
AN ANALYSIS OF REHABILITATION PROGRAMMES FOR FEMALE OFFENDERS
IN ZAMBIA: A CASE STUDY OF KANSENSHI AND KAMFINSA CORRECTIONAL
CENTRES IN THE COPPERBELT REGION

BY

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Abstract

Studying on SEARCWL's Women's Law Programme made the writer, a Correctional Officer in the Zambia Correctional Services (ZCS), reconsider the situation of women in correctional facilities from a different more gendered perspective than has hitherto been the case in former research studies. He discovered that this involved an 'unlearning/relearning process' which encouraged him to adopt a fresh view of how women in correctional facilities ought to be understood and treated. Incarcerated in institutions built for male inmates, their female counterparts are quite capable of benefiting from rehabilitation programmes designed from a gendered perspective in response to their unique needs and interests. The writer was motivated to look at the rehabilitation of female inmates in Zambian correctional facilities because, despite the existence of rehabilitation programmes that are intended to benefit both female and male inmates upon their release (as provided for by both international instruments and local legislation), most programmes tend to benefit male inmates only. As a result, female inmates are denied opportunities to positively contribute to their own personal development and ultimately the economy of the country. Since the research focused on women inmates, it was necessary for the researcher to adopt a grounded understanding of their lives and he, therefore, employed the women's law approach in conjunction with a range of other complementary methodological approaches such as the Grounded, the Actors and Structures, the Sex and Gender and the Comparative, the Capabilities and the Human Rights approaches. This combined approach led to a rich gathering of a wide range of data revealing how and why women were being dealt with in the way they were in correctional facilities in Zambia. The research found that despite rehabilitation being an inmate's human right, female inmates are only offered domestic related programmes and, irrespective of their capabilities and educational background, they were limited to the activities of tailoring, knitting and gardening. Upon investigation, the writer found that this restrictive choice was apparently less a matter of punishment and more a result of a stereotypical failure to think of women and their gendered roles and activities extending beyond the restricted traditional bounds of domesticity. The research's single most important recommendation which informed and underpinned all the others and without which they would most likely fail, is that the entire personnel of the ZCS are strongly encouraged to engage in a similar open-minded unlearning/relearning process in order to bring about a much deeper effective gender-sensitive reorganization, restructuring, reconsideration, reorientation of the whole correctional service, level by level, correctional facility by correctional facility.

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List of abbreviations and acronyms

CG	Commissioner General
FBO	Faith-based organization
GAU	Gender Advisory Unit
MHA	Ministry of Home Affairs
MoHE	Ministry of Higher Education
M & E	Monitoring and evaluating
OIC	Officer-in-Charge
OMU	Offender Management Unit
PFZ	Prison Fellowship Zambia
RCO	Regional Commanding Officer
SEARCWL	Southern and Eastern African Regional Centre for Women’s Law, University of Zimbabwe
TEVETA	Technical Education, Vocational and Entrepreneurship Training Authority
VAW	Violence against women
ZCS	Zambia Correctional Services
ZPS	Zambia Prisons Service

List of international human rights instruments

African Charter on Human and Peoples' Rights (1984)

Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988)

Convention on Civil and Political Rights (1984) (ICCPR)

First Optional Protocol to the International Covenant on Civil and Political Rights

Convention on Economic, Social and Cultural Rights (1984) (ICESCR)

Declaration on the Elimination of Violence Against Women (DEVAW)

International Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment (1998)

International Convention on the Elimination of all Forms of Discrimination against Women (1979) (CEDAW)

Kampala Declaration on Prison Conditions in Africa (1996)

Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa

Standard Minimum Rules for the treatment of Prisoners (2015) (The Mandela Rules)

United Nations Congress on the Prevention of Crime and the Treatment of Offenders

List of local legislation

Constitution of Zambia (Chapter 1 of the Laws of Zambia)

Prisons Act (Chapter 97 of the Laws of Zambia)

Zambia Prisons Standing Orders (2007 edition)

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The Spirit of the Lord God is upon me; because the Lord hath anointed me to preach good tidings unto the meek; He hath sent me to bind up the broken-hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound;

To proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn;

To appoint unto them that mourn in Zion, to give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness; that they might be called trees of righteousness, the planting of the Lord, that he might be glorified...But ye shall be named the Priests of the Lord: men shall call you the Ministers of our God: ye shall eat the riches of the Gentiles, and in their glory shall ye boast yourselves.

Isaiah 61:1-3, 6 (KJV)

CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE RESEARCH

*'We cannot impose these serious penalties upon individuals unless we make a great effort and a new effort to rehabilitate men who have been in prison and secure their having a chance to resume their places in the ranks of honourable industry. The present system is not satisfactory.'*¹

Extract from Winston Churchill's Speech to Parliament, 29 July 1910

1.1 Introduction

Being a correctional officer in the Zambia Correctional Services (ZCS) and a student of the Women's Law Programme has made me consider the situation of women in correctional facilities from a different perspective. It is becoming clearer that the incarceration of women has a great impact not only on the women themselves, but on the family unit, and society as a whole. On account of mothers' being the main carers of children in the family, the impact of their incarceration is more disruptive on their children than the incarceration of their father (Simmons, 2000). While some of the children are forced to go on the streets to survive, many are moved from caretaker to caretaker experiencing the trauma of separation from their carer, and most are vulnerable to depression, anger, fear and anxiety. The behavioural consequences can be severe: absent positive intervention – emotional withdrawal, decline in academic performance, teenage pregnancy, alcohol and drug abuse, delinquency and risk of intergenerational incarceration (Parke, 2000). Because of this separation, they are more likely to end up in correctional facilities as well (Seymour, 1996). On account of children's rights, there is a need to consider alternative forms of punishment or open prisons for women (Mavhembu, 2016) who research has shown that they commit less violent crimes (Lawrence, 2000).

There are various reasons why women commit crime, but the fact of the matter is that female and male criminality differs to a great extent. The difference can be noted in the nature of the crime, its consequences and the method of committing such crimes, especially when one considers the weapon used and the choice of their victims. In as much as they are less likely

¹ Hansard, col. 1354, 20 July 1910.

to commit crime, it is difficult to overlook the fact that the crimes committed by women have emotional characteristics by comparison with those committed by men. Nevertheless, women are more likely to experience domestic violence especially at the hands of a close relation.

According to Stewart (2003,1), the circumstances that bring women to correctional facilities have a connection to their being mothers, wives, grandmothers, sisters, or aunts; they could have been responding to some economic pressures, to social and cultural issues but their responses crossed the line that separates what society defines as legal and what is not. Rita (not her real name) explained that she had done this countless times but was just unfortunate this time and does not understand why. She explained:

‘My grandson had a problem with speech, so my daughter asked me to help her cut the lining under the tongue, but the child bled to death.’

Another informant whom I will call Cynthia narrated her story with tears running down her cheeks:

‘It just happened. I got tired of his lies, his promiscuity. One day while washing his clothes I would find used condoms, when I asked, he not only accused me of planting it there, but he beat me so badly that I almost fainted. Sometimes he would beat me for taking long to open the door when he came back from his drinking. But I couldn’t take it anymore. On the material date, while I was trying to prepare him a hot meal he came to slap me because I took long. I poured hot water on him.’

Most of the incarcerated women relate to this situation in that they too could not take any more acts of violence perpetuated against them, any more acts of violence that pushed them to the edge and, as a result, the criminal justice system ended up incarcerating the victim and letting the real perpetrator go free.

The increase in cases of violence against women (VAW) has resulted in a change in sentencing policies to the extent that women who commit less violent and less serious crimes have ended up behind bars. It is sad to note that the court system does not take into account the effect of incarceration even for minor offences, thus putting pressure on correctional institutions, as they have to create space for women and provide for their many special needs and for those of children in instances where they have been allowed to accompany their mothers to correctional facilities. The correctional institutions have never been prepared for

such changes, and thus the need for the court system to reconsider the change in sentencing policies and consider alternative forms of punishment for women.

Women's lives in correctional facilities are continually punctuated by inadequate facilities with respect to the management of menstruation, insufficient sanitary facilities, and the lack of privacy when changing sanitary wear (Samakayi, 2003). The correctional system does not seem to take cognizance of the fact that menstruation is natural in women, and as a consequence of which they experience a certain level of physical and emotional fluctuations (Snowdon, 1983; Moos, 1985; Scambler, 1985), thus aspects of the 'menstrual etiquette' (Laws, 1985; 1990) and, indeed, the 'toilet etiquette' (Edwards, 1996) are seriously undermined in correctional institutions. This leads women to regard menstrual symptoms as particularly unwelcome intrusions into their lives.

Failure by the correctional system to provide female offenders with their basic necessities is a clear indication that the system is not yet ready for them. Stewart (2003, 305) argues that in as much as women make up a fraction of the total prison population, the system still has its programmes designed around male needs, while its female facilities, as noted by Mwanza (2012) and Chilundika (2013), exist as annexes to the main prison making it practically difficult to provide rehabilitation on account of limited facilities for female rehabilitation. There is a need for radical reform in terms of their conditions and facilities so that their needs may be adequately met. Women need privacy to manage their intimate needs. At the moment, the correctional system denies them this privacy and as a result further punishes them to embarrassment and exposure. One of my informants noted that there are no activities in the female section as they are left to do nothing. They end up arguing over petty issues but this is actually a result of the frustration and boredom that comes from doing nothing. She explained:

'It's like we are being punished twice. How can someone just sit in a small place like this, with nothing to do? Coming to prison is punishment enough, but we are constantly being tortured psychologically and mentally. If we are not arguing about something, then we are playing *ichiyenga*² making us useless when released back to society. Prison has to be activity-based so that we are kept busy. But here, you can go mad. An idle mind is the devil's playground.'

² A traditional game played using stones.

The criminal justice system and the public has on one side demanded harsher punishments for offenders, and on the other, they expect offenders through imprisonment to be punished and rehabilitated so that they can return to society as law abiding citizens able to contribute to the economic development of society and not to engage in criminal activities again. But with such experiences of doing nothing, the end product is a hardcore criminal. Chen (2006) suggests that harsher prison conditions cause higher rates of post-release criminal behaviour, behaviour which is also measurably more violent.

The *unlearning process*³ has given me a different view of how women in correctional facilities ought to be treated as they have the same rights as male prisoners. It is in this regard that I have chosen to interrogate rehabilitation programmes available for female prisoners in order to make recommendations on how best the institution can accommodate them.

1.2 Definition, purpose and the concept of inmate rehabilitation

It is widely thought that the concept of imprisonment is nothing more than just a means of incapacitation and depriving offenders of their right to liberty while serving a sentence for their crime. This concept is also intended to rehabilitate inmates.

The idea of rehabilitation through incarceration is about giving an ‘alternative’ to the commission on crime thus once released back to society, the offender becomes a law abiding citizen who is able to contribute to the economic development of society legally. Though complex, rehabilitation is an ideal goal for a correctional institution. The underlying principle in rehabilitation is that there are some ecological (environmental and situational), micro level (intrinsic to the individual), and macro level (social structural and economic) factors that force someone to engage in criminal activities (Reiss, 1993; Tonry, 1991; Land, 1990; Blau, 1984). Therefore, when incarcerated the correctional system through its treatment programmes, should provide solutions to the many factors that force individuals to commit crimes.

The concept behind ‘rehabilitation’ is, according to Burnett (2008, 243), as follows:

³ The unlearning process is all about away one’s knowledge, undoing the effects of, doing away with habits of some formed behaviour. The unlearning process makes room for new thinking and new perspectives. Unlearning the way things are done can unleash a new innovative way of doing something.

‘A process that incorporates programmes to enable the offender to rise above previous challenges associated with their offending so as to accord them an opportunity to become law-abiding useful members of society.’

The logical meaning of this concept covers more or less all the interventions intended to reduce recidivism. Recidivism can only be effectively handled by developing human capital, social capital and the system of legitimate opportunities in prisoners. This triangle can be regarded as the three pillars model of rehabilitation (McNeill, 2009; Hucklesby, 2007).

Providing inmates with skills translates into human capital and capabilities that present inmates with the essential requisite of becoming useful members of society, who are able to effectively contribute to the economic growth of society. Notable programmes aimed at developing human capital are: educational, vocational training, and offending behaviour programmes. The inmate’s relationship with the society especially with the family can be a means of developing the social capital. By placing inmates in job placements, the correctional system aims at developing a system of legitimate pro-social opportunities which are aimed at connecting the inmate with resources in society.

1.2.1 The concept of punishment

The concept of punishment has been defined differently by different societies, thus serving different purposes throughout history (Miethe, 2005). The unpleasant impositions have included: execution, being sold into slavery, expulsion, canning, confiscation of property, confinement before and after sentencing, forced labour, mutilation, torture, community service, fines, probation, parole and work release (Hawkins, 1989). Such punishments have always been justified on the grounds of being a means of retribution, deterrence, incapacitation and rehabilitation (Bartollas, 2002).

Retributive justice involves punishing offenders because they deserve it (Walker, 1991). This theory of justice considers punishment as the best response to crime. The severity of punishment meted out must be reasonable and appropriate to the severity of the crime. This justification of punishment is said to be the oldest and can be traced to the Old Testament in the Bible (Carlson, 1999):

‘Life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot’
(The Bible, Deuteronomy: Chapter 19, verse 21).

The argument is that punishment acts as a deterrent measure for other would-be offenders. Once someone sees the pain resulting from the punishment of the offender they opt not to offend, thus preventing others from committing crime. Other forms of retribution include: fines, restitution to the victim, and community service (Stinchcomb, 1999).

