



**Jesuit Centre for Theological Reflection
(JCTR)**

Memorandum on

**The Administration of Parole and Correctional Supervision:
The Decongestion of Correctional Facilities in Zambia**

Submitted to

**THE NATIONAL ASSEMBLY JOINT COMMITTEE ON
NATIONAL SECURITY AND FOREIGN AFFAIRS**

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“A Just Zambian Society Guided by Faith, Where Everyone Enjoys the Fullness of Life”

Table of Contents

1. Organisational Background	3
2. Introduction	3
3. The Legal Framework Governing the Administration of Parole and Correctional Supervision	6
4. Improvements Offered by the Zambia Correctional Service Act of 2021	8
5. The Efficiency of Parole and Correctional Supervision in Zambia	10
5.1 Low Number of Successful Male Applicants for Parole.....	12
5.2 Low Number of Female Applicants for Parole	14
6. The Role of Civil Society Organisations and Non-State Actors in the Re-Integration of Parolees	15
7. Challenges to Parole and Correctional Supervision	17
7.1 Stress Placed on Parole System and Correctional Supervision due to Overcrowding of Prisons.....	17
7.2 The Absence of a Holistic Approach to Imprisonment, Parole and Correctional Supervision	18
7.3 The Public Perception of Parole.....	22
8. Recommendations for the Enhancement of Parole and Correctional Supervision	23
8.1 Responding to The Challenges Identified Concerning the Efficiency of Parole	23
8.1.1 The Recidivism Rates	23
8.1.2 The Low Number of Successful Male Applicants for Parole	24
8.1.3 The Low Number of Applications for Parole and the Low Number of Successful Female Applications for Parole	26
8.2 Responding to the Challenge of Overcrowded Prisons.....	27
8.3 Educate the Public about Parole.....	28
8.4 Introduce a Holistic approach to Imprisonment, Parole and Correctional Supervision.	30
9. References	34

1. Organisational Background

The Jesuit Centre for Theological Reflection (JCTR), a faith based organisation and a ministry of the Society of Jesus (Jesuits), was formed in 1988 to translate into action Christian principles and values in its quest to promote social justice in Zambia. It provides from a faith inspired perspective, a critical understanding of current social, political and economic issues and generates action to address them. Key to its mission is the gathering and analysing of pertinent and topical data on issues, whose results are then employed in popular education and engagement with policy makers, service providers and other duty bearers on the identified issues. Additionally, JCTR builds capacities and creates platforms for community members to participate in dialogue for legislative, policy as well as practical change.

JCTR's ethos are derived primarily from the Christian faith and its Church Social Teaching (CST), a body of social wisdom derived from the Christian scriptures, the teaching of Popes, theologians, social sciences, common human experiences, as well as from other influential church leaders. Its mission is outlined in the following statement: "From a faith inspired perspective the JCTR promotes justice for all in Zambia, especially for the poor, through research, education, advocacy and consultations". Its vision is: "*A Just Zambian Society, Guided by Faith Where Everyone Enjoys the Fullness of Life*".

2. Introduction

Parole was introduced in Zambia in 2008, principally in order to reduce congestion in prison.¹ Congestion in prison has been a long-standing problem for Zambia. In 2013, the Human Rights Commission in Zambia released a report on the inspection of the prison and police cells of the Eastern, Western, Northern and Muchinga Provinces (2013 HRC Report). The 2013 HRC Report submitted findings from visits to 90 places of detention. This report found that overcrowding was a major problem for these prisons, as many of the prisons were built during the colonial era, and had capacities far below the occupancy of prisoners they were being asked to support in 2013.

¹ Tifwepo Nkunika, "*A Critical Analysis of Parole in the Criminal Justice System of Zambia*" (LLB dissertation, University of Zambia, 2015) 35.

A similar finding was reported at a Symposium held in 2017 in Lusaka on the legal and administrative reforms to address congestion in correctional facilities (the Symposium). The Symposium reported that between 2012 and 2016, the Zambia Correctional Service was servicing a rapidly increasing prison population. It noted that as of 2016, the prison was over-populated by almost 250% (the average prison population was 21 000, whereas the prison capacity was around 8500). This overpopulation of the prison infrastructure has resulted in an overstretching of the resources allocated to the Zambia Correctional Service (ZCS).

Given the prevailing overcrowding of Zambian prisons, it makes sense that parole should be lauded as being a way to deal with this crisis. Parole, or the early conditional release of a prisoner to serve the rest of their sentence under supervision in the community, would mean that prisoners would serve less of their sentence in prison.

Parole also makes sense in the light of the new mandate of the Zambia Correctional Service. At the Symposium, the Commissioner General of Correctional Service gave a presentation in which he outlined the evolution of the Zambia Correctional Service. The Service was initially focussed on retribution directed at inmates for crimes committed, but in the amendments of the Prisons Act in 2000 and 2004, the Service changed its focus rather to rehabilitation of prisoners. This focus on rehabilitation was reflected in the change of name of the Service from the Zambia Prison Service to the Zambia Correctional Service.² With less attention being paid to retribution directed at inmates and more attention being paid to the rehabilitation of prisoners, the Correctional Service is being asked to be more creative when it comes to how to deal with the serving of prison sentences. If rehabilitation can be better served by helping prisoners reintegrate in the community after their time in prison, then parole could play an important part of that rehabilitation.

The new mandate of the Correctional Service is in line with key principles found in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

² Commissioner General Percy K. Chato, “The New Mandate of the Zambia Correctional Service,” presentation at the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, Lusaka, Zambia, 13-14 September 2017.

These rules emphasise that imprisonment should ensure that prisoners are reintegrated into society upon release so that “they can lead a law-abiding and self-supporting life.”³ Furthermore, the rules state that it is desirable for prisoners to be helped to gradually return to life in society, specifically mentioning the possibility of a ‘pre-release regime’ under supervision.⁴ Therefore these rules specifically advocate for parole, which plays a part in the rehabilitation and reintegration of prisoners.

Furthermore, the new mandate of the Correctional Service echoes certain key principles which JCTR values. Pope Francis, in recent remarks issued in January 2022 concerning prison inmates, outlined what these principles are. He said that, while it is right that a person should have to pay for a mistake that they have made, it is also important that they are given an opportunity to redeem themselves following a mistake. He stressed that there “can’t be sentences without windows of hope.”⁵ The Pope’s words express something important that the Christian faith would support, namely, that the payment for a crime is important, but never at the expense of redemption. If parole can form an important part of the rehabilitation of a prisoner, and opportunities for rehabilitation can offer ‘windows of hope’ to prisoners, then ways must be found to make parole more effective and efficient.

The Committee on National Security and Foreign Affairs is investigating the decongestion of correctional facilities in Zambia, and has approached JCTR with questions pertaining to the administration of parole and correctional supervision. In answer to these questions, JCTR in the subsequent sections of this memorandum will deal with the following subjects: the legal framework governing the administration of parole and correctional supervision, the efficiency of parole and correctional supervision in Zambia, the role of civil society and non-state actors in the re-integration of parolees, the challenges to parole and correctional supervision, and how the administration of parole and correctional supervision can be enhanced in Zambia.

