-BUTHE						
MOKHOTLONG						





### 7.Educational status:

Correctional Institution	No Education	Primary	Secondary	High School	Tertiary
MASERU-Central					
BEREA					
LERIBE					
BUTHA-BUTHE					
MOKHOTLONG					

### 8.Educational status and Offence Committed: (to be filled upon completion of the study)


Educational Status	Offence Against Person	Offence Against Property	Other Offence
No Education			
Primary			
Secondary			
High School			
Tertiary			
Total			

### 9.Offenders admitted at hospital, reported sick and deaths:


Correctional Institution	Reported sick	Hospitalised	Natural Deaths	Other deaths incidents
MASERU-Central				
BEREA				
LERIBE				
BUTHA-BUTHE				
MOKHOTLONG				



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