The deterrent theory of justice is often compared to retributivism which considers punishment the solution for one's commission of a crime. The pain inflicted by the punishment then acts as a deterrent to other would-be offenders (Farabee, 2005). This concept is premised on two assumptions (Wright, 2010): the first is that punishments meted out on offenders will act as deterrence to their committing other crimes; the second being that other would be offenders will be deterred out of fear from committing crimes (Snarr, 1996).

Incapacitation is thought to be a part of deterrence. It aims at preventing (Quinn, 2003) future crimes not by rehabilitating the would-be offender but rather by incapacitating them so as to prevent their ability to commit crime. Though unfair, it focuses on what people might do considering their record, rather than what they have done as a means of preventing future crimes.

Rehabilitation is the main objective of modern penal systems that seek to cure the wrong by providing treatment to the offender so to enable such to live a crime-free life (Balfour, 2003). Programmes in this case include an educational and vocational skill that act as a means of reintegration into society.

1.2.2 Models necessitating the change from prison to corrections

Prison is one institution that can be regarded as being unsuccessful in achieving its ultimate purpose since prisoners reoffend by committing much more serious crimes. Overcrowding is another issue, making it practically impossible to maintain humane standards as demanded by various international instruments which protect prisoners.⁴ It is for this reason that offenders must be humanely treated while they are incarcerated. The rational purpose for prison is to

⁴ A report Human Rights Watch cited Zambia's prisons among the most overcrowded in the world with gruesome violations of basic rights. Not having enough space to sit or sleep, the inmates suffer from various illnesses and inadequate health facilities only add to their woes (<http://southasia.oneworld.net/archive/globalheadlines/zambian-prisons-overcrowded-and-dangerous#.VunaKOY73Ow>. Accessed on:10.03.16).

restrain violent offenders who might harm others or themselves, while they are being helped to change so that they can return to society as productive members.

To be able to understand the purpose of correctional institutions a number of models that have influenced various correctional programmes must be examined (Champion, 2001). These include: the medical model, the reintegration model, the justice model, and the adjustment model.

1.2.2.1 The medical model

This is based on the assumption that criminal behaviour is caused by social and psychological factors thus require treatment. A single treatment model dominated the public discourse about crime and corrections (Sheley, 1995). This model regarded criminal behaviour as emanating from some personal, emotional conflicts or personality dynamics and could be treated. It considered offenders' involvement in criminal activities as situations beyond their control, thus offenders were treated according to individual needs. Psychologists, psychiatrists and social workers helped the offenders throughout the process of recovery. It was revealed that past events could have a negative impact on their behaviour (Allen, 1981) and those that had lacked parental care were likely to offend. This model was not a success as it could not guarantee that the offenders would not reoffend (Singh, 2004).

1.2.2.2 The adjustment model

This model is based on four principles (Du Preez, 2003):

- It is possible for every offender to become a law abiding citizen;
- Offenders need to consider the negative effect of their behaviour on society and thus adjust to societal expectations;
- Offenders ought to learn to deviate from negative behaviour;
- To understand an offender's behaviour, the manner in which he interacts with society must be considered.

With this model, prison overcrowding and lack of resources were noted as contributing factors to recidivism as prison just hardened offenders.

1.2.2.3 The reintegration model

This model enabled offenders to renew family ties; it opposed other models that advocated for the isolation of the offender as a means of treatment as that would not address the offenders criminality (Neser, 1993). This model advocated for offenders involvement in the community for the purpose of reintegration. The community assists and supports the offender so that the offender can find it easy to fit into society.

1.2.2.4 The justice model

This model, rejected rehabilitation as an objective of punishment (Champion, 2001), but looked at everyone as having the capability to choose whether to engage in criminal activity or not, thus they have to be held responsible for their actions. Its view of punishment is that it benefits society by ensuring its safety, but is good for the offender (Stinchcomb, 1999).

1.3 The offender rehabilitation framework

Rehabilitation is any designed intervention that aims at reducing an offender's criminality mediated by personality, behaviour, abilities, attitudes, values or other factors (Sechrest, 1979). The main aim of rehabilitation is reducing offenders' criminality and this can only be achieved by using a different method.

With the introduction of corrections, offenders can have an opportunity to change as this new model has breathed life into an ailing penal system. It promises to combat crime by means of reforming offenders, who must participate to guarantee success. Rehabilitation provides offenders educational programmes and vocational skills that are aimed at preparing them for society (O'Brien, 1982).

1.4 Analysing women's imprisonment

Prison is a basic punishment of the penal system that aims at taking away some of the rights of an offender, but offers rehabilitation as a means of preventing future crimes. However, it is the use of prison to confine women that seem to be problematic (Worrall, 2004). Most women in prison have been victims of violence at the hands of their spouse or a family member leading to their imprisonment. Their problem could have been compounded by low education attainment and unemployment resulting in their being dependent on the spouse.

While female inmates are treated like their male counterparts, their experience is very different (Carlen, 1983). Female inmates tend to be incarcerated greater distances from their homes as compared to male inmates. This results in families being broken through lack of contact. Many female inmates are rarely visited by their spouses leading to increased levels of emotional stress. When compared to women, men easily lose hope and end up remarrying within a few months of their spouse's incarceration. Female prisons are widely dispersed which means that family contact is pronounced especially in the majority of cases where their families are poor and cannot afford the costs of frequent travel.

The family is also negatively impacted, especially if children are involved. Women are said to be the main carers in the family. When there is separation between the mother and the children, due to the lack of parental care and guidance most children in such situation may end up offending. Female inmates also tend to suffer more from greater social exclusion and the stigma of being an ex-prisoner. The prison environment is certainly not for women. They value privacy more than men but female prisons do not have enough space to allow them to manage their personal hygiene including menstruation with dignity in private.

Prisonisation has had great a impact on women's imprisonment (Worrall, 2004). The prison system is designed and organized in relation to men's needs and is poorly equipped to provide for the different and unique needs of women. It is arguable that these are normalising processes within the context of a patriarchal society in which women receive little or no specialized treatment, cannot work or access rehabilitation programmes as male inmates do all of which produces conformity between them as women.

Prison rules and regulations designed for male inmates by men have been imposed on female prisons. These prison rules and regulations have been ideologically adapted where necessary to respond to the exceptional nature of criminal women. The traditional prison mould meant for men does not cover the diverse factors relevant to an inmate including age, needs, gender, culture and reason for incarceration.

Female inmates are said to have a higher rates of blood pressure, anxiety, menopausal problems and depression, than women not incarcerated, all pointing towards more specially designed female prisons rather than the traditional female prison which is designed for male inmates (Marshall, 2000).

Restorative rather than retributive justice works best for female offenders. It encourages women to take charge of their lives, taking responsibility for what they have done and making amends. This model emphasizes the importance of talking and listening in human relationships.

Considering that most female prisoners are incarcerated for fairly minor offences; serving first time short custodial sentences and are mothers whose absence can seriously harm their children and families, one might ask if there is any justification for female prisons. Given the impact that the conventional prison has on women, consideration should be given to an Open Prison for women.

In addition to other special needs that the correctional system fails to provide, educational and vocational programmes are inadequate. Several studies (Pollock-Byrne, 1990; Morash, 1994) found revealed that female facilities offered fewer vocational and education programmes when compared to those offered to male inmates. Generally women are dependent on their spouses due to their lack of training needed to obtain jobs. One aspect of this inadequacy is that, like the training offered in the facilities, many vocational programmes for female inmates emphasize traditional roles for women and work. Women in correctional institutions are offered fewer educational and vocational programmes (Pollock-Byrne, 1990; Morash, 1994).

1.5 Problem statement

The Zambia Correctional Service (ZCS) as established by the Constitution of Zambia⁵ has in place rehabilitation programmes that are intended to benefit both female and male inmates upon being released from the correctional facility, as provided for by both international instruments and local legislation, but most of these programmes are benefiting male inmates the most and denying female inmates opportunities for them to positively contribute to the economy of the country.

‘All convicted prisoners will be eligible for consideration for education.’⁶

⁵ Amendment Act, No. 2 of 2016.

⁶ Zambia Prisons Service Standing Order No. 564.

1.6 The objectives of the study

The main objective of this research is to interrogate and analyze the effectiveness of rehabilitation programmes available for female inmates in Zambia.

From experience as a Correctional Officer, many rehabilitation programmes available benefit male more than female inmates and that they are even given a craft certificate upon completion of the rehabilitation programme. On the other hand, if female inmates engage in any rehabilitation programmes, at all, they are limited to gardening, sewing, knitting and some literacy classes. This limited choice of activities have disadvantaged female inmates in the past. To make matters worse, the male inmates access their superior rehabilitation programmes right under the noses of female inmates.

The rehabilitation programmes available do not take into consideration one's educational level or desires based on their capabilities, but rather prescribes a one-size-fits-all kind of approach to rehabilitation, making it practically impossible for one to utilize the skill and survive in society. The purpose of rehabilitation as earlier noted, is to release back into society law abiding citizens who are able to contribute to the economic development of society. But when it is only accessed by one group, this purpose is definitely defeated.

This research therefore seeks to propose and recommend that a gendered approach to rehabilitation as this will be of great benefit to society as a whole.

1.7 Research assumptions

The research was based on the following assumptions:

1. The rehabilitation of inmates is a human right.
2. The Zambia Correctional Service (ZCS) has in place rehabilitation programmes for inmates.
3. The ZCS offers similar rehabilitation programmes for both female and male inmates.
4. Available rehabilitation programmes are gender sensitive.
5. Female prisoners know about and access these rehabilitation programmes.
6. Male inmates benefit more from rehabilitation programmes than female inmates.

7. Rehabilitation programmes available do not take into consideration a person's educational background.
8. Rehabilitation programmes are not managed by qualified personnel.
9. The ZCS could benefit from partnering with other institutions/NGOs in the rehabilitation of prisoners.
10. The ZCS does benefit from partnering with other institutions/NGOs.

1.8 Research questions

The research was based on the following research questions:

1. Is the rehabilitation of inmates a human right?
2. Does ZCS have in place rehabilitation programmes for inmates?
3. Does the ZCS offer similar rehabilitation programmes for both female and male inmates?
4. Are available rehabilitation programmes gender sensitive?
5. Do female inmates know about and access these rehabilitation programmes?
6. Do male inmates benefit more from rehabilitation programmes than female inmates?
7. Do the rehabilitation programmes available take into consideration a person's educational background?
8. Are rehabilitation programmes managed by qualified personnel?
9. Could the ZCS benefit from partnering with other institutions/NGOs in the rehabilitation of prisoners?
10. Does the ZCS benefit from partnering with other institutions/NGOs in the rehabilitation of prisoners?

1.9 Research design and data collection methods

A research design is defined as a plan devised by the researcher which he/she uses to obtain research participants for the purpose of collecting the desired information from them (Welman, 2001). It is of great importance that the researcher considers the purpose for which the research is to be conducted, the context within which it is to be done, and the research methods to be used in collecting and analyzing the data when developing a research design (Durrheim, 2006).

In order for me to fully analyse rehabilitation programmes for female inmates in Zambia, a number of sources were used. Those include official documents, newspaper articles, books, journals, various international instruments and national legislation, amongst others.

1.9.1 Population

According to Welman (2001) the population in a research study is related to the study object and can be individuals, groups, organizations, events and the conditions to which they are exposed to. Standing Order No. 564 provides for the rehabilitation of all convicts. With this in mind the focus of my research was on convicted female and male inmates.

1.9.2 Sampling

The process of sampling according to Payne (2004: 204) is selecting a subset of people that are going to be studied from a pool to which they belong as determined by: the anticipated techniques, how much variation there is believed to be, and the level of precision needed in estimates to be made about the universe, which is the basis of data from the sample. My research sample was drawn from female and male inmates, and former inmates. Persons detained and those serving other forms of punishment such as community service did not form part of this research.

1.9.3 Data collection

Research data, according to Wright (2000), can be collected using primary and secondary data. Primary data is the information that is obtained by the researcher for the purpose of the study. Secondary data is the data that others previously researched on which the present researcher uses to build new concepts. Although secondary data has been restricted to a minimum, both primary and secondary data was used for the purpose of this research.

1.9.4 Random sampling and individual interviews

Considering the fact that the male prison population is higher than that of female inmates, I used the random sampling technique on the males only, while I used individual interviews for both female and male inmates. I went around the male side of the facility and randomly selected respondents asking the necessary questions without prior arrangements. I would innocently ask about what life was generally like in prison, and what was being done to keep them busy while incarcerated. In that way more inmates became comfortable sharing their

prison experiences, some of whom were first timers, while others had been incarcerated more than once.

It was during the interview process that I started asking question relevant to my research questions. Therefore I sought answers to the following questions:

- What they thought rehabilitation meant?
- If it was being done?
- What kind of rehabilitation programmes were available?
- What they preferred?
- The difference between what was being offered to women and men?
- The monetary benefit attached to each rehabilitation programme?
- Whether rehabilitation was an inmate’s human right?

Some of the research questions developed as the discussion progressed. From the interviews came so many insights, I received a great many unexpected positive suggestion which I will refer to in my recommendation chapter. The interview brought to light a number of challenges that female inmates face in such facilities. The very fact that I did not reveal to them that am a correctional officer, made it easy for them to openly and fearlessly discuss issues with them. Table 1 gives details of the data collection methods used to gather the data for the research. Table 2 shows details of the key informants and respondents.