³ United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)*, General Assembly Resolution 70/175 (adopted 17 December 2015), rule 4.

⁴ United Nations, *The Nelson Mandela Rules*, rule 87.

⁵ For the remarks of Pope Francis, see <https://cruxnow.com/vatican/2022/01/pope-on-prisons-no-inmate-should-ever-be-deprived-of-hope>, last accessed 24 January 2022.

3. The Legal Framework Governing the Administration of Parole and Correctional Supervision

According to **Article 8 of the Constitution of Zambia**, as amended by the Constitution of Zambia (Amendment) Act No. 2 of 2016, the national values and principles upon which Zambia is founded includes human dignity, equity, social justice, equality and non-discrimination. These values, especially that of human dignity, are protected in **Article 11 of the Constitution** dealing with fundamental rights. These fundamental rights include the right to liberty and the protection of law.⁶

The content of this right to liberty is outlined by Article 13 of the Constitution. In essence, this article outlines that, “no person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases.” The Constitution then lays out what these cases are, including, “in the execution of a sentence or order of court, whether established for Zambia or some other country, in respect of a criminal offence or which he has been convicted.”⁷ Therefore, it is lawful for a person to lose their right to liberty for a period stipulated by a court in Zambia, when they have been convicted of a crime or in any of the other instances listed in the remainder of Article 13.

Once a person has been arrested and is serving a stipulated sentence in prison, their incarceration is regulated by Zambia Correctional Services. This is a service established by Article 193 of the Zambian Constitution. The 2016 amendment changed the name of this national security service from the Zambia Prisons Service to the Zambia Correctional Services. According to **Article 193 of the Zambian Constitution**, the Zambia Correctional Service is mandated to “*manage, regulate and ensure the security of prisons and correctional centres; and perform other functions as prescribed.*”

Once the incarcerated person nears the end of their prison sentence, they may be eligible for parole. Parole is the “conditional release of a convicted offender from a penal or correctional

⁶ Article 11(a) of the Constitution of Zambia.

⁷ Ibid., Article 13 (a).

institution, under the continued custody of the State, to serve the convicted offenders remainder of the sentence in the community under supervision.”⁸ The legal framework for parole and correctional supervision is found in chapter 97 of the laws of Zambia (Prisons Act), as amended by the Prisons Amendment Act no. 16 of 2004. This is before the changes which have been offered by the Zambia Correctional Services Act 37 of 2021 (CSA).

The Prisons Act makes provision for the parole of an incarcerated person.⁹ Under this legislation, the Commissioner of Prisons (Commissioner) has the discretion to determine whether a prisoner is entitled to parole. This discretion has to be exercised once a recommendation for parole is received from the National Parole Board, which was created under the Prisons Amendment no. 16 of 2004. The Board has the responsibility of receiving applications for parole and to consider their merits. It is responsible for conducting hearings for all prospective prisoners who may be eligible for parole, and it will submit recommendations to the Commissioner either for the refusal or the granting of parole for these prisoners.¹⁰ Incarcerated persons who have served at least 2 years in prison, and have 6 months left to serve for their prison sentence, are considered eligible for parole.¹¹ If parole is granted, it is granted subject to certain conditions and will continue until either the sentence of the prisoner is completed or parole is revoked.¹²

Once parole is granted, the prisoner on parole will be under the supervision of an extension officer appointed in terms of the Prisons Act. The conditions of such supervision may be stipulated by the National Parole Board, with the approval of the Commissioner of Prisons.¹³ These conditions may be revised, if recommended by the National Parole Board and agreed to by the Commissioner.¹⁴ Finally, parole may be suspended or revoked under certain conditions as stipulated in the Parole Rules, especially considering the case where the conditions of parole are violated.¹⁵

⁸ Section 2, the Parole Rules, 2008.

⁹ Article 114 of the Prisons Act, chapter 97 of the Laws of Zambia.

¹⁰ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, July 2014, 13.

¹¹ See Assistant Commissioner Ngoma-Sinkamba, “The Granting of Parole as a Means to Reduce Overcrowding in Zambian Correctional Facilities?!” presentation at the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, Lusaka, Zambia, 13-14 September 2017.

¹² Section 10 and 11, the Parole Rules, 2008.

¹³ *Ibid.*, section 9 and 10.

¹⁴ *Ibid.*, section 13.

¹⁵ *Ibid.*, section 15 – 19.

4. Improvements Offered by the Zambia Correctional Service Act of 2021

The Zambia Correctional Service Act no. 37 of 2021 was enacted by the National Assembly and assented to by the President on 19th May, 2021. It came into force on the 21st of January, 2022, when the Minister of Home Affairs issued Statutory Instrument no. 11 of 2022. This Act seeks to repeal the Prisons Act.¹⁶

The CSA emphasises that the purpose of imprisonment is to protect against crime, to reduce recidivism and to ensure the reintegration of the inmate into society – either through programmes in prison or at a correctional centre.¹⁷ In addition, the CSA’s guiding principles emphasises that the inherent dignity of the human being must be respected by the Correctional Service.¹⁸ Therefore, not only does the CSA emphasise the reintegration back into society of incarcerated prisoners, but it also seeks to give expression to the founding value of human dignity found in Article 8 of the Constitution. From this perspective, section 50 of the CSA obliges the Correctional Service to provide rehabilitation programmes to inmates (including educational, work, and social programmes), which are aimed at improving the possibility of the reintegration of the inmate back into society.

The CSA also places stress on considering alternatives to custody in prison or correctional centre, including community service, as well as on the effective delivery of programmes to inmates. These programmes may include correctional, educational, vocational and volunteer programmes.¹⁹ This emphasis by the CSA supports its insistence that the purpose of imprisonment or sentence is to reintegrate the prisoner back into society. It also supports section 8 of the Criminal Procedure Code Act (Chapter 88 of the Laws of Zambia), which allows a subordinate court to promote reconciliation in certain cases of criminal offence.

Concerning parole, the CSA sets out that the National Parole Board (established under the Prisons Act), will continue to exist. The CSA ensures that a wide representation is established on the

¹⁶ Section 122, Zambia Correctional Services Act 37 of 2021.

¹⁷ Ibid., section 3.

¹⁸ Ibid, section 4.

¹⁹ Ibid.

Board. For instance, the CSA stipulates that the Board has to be represented by: a retired public officer as chair; a representative of the Attorney-General; a representative of a faith based organisation; representatives of ministries responsible for social welfare, health, national guidance, religious affairs, and home affairs; and a representative from a non-government organisation which is dedicated to the welfare of inmates.²⁰ The focus of these provisions in the CSA is to make sure that in the consideration of an application for parole, a holistic approach to recommending parole is followed.