Table 1: Showing the data collection methods used for the research

DATA COLLECTION METHODS	WOMEN	MEN	TOTAL
Random sampling and interviews	43	43	86
Group interview	2	2	4
In-depth interview	4	14	18

Table 2: Showing details of the key informants and respondents

S/No	INSTITUTION	KEY INFORMANT/ RESPONDENT	NO.	SEX
1	ZAMBIA CORRECTIONAL SERVICES	COMMISSIONER GENERAL	1	M
2	ZAMBIA CORRECTIONAL SERVICES	REGIONAL COMMANDING OFFICER – COPPERBELT	1	M
3	ZAMBIA CORRECTIONAL SERVICES	OFFICER IN-CHARGE KANSENSHI	1	M
4	ZAMBIA CORRECTIONAL SERVICES	REHABILITATION OFFICERS – KAMFINSA (MALE)	5	M
5	ZAMBIA CORRECTIONAL SERVICES	REHABILITATION OFFICERS – KAMFINSA (FEMALE MALE)	2	F
6	ZAMBIA CORRECTIONAL SERVICES	REHABILITATION OFFICER – KANSENSHI	1	M
7	ZAMBIA CORRECTIONAL SERVICES	REGIONAL OFFERNDER MANAGEMENT OFFICER (COPPERBELT)	1	M
8	ZAMBIA CORRECTIONAL SERVICES	REGIONAL CHAPLAIN (COPPERBELT)	1	M
9	PRISON FELLOWSHIP ZAMBIA	EXECUTIVE DIRECTOR	1	M
10	PRISON FELLOWSHIP ZAMBIA	PROGRAMME OFFICER	1	F
11	GOOD SAMARITAN CENTRE	DIRECTOR/ REHABILITATION OFFICER	2	M
12	CELEBRATE JESUS INTERNATIONAL	DIRECTOR	1	F
13	FEMALE INMATES		43	F
14	MALE INMATES		43	M
15	FORMER INMATES		3	F
16	FORMER INMATES		1	M
TOTAL			108	

1.9.5 In-depth interviews with key informants

I used in-depth interviews with key informants from the ZCS and programme officers from different NGOs. I needed to understand and obtain insight into rehabilitation from officials who were strategically positioned as implementers of policy on rehabilitation or were policy makers that can influence change. I needed to understand the basis of rehabilitation and how it is being done. Some of the information from my respondents needed to be triangulated, hence, the need for in-depth interviews. Key informants were selected based on their experience and skills they were perceived to have in the rehabilitation of inmates. They were also selected based on the position they hold. Appendices 1 to 5 are the questionnaires I employed for this process.

1.9.6 Focus group discussions

Since it was necessary to obtain women's insights as a group on how they related to rehabilitation programmes being offered to them by the ZCS, I used the focus group discussion method. It was also necessary to get views from male inmates on how they regarded the rehabilitation of female inmates. It was surprising to note that they too were of the view that female inmates were being disadvantaged even though there were relatively few of them. It was also interesting to note the different suggestions they offered about the programmes. Considering the fact that my respondents were inmates, I could not meet both female and male inmates together in one group at the same time. I met female inmates on the female side and male inmates on the male side of the facility. Some of the views expressed by members of the group were debated by others and this gave the research a sharper edge. What I found very interesting from the discussions was that men were very sympathetic to the plight of women and agreed that rehabilitation was meant for both male and female inmates but they were benefitting more. They also agreed that the inability to provide rehabilitation like that offered to male inmates, disadvantaged female inmates as they would not be economically be empowered. It came out very clearly that the issues of culture and socialization played a role in correctional facilities in that a manly/masculine approach was adopted in relation to the kind of work offered to men whereas a feminine approach was taken to that offered to the women inmates.

1.9.7 Observations

I made observations regarding the different rehabilitation programmes offered to male and female inmates alike. I was able to notice the difference between what both groups were

accessing. This process allowed me to confirm what I was being told during interviews and discussions. This method was critical in helping me to understand the significance of and need to incorporate a gendered approach to policy making and implementation in such institutions. This process also made data triangulation easy as I was able to observe what I witnessed and later confirmed it with data from the key informants.

1.9.8 Desk research

This method was used to get some general ideas about rehabilitation, women in the criminal justice system and other issues relevant to this topic. This gave me an overview of the effect of imprisonment on women and the effect of the non-availability of rehabilitation programmes on them in the long run when they are released back to society. This informed my research design. Although this data was valuable, it was not as valuable as the data collected in the field.

1.10 Area of research

The study was based in the towns of Ndola and Kitwe in the Copperbelt province of Zambia (Figure 1). It links Zambia to the Democratic Republic of Congo (DRC). The Copperbelt province, locally known as *Kopala*⁷ has been until recently the backbone of Zambia's economy. Its main towns include: Kitwe, Ndola, Chingola, Mufulira, Chililabombwe, and Luanshya.

⁷ 'Kopala', referring to copper, the mineral that is mined in the province.

Figure 1: A map of the Copperbelt province of Zambia



1.11 Study limitations

The major limitation of this research was that it was a case study of only three correctional facilities, so the findings may not generally represent the outlook of women in other correctional facilities. Furthermore, it may not represent the general picture in the ZCS.

The other limitation was that, although I managed to meet other respondents with my supervisor, I could not take her into the correctional facility because I could not secure permission in sufficient time from the ZCS for her to do so.

I could not do an interview with one key informant from the Ministry of Vocational Training and another from the ZCS on the OMU as my vehicle lost control and overturned on my way to meet these respondents, however, I was able to obtain some answers to my intended question from secondary data.

1.12 The Zambia Correctional Service (ZCS)

The report to the Committee on National Security on the report of the Auditor General on rehabilitation, it was submitted that there was a need to embark on legislative and policy reforms to guarantee the provision of rehabilitation and reintegration programmes in Zambian Prisons.

The report also noted that there was need to review the Prisons Act so as to meet the objectives and goals of corrections, rehabilitation and reintegration. The reasoning behind this desire for transformation was premised on the assumption that the laws and regulations governing the administration of prisons prescribe in part the kind of programmes and interventions that are feasible in prison.

It is in this regard that the Constitution of Zambia (Amendment) Act, No. 2 of 2016 was enacted. This enactment established, among others, the Zambia Correctional Service (ZCS), whose mandate as provided for by article 193(4)(a) and (b) of the Amendment Act is:

- ‘(a) to manage, regulate and ensure the security of prisons and correctional centres; and
- (b) perform other functions as prescribed.’

It is this change in legislation that has necessitated the change in certain terminologies. Notable is the change from the name Zambia Prisons Service to Zambia Correctional Service. In comparing the two, prison researchers (Bloom, 2000) have argued that ‘prison’ conjures up what is vengeful, vindictive, brutal and old-fashioned, while the name ‘correctional service’ sounds more enlightened and rehabilitative. The language used to describe the various features of these two systems certainly reflects the difference (see, also, Table 3).

Table 3: Showing differences in terminology of the former and present system

CONVENTIONAL CUSTODIAL PRISON	CONTEMPORARY REHABILITATIVE FACILITY
Prison	Correctional Facility
Guard	Correctional Officer
Prisoner, convict	Inmate
Punishment	Treatment designed to ‘cure’ inmates criminality

Being part of the criminal justice system in Zambia, the Zambia Correctional Services has been acting as a deterrent measure for would-be offenders and is responsible for the rehabilitation of inmates in its correctional facilities. The ZCS’s goal statement is:

‘To effectively and efficiently provide and maintain humane custodial and correctional services to inmates and to increase industrial and agricultural production in order to contribute to the well being and reform of inmates and maintenance of internal security.’

The ZCS dates back to 1964 when the country obtained its independence from the British. The Service has however, undergone several changes to get to this level. Prior to its establishment, the police force performed the prison roles alongside their normal police duties. In 1938 an independent Prisons Department was established which later came to be known as Northern Rhodesia Prisons Service. In 1953, the establishment of the Federation of Rhodesia and Nyasaland necessitated the formation of what came to be known as the Federal Prisons. But in 1964 when Zambia gained its independence, it ceased to be called the Federal Prisons and became the Zambia Prisons Service. Today it is called the Zambia Correctional Services.⁸

The ZCS offers different services to inmates, these include but are not limited to: education, ranging from literacy, basic education, higher education and distance learning. The aim of providing inmates with an education is to eradicate illiteracy, thereby making it possible for

⁸ Zambia Correctional Services. Kabwe Background (<http://zambiaprison.gov.zm/zps/about-us/>). Accessed on 2.3.16).

their rehabilitation and reformation.⁹ The Examination Council of Zambia (ECZ) prepares a general examination which the ZCS their inmates to sit outside the correctional facilities. This occurs if the facility is not designated as an examination centre by the ECZ. The certificate which a successful candidate finally receives does not reflect that it was obtained in a correctional facility. On the rehabilitation front, the ZCS is slowly moving away from being a retributive to a correctional facility that seeks to focus on the person rather than the crime. This is being done by providing various interventions that are intended to cure the wrong that could have led someone to offend. These interventions include, but are not limited to, agricultural production, carpentry, tailoring, metal fabrication, sculpturing and operating a milling plant.¹⁰

The ZCS has different directorates¹¹ that streamline correctional services. These include:

- The Administration and Finance Directorate, which is responsible for the financial and general management of ZCS activities;
- The Operations and Custodial Directorate, which is responsible for ensuring that ZCS infrastructure is well maintained and rehabilitated;
- The Medical and Health Directorate is a creation of Amendment Act No. 16 (2004) of Chapter 97 of the Laws of Zambia, and is responsible for ensuring that the ZCS reaches acceptable minimum standards in implementing Custodial, Correctional and Health Services’
- The Correctional and Extension Services Directorate which is the subject matter of this research includes the Offender Management Unit (OMU) which is responsible for the rehabilitation and reintegration of inmates back into society.

⁹ Zambia Correctional Services. Kabwe Background (<http://zambiaprison.gov.zm/zps/about-us/>. Accessed on 2.3.16).

¹⁰ Zambia Correctional Services. Kabwe Background (<http://zambiaprison.gov.zm/zps/about-us/>. Accessed on 2.3.16).

¹¹ Zambia Correctional Services. Kabwe Background (<http://zambiaprison.gov.zm/zps/about-us/>. Accessed on 2.3.16).

CHAPTER TWO

2.0 IMPRISONMENT OF FEMALE OFFENDERS AND THEIR REHABILITATION

2.1 Introduction

'It isn't that they can't see the solution. It is that they can't see the problem'
(Chesterton, undated, cited in Dunleavy, 2003:24).

The increasing numbers of women being convicted demands that the ZCS should come up with women-centred programmes that will benefit them upon release. Current programmes were designed before women came into contact with corrections whose rehabilitation programmes were male-centred making it practically impossible to successfully reintegrate female offenders. With the increasing number of female offenders, there is a need to consider them when designing such programmes as they have been neglected for far too long.

The neglect of female offenders in corrections has been justified on ground as they are so few in number, but this justification does not take into account the fact that female inmates need rehabilitation as much as male inmates do. Moreover the smaller the number the better in that programmes can easily be monitored at every level.

Female offenders present many inter-related problems which need to be addressed if their reintegration is to be a success. These problems include: poor education and vocational achievement, spousal dependence, victims of domestic abuse physical or sexual abuse and poverty.

While women must be held accountable for criminality, interventions must be designed and implemented to take into account the unique social, political and cultural context in which women live and function in society. Crime is a choice or a series of choices made according to one's social context (Law Commission of Canada, 2003). For women it is not a matter choices; rather, they could have been reacting to physical or sexual abuse or they could have been responding to some to social, cultural and economic pressures during which their response crossed the boundary between what is permissible and what is not (Stewart, 2003).

Therefore when considering rehabilitative programmes for women inmates, they should have a positive social focus which aims to help them reintegrate better into society.

In as much as there could be some programmes that would effectively apply to both female and male inmates, there are some elements that would differentiate between the two. Gender specific rehabilitation programmes need reveal an understanding of women's psychological development. Women value maintaining and developing relationships (Bloom, 2003; Kaschak, 1992). As a result, situational pressures such as the loss of treasured relationships play a greater role in cases where women break the law (Bloom, 2003). In as much as cognitive behaviour interventions are said to have been effective in the rehabilitation of both male and female inmates, scholars believe that relational theory approach adds effectiveness to programmes for female inmates (Covington, 2001).

It is important to take into account similarities and differences between women and men when designing rehabilitation programmes for female inmates and this is particularly the case when dealing with the unique, multi-faceted needs of female offenders.

2.2 Who are the women?

Developing effective rehabilitation programmes for women in corrections requires developing an understanding of certain things pertinent to them. Female inmates are very different from male inmates and developing programme based on male models would literally break them. Programmes for women need to take into consideration different factors that cause them to offend as well as their unique needs. For rehabilitation programmes to be effective and relevant to women, they must take their lives into account (Abbott, 1995).

2.2.1 Pathways to crime: Physical/sexual abuse, poverty and lack of skills

Pathways to crime for female inmates are essentially the same in that there seems to be some connection between childhood victimization, spousal violence, cultural and social factors and female offending (Stewart, 2003; Daly, 1992). Designing programmes that are sensitive to and respond to women's pathways to crime (including the abuse they suffered, poverty and their lack of skills) will be a success because it is based on their past lived realities.

Women who have could have been sexually and physically abused when they were children according to Daly (1992) are likely to end up in court not as victims but offenders in adulthood. Childhood sexual or physical abuse is one of the worst forms of trauma, anxiety, depression and withdrawal. Its effects are long term (Callaghan, 2002), as harmed-and-harming woman are more likely to exhibit anti-social behaviours and violent behaviour to survive (Scott, 1991). Because abusers in most cases report a history of victimization which had not been treated, there is a possible progression from victim to victimizer (Hilton, 1996).

In most cases, 'the battered woman' comes to court not as a victim but as an assailant who has injured or killed a violent spouse (Richwald, 1985). Such women are in most instances first time offenders who have been victims of serious violent or sexual abuse over a long period of time as they are incapable of leaving the abusive situation because over time they become helpless, defeated, passive and depressed (Rounsaville, 1978). Such women have a tendency of holding on to hope that the abuser will change.

Many of the women in corrections come from economically challenged homes, with little or no educational background and their crimes stem from this impoverishment (Stewart, 2003). She notes further that:

'...one cannot ignore the fact that their educational, social, economic conditions remain the same, if they have not deteriorated that, ultimately, lead to their crimes.'

The relationship between poverty and crime is a complex one. Women's low economic status and their increased incarceration suggest a relationship of mutual benefit or dependence, where in effect these two forces, poverty and crime, fuel one another. Most of the women in corrections are serving sentences for property offences that could be considered a means of survival in a time when employment opportunities for women with low levels of education and few job skills are becoming increasingly limited (Adelberg, 1993).

2.2.2 *Motherhood*

The imprisonment of a mother who happens to be the main carer in her family has a profound impact not only on the children but on the women themselves who are incarcerated because they cannot but constantly think of their children.

The incarceration of mothers disrupts their children's lives and can cause them grief, shame and stigma. The incarceration of a main carer means that they can no longer exert their parental responsibilities and roles. Considering the fact that women are being increasingly convicted of petty crimes, the number of children being affected has increased substantially over the years (Scharff-Smith, 2011). Children are faced with challenges of moving from one care taker family to another, thus affecting care-giving arrangements (Tasca, 2011; Travis, 2005). In instances where the child is too young, corrections have allowed them to accompany their mothers. In both instances the best interest of such children is not taken into consideration as they have their rights to education, health, recreation, to parenthood as provided in the Convention on the Rights of the Child (CRC).

According to Murray (2005), inmates children tend to exhibit elevated levels of behavioural problem such as offending right into adulthood, at higher levels than children separated from parents due to hospitalization or death.

2.2.3 Family visits and proximity of prison to home

Designing rehabilitation programmes for female offenders also needs to take into consideration that fact that they are rarely visited by their families and this negatively affects them. This arises from the fact that most female inmates come from poor families who cannot afford to travel the long distances on a regular basis to visit them in the few remote female prisons. In addition, most men remarry when their wives are incarcerated. Conversely, male inmates are always visited by their spouses who do not remarry when their husbands are incarcerated.

2.3 The human rights approach

This approach is one of the many ways available for improving women's rights to rehabilitation. It can also be an effective part of a multifaceted effort. Human rights, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR), are:

‘rights inherent to all human beings, irrespective of one's sex, national or ethnic origin, religion, nationality, colour, language, or any other status.’

Human rights provide a uniform entitlement to everyone without any form of discrimination. All human rights are rights that are interrelated, interdependent and indivisible. The improvement of one right provides for the advancement of other rights. Similarly, depriving female inmates, of one right affects the provision of other rights. For example, the right to life is adversely affected if an inmate's rights to education and rehabilitation are not provided to inmates. If female inmates, most of whom are mothers, are denied such rights, their children are also affected as they are usually dependent on their mothers as their main carer. The state, through its agents, is therefore required to respect, protect and to fulfil the human rights of their inmates.

The terms used in noting the state's obligation 'to respect, protect and fulfil' are of great importance as far as the improvement of human rights is concerned. The OHCHR defines the state obligation as follows:

'To respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. To protect requires States to protect individuals and groups against human rights abuses. To fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.'

Therefore, the Human Rights approach was used in this research in order to evaluate the extent of the state's compliance with female inmate's human rights entitlements. Relying on my findings, I then checked what is provided in the Constitution of Zambia, the Prisons Act and any other relevant piece of legislation, as compared with what is provided at regional and international level using international instruments.

This approach further enabled me to explore the extent to which the implementation or non-implementation of various pieces of legislation affected women's human rights. I kept interrogating information I was being given by my respondent and key informants from a human rights perspective. My main concern was whether the reality on the ground was in conformity with Human Rights Law. Thus I compared various findings with Human Rights Law requirements.

One of my assumptions was that rehabilitation is a prisoner's human right. I confirmed this by checking with local and international law. According to Rotman:

‘Rehabilitation becomes a right of offenders to certain minimum services from the correctional services. The purpose of such a right is to offer each offender an opportunity to reintegrate into society as a useful human being.’

Justification for this is based on the assumption that the state has a social contract with its citizenry. From a moral perspective, the state’s demand that its citizenry live crime-free lives is in its totality upheld if the state fulfils its duty to provide them with basic needs. This clear connection between the deprivation of social basic needs and offending does not just justify rehabilitation as a prisoner’s human right, but is a mandate that the state assumes as soon as one is incarcerated.

Although ‘rehabilitation’ is not specifically protected by the Constitution, it can, based on the theory of ‘equal protection’, be considered a Constitutional Right. While a prisoner may be a criminal, they still share some of the same civil rights as their fellow citizens. In addition, the right to rehabilitation could be viewed as a right to minimum protection.

One of the respondents noted:

‘The state has a duty to provide rehabilitation to prisoners so as to mitigate the damage done by punishments such as imprisonment.’

In as much as the Prisons Act provides for the rehabilitation of inmates (Part XVIII, and XVI of the Prisons Act) through the Offender Management Unit (OMU) under section 181 of the Zambia Prisons Standing Orders, the Act neither defines the term rehabilitation nor takes into consideration circumstances under which female inmates may access rehabilitation facilities on the male side of the prison, considering the fact that no female prisons have rehabilitation facilities. In spite of progressive sections such as section 146 of Part XXIII (that allows the Minister by statutory instrument to make rules for the better carrying into effect of the provisions and purposes of the Prisons Act), female inmates still find themselves being confined to domestic-type programmes that in themselves do not add much value to the experience of female inmates.

Section 146(1) of Part XXIII of the Prisons Act provides:

‘146(1)The Minister may, by statutory instrument, make rules for the better carrying into effect of the provisions and purposes of this Act and,

without prejudice to the generality of the foregoing, may make rules providing for-

- (vi) the classification of prisons and prisoners into categories and their separation accordingly;
- (vii) the safe custody, management, organization, hours, mode and kind of labour and employment, clothing, bedding, maintenance, instruction, discipline, segregation, treatment, restraint, correction and training of prisoners;
- (viii) the appointment of officers responsible for the after care and rehabilitation of prisoners.’

And section 564 of the Standing Order provides that:

‘All convicted prisoners will be eligible for consideration for education classes.’

Faced with the challenges of rehabilitation facilities for female inmates, corrections must make good use of this piece of legislation that allows the minister to make changes for the better carrying out of rehabilitation of female inmates. Section 60(1) of the Prisons Act has been so greatly relied upon that female inmates have been practically abandoned and left to do nothing on account of the fact that the Act does not allow female and male inmates to mix. This is in spite of section 561 of the Standing Order which temporarily suspends classification for the purpose of congregation for religious services. Such temporal suspension of classification could also be used to allow female inmates to access male rehabilitation programmes that would economically empower them.

The Constitution of Zambia (Amendment) Act 2 of 2016 provides for the equal worth of women and men in their participation in the economic and social order of Zambian society. Thus the state’s failure to provide rehabilitation programmes to female inmates that are not as economically empowering as those made available to their male counterparts is a clear breach of their human rights. The Constitution further, in article 23(2) and (3), provides that:

‘No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

In this Article the expression “discriminatory” means affording different treatment to different persons attributable, wholly or mainly to their respective descriptions by race, tribe, sex.’

Although the current Bill of Rights has a number of claw-back provisions, it is hoped that the new Bill of Rights will be sufficiently adequate to offer protection to women especially those in incarceration.

Based on this, the provision of different programmes to female inmate’s amounts to discrimination as it affords different treatment to female inmates. The second of the Best Principles for the Treatment of Prisoner (BPT) discourages discrimination based on one’s sex.

The term discrimination is defined in a number of instruments that seek to promote equality of women and men, irrespective of their legal status. Notable is article 1 of the Convention on the Elimination of forms of Discrimination Against Women (CEDAW) which defines discrimination as:

‘...any distinction, exclusion on the basis of sex.’

This distinction in the provision of rehabilitation programmes is also a form of violence against women (VAW) as it is likely to harm women physically and psychologically as envisaged by the definition of gender based violence which is found in articles 1 and 2(a) and (b) of the Declaration on the Elimination of Violence Against Women (DEVAW) and reads as follows:

‘gender based violence that results in or likely to result in physical and psychological harm of suffering to women.’

Female inmates are subjected to physical, emotional, mental and psychological torture because corrections do not seem to have programmes that are of economic value to them. They are offered domestic programmes that place them back in positions of subordination when released back to society. This is a form of violence perpetuated by a system that is meant to protect them. One informant noted that:

‘It’s like we are being punished twice. How can someone just sit in a small place like this, with nothing to do? Coming to prison is punishment enough, but we are constantly being tortured psychologically and mentally. If we are not arguing about something, then we are playing *ichiyenga*¹² making us useless when released back to society. Prison has to be activity based so that we are kept busy. But here, you can go mad. An idle mind is the devil’s playground.’

Female inmates have a right to rehabilitation, but considering the discrimination they endure, other rights such as the right to education which is provided for by article 17 of the Banjul Charter, article 13(1) of the International Covenant on Economic Social, and Cultural Rights (ICESCR), and articles 16(1) and 17 of the Universal Declaration of Human Rights (UDHR) are also affected.

In as much as the rehabilitation of inmates is a key focus of the correctional system, a number of problems have hampered the provision of rehabilitation programmes, especially those for women. Some of problems according Bhengu (2005: 1) include lack of infrastructure, funding and human resources.

The lack of infrastructure has translated into gender stereotyping and having limited rehabilitation programmes for female inmates. The lack of infrastructure when compounded by legislation such as section 60(1) of the Prisons Act, results in the violation of rights of those who had not been part of the original prison plan. In this case, female inmates have their rights to rehabilitation violated as most of the rehabilitation sites are on the male side of the prison. On further analysis, if strictly applied, this piece of legislation causes discrimination against female inmates and the ZCS fails to comply with its human rights responsibilities.

‘Zambia Prison Service has historically had to contend with low funding levels from government. The problem of underfunding cuts across the mainstream prison administration and is the root cause of many problems in the Prison Service. The shortage of financial resources impacts adversely on the condition of prison facilities, the maintenance of prison buildings and the sanitation system cannot be undertaken due to a lack of financial resources. The lack of funding has had a particularly severe impact on transport’(African Human Security Initiative, 2009).

¹² A traditional game played using stones.

The lack of funding for rehabilitation programmes is another area of concern as far as rehabilitation of inmates is concerned. The government's efforts to establish the ZCS by amending its Constitution must not end just there; it should also provide the necessary funding needed by ZCS in its quest to live up to its promise as an facility to rehabilitate its inmates.

The funding of rehabilitation programmes is an essential component in order for the correctional system to succeed. The implementation of such programmes hinges on the availability of funds. For the ZCS to achieve its intended goals and objectives funds must be made available for such programmes to be a success.

The lack of human resources is another problem as far as the provision of rehabilitation programmes is concerned and key officers cannot perform all necessary rehabilitation duties alone.

The total the number of when compared with the estimated prison population of 18,560 as of 2015 (World Prison Brief) in the prisons dotted around the country, the officer-prisoner ratio which according to Policy Brief No. 06 (African Human Security Initiative, 2009) stands at 1:8 hampers the provision of rehabilitation to inmates as key officers responsible for inmates rehabilitation are forced to perform other duties thereby neglecting this great task.

The shortage of personnel (i.e., all uniformed and non-uniformed technical staff) within the ZCS to serve its estimated prison population of 18,560 as of 2015 (World Prison Brief) which equated to an officer/prisoner ratio of 1:8, according to Policy Brief No. 06 (African Human Security Initiative, 2009), hampers the provision of rehabilitation to inmates as key officers responsible for inmates' rehabilitation are forced to perform other duties thereby neglecting this important task.

My findings using this approach were that there was gender stereotyping in the courses that were offered and they discriminated against female inmates. I also found out that even though the Constitution does not specifically provide for 'rehabilitation' it is nevertheless a prisoner's human right as the state has an obligation to rehabilitate its prisoners.

The Constitution and the Prisons Act offer little guidance as to the definition and meaning of prisoner rehabilitation and how to implement it and this could be due to the fact that it is in fact a complex multidisciplinary effort involving the co-operation of a number of stakeholders including social workers, psychologists, educators, chaplains and inmates themselves, who, because of their hands-on experience and expertise, should also be tasked with providing a better understanding and definition of this important work.

According to Sechrest (1979), any planned intervention that is aimed at reducing further criminal activity by an offender constitutes rehabilitation. The reduction of offending behaviour can be mediated by personality, behaviour, abilities, attitudes, values and other factors.

By definition rehabilitation is not limited to male inmates, but is meant for the betterment of all inmates so that they can return to society as law abiding citizens enabled positively to contribute to the economic growth of Zambian society. This is done by providing inmates with various treatment programmes that will offer them the means of earning a living once released back into society, so that ultimately Zambia can be free of criminals.