Other changes offered by the CSA is that the Parole Board has its own authority to order the release of the inmate on parole. Furthermore, an inmate is eligible for parole if their sentence is more than 12 months and has served a stipulated minimum sentence. This minimum sentence is to be stipulated by the Minister of Home Affairs by a statutory instrument.²¹ In addition, the Parole Board is to be devolved to province and district progressively, as prescribed by the Minister of Home Affairs.²² This has the potential to speed up the parole process, since it is not only the Commissioner of Prisons who has the authority to grant release on parole, but a parole service which is operating in each province, with added capacity.

Once parole is granted to an inmate, the CSA provides that the Zambia Services Commission shall appointment a director responsible for post imprisonment programmes and the supervision of parolees. In addition, correctional officers who are qualified in social work will administer the supervision of parolees and their programmes.²³ Specifically, the CSA ensures that the director responsible for post imprisonment programmes focusses on the reintegration of inmates back into society, which role necessitates the facilitation of various restorative justice programmes and vocational programmes, as well as facilitating connection with ex-inmates and community based organisations which can assist them.²⁴

²⁰ Ibid., section 80.

²¹ Ibid., section 81(b).

²² Ibid., section 82.

²³ Ibid., section 85.

²⁴ Ibid., section 85.

5. The Efficiency of Parole and Correctional Supervision in Zambia

Parole was introduced in Zambia in 2008, principally in order to reduce congestion in prison.²⁵

What is the efficiency of the parole system in Zambia?

Firstly, the positive benefits of the parole system will be outlined. According to general research, the chance of a prisoner re-offending is reduced if that prisoner learns a skill while in prison. This is because the skills that a prisoner has learnt will help them to reintegrate in the community, with the added ability to support themselves without turning to crime.²⁶ Furthermore, research shows that recidivism rates are low among prisoners who have been released on parole. One reason for this that has been offered is that the option for parole encourages a prisoner to take advantage of the rehabilitation offered while in prison, including skills programmes.²⁷ This is in line with research which shows that recidivism rates are high among ex-convicts if they do not receive meaningful rehabilitation skills while in prison.²⁸ The question which presents itself in the case of the parole system in Zambia is: what are the recidivism rates among prisoners on parole?

This question is difficult to answer definitively. A report released by the Auditor General on rehabilitation and reintegration of prisoners of 2014 indicates that skills and vocational training in the prisons visited was severely lacking. This trend of the lack of skills and vocational training was corroborated by the 2013 HRC report on prisons. It was further highlighted as a concern at the Symposium held in 2017 on legal and administrative reforms to address congestion in correctional facilities. This lack of skills and vocational training while in prison has to be looked at in conjunction with the Auditor General's observation in 2014 that job placements were not being carried out adequately for prisoners, as well as the inadequacy of the family tie programme for prisoners. If the general research highlighted above indicates that skills and vocational training is responsible for the low recidivism rates among prisoners released on parole, then it stands to reason that the recidivism rates among parolees in Zambia must be high. This is because skills

²⁵ Nkunika, "A Critical Analysis," 35.

²⁶ Ibid., 43.

²⁷ Ibid.

²⁸ The Zambia Law Development Commission, *Report on the implementation of community sentencing in Zambia*, 2012, 34. Cited in Nkunika, "A Critical Analysis," 43.

and vocational training, as well as reintegration support after prison, is inadequate in Zambian prisons.

However, at the Symposium in 2017, the Assistant Commissioner for Prisons (Mrs Ngoma-Sinkamba) indicated that the compliance rate – and not the recidivism rate - of prisoners with parole conditions was high. She indicated that the National Parole Board only had to recall 5 out of 1500 parolees.²⁹ Thus, it appears that the recidivism rate of prisoners is low for parolees, at least in 2017. These figures are surprising, given the lack of skills and vocational training in prison indicated by the Auditor General’s Report in 2014, as well as by the report of the Symposium itself. These figures are also noteworthy, seeing that the Auditor General’s report indicated an inadequate system of monitoring of parolees in 2014. Further information regarding the monitoring of parolees is not currently readily available submission after 2014, therefore the recidivism rates among parolees in Zambia need to be accurately ascertained and scrutinised. Another question which presents itself is the following: if the information presented above regarding the low recidivism rates among parolees is accurate, how can this be accounted for? According to the information at hand, skills and vocational training, as well as job placement and family tie programmes, are not being carried out adequately in prisons. Therefore, there must be some additional factors contributing to the low recidivism rates.

Regarding the negative aspects of the parole system, there are two major problems with the parole system that can be identified. Firstly, the low number of male prisoners granted parole has to be cited. According to certain research done on the efficacy of parole in Zambia, between 2009 and 2014, only about 44% of male applicants were granted parole. This is an incredibly low success rate. The second problem is the low numbers of applicants in general, and for female prisoners in particular. In 2012, prisons in Zambia had a population of around 16 000, which went up to 21 000 in 2016.³⁰ Between 2009 and 2014, there were only 2 679 applications for parole. Out of this number, only 61 applications were from female prisoners. Therefore, even though the success

²⁹ Assistant Commissioner Ngoma-Sinkamba, “The Granting of Parole.”

³⁰ See Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 7, and the Introduction to the report on the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, Lusaka, Zambia, 13-14 September 2017.

rate of female applicants is higher than for male applicants, at 61%, this low number in general is a major challenge to the parole system.³¹ These two problems will be dealt with in turn.

5.1 Low Number of Successful Male Applicants for Parole

The low number of successful male applicants for parole is concerning. A number of suggestions in research has been put forward to account for this. These suggestions include: pressure from victims or victim groups, parole eligibility, funding, and the lack of autonomy of the National Parole Board.³² These will briefly be discussed below:

- Pressure from victims. This factor makes sense from the perspective that if a victim has suffered due to a crime committed, the victim feels that a prisoner should not be released early on parole, but should be held fully accountable for their actions. The National Parole Board may thus be faced with pressure from victims or victim groups.
- Parole eligibility. According to the Prisons Act, a prisoner is only eligible for parole after a period of two years of their sentence has been served and has 6 months left of that sentence. This means that after a long prison sentence has been served, the prisoner can only benefit from 6 months of parole. This may negatively impact the total number of applicants who make application for parole, since 6 months may seem negligible in the light of a long prison sentence. However, the changes to this by the CSA are to be welcomed. Under the CSA, a prisoner is eligible for parole if their sentence is 12 months or more, which widens the eligible group for parole.
- Funding. Since the National Parole Board receives its money from the Prisons Budgetary allocation, it does not have autonomous funding. This has resulted in an inadequate budget for the National Parole Board, which is indicated in the annual report of 2013 of the National Parole Board.³³ If this is still the case, then it means that with overcrowded

³¹ For parole data, see Nkunika, “A *Critical Analysis*,” 36.

³² *Ibid.*, 44 – 46.

³³ *Ibid.*, 45.

prisons, the National Parole Board might not have the capacity to deal with the applications for parole in an efficient manner. It is uncertain whether the funding of the National Parole Board has changed by the CSA.