Article 10(3) of the ICCPR provides for the rehabilitation of inmates, both female and male. Rehabilitation, according to the Mandela Rules, should be the main aim of the criminal justice system as it is intended to help offenders to lead a law abiding and self supporting life upon their return to society. Rule 96 specifically mentions that rehabilitation is meant for those who have been convicted.

At the regional level and in terms of section 3 of the Ouagadougou Declaration on the Acceleration of Penal and Prison Reforms, prisons are required to make more effort into making positive use of the period of imprisonment of offenders in order to empower them to lead a crime-free life in future. This should include implementing rehabilitation programmes focusing on the reintegration programmes of offenders and contributing to their individual and social development.

In checking on Zambia's compliance with international requirements, I examined the Zambia Prisons Standing Orders which are a creation of section 11 of the Prisons Act. Standing Order 564 provides that all convicted prisoners shall be eligible for consideration for education.

Social welfare officers are appointed by the Commissioner General to administer rehabilitation services under the Offender Management Unit (OMU) (Standing Order 168).

2.3.1 The Offender Management Unit (OMU)

The Offender Management Unit (OMU) is a specialized unit of the ZCS that implements the rehabilitation of inmates for the purpose of reintegrating them back into society as law abiding citizens. By nature, rehabilitation requires a multi- and inter-disciplinary approach to secure a holistic treatment of inmates. For it to be a success, it requires the services of social workers, educators, medical practitioners, psychologists, the inmates themselves, and other stakeholders.

The OMU's inmate care programmes involve inmates in vocational training and education and they are the essence of the OMU. These programmes are based on the assumption that offenders commit crime as a result of or under certain circumstances and that proper treatment of these underlying causes may prevent further criminality. On paper, this consists of religious care, sport, recreation and HIV/AIDS awareness which guarantee the physical and spiritual development of inmates. The reintegration phase consists of conditional releases and family tie-in programmes including the provision of aftercare services. The Offender Management Unit also covers the care of special groups, such as female inmates, the elderly and terminally ill inmates.

The prison social welfare officer advises the Officer in Charge (OIC) on the appropriate rehabilitation programme an inmate should undergo¹³ after conducting a risk assessment and case management analysis. She/he advises the OIC through the reception and discharge committees which consists of the OIC, the chaplain, a social welfare officer and any other persons that may be appointed by the Commissioner. This committee is formed to deal with inmates when they first arrive. Taking into consideration the circumstances relating to each inmate, the committee classifies and determines the form of training they should undergo and allocates them appropriate accommodation.

¹³ Standing Order 168(iii)(a).

2.3.1.1 Risk and needs assessment

Although the Prisons Act does not define inmate risk management, it is an integral part the work of the ZCS as all inmates are subject to assessment from the time they are incarcerated until the time they are released. These assessments influence an inmate's security classification, the programming he/she will receive while incarcerated, and in cases where open prison risk management exists, assessments influence an inmate's eligibility for temporary absences and his release date.

Risk and needs assessment determine the provision of differential treatment to female inmates, juveniles, terminally and chronically ill inmates, the elderly, mentally ill inmates, and offenders with drug related offences. Risk and needs assessment measuring instruments are used to measure an offender's criminal risk factors and specific needs which if treated will lessen the likelihood of future criminality.¹⁴ Assessment measuring instruments generally consist of a series of questions that are intended to help guide correctional officers when interviewing offenders in order to collect data on behaviours and attitudes that research shows are related to the risk of re-offending. Information from other official records supplement the data collected during the interview. Generally speaking, risk and needs assessment instruments usually comprise both static and dynamic risk factors. Static risk factors include age at first arrest, gender, substance abuse, and past history of violating the terms of supervision (Austin, 2004). Static risk factors do not change, they remain constant over time. Dynamic risk factors, also known as 'criminogenic needs' (Nathan, 2015) include: level of education, marital status, current age and employment status (Austin, 2004). These are never constant as they change with time. Generally, risk and needs assessment instruments can, with a reasonable level of accuracy, predict those who are likely to re-offend.

¹⁴ Pew Center on the States, Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders, issue brief, September 2011 (http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2011/pewriskassessmentbriefpdf.pdf , p. 2).

CHAPTER THREE

3.0 METHODOLOGY, FINDINGS AND METHODS OF DATA COLLECTION

3.1. Methodology and research findings

To start with, the approaches taken in data collection influenced and determined my findings. By the approaches I took, I was able to gain a new perspective of the situation of women in correctional facilities and their needs. Each of the methodological approaches that I took led to the gathering of a variety of different perspectives on how and why women were being dealt with in the way they were in correctional facilities in Zambia.

For the purpose of analyzing rehabilitation programmes available for female inmates in Zambia, I visited three correctional facilities: Kamfinsa male and Kamfinsa female correctional facilities and Kansenshi correctional facility housing both female and male inmates. I first had to establish if there were any rehabilitation programmes at the different facilities, then, if inmates were aware of these programmes and then later establish if these programmes were accessible to all inmates in these facilities, considering the gender imbalances that exist in the penal system. It was important for me to establish whether the inmates knew and valued the use of these rehabilitation programmes. In arriving at my research findings, a number of methodological approaches and research methods were used. Considering the fact that the subject matter concerns women, it was imperative to have a grounded perspective of what was going on. Therefore, I used the women's law approach which allowed me to engage in conjunction with it, other methodological approaches, such as the Grounded Approach, the Actors and Structures Approach, the Sex and Gender Analysis, and the Comparative Approach, the Capabilities Approach, and the Human Rights Approach.

3.1.1 Women's law approach

The research was largely influenced by an interdisciplinary methodological approach, the 'Women's Law Approach', which seeks to apply the most appropriate solution to the oppression and subordination of women, by critically examining the gaps that exist between women's lived experiences and realities and the law. Atkins and Hogget (1984:1) affirmed that:

‘The women’s law approach is used to examine and understand how women are considered at law and how the law corresponds to women’s realities and needs.’

And later, the same was observed by Dahl (1987) as follows:

‘The methodology of women’s law is cross-disciplinary and pluralist and calls for a rather free use of available material wherever it can be found.’

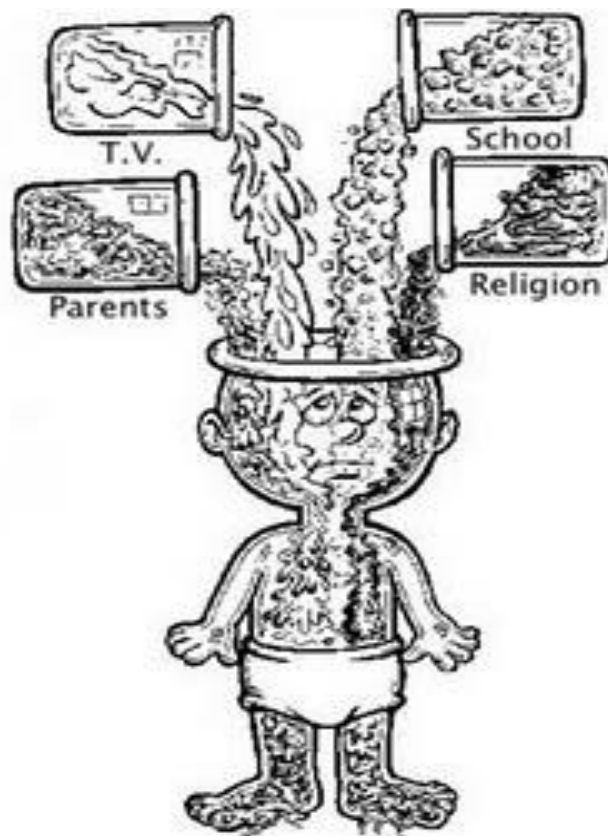
This approach was essential in that I could identify the gaps existing in the Zambian legislation and the lived realities of female inmates in Zambia especially with respect to accessing rehabilitation facilities.

My point of departure is that in order to have a clear understanding of the issues that affect women in order to advocate necessary improvements for their lives, any such study has to take the women themselves as the starting point. Women have a much better understanding of the causes and effects of their problems, the barriers they face in managing their situation and ideas about improving it. So, for this study to have meaning, it had to consider the lived realities of female inmates because they were the best people to explain how they are affected by their inability to access their preferred programmes and the effect that such programmes have had on them when they are eventually released back into society. While some of the female inmates felt that there was a big difference in what women and men were capable of doing, the majority expressed dissatisfaction about, as one key informant described, ‘*women-friendly*’ rehabilitation programmes. This key informant’s definition of ‘*women-friendly*’ rehabilitation programmes included knitting, tailoring, cutting and designing and gardening. Such programmes are purely meant to exclude women from participating in programmes that are much more economically empowering.

Women continue to trail men in a number of areas: the labour force, access to credit facilities, entrepreneurship, inheritance and ownership because society has defined who plays what role in society thus giving women little economic opportunities. Defining who plays what role in society has been influenced by gender socialization. In early life, boys or girls are socialized into being boys or girls by letting them interact with the things that society defines as being appropriate for that sex, thereby forming the basis for much of the stereotyping being experienced by women today. Gender socialization has had a great impact on issues that

affect women as it creates and maintains power relations that exist between women and men. Gender socialization is said to be influenced by ethno-methodology (Garfinkel, 1967) in which perspective gender is created and maintained while actors assume and play out roles in society. Figure 2 is an illustration of socialisation.

Figure 2 A picture depicting socialisation



(Source: <https://ideaexpo.wordpress.com/2013/09/27/socialization- parsons-1951-vs-mead-1934/> accessed on 03.03.16)

Socialization is defined by Maccoby (2014) as:

‘The process whereby individuals are taught the skills, behaviour patterns, values and motivations needed for competent functioning in the culture in which the child is growing up. Paramount among these is the social skills needed for interaction with other individuals.’

With this in mind, in applying the women’s law approach, I examined the delivery of rehabilitation programmes for both female and male inmates, and compared them with what is provided for in relevant pieces of legislation, including the Constitution of Zambia

(Chapter 1 of the Laws of Zambia), the Prisons Act (Chapter 97 of the Laws of Zambia) and the Zambia Prisons Standing Orders (2007 edition). In the international and regional context I considered the Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reforms in Africa, the Kampala Declaration on Prison Conditions in Africa 1996, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the International Convention on the Elimination of all Forms of Discrimination against Women (1979) (CEDAW), the Convention on Civil and Political Rights (1984) (ICCPR), the Convention on Economic, Social and Cultural Rights (1984) (ICESCR), the African Charter on Human and Peoples' Rights (1984), the First Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment (1998), Standard Minimum Rules for the Treatment of Prisoners (2015) (Mandela Rules), the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988) and the Basic Principles for the Treatment of Prisoners (1990) (BPT).

I then came to the conclusion that both the local and international legal provisions relevant to this study provide for equality and equal opportunities for both women and men. The problem arises, however, when it came to its practicability as noted by Mwanza (2012) and later echoed by Chilundika (2013):

‘Zambia faces challenges with prison conditions and manifest, *inter alia*, the following: Inadequate and often in need of rehabilitation physical structures...Limited rehabilitation programmes (on account of women prison facilities limitations and gender stereotyping) in comparison with those offered to male inmates that provide the best opportunity for employment after prison, e.g., carpentry, metal fabrication, bricklaying, etc. Female prison facilities are not independently established but are annexed to the main prison. This is because nearly all female prisons were not built as such but do exist as annexes to the main prison, for example, Lusaka Female Prison was originally stores but later converted into a female prison facility.’

I was most concerned about the availability of rehabilitation programmes for female inmates; the accessibility by female inmates of rehabilitation facilities; and the extent to which such facilities recognise the capabilities of female inmates. I later came to learn that rehabilitation programmes were defined by one's sex classification, thereby adversely affecting those who were socialised differently and easily capable of doing what was being offered to male

inmates in the form of rehabilitation programmes. Sex and gender according to Stoller (1968) are defined as:

‘Sex - in a broad sense, refers to the physiological and biological make-up that differentiates between the biological male and the biological female. In this case, one’s genitalia is the basis of characterization.’

and

‘Gender - is as a result of one’s socialization. Thus it is socialization that defines who can do what and what can be done by whom. Furthermore, gender is the behavioural difference between men and women described as “masculine” and “feminine”.’

I used the women's law approach to find out if women knew and were able to access rehabilitation programmes, and the challenges they were experiencing as a result of their failure to do so. Florence (not her real name) noted:

‘There are a number of programmes that the ZCS has designed for our rehabilitation, though male inmates can take part in the tailoring, knitting and gardening, we have challenges in accessing what is offered to them. They have metal fabrication, carpentry, ceramics and tailor-making, electronics, power electrical and others. But the problem is that we remain in the same position as women in such institutions because we still have to go back to society with nothing to call rehabilitation because we are defined by tailoring and knitting as women how then do you expect, for example, a professional to live when she is subjected to such programmes?’

When I asked the female inmates what rehabilitation programmes were available to them. They answered:

‘We have tailoring, knitting and gardening. Then those that have not completed their education, there are classes for literacy up to grade 12.’

I sought to understand why there was a difference in what programmes were being accessed by female and male inmates owing to the fact that both were inmates within the same system to which same laws and rules should apply. For as long as men and women have different life paths, living conditions, opportunities and needs, they will be affected differently by the legal rules (Dahl, 1978).

On further analysis I learnt that female inmates were not supposed to mix with male inmates and this was the reason why female inmates could not access what the male inmates were accessing. Section 60(1) of the Prisons Act is the basis for this separation and it provides:

‘Male and female prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent, as far as is practicable, their seeing or communicating with each other.’

The strict application of this law means that female inmates are discriminated against in that they are deprived of the comparatively better options available to male inmates in their rehabilitation programmes. Equality rules do not themselves materialize into equal results but the goal of equality demands unequal treatment in order to give weak parties opportunities to enjoy equality. In this vein, section 60(1) of the Prisons Act can only be evaluated if, in addition to understanding the text of the law and its intention, insight is obtained into the law’s consequences for individuals (Dahl, 1987). Although the intention of this law could not have been to deny women an opportunity to access empowerment skills, it is undeniably, in this human rights dispensation, discriminatory perpetuating acts of violence against female inmates who have to access rehabilitation programmes on the male side of the facility. Considering the fact that prisons were built for men and that most of the rehabilitation facilities are on the male side of prison facilities results in a situation that makes it practically impossible for female inmates to enjoy equality with men in access to rehabilitation programmes. With this in mind, such laws need to be changed to bring about such equality.

The women’s law approach was useful in that I was able to identify the programmes that were available at the research sites, and noted the difference between what was provided to female inmates and what was provided to male inmates. I was also able to identify the principal law that gives rise to discrimination. Socialization is another area that this approach was able to identify as being the cause for the subordination of women thereby denying them an opportunity of being what they want to be. I was also able to understand the various reasons that could have lead to their commission of crime, thereby identifying violence against women as a major reason why the number of female offenders is on the increase.

3.1.2 The grounded approach

The grounded approach is a well-developed set of analytic techniques designed with a particular end in view: creating a formal, substantive theory that explains a particular sort of

social phenomena. It is based on the tenets of field research, where the researcher 'seeks to move beyond particular meanings to identify general patterns and regularities in social life' (Charmaz, 1983).

In this method, data collection, analysis and eventual theory stand in close proximity to one another. Unless the researcher intends to expand or elaborate an existing theory, he/she does not begin a research project with a preconceived theory in mind, but rather must have an area of study which allows theory to emerge from the data. Such theory that is derived from data bears a resemblance to greater reality than theory based on experience or speculation (Strauss, 1998). The underlining characteristic of this methodology is theory building as opposed to hypothesis-testing and the generating of theory that is grounded in data (Glaser, 1967; Straus, 1998; Goulding, 1998). This methodological approach facilitates a holistic understanding of law based on lived realities (Bentzon, *et al.*, 1998).

'Conducting research using the grounded theory, allows the researcher to develop an open, but controlled framework in which she/he can theorize about the influencing factors that affect women as they interact with various facets of the law' (Bentzon, *et al.*, 1998).

This approach can be likened to the manner in which a dung beetle continuously piles balls of animal dung in which it lays its eggs. The grounded approach helped me to collect, sift, and analyse the data by taking into consideration the implications of my findings and thereafter determining the next step as far as data collection was concerned (Bentzon, *et al.*, 1998). This approach helped me to investigate female and male inmates' lived realities in the correctional facility with respect to their relative ability to access rehabilitation programmes provided by the ZCS. As opposed to a form of desk research, the grounded approach involves being in constant contact with key informants so as to get clear data on, for example, whether they perceived rehabilitation to be an inmate's right, whether the failure to offer rehabilitation programmes to female inmates had any effect on women once released from the facility.

When asked whether rehabilitation was an inmate's right, one of my respondents explained:

'Rehabilitation is an inmate's right. Though not provided for in the Constitution of Zambia, the state has an obligation to its citizenry, and in this case, the inmates who are in prison for various offences. What is the point in just bringing people to such facilities and you fail to provide a solution, to cure

their criminal behaviour? Most of the people in prison come from broken homes, with no educational background, and have no means for survival thus alcohol and substance abuse becomes a solution at the expense of his family. For such a person stealing is the best quick solution to making ends meet.’

My respondent further noted that women were most affected because there are a number of things that bring them into contact with correction, and, if they are not rehabilitated, they end up suffering more after they are released.

‘It becomes problematic if it’s a woman, who has to provide for her family since the husband whom she had been depended upon has resorted to alcohol and substance abuse. Most of the women in prison are there because of circumstances beyond them. Most of the offences women commit have some connection to their spouses. So then it is this dependence on the spouse that must be cured and the solution lies in rehabilitation. But how do you provide a one-size-fits-all¹⁵ kind of programme which is even gendered? There is need to let the inmates have a choice, let them choose what programme to do based on their own capabilities because at the end of the day, it is them who will experience life when released because that is when the reality of rehabilitation begins.’

This discussion raised a lot of questions that needed answers. Questions such as: Are the rehabilitation programmes gendered? Were these women imprisoned because they had committed crimes because of their spouses’ failure to provide for the family dependent on their spouses? I needed to triangulate this data and thus employed the grounded approach which is described as follows:

‘It is an interactive process with which data, theory and lived realities about the perceptions and norms are constantly engaged with each other’ (Bentzon, *et al.*, 1998).

With this in mind, I brought up these concerns with a woman key informant from one of the FBOs who, in responding said:

‘Culturally, women are supposed to be helpers, the housewife, while the man is supposed to be the family provider. When he returns from work, he must find the house is cleaned, the children bathed, and the food is set on the table.’

She further noted:

¹⁵ One-size-fits-all and without taking into consideration a person’s educational background or capability.

‘When *lobola*¹⁶ is paid for a woman, she becomes his, and must be extremely submissive to him. She is taught to understand situation such that if one is found to be acting to the contrary, then she was not taught, her parents did not teach her well.’

It then came to mind that culture has played a big role in the subordination of women. It not only disempowers them economically, but creates power and control mechanisms that favour their spouses. While using this approach I found out that most of the women were dependent on their spouses, had little or no formal education, had children to care of and at some point and had been victims of domestic violence. Its situations like these that force women to be on the other side of the law. But once on the other side of the law, corrections should seek to empower women so that once released they too can contribute to the family budget and decrease their dependence on men.

Female dependency and male support in the family structure are part of the socially constructed sexual division (Granwetter, 1983) of labour in which the primary responsibility of child care and house work falls on the woman, while the charge for providing for the family falls on the man. It is such socially constructed sexual divisions that have forced women into the private sphere and made them become dependent on their spouses who are publicly perceived as the family provider. If dependence on their spouses is to be done away with, women in corrections must be empowered by providing them with relevant skills that will determine whether they will remain in the private sphere or move into the public sphere upon release. This can only be done if access to such facilities can be accessed by both female and male inmates and if female programmes are designed to suit their special needs.

‘The involvement of women in the labour force has increased the contribution for family income and decreased the dependence on men’ (Sovensen, 1987).

Violence against women, gender inequality, economic marginalization, and sentencing policies intersect to entrap women and send them to correctional facilities where they have little access to rehabilitation programmes needed to change their lives. Table 4 shows a profile of some of the female respondents.

¹⁶ Bride price.

Table 4: Showing a profile of some of the female respondents

S / N	MARITAL STATUS BEFORE AND AFTER THE CONVICTION		EDUCATIONAL LEVEL	OCCUPATION		NUMBER OF CHILDREN
	BEFORE	AFTER		WIFE	HUSBAND	
	Married	Abandoned	Grade 9	Housewife	Shop owner	3
	Married	Married	Grade 12	Housewife	Businessman	11
	Married	Married	College	Formal emplmt.	Formal emplmt.	3
	Widow		Grade 7	Vendor		6
	Married	Abandoned	Grade 6	Hairdresser	Businessman	7
	Widow		Grade 7	Farmer		4
	Married	Not sure	Nil	Business woman	Miner	4
	Single		Grade 9	-		1
	Married	Not sure	Grade 8	Housewife	Miner	5
	Widow		Grade 9	-		3
	Married	Abandoned	Grade 11	Vender	Businessman	2
	Married	Not sure	Grade 8	Housewife	Formal emplmt.	4
	Widow		Grade 1	Vendor		6
	Married	Not sure	Grade 5	Vendor	Fisherman	5
	-	-	Grade 8		-	1
	Single		College	Formal emplmt.		0
	Married	Not sure	Grade 8	Maid	Businessman	1
S	Widow		Grade 12	Formal emplmt.		1
	Married	Not sure	Grade 7	Housewife	Businessman	5
	Widow		Grade 6	Vendor		12
	Married	Not sure	Nil	Housewife	Businessman	5
	Married	Not sure	Grade 12	Vendor	Miner	5
	Divorced		Grade 3	Vendor		8
	Married	Not sure	Grade 4	Vendor	Businessman	2
	Widow		Grade 11	Vendor		9

In order to obtain a clear picture concerning gender in the rehabilitation programmes being offered, I first asked the female inmates if they knew of any programmes being offered at that facility and if they were at liberty to access whatever programme they desired, to which they responded:

‘We know that there are a number of programmes being offered, but as inmates what more can we do? It is up to the administration to facilitate because we cannot just take ourselves to the workshop. For those that do tailoring or those that attend literacy class there are instances when they are not taken for some reason or another. The correctional system does not even allow for female and male inmate to mix, so if one may want to do what the male inmates are doing, it would be a challenge and that is why we just sit.’

In triangulating my data, I asked a key informant from ZCS and he said:

‘We have tailoring and knitting for female inmates, and carpentry, metal fabrication, electrical, gardening and education for the male inmates. But both can undertake in any of the programme, but due to some logistical constraints female inmates only participate in tailoring and knitting. It could also be that female inmates in most cases serve shorter sentence. It becomes problematic to start someone on a programme that is intended to last for a year when their sentence is only three month. We take into consideration one’s sentence, nature of offence, behaviour of the inmate, etc.’

I could not understand why there was a question of logistical constraints for female inmates to accessing programmes which are not only within their reach but are their rights. I also asked another key informant who revealed that it really depends how important the OIC considers the rehabilitation of female inmates.

When I sought clarity on the implications of short sentences served by women inmates on their access to rehabilitation, the respondent observed:

‘An alternative would be to provide short intensive programmes especially in entrepreneurship which can greatly help a lot of women. Most of these women are just housewives and do not contribute anything to the family. But with this they will make their own money that they can use for whatever they want.’

Table 5 details the rehabilitation programmes available to female and male inmates at each correctional facility.

Table 5: Showing skills programmes for male and female and male inmates

NAME OF PRISON	CJU	BP	FG	MF	TDC	P	TCM	PE	AM	TM	E/L	E
KANSENSHI												
Male	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
Female	N	N	N	N	Y	N	Y	N	N	N	Y	N
KAMFINSA												
Male	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Female	N	N	Y	N	Y	N	Y	N	N	N	Y	N

KEY	
AM	Automotive mechanics
BP	Bricklaying and plastering
CJU	Carpentry, joinery and upholstery
E	Electronics
E/L	Education/Literacy
FG	Farming and gardening
MF	Metal fabrication
P	Plumbing
PE	Power electrical
TCM	Table cloth making
TDC	Tailoring, designing and cutting
TM	Tile making/ceramics

Upon enquiring from another key informant from one FBO, the story changed, he told me that most of the female inmates only want to do tailoring and knitting. This is because the correctional facility is a place where people gossip, and so, to avoid attracting attention, many females inmates stick to what is feminine.

‘She is probably doing that programme so as to get to meet with male inmates... She probably wants to have a boyfriend. Since the workshops are on the male side of the prison, most of these programmes are accessed by the male inmates. The provisions of the Prisons Act do not allow female inmates to mix with male inmates.’

To confirm this, I referred to section 60(1) of the Prisons Act, which states:

‘Male and female prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent, as far as is practicable, their seeing or communicating with each other.’

This in itself felt like the law in its quest to provide a solution was being discriminatory. Because of the fact that there are challenges with respect to infrastructure it would be prudent to do away with such discriminatory pieces of legislation as they do not take into consideration the fact that female inmates need rehabilitation as much as their male counterparts. I also noticed that programmes accessed by female inmates provided a one-size-fits-all type of approach regardless of a person’s academic background; they were all supposed to do tailoring and knitting and gardening. This in itself denied female inmates their right to human development.

The United Nations (UN) defines human development as: ‘a process of broadening people’s choices, which is achieved by expanding their capabilities.’ Capabilities for humans are intended for people to lead long healthy lives, to be well-informed and to have a decent standard of living. Failure to achieve these basic capabilities results in restricting access to opportunities.

3.1.3. Sex and gender analysis and a comparative approach

While sex describes the physical distinction between women and men, gender is defined by and through social construction (Connell, 2002). Sex and gender analysis and the comparative approach are based on the physical distinctions between women and men, and their roles that are defined by society founded on these sex based differences. A comparison is then made between the advantages and disadvantages that accompany these differences that society prescribes (Pennings, 2006). Understanding women’s position in society is key to bringing about the desired change to their circumstances. It does not just require the participation of women, but requires everyone’s participation, including that of men within the *patriarchal* institution in our society. London (1996) described this change as:

‘...an elusive concept. It is inevitable and yet, paradoxically, it depends on the will and the actions of ordinary individuals. We embrace change, yet something in our nature fiercely resists it. Change takes place in an infinite variety of ways and there is no single strategy that will work for every individual or group. Still, those seeking to effect change may take comfort and inspiration from the examples of others. Not only does this provide mentors

from whom they can learn, it offers them conviction that their goal is attainable.’

Women are far worse off in correctional facilities than in society at large because of the sex/gender divide that exists in such closed environments. Prison is extremely sexualized to the extent that it perpetuates the discrimination and inequality of female inmates. Female inmates in correctional facilities are treated differently from male inmates and this is evident in the disparities between the rehabilitation programmes made available to them. The cause could be as suggested by Mwanza (2012) and Chilundika (2013):

‘Female prison facilities are not independently established but are annexed to the main prison. This is because nearly all female prisons were not built as such but do exist as annexes to the main prison.’