- The non-autonomous nature of the National Parole Board. As outlined above, according to the Prisons (amendment) Act 16 of 2004, the National Parole Board is established and is responsible for making recommendations to the Commissioner for the granting of parole. It is not autonomous from the Commissioner and cannot grant parole on its own merits. It is thus not independent. It also has the effect of making the parole process more inefficient. It can only go as fast as the Commissioner has time to review the recommendations of the National Parole Board. However, the CSA has offered welcome changes to this. Under section 81 of the CSA, the Parole Board has autonomy to release prisoners on parole. This is a welcome change by the CSA.

The research is corroborated by the Auditor General's report on rehabilitation and reintegration of prisoners in 2014. According to this report, about 50% of applicants were granted parole. The applicants consisted of mainly male applicants, with very few female applicants. This is consistent with the numbers cited above.

According to the Auditor General's report, there were a number of reasons for the low number of inmates granted parole. The reasons included:

- Lack of provincial offices for parole officers.
- Lack of prisoners taking advantage of rehabilitation programmes. It is unclear from the report whether this was because the programmes were on offer and the prisoners were not taking advantage of them, or whether it was because the programmes were not on offer.
- Delayed funding.
- Non-payment of allowances to National Parole Board members, resulting in their apathy.
- Lack of suitable transport to carry out parole hearings in prisons outside Lusaka, since the Parole Board operates from Lusaka.
- High Staff turnover and lack of officers for parole matters who had been trained.

- Delays in the parole process, which meant that the period of 6 months leading up to the end of the prison sentence had expired before the application had been processed.³⁴

The low numbers of inmates granted parole means that the parole system has not been working at it should. Prisons in Zambia are still overcrowded, which means that the intended benefit of a parole system – namely to reduce the number of prisoners – has not yet been received. As can be seen, the types of obstacles to a high success rate for parole applicants are mainly either funding or logistical problems.

5.2 Low Number of Female Applicants for Parole

As noted above, there has been a low number of female applicants for parole. There are two factors influencing these low numbers according to the research, namely: many females serve sentences shorter than two years, and few females have education and training in prison.³⁵ Since a person is eligible for parole only after two years of their sentence has been served (as outlined in previous sections), this means that many females don't get the opportunity to apply for parole. Additionally, since one of the requirements of parole is that the prisoner shows that they are committed to their rehabilitation, the fact that female prisoners do not have educational opportunities in prison mean that they cannot prove this commitment.³⁶

This is corroborated by the Auditor General's report. The report states that between 2009 and 2012, there were a total number of applications for parole of 1588. Only 800 were granted parole, representing about 50% of the number of applicants, and out of this number, only 15 successful applicants were female. According to interviews undertaken by the Auditor General with members of the Parole Board, this low number of successful female applicants was due to the fact that only 10% of prisoners in Zambia were female at the time, and that most of the female prisoners were serving sentences of less than two years – which means that they were ineligible for parole.³⁷

³⁴ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 24 and 35.

³⁵ Nkunika, "A Critical Analysis," 36 – 37.

³⁶ *Ibid.*, 37.

³⁷ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 23.

6. The Role of Civil Society Organisations and Non-State Actors in the Re-Integration of Parolees

The State is the main actor in promoting and protecting human rights. One of the easiest avenues for the State to protect and promote the human rights of its citizens is through the provision of quality social services, as well as through promoting adherence to fundamental freedoms and liberties as enshrined in the Bill of Rights, like in part III of the Zambian Constitution.

However, the State may be incapable of providing certain social services. This may be due to various reasons: for example, the lack of trained and qualified personnel, limited financial resources or equipment and personnel, or insufficient infrastructures. This limitation of the State in adequately providing quality social services creates a space for non-state actors and civil society organisations to privately promote and respect human rights of citizens. Allowing non-state actors and civil society organizations to work with the State expresses well the principle of subsidiarity.

As Zambia facilitates the conversation on the re-integration of the parolees into communities, it is a moral and ethical imperative for Civil Society Organisations (CSOs) to assist the government in different dimensions so that the efficacy of the Correctional Service Act can promote the values of the common good and that of human dignity. The promotion of these values will consolidate the desired paradigm shift from mere retributive justice to holistic rehabilitation of individuals under incarceration.

Various non-state actors have a mammoth task in ensuring that the rehabilitation and reintegration of parolees in the community, which is envisaged by the Correctional Service Act, becomes a reality. The roles of these actors range from immaterial support to mater support. Below are some of the roles that civil society organizations and non-state actors can play:

- **Spiritual accompaniment:** Civil society organizations, especially Faith Based Organizations (FBOs) like churches, can spiritually and psychologically accompany the

parolees. Noting that most Zambia communities stigmatize parolees, this places psychological pressure on parolees. In this case, the civil society organizations can play a fundamental role of accompanying the parolees socially and spiritually.

- **Creating Platforms:** the civil organisations can play the role of creating platforms where parolees can interact and exchange experiences, ideas, recommendations, and knowledge. These platforms can aid in smoothening the re-integration into the community. Also, these platforms can be used for education with respect human rights, as well as with respect to social skills or teachings. This role can be also be played by non-state actors.
- **Capacity building:** like civil society organizations that are already assisting the incarcerated with skills development, this work can be extended to parolees. The non-state actors can play the role of capacity building of parolees in skills like carpentry, electrical, automotive, bricklaying, tailoring, catering, agriculture etc. This would help parolees to economically integrate into the communities.
- **Funding:** among the challenges the government faces is financing activities. Non-state actors can play the role of financing government activities, especially the National Parole Board. The National Parole Board may wish to implement rehabilitation programs for the parolees, but because of lack of finances and equipment, it becomes impossible to implement.
- **Community Sensitizations:** the CSOs can play the role of raising awareness among the community members on warmly integrating parolees into their communities. Evidently, there is a need for deepening awareness and the building of knowledge among community members. Non-state actors should play this role diligently.
- **Social Aid:** Non-state actors can assist with giving social aid to parolees. This can facilitate easy re-integration into the community. This social aid may come in various forms like empowerment through funds, property, or business capital.

- **Advocacy and lobbying:** Non-state actors can advocate for skilled parolees to be employed by either government or private institutions. The parolees may not be put on salary as such, but might be given a stipend as an incentive. This could help in their integration into society, as well as perfecting their trained skills, which the government can benefit from. In a way, it can be considered as community service.
- **Monitoring and evaluation:** civil society can assist with the monitoring and evaluation of the processes and activities associated with the re-integration of the parolees into the communities. Thereafter, the CSOs can provide recommendations and corrective measures to the government on the parole supervision and re-integration into the community, which would enhance the aims of the Correctional Service Act.

Non-state actors and civil society organisations have a role to play in working in solidarity with the State in ensuring that parolees have a smooth re-integration into society.

7. Challenges to Parole and Correctional Supervision

7.1 Stress Placed on Parole System and Correctional Supervision due to Overcrowding of Prisons

At the Symposium held in September 2017 in Lusaka, those present were concerned with the legal and administrative reforms aimed at addressing congestion in correctional facilities. Apart from general presentations on legal and administrative reform, the Symposium gave some feedback after certain visits to Correctional Facilities in Zambia. Between the 31st of July and 24th of August 2017, the then Hon. Given Lubinda (Minister of Justice) and Hon. Steven Kampyongo (Minister of Home Affairs) visited 13 Correctional Facilities in 3 Provinces of Zambia.