In the Auditor General’s Report (2014) to Parliament on the Rehabilitation and Reintegration of Prisoners it was noted that:

‘Skills training and educational courses are carried out to a limited extent and in some prisons these are not carried out at all due to a lack of trade instructors, teachers, workshop materials and equipment.’

Though my research sites had trade instructors, teachers, workshops and equipment, female inmates could not access their desired programmes on account of the fact that the categorization of inmates as provided in the Prison Act is based on a person’s sex and it is this then that determines what programme one can take participate in. Female inmates have no choice but to do knitting, gardening and tailoring.

The report further noted that:

‘Prisons are originally built for detention purposes and not education and skills training. Furthermore, the emphasis is placed on commercial production of farm produce than education and skills training. The cause of failure to provide tools to facilitate implementation of rehabilitation and reintegration services is that MHA and ZPS has not placed much emphasis on these services.’

Most of the correctional facilities were not built for the purpose they are now serving. They were built to punish offenders so as to keep other would-be offenders from committing crime.

Their original retributive purpose can also be seen in its structures and the way its officers treat prisoners. But as a result of a more progressive outlook, the ZCS is creating an opportunity for inmates to change their lives in prison by participating in various treatment programmes so that they can be reintegrated back into society. As noted in the Auditor General's Report (2014) to Parliament on the Rehabilitation and Reintegration of Prisoners, the ZCS must put in place a strategic plan that will be a guide as it rehabilitates inmates. If this is not done, the Constitutional amendment will simply remain a paper-based amendment. But society demands that both female and male offenders should return to society as law abiding citizens who are enabled to contribute positively to its economic development.

Using this approach I was able to find out that although the word 'inmate' covers both male and female inmates, female inmates were, by virtue of their sex, being treated like guests in that they were being denied rehabilitation programmes of comparatively equal value to those enjoyed by their male counterparts. In the categorisation of inmates, the prominent factor of their sex has caused discrimination against female inmates. In this current dispensation of women's rights, women should be accorded the same opportunities as their male counterparts. This is evident in Belknap's (1996) astute observation:

'The many successes women have made in the struggle for emancipation in society have not yet passed through the prison gates.'

In order to rectify this, female inmates must be looked at from a gender perspective thus allowing them, like their male counterparts, to freely participate in various programmes. This is only possible if discriminatory laws are changed.

'As a result of using out-dated laws and the lack of a National Policy on the operations of the prison service, ZPS have failed to deliver correctional services to prisoners in line with current international practices.'

When analyzed through the gender lenses, the cause of the discrimination faced by women inmates could also result from the gendered structures upon which the initial prison was established. Some authorities have argued that prisons with their infrastructure, laws and regulations, amenities, treatment programmes and the culture of control (Dezie, 1989) were all initially designed for male prisoners. The entry of women into the prison system as

offenders meant redefining a number of things, because the current scenario is, as described by one of my respondents:

‘It’s like wearing/fitting into a jumpsuit that was originally designed for another, worse off (*sic.*) if it is designed for someone of opposite sex.’

This is true for women in many prisons, but the very fact that women make up such a small fraction of the total prison population¹⁷ should offer an opportunity for their inclusion in the main correctional policies, especially on rehabilitation. Programmes can be designed and resources allocated in such a way that female inmates benefit from rehabilitation programmes designed for their benefit, needs and interest so that it does not just seem like a project that has a time frame.

Another respondent who had been discharged after serving a two year sentence noted:

‘Women normally have a challenge of fitting into society after serving prison time. It seems as though once the judge pronounces the sentence, and you are dumped at the prison, then you cease to exist. Many women are never visited by their spouses and when discharged, the challenge then is, where do I start from, where do I go? For me, I spent months trying to locate my children, who had been sent to his village to stay with his aunty as he had re-married. Generally, women do not receive as much family support as men in prison. There is a greater family shame dynamic that occurs when a woman goes to prison, and the family’s anger is often shown by refusal to visit. I was only visited the first two months then.’

As though the prison and the family sentences against her were not enough, she also had to endure the further rejection society imposes on former inmates. She was stigmatized and admitted that finding her footing again in society had been a challenge.

‘It pains me that my children had to stop going to school because their father had remarried. The oldest was 15 years of age and doing her grade 10 when I was arrested. Three years down the line and am still struggling to take her to school. Going to prison was only a problem the first few months because I had a wrong picture about prison, but the real pain and fear was experienced when I was released because I have suffered too much stigma.’

¹⁷ Zambia has a prison population of approximately 17,000 with a total of 1,316 women inmates, representing 3% living in prison cells built to accommodate only 5,700 inmates (Prison Care and Counselling Association (PRISCA) Survey of 2011. Available at: <http://www.times.co.zm/?p=7357>. Accessed on 03/04/16).

Incarceration has a great impact on female inmates and re-establishing a home and family life are some of the major issues that former female inmates face when released (Pedlar, 2008). They have to find accommodation, regain physical custody of their children. They also have basic needs which can only be guaranteed if they have been empowered with skills or are able to find employment. They also have to negotiate the stigma perception influencing potential landlords, employers and the community as a whole. She further noted:

‘The correctional system does not prepare women for release and that’s why am still struggling. Before the imprisonment, I was just a housewife but now I have to think, and think, and think because I really don’t know where to go and what to do. How I wish there was something I had learnt while in prison that could have been helping me to survive. I am currently staying with my sister who also has a large family with no stable source of income.’

She raised very important issues especially since women face the significant challenge of trying to fit back into society after their release from prison since during their incarceration, they are rarely visited by family members and their close relationship with their children is often cut off. I used the comparative approach in order to understand why the situation was like that. I tactfully asked different male inmates their views on the points raised by the former female inmate. John (not his real name) said that:

‘I have been here for the past year after having served another 3 years at another prison. I requested prison authorities to transfer me to a prison closer to where my family is. I felt for my family that they spent so much every month bringing me supplies from home. I sometime would send a message through the officer in the middle of the month if I had some challenges and they would come. So when I was brought closer to home, they come to see me every Sunday. This really makes me feel cared for and blessed to have such a wife. We have 3 children together, though you know as a man, I have one other child somewhere. She also comes to visit, though not as often as my wife. Actually she was pregnant by the time I was convicted. When she brought the child for me to name I could not believe it, but that is about women. They love with their hearts while as men we care less and I know both women are waiting for me.’

I also sought to understand the situation from the perspective of a male former inmate. So I went to a nearby compound with where many former inmates whom I had encountered while serving as a correctional officer, lived. While walking around the market hoping I would be recognised by my would-be respondents, I noticed two men approaching me with big smiles and as they got closer, one of them shouted:

'Bwana, bwana, bwana, bwana, bwana'¹⁸ ...tamionani bazungu....'¹⁹

I got closer and after greeting each other I started asking questions and Kennedy (not his real name) responded:

'I am married with 2 children, the oldest being 4 years old. The day I was discharged my wife had been waiting for me outside the prison. She heard as the judge was passing the sentence the date for my release. I even reminded her when she had visited two week before my release. She brought me new clothes to wear on discharge we went home and I found everything was ok.'

The other former inmate said:

'I am not married but my mother always visited me while I was in prison, she actually came to get me the day I was discharged. I am trying to do some business but you know the situation is bad. At least I found my wife had started a saloon business we are surviving.'

Asked about how he was managing to fit back into society, he answered:

'It's life as usual, as a man I have to make ends meet. But since am staying with my parents it's not so much of a problem.'

In contrast, former women inmates who are the child carers in their family, have difficulties re-establishing themselves in society upon their release from prison and while they are serving their time, they are rarely visited by their spouses. In trying to find out if women were child carers in the family I tried to look for a man who had a wife in prison, but I could not find any as a few had women and children visiting them. Challenges female inmates face upon release can only be solved if the opportunities accorded to male inmates are also extended to female inmates but in a more equitable manner so that the various special needs of women are taken into consideration. Most women have traumatic and abusive histories which should be treated with counselling, but the prison system does not take such issues into account. Since they are child carers, they need to maintain close contact with their children. Women in correctional facilities do not just need an equal opportunity approach to rehabilitation, but an equitable approach that takes into consideration their special needs.

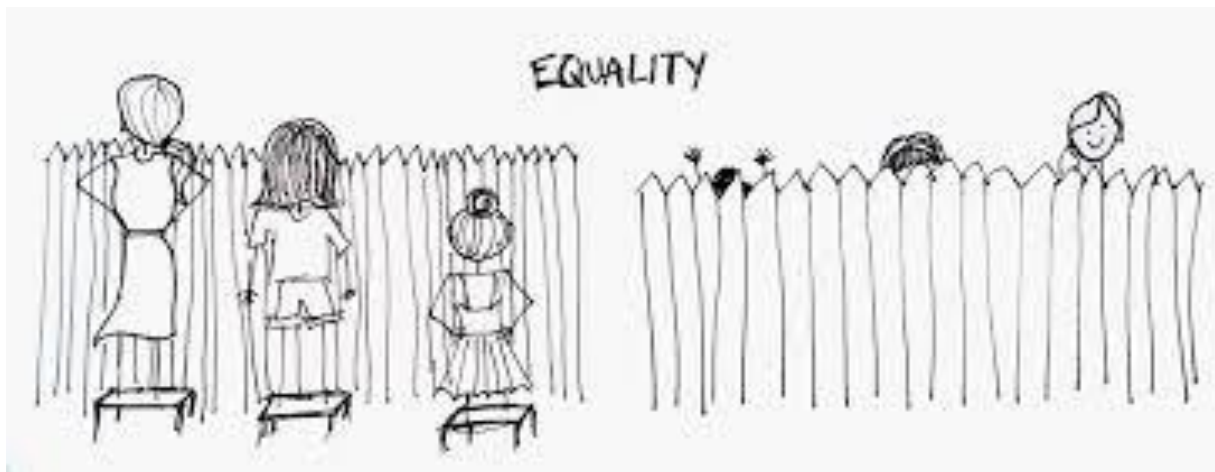
¹⁸ *Bwana* is local language for 'sir'.

¹⁹ '*Tamionani bazungu*' in the language of Nyanja means, 'We have seen you, sir'. *Bwana* and *bazungu* mean the same thing.

Though concepts of gender equality and gender equity are used interchangeably, they do not refer to the same thing. A pictorial example of showing the differences can be seen in Figures 3 and 4. Gender equality (Figure 3) is discussed in terms of equal access to something for both female and male, it could be access to resources, social goods and services and opportunities. Women and men are not equally affected by gender inequality; they have different needs and experiences which should be accommodated. Women are more likely to be disadvantaged and marginalized. Giving female and male inmates' equal access to all rehabilitation programmes offered by the ZCS may not result in female inmates taking advantage of this opportunity if programmes are, for example, predominantly filled with male inmates and rehabilitation facilities are only on the male side of the facility. There is still the unfortunate tendency to consider male norms as a measure for women's position. Providing female and male offenders with the same opportunities is the first step; true gender equality (Figure 3) can only be achieved with gender equity (Figure 4).

‘Gender equality requires equal enjoyment by women and men of socially-valued goods, opportunities, resources and rewards’ (UNFPA).

Figure 3: A pictorial example of equality



(Source:https://www.google.com/imgres?imgurl=http://static1.squarespace.com/static/564a5603e4b064f8be8c626c/564cf082e4b0b9b125432a9a/56af92048a65e2449094f0f0/1454346759763/Equity.png&imgrefurl=http://www.equityillustrated.org/&h=388&w=1000&tbnid=W_WfvnpFe9fE2M:&docid=Bf5g5TWZfrAvMM&ei=qXfZVuDxL4HcUP-LoNgK&tbm=isch&ved=0ahUKEwig6qnR_KbLAhUBLhQKHf8FCKs4ZBAzCBsoGDAY)

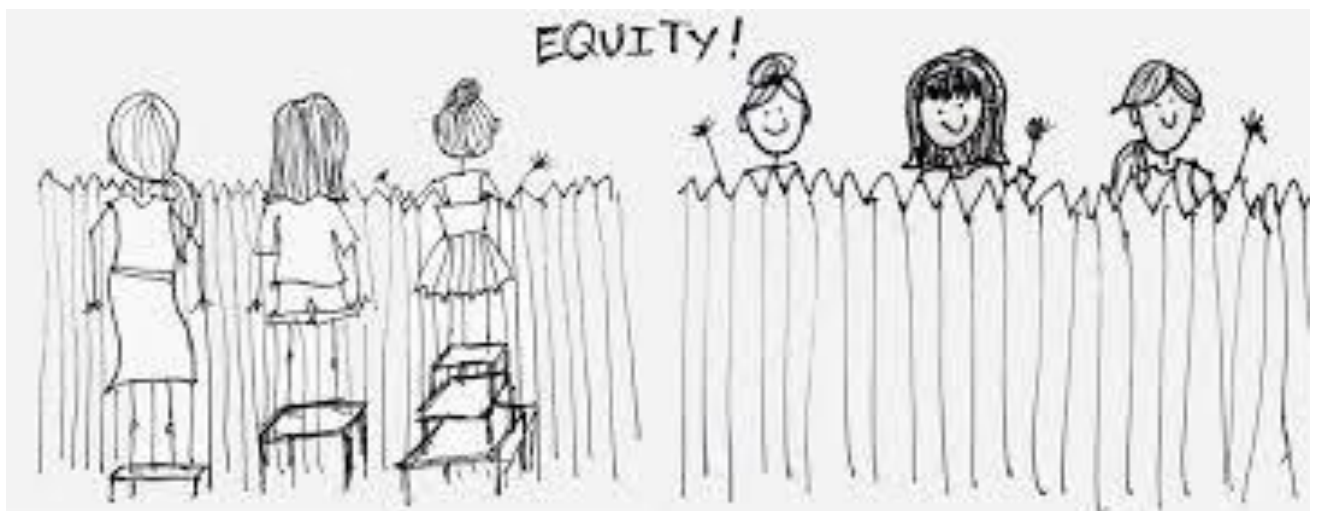
Female and male inmates must not just have equal access to facilities and opportunities to rehabilitation, but the means of benefitting from this equality must also be given to them. This is where gender equity comes in. It implies fairness in the way female and male inmates

are treated; different lived realities and needs of female and male inmates must be taken into consideration and compensation made for female inmates' historical and social disadvantages.