The feedback from these visits highlighted certain challenges facing the Zambia Correctional Service. The first evident challenge was the crisis of prison overpopulation. For a holding capacity of 8, 500 people, the Correctional Service was holding 21 000 people. This meant that in all the

facilities visited, inadequate supplies of materials for the adequate housing of inmates was lacking. For instance, bed supplies as well as space for sleeping.³⁸

The overpopulation of prisons places stress on the parole system and correctional supervision. The more prisoners the National Parole Board needs to process, the greater the capacity the Board needs to complete its task. If the National Parole Board does not have the capacity to adequately process a greater number of prisoners, then this must result in delays to parole being granted and must impact the number of inmates being granted parole before their sentence in prison is served. In fact, this is exactly what the feedback from the visits found: that there was a low number of inmates being granted parole.³⁹ While overcrowding may not be the only factor leading to low numbers of inmates being granted parole, it constitutes an important contributing factor to the low numbers.

Furthermore, this seems to describe a downward spiral of cause and effect. If overcrowding of prisons results in stress on the parole system and correctional supervision, and this results in low numbers of inmates being granted parole, then these low numbers result in further overcrowding of the prison system.

7.2 The Absence of a Holistic Approach to Imprisonment, Parole and Correctional Supervision

Apart from overcrowding, the visits associated with the Symposium also identified problems with infrastructure and programmes directed to rehabilitation. For example, the facilities at certain of the prisons visited were not adequate for maintaining hygiene and health. In addition, the visit reported inadequate support for vocational programmes: the exam fees were not paid for inmates, and tools were not provided to the inmates after release for the professions they were trained in.⁴⁰

³⁸ See Daniel S. Libati, “Findings from the Visits to Correctional Facilities in Zambia,” presentation at the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, Lusaka, Zambia, 13-14 September 2017.

³⁹ Ibid.

⁴⁰ Ibid.

This state of affairs in the prisons visited in 2017 is contrary to the founding values of the Constitution, which highlights the importance of human dignity of each person. Human dignity calls for living conditions in prisons that are humane, as well as conditions which contribute to the well-being of the inmates in prison. This well-being also includes the necessity to make available programmes which would enable prisoners to grow, mature and to be rehabilitated and reintegrated back into society.

This focus on imprisonment as contributing towards the rehabilitation and reintegration of prisoners back into society is in line with the changes brought about by the CSA. As seen above, the CSA states that one of the proposed aims of imprisonment is the reintegration of the person into society, which includes the provision of programmes directed to this. Therefore, the CSA states that imprisonment should aim at providing programmes of reintegration while the inmates are still in prison, which is the context behind the need for vocational training during incarceration. As can be seen from the feedback from the visits at the Symposium, these vocational programmes are not being adequately supported at prison, nor is there sufficient support for inmates in their chosen vocations upon release from prison.

From the perspective of imprisonment being aimed at reintegration, which is facilitated by rehabilitative programmes, the parole and correctional supervision programmes should be seen as a *continuation* of this process of rehabilitation and reintegration. This corresponds to what the National Parole Board says about the nature of parole. The National Parole Board's annual report of 2013 argues that parole provides an incentive to inmates for good behaviour while in prison, which reduces the potential for reoffending.⁴¹ This is because, faced with the prospect of early release, the prisoner modifies their behaviour so as to qualify for parole.⁴² Therefore, parole supports the rehabilitation and reintegration of the inmates while still in prison.

But the parole period itself should also play a role in the rehabilitation and reintegration of the inmates into the community. When parole is seen as a continuation of the process of rehabilitation and reintegration of the inmate, which has already started in prison, then emphasis is placed on

⁴¹ Nkunika, "A *Critical Analysis*," 6.

⁴² *Ibid.*

the opportunities presented during parole for such rehabilitation and reintegration. The parole period is essentially a period where the prisoner is still considered a prisoner, but is released into the community while remaining under the control of Correctional Services. From this perspective, parole may be seen to be a part of the prison sentence, but represents a period where Correctional Service may continue to help the inmate to rehabilitate and reintegrate into the community.⁴³ This rehabilitation and reintegration is greatly assisted by parole being granted to the inmate only under certain conditions, the adherence to which can be closely monitored by Correctional Services. If the parolee does not abide by the conditions stipulated, parole can be revoked. These conditions, therefore, can be an important tool for rehabilitation and reintegration.

This represents a holistic approach to imprisonment, parole and correctional supervision. If all three are seen to operate together organically for rehabilitation and reintegration, this may help to enhance the effectiveness of parole and correctional supervision. However, this holistic approach is not evident in practice.

According to the report in 2014 from the Auditor General on the rehabilitation and reintegration of prisoners, the Correctional Service has provided custodial services at the expense of rehabilitation and reintegration programmes. This was evident both in the prison and during the period of parole after release. This can be seen in the following realities which the report from the Auditor General identified:

- Skills training and educational courses were carried out to a limited extent at prisons, if at all. Importantly, even in those cases where skills training was carried out, not all prisoners completed their courses. This was because prisoners were either transferred to other prisons, or granted parole or presidential amnesty.⁴⁴ This lack of skills training was confirmed by the 2013 HRC report, issued the year before the Auditor General's report. The Human Rights Commission's report indicated that, out of 90 places of detention visited in 2013, most of the prisons were operating without skills workshops.⁴⁵ The same

⁴³ Ibid., 24.

⁴⁴ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, vii and ix.

⁴⁵ Zambia Human Rights Commission, *Report of the Prison and Police Cells Inspection: Eastern, Western, Northern and Muchinga Provinces*, 5 and 65.

trend was identified by the report from the Symposium, released in 2017, which indicated that some facilities visited didn't have any vocational training. With a holistic approach to imprisonment, parole and correctional supervision, prisoners would need to be offered skills and vocational training while in prison – and such skills and vocational training need to be completed or developed while on parole.

- Job placements were not carried out in the majority of prisons visited. This was coupled with the fact that the Correctional Service did not offer financial support to prisoners on release. For example, in the instance where prisoners did receive skills training in the domain of agriculture or carpentry and joining, they did not receive any financial assistance or any tools to help them carry out the work they had been trained in.⁴⁶ Added to this is the fact that the family tie-up programmes were not being well managed by the Correctional Service. There were no records of family visits to the prisoners during their prison sentence, while interviews with prisoners indicated a significant group who had not been visited by family while in prison (58 out of 156 prisoners interviewed).⁴⁷ It stands to reason that if skills are given to prisoners while in prison, they need to be supported in their work after prison if they are going to be successful at reintegration in the community. Also, maintaining contact with families is important for prisoners when they attempt to reintegrate in the community following their prison sentence. It is uncertain from the Auditor General's Report how the statistics regarding job placements and family ties relates specifically to prisoners on parole, however, the trend generally with prisoners is clear. There seems to be a general trend with ex-prisoners that they are not given support with jobs and family connections. In a holistic approach with imprisonment, parole and correctional supervision, skills and vocational training needs to be coupled with job placement and family ties if rehabilitation and reintegration of prisoners is to be successful.

⁴⁶ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 32.

⁴⁷ *Ibid.*, 33.

- There was no evidence that prisoners released on parole were monitored by the Correctional Service.⁴⁸ This indicates a rupture between any rehabilitation and reintegration offered in prison and such programmes offered to parolees once released on parole. With a holistic approach to imprisonment, parole and correctional supervision, monitoring of parolees needs to constitute an important part of the rehabilitation and reintegration process.
- The Strategic Plan of the Correctional Service for the 2003 – 2007 period showed no strategies to incorporate rehabilitation and reintegration in the formation of inmates, because the Auditor General concluded that the Service “did not place much emphasis on correctional services but focussed on custodial services.”⁴⁹ Furthermore, the Service operated without a strategic plan for the 2008 – 2012 period. With a holistic approach to imprisonment, parole and correctional supervision, a strategic plan is integral to ensuring that inmates are rehabilitated and reintegrated in the community.

Judging by the realities identified by the Auditor General in his report of 2014, a holistic approach to imprisonment, parole and correctional supervision has not been maintained in practice in prisons in Zambia.

7.3 The Public Perception of Parole

Even though the CSA stipulates that the purpose of imprisonment includes reintegration and seeks to provide programmes for the rehabilitation of inmates, it also says that it is aimed at protecting against crime and to reduce recidivism.⁵⁰ One of the possible reasons why imprisonment is seen to protect against crime is that it represents a punishment imposed by the state on the commission of crime. This punishment is seen to provide a deterrent for other persons who are contemplating criminal violations.

⁴⁸ Ibid., viii.

⁴⁹ Ibid.

⁵⁰ Section 3, Zambia Correctional Services Act 37 of 2021.

The view that imprisonment for criminal behaviour is primarily directed at punishing the detainee for a crime is prevalent in society. This view does not appreciate the rehabilitative value of imprisonment, nor the opportunities available to reintegrate an inmate in the community. The public's perception as to the punitive nature of imprisonment may provide obstacles to effective rehabilitation and reintegration of the inmate in the community during the period of parole. This was evident in the Auditor General's report of 2014, where the report noted that parole programmes had not been well received among certain stakeholders. The stakeholders felt that the prisoners on parole should not have been released before the expiry of their prison sentence. In one specific case of a juvenile offender having been released on parole, one of relatives of the victim of the crime was unhappy that the offender was out of prison. Furthermore, in one case in Chipata prison, a parolee was ejected from the community by the chief.⁵¹

This public response to parolees during their period of parole has the potential to severely inhibit the efficiency of the rehabilitation and reintegration process during the parole period. If the public continues to feel that imprisonment is primarily about punishment, then early release on parole will continue to be viewed as an example of an inmate not being held accountable for their crime. This viewpoint sees parole as a way that inmates avoid the full period of their punishment, which then invites a negative reaction by the public. This negative reaction is not supportive of the rehabilitation and reintegration process of parole. Furthermore, the lack of support from the community during this period may result in an increased likelihood that the parolee would re-offend.⁵²

8. Recommendations for the Enhancement of Parole and Correctional Supervision

8.1 Responding to The Challenges Identified Concerning the Efficiency of Parole

8.1.1 The Recidivism Rates

As observed in the section above regarding the recidivism rates of parolees in Zambia, the following challenges were noted: the inadequate monitoring of parolees in the prison system; lack of skills and vocational training at prisons; the lack of job placements and the insufficient

⁵¹ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 24, 31 – 32.

⁵² *Ibid.*, 32.

assistance with the maintenance of family ties; the reliability of the information regarding recidivism rates among parolees; and the unexplained low recidivism rates among parolees.

The challenges to do with monitoring, skills and vocational training, lack of job placements and post-prison assistance will be comprehensively dealt with below in the section dealing with the holistic approach to parole and correctional supervision. However, the reliability of information regarding recidivism rates and the unexplained nature of the low recidivism rates is concerning. It needs to be ascertained whether an adequate monitoring system of parolees in Zambia is in place. Furthermore, if one is in place and the information concerning parolees is accurate, the low recidivism rates among parolees needs to be explained. If the skills and vocational training - together with the post-prison support – is truly inadequate as the Auditor General’s report and the Symposium report suggests, then it needs to be ascertained what the responsible factor is regarding the low recidivism rates among the parolees.

8.1.2 The Low Number of Successful Male Applicants for Parole

The research stipulated above mentions a number of factors responsible for the low number of successful male applicants for parole. These factors include: pressure from victims and victim groups, eligibility for parole, funding, and the non-autonomous nature of the National Parole Board.

The CSA has ready dealt with two of these factors cited in research for the low number of male applicants for the role, namely the eligibility for parole and the non-autonomous nature of the National Parole Board. According to the research, under the Prisons Act, prisoners were only eligible for parole after serving two years or more for their prison sentence, and then only for the last 6 months of that sentence. This meant that only prisoners serving long prison sentences would be eligible for parole, and only for a short period of 6 months. This was seen not to be ideal, since 6 months, in the light of a long prison sentence, is not enticing for prisoners. Therefore, the benefits of parole would not be attractive to prisoners. However, the CSA has stipulated that a prisoner is eligible if they have a prison sentence of more than 12 months, and after serving a

minimum sentence to be prescribed by the Minister of Home Affairs.⁵³ This development is to be welcomed, since it is not only prisoners with long sentences that would be eligible for parole.

In order to make parole more attractive, it is submitted that the minimum sentence needed to be served in order to be eligible for parole, which is yet to be prescribed by the Minister, should take into account the experience of parole from South Africa. At the Symposium, the experience of parole in South Africa was shared. It was noted that the South African system allows a prisoner to be eligible for parole after 50% of their prison sentence has been served. South Africa reports a high compliance rate among parolees (98%), and this parole is at a low cost compared to a custodial sentence. Therefore, if the Minister were to prescribe a minimum sentence served of 50% of the total sentence, in order for a prisoner to be eligible for parole, this could promote the attractiveness of parole for prisoners. It could also reduce the overcrowding in prison, as well as the cost of the prison system.⁵⁴

Concerning how parole is granted to prisoners, it was noted that the non-autonomous nature of the National Parole Board negatively impacts its independence, as well as the efficiency of the parole system. Under the Prisons Act, parole can only be given once the Commissioner has considered the recommendations made by the National Parole Board. But under the CSA, the National Parole Board is allowed to grant parole under its own authority, improving the independence of the National Parole Board from the Correctional Services. Also, the decentralisation of the National Parole Board into provincial and district offices has the potential to increase the efficiency of the parole system. These developments are to be welcomed.

These positive developments concerning the national structure of the Parole Board have implications for another factor identified by research to be integral to the efficiency of the parole system, namely funding. The annual report for 2013 of the National Parole Board, as discussed above, mentioned that the funding for the Parole Board was inadequate for its functions. If the Parole Board is going to be devolved into districts and provinces by the CSA, then even more funding is going to be necessary for the effective operation of the parole system.

⁵³ Section 81(b), Zambia Correctional Service Act 37 of 2021.

⁵⁴ Assistant Commissioner Ngoma-Sinkamba, “The Granting of Parole.”

Funding is crucial for another reason. The Auditor General's report of 2014 mentions specific challenges of the parole system which it highlighted as resulting in the low number of successful applicants for parole. Most of these challenges had to do with funding. For example, it mentioned the lack of provincial offices for the parole boards, delayed funding, the non-payment of allowances to board members of the National Parole Board, lack of transport to carry out parole hearings outside of Lusaka, and the lack of officers who had been trained for parole. These practical obstacles to the efficiency of the parole system need to be addressed by the allocation of adequate funding for the work of the National Parole Board and its provincial and district offices.

These resources will surely help in the obstacle mentioned above concerning the delay in parole hearings. It stands to reason that if a prisoner is only eligible for parole with 6 months to go before the end of their prison sentence, and it takes more than 6 months to process their request for parole, then the parole system has failed the prisoner. If the National Parole system has enough resources to process parole applications, this delay should be minimised.

The final factor to be discussed according to the research cited above concerns the pressure placed on the National Parole Board by victims and victim groups. This has a lot to do with the negative public perception of parole and the parole system. The way to deal with this is to educate the public better about the parole system, and to encourage the positive participation of the public, and especially the families of the prisoners, in the parole system. This recommendation will be discussed separately below.

8.1.3 The Low Number of Applications for Parole and the Low Number of Successful Female Applications for Parole

It was noted above that there was a low number of applications for parole in general. This could be impacted by the general factors mentioned in the previous section concerning specifically male applications for parole. But there were specific factors indicated above concerning the low number of successful female applications for parole: namely, the low number of female prisoners in general (10% of the prison population) and the fact that most of the female prisoners were

serving sentences of less than two years, which is the threshold for eligibility for parole under the Prisons Act. Seeing that the CSA has already responded to the problem of this threshold (opening it up to prisoners serving sentences of 12 months or more and a minimum sentence to be prescribed), there are no specific recommendations to be made here. However, it may be prudent to conduct a study into the needs of female prisoners with regards to rehabilitation and reintegration in general, and with parole in particular, in the future.

8.2 Responding to the Challenge of Overcrowded Prisons

If the overcrowding of prisons contributes to the stress being placed on the parole system and correctional supervision, then this stress can be alleviated by reducing the number of inmates in prison. According to the recommendations presented at the Symposium on Legal and Administrative Reforms in 2017, the overcrowding of prisons can be avoided in many ways. One of the ways mentioned at the Symposium to alleviate congestion at prison was a review of the Penal Code and the Criminal Procedure Code Act. This was because these pieces of legislation guide the courts in sentencing of prisoners and the Symposium noted a heavy reliance on custodial sentences by the courts. Therefore, the Symposium advocated a review of this legislation in order to enforce non-custodial sentences.⁵⁵

The review of the Penal Code and the Criminal Procedure Code Act to enforce non-custodial sentences would have the beneficial double effect of reducing inmates in prisons, as well as relieving the stress on the parole system. According to the Zambian Law Development Commission, these pieces of legislation have not been reviewed comprehensively since the time of their enactment. The Penal Code has been amended a number of times, including the Penal Code (amendment) Act no. 20 of 2000, the Penal Code (amendment) Act no. 15 of 2005 and the Penal Code (amendment) Act no. 17 of 2007. In addition, the Criminal Procedure Code Act has been amended a number of times, including the Criminal Procedure Code (amendment) Act 5 of 1997, the Criminal Procedure Code (amendment) Act 13 of 2000, and the Criminal Procedure Code

⁵⁵ See Daniel S. Libati, “Findings from the Visits to Correctional Facilities in Zambia,” and Dr O’ Brien Kaaba and Hon. Twaambo Shalwindi-Musonda, “Principles of Sentencing, Confirmation of Sentencing and Orientation of Magistrates and Judges,” presentations at the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, Lusaka, Zambia, 13-14 September 2017.

(amendment) Act 9 of 2005. All these amendments to this legislation were specific and were not wide-reaching in nature. Therefore, the Zambian Law Development Commission has undertaken to review this legislation and make recommendations for their amendment.⁵⁶ If the proposed amendments seek to increase the opportunities for courts to issue non-custodial sentences, this would be advantageous both to the prison system, as well as the parole and correctional services programmes.

More non-custodial sentences would also be in line with the changes introduced by the CSA. According to the CSA, the Correctional Service is guided by certain principles, among which is found the principle that alternatives to custody in a prison are to be considered, including community service.⁵⁷

The presentations at the Symposium also highlighted the following factors influencing overcrowding in prisons: delayed confirmation of sentences at High Court and the listing of appeal cases, the distance to Legal Aid Board offices was too far for people to access them (especially in rural areas), and long remand periods due to delays in case flow within the justice system.⁵⁸ These are practical obstacles which could be addressed if overcrowding at prisons is to be eased. If overcrowding at prisons is eased, this could reduce the stress on the parole system.

8.3 Educate the Public about Parole

It was noted above that a negative public perception concerning parole has the potential to inhibit the efficiency of the parole system. If the public continue to feel that early release from parole is somehow an avoidance of the punishment which has been justly given to the offender, then the necessary support from the community for the offender will be absent. This would negatively impact the rehabilitation and reintegration process for the offender on parole. Furthermore, it was noted above that pressure was placed on the National Parole Board from victims and victim

⁵⁶ See the Zambian Law Development Commission's website: <http://www.zambialawdevelopment.org/call-for-written-submissions-review-of-the-penal-code-act-chapter-87-of-the-laws-of-zambia-and-the-criminal-procedure-code-actchapter-88-of-the-laws-of-zambia/>, last accessed 18 January 2022.

⁵⁷ Section 4(c), Zambia Correctional Service Act 37 of 2021.

⁵⁸ Daniel S. Libati, "Findings from the Visits to Correctional Facilities in Zambia."

groups, since they believed that the prisoners had not served their proper sentence for their crime. Therefore, public perception on parole is providing avoidable obstacles to the efficient functioning of the parole system.

The Correctional Service needs to engage with the public perception that parole entails the avoidance of the punishment associated with a prison sentence. Punishment remains an element of the prison system, but parole is not an avoidance of punishment. While on parole, the parolee remains a prisoner until the expiry date of their prison sentence. During the period of parole, the parolee is not free as they would be after release. They need to abide by the conditions of their parole, and their observance of these conditions are monitored by the Correctional Service. Should the parolee not observe the conditions laid down for the period of parole, parole can be revoked and the parolee would be sent back to prison. Far from being ‘let off early’ from prison, parole “implies flexible, judgement driven, tailored and targeted punishment.”⁵⁹ Therefore, the Correctional Service could educate the public concerning the fact that parole constitutes an important part of the prison sentence of the inmate and is not an avoidance of punishment.

Furthermore, the Correctional Service could help the public to understand the important role that parole and correctional supervision play in the rehabilitation and reintegration of the inmate in the community. Since the inmate is given parole subject to conditions and is still under the control and supervision of the Correctional Service, the period of parole represents an opportunity to further the rehabilitation and reintegration of the inmate in the community.

To this end, the Correctional Service could highlight to the public the opportunities for rehabilitation and reintegration during parole. During this period, the parolee could continue or complete studies or vocational training which was begun in prison. This would help the parolee acquire skills which would be beneficial to them as they seek to reintegrate with the community.⁶⁰ Furthermore, depending on the nature of the crime in question, restitution could be made by the parolee to the community. If the crime included a financial impact, the parolee could perform

⁵⁹ Nkunika, “*A Critical Analysis*,” 29.

⁶⁰ *Ibid.*, 8.

some form of work which would enable them to pay back the community to compensate for this impact.⁶¹

The Correctional Service could further highlight to the public the positive impact of parole on both the parolee and the community. As highlighted the section on efficiency of parole above, the rates of recidivism are generally low among those who have had a chance to learn a skill while in prison. This is because they do not have to return to old ways to survive, having had vocational training. If vocational training during prison is completed in parole, or undertaken during the parole period, this would reduce crime in the community. Furthermore, as discussed above, parole has the positive impact of changing behaviour of the inmate while still in prison. This is because the inmate is encouraged to have good behaviour in prison if they would like to benefit from parole. This makes any rehabilitation programmes undertaken in prison more effective, and reintegration back into the community becomes easier. Therefore, the Correctional Service can educate the public as to the numerous positive benefits that parole can provide to the inmates as well as to the community. This need to sensitise the community on parole, to enhance the community acceptance of parole, was recommended by Mrs. Nyambe from the United Nations Office on Drug and Organised Crime in 2017 at the Symposium.⁶²

8.4 Introduce a Holistic approach to Imprisonment, Parole and Correctional Supervision

As observed in previous sections, a holistic approach to imprisonment, parole and correctional supervision is needed. Parole and correctional supervision should be seen as important parts of the rehabilitation and reintegration process which inmates go through. Considering the challenges highlighted earlier in this submission, the following action points could facilitate the nurturing of a holistic approach.

There needs to be a focus on skills and vocational training, both during the period when the inmate is serving their sentence, as well as during the period of parole. If the skills or vocational training is not completed in prison, the Correctional Service needs to ensure that such training is completed

⁶¹ Ibid., 7.

⁶² Assistant Commissioner Ngoma-Sinkamba, “The Granting of Parole.”

during parole. This is in line with the Nelson Mandela Rules which stipulate that to assist in the reintegration of prisoners back into society, all appropriate means should be directed to training and education which would help in such reintegration. Such education and training include: “education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking into account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence, and prospects after release.”⁶³

The Auditor General’s report of 2014 indicated that the skills and vocational training was limited at the prisons visited. This was due to a lack of resources (for example, trade instructors, teachers, workshop materials and equipment) as well as to inadequate prison infrastructure for vocational training. Furthermore, the report indicates that skills training was not completed while in prison due to specific failures to pay for exam fees, transfers other prisons, and absence from prison due to presidential amnesty and parole.⁶⁴ The Symposium, which conducted visits to prisons three years later in 2017, also indicated that skills training was not being done due to the lack of payment for exam fees.⁶⁵ With regards vocational training during parole, the Auditor General identified that such programmes were limited or non-existent, especially considering job placement programmes. The reasons for this were indicated as lack of transport and personnel.⁶⁶ The Symposium in 2017 also identified vocational training limitations after release from prison, with the inmates not being given tools for professions they were trained for in prison.⁶⁷ If there is going to be a holistic approach to imprisonment, parole and correctional supervision, these practical obstacles to skills and vocational training – both in prison and after release on parole – need to be addressed.

Where possible, the skills and vocational training offered in prison need to be harmonised with the national education system, so that such skills would be recognised by future places of employment

⁶³ United Nations, *Nelson Mandela Rules*, rule 92.

⁶⁴ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 35.

⁶⁵ Daniel S. Libati, “Findings from the Visits to Correctional Facilities in Zambia.”

⁶⁶ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 36.

⁶⁷ Daniel S. Libati, “Findings from the Visits to Correctional Facilities in Zambia.”

upon release.⁶⁸ This would further enhance the holistic nature of imprisonment, parole and correctional supervision.

Additionally, apart from inadequate skills and vocational training, the Auditor General's report of 2014 also noted inadequate job placement and family tie programmes, as well as a lack of financial or other assistance with employment upon release from prison. Regarding the family tie programmes, one of the challenges highlighted in the Auditor General's report was a lack of monitoring of family visits to prisoners. Furthermore, concerning assistance in employment upon release, it was noted in the report that if prisoners had been trained in a specific skill like farming, seeds and fertiliser was not issued to the prisoners to help them exercise their skills.⁶⁹ Monitoring of family visits to prison, as well as post-prison assistance with employment, needs to be in place if a holistic approach to imprisonment, parole and correctional supervision is to be maintained. Furthermore, the Nelson Mandela Rules specifically mentions that prisoners should be helped to maintain contact with family members.⁷⁰

Furthermore, it was discussed above that there was no evidence to suggest that inmates on parole were monitored by the Correctional Service. The Auditor General's Report of 2014 suggested that this was due to the absence of parole monitoring reports in a majority of prisons visited, which may be due to a lack of training in the administration of parole.⁷¹ As indicated in the first set of recommendations above, it needs to be established whether a monitoring system exists for parolees in Zambia and how efficient it is. If inadequate monitoring of parolees still exists in the parole system, this needs to be addressed. This is because without adequate monitoring during parole, the rehabilitation and reintegration of parolees cannot be assessed and directed during the process. This is especially the case, since the National Parole Board bears the responsibility of recommending to the Commissioner of Prisons that they revoke the parole if conditions are not abided by.⁷² Thus, inadequate monitoring would inhibit a holistic approach to imprisonment, parole and correctional supervision. It would also be contrary to the parole rules of 2008.

⁶⁸ United Nations, *Nelson Mandela Rules*, rule 104.

⁶⁹ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 32.

⁷⁰ See United Nations, *Nelson Mandela Rules*, rule 106.

⁷¹ Auditor General, *Report on the Rehabilitation and Reintegration of Prisoners*, 24 and 37 – 38.

⁷² Nkunika, "A Critical Analysis," 19.

According to these rules, one of the conditions of being released on parole is that the parolee is to be placed under the supervision of an extension officer appointed in accordance with the parole order.⁷³ Without adequate monitoring, the parolee could not be supervised to sufficient standards.

Finally, the Correctional Service needs to have in place a Strategic Plan for rehabilitation for inmates and their reintegration in the community. In this plan, sufficient attention needs to be directed to the coordination of an inmate's rehabilitation in the prison and during the parole period. This would provide a holistic vision for such rehabilitation which would treat the parole period as part of the sentence of the prisoner – as well as being an integral part of the reintegration of the prisoner back into their community.

⁷³ Section 10(1)(a), the Parole Rules, 2008.

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