‘Gender equity is the process of being fair to women and men’ (UNESCO).

The historical construction of society, religion, language and family have rested on the assumption that world is male (de Beauvoir, 1949). It is such assumptions that have lowered the status of women in society, and constitute a handicap and conditions should be put in place that redress this inequality before taking advantage of the opportunities provided. Gender equity therefore acts to level the playing field in empowering women. When female inmates are excluded or lack information, equipment or skill training necessary for them to participate fully in public affairs, obstacles to accessing rehabilitation facilities must be overcome to ensure fairness. For the ZCS to maximize opportunities for access experienced by female inmates, it must commit resources to level the playing field. The implementation of a belief in equity of access to rehabilitation facilities as fairness can only be achieved if factors associated with one's sex and gender are taken into consideration.

Figure 4: A pictorial example of equity



(Source:<https://www.google.com/imgres?imgurl=http://static1.squarespace.com/static/564a5603e4b064f8be8c626c/564cf082e4b0b9b125432a9a/56af939e07eaa025f2d9d87c/1454347169425/Equitty.png> &imgrefurl=http://www.equityillustrated.org/&h=388&w=1000&tbnid=cNQG5d9hzjJmYM:&docid=Bf5g5TWZfrAvMM&ei=qXfZVuDxL4HcUP-LoNgK&tbnid=isch&ved=0ahUKEwig6qnR_KbLAhUBLhQKHf8FCKs4ZBAzCBgoFTAV)

Sex and gender are ultimately inseparable phenomena in the struggle for the inclusion of women in the public sphere, and the sex/gender lens should be used to view women's subordination if we are to understand problems women in corrections face.

Women's pathways to prison when combined with their family responsibilities, and biological needs create a whole incarceration experience that is different from that of men. As one of my respondents noted, imposing *a one-size-fits-all approach* to the rehabilitation of inmates would be problematic. Instead the ZCS should approach rehabilitation issues from a gender and capabilities perspective.

Another respondent, whom I interviewed a day after she had been admitted to the correctional facility, cried her way through the interview and made me realize the importance of finding out why women end up behind bars. With a number of the women in prison, their offences had resulted from being a mother, a grandmother, an aunt or a sister who in responding to economic, cultural and social pressures, ended up crossing the line between what society considers is not permissible.

'In the middle of the night I heard someone trying to open the door, being a widow and alone with two of my grandchildren in the house, my son had been working in the night shift. I went to the window to check and I saw a naked man standing by the door, I was scared because it was strange to me. I shouted thief, thief, thief, thief! That's how come the naked man run away. It was then that my son who had just knocked off from work saw the naked man leaving the yard that he chased him and caught up him, but unfortunately by the time I reached the place my son had been overpowered that I just pushed the naked man way to rescue my son. By this time a mob had started growing that they beat up this naked man. Days later I was visited by the police that my son and I had killed someone. And that's how come am here now.'

Another female inmate told me that she was asked by her daughter to cut the lining under the tongue of her grandson because he had a problem with his speech and the child bled to death.

Generally, women's pathways to crime indicate that gender issues greatly shape female criminality (Richie, 1994). While using the sex and gender analysis and the comparative approach I was struck by the similarity of the backgrounds of the different women. Many of my respondents came from poor families, had little formal education, were economically disadvantaged and their crimes stemmed from impoverishment and abuse (Sampson, 1993).

Many of my respondents had histories of sexual or physical abuse at the hands of a close relative and suffered from economic and social marginalization.

In spite of all this, women still strive to make the best of their situation. In most cases, they avoid those activities that put them in prison. This suggests that they have the internal capacity to turn their lives around. Community interventions aimed at providing education and vocational skills should therefore be encouraged as this would ultimately alter their social and economic status not just in the family but in the community as well.

In my quest to understand why there were differences in the rehabilitation programmes being offered to female and male inmates I found that gender stereotyping was a recurring problem. A visit to the workshops exposed this. One could argue then that the clear bias in favour of male inmates is a form of oppression and subordination of female inmates who are in urgent need of emancipation. The many successes women have made in the struggle for emancipation in society are yet to pass through the prison gates (Belknap, 1996).

3.1.4. The actors and structures approach

This approach involves the identification of actors and structures involved in the rehabilitation process of inmates. These were identified as officials who implement various programmes in key organizations necessary to this study, and government ministries and non-governmental organizations (NGOs). Therefore, in order to conduct a thorough investigation into the provision of rehabilitation programmes for female inmates there was a need to identify the actors responsible for the formulation and implementation of policies on rehabilitation. Officials from the ZCS turned out to be the main actors using this approach because not only do they formulate rehabilitation policies, but they also implement and facilitate the rehabilitation of inmates. I also had officials from the Good Samaritan Centre, the Celebrate Jesus Ministries and Prison Fellowship of Zambia (PFZ) involved in the implementation of rehabilitation. Structures in this case include, but are not limited to, the Ministry of Home Affairs, the Zambia Correctional Services, the Ministry of General Education, and the Ministry of Higher education.

Using this approach I was able to establish that the ZCS has a specialized unit known as the Offender Management Unit (OMU) which is responsible for the rehabilitation of inmates. I also found that the Ministry of Higher Education (MoHE) is responsible for University

Education, Vocational Education and Training as well as Science, Technology and Innovation and that its strategic objectives are:

‘...to increase access to, and promote the efficient and equitable quality university education, labour-market relevant technical, vocational and entrepreneurial skills, and enhance research and development as well as strengthen the commercialization, transfer and diffusion of technology and innovation.’

Using this approach, I was also able to establish that the ZCS does not provide rehabilitation programmes to inmates single-handedly, but has eased the burden by partnering with other organizations. I was informed by one key informant that:

‘...the rehabilitation of prisoners does not end at the prison gate when one is released.’

With this I was able to establish that institutions such as the Good Samaritan Centre, PFZ offers even greater opportunities to former inmates. Inmates due for release are advised by local chaplains on such opportunities and the onus is entirely up to them to visit such centres for more empowerment. When I visited the Good Samaritan Centre, I observed that its rehabilitation programmes were also gendered. While giving a brief overview of the Good Samaritan Centre, a key informant noted:

‘The centre is a charitable organization which was established in 1994 to respond to a need in society for the training and rehabilitation of ex-inmates from prisons in Zambia. The centre is recognized by Technical, Education, Vocational and Entrepreneurship Training Authority (TEVETA) as a training provider of vocational skills. We have the carpentry department, the agricultural department, the metal department, and textile department which offer women-friendly courses.’

Women are not a homogeneous group, they have different desires, ambitions, aspirations, capabilities, and as a consequence, providing *women-friendly courses* to women amounts to discrimination based on their biological make-up. Women can be pilots, engineers and lawyers. They can also operate heavy machinery and do practically anything that men can do. Providing *women-friendly courses* to women only helps to make them more rather than less dependent on men. This was the case with the PFZ, although they indicated that they had intentions of providing gendered programmes as a pilot project. There was also a need for

section 60(1) of the Prisons Act to be reviewed as most of their activities are with serving inmates.

A number of operations follow the change of name from prisons to corrections and this includes awareness-raising, internal and external capacity development, networking with relevant governmental departments/ministries and NGOs, lobbying key decision-makers, and sensitization campaigning. The ZCS cannot single-handedly rehabilitate inmates but would benefit more if other players came on board to assist them in this important task.

3.1.5 The capabilities approach

The capabilities approach as presented by Nussbaum (1988) is based on two fundamental claims: firstly, the freedom that someone has to achieve their well-being is of primary moral importance, and secondly, achieving well-being has to be understood in terms of their capability, that is utilizing opportunities to do what they value and aspire to do. It includes an assessment of an individual's well being, the evaluation and assessment of social arrangements, and the design of policies that bring about the desired change (Nussbaum, 2003). It seeks to prioritize people's functions, and their opportunities to realizing those functions.

This approach made me consider the effect on female inmates of the inability to access rehabilitation programmes which are available to male inmates. I also sought to understand what female inmates could achieve if they were provided with the variety of rehabilitation programmes which are presented to male inmates. One female inmate who married to a miner had the following to say:

‘I have never been to school. I was hoping I they will allow me to attending class. Because of some family pressure I got pregnant when I was in grade 8, and could not continue with school. My partner promised to take me back to school after giving birth but he changed his mind. I now have 5 children now.’

She could not remember the last time he had visited her, yet said she owed everything to him:

‘I tried to do some businesses but I failed. I guess it's not just in me.’

I looked at how restricted access to rehabilitation programmes limits the actual capabilities of female inmates.

‘We just sit here, doing nothing the whole day. And since the place is small we are in most cases bored and tired of doing nothing.’

Asked if she would want to learn a vocational skill in addition to going back to school, she responded in the affirmative:

‘I would love to do something that would help me make some money. You see with these tailoring and knitting, you just can make enough to feed the family. But when you compare what the men are doing, just one door frame would be enough for me and my 5 children. Think of it, if one female and one inmate were chosen and given the same amount of money, allocated the same time to make and sell their products as a way of assessing who would make more profit. The male inmate would make more from the sale. To make matters worse it would take time for the female inmate to sell her product because no one is buying such these days unless you are really well established in the business. People are buying second-hand cloths. How do you expect them to be buying from the tailor? The other lady still has about three jerseys she knitted sometime back, she is hoping someone from amongst the officers would buy for their children but no one is buying.’

These sentiments were echoed when we had a group discussion. Female inmates said that they had been made to feel inferior, a influence which was not good for their self-esteem.

While referring to the capabilities approach, I asked one of the key informants what the problem was, and he replied:

‘The Act is a major hindrance. Since it acts as a guide we just do as it provides. You may go out of your way and relax the rules, but there are consequences that may follow. I may fail to answer because I will be charged and tried using the same Act. If there was a way another workshop would be an alternative.’

Three of my female respondents had been educated up to tertiary level, but could not be engaged to teach other inmates as provided by the Prisons Act. They were instead expected to participate with other female inmates in tailoring, knitting and gardening. I wondered if this was meant to punish them or simply a failure to think of women and women’s activities beyond the restricted bounds of domesticity.

Nussbaum (2003) acknowledges that the absence of education involves a blight of human powers without at all denying that the person who has been so blighted retains a basic core of human equality that grounds normative claims of justice. In this light, providing male inmates with rehabilitation opportunities while denying them to female inmates is tantamount to being unjust to female inmates as they are denied opportunities which can open ways for the actualization or realization of their capabilities that make life complete. My findings were that the female inmates were willing but the provisions of the Act and the problem of the infrastructure could not permit them. It is hoped that the Constitutional Amendment will usher in a review of the law to allow female inmates free access to programmes on the male side of the facility. It is also hoped that funds will also be availed for the creation of facilities that specifically provide for female inmates.

CHAPTER FOUR

4.0 DISCUSSION AND CONCLUSION

4.1 Conclusion

The rehabilitation of prisoners is a rather complex issue (Robinson, 2006). Some argue that prison is meant to punish offenders for their wrongs, while others claim that rehabilitation offers prisoners an opportunity to turn away from crime. The police apprehend a person, they are tried, found guilty and sentenced by a competent court. But what happens after this becomes contentious. The legal system's interest is to satisfy society by keeping it safe from criminals. Society does not seem to care about the effect that incarceration has on prisoners.

While both women and men may be imprisoned, the correctional system has paid far less attention to the different needs and problems that come with the incarceration of women than it has to men (Kaschak, 1992). Female offenders are simply expected to fit into a system which was originally designed for male inmates and with this mind set they become invisible in many aspects of the correctional system (Covington, 1998). The resultant neglect of women inmates is a form of oppression at the hands of a patriarchal institution which is grounded in maintaining the private status of women. The corrections system has paid little or no attention to the special needs of female offenders which should be the foundation of any design of their facilities and programmes.

Since female inmates are very different from their male counterparts, their rehabilitation cannot under any circumstances be approached from a male perspective. For the rehabilitation of female inmates to be a success, it has to take into consideration factors that could have led to the commission of the offence, their various special needs, the community they come from, the proximity of their children/family to the correctional centre, their capabilities, the important relationships in their lives and, in order to balance power relations within their home, entrepreneurship must also be considered.

Most rehabilitation programmes have been designed in such a way that they tend to benefit male inmates more than female inmates, consequently denying female offenders that better life that is expected of a former inmate. Such programmes make it practically impossible for

female inmates to reintegrate back into society because there is nothing for them to fall back on save the same old painful life that could potentially send them back to prison.

The rehabilitation of inmates, female or male, is the purpose of corrections but if it remains one-sided in favour of men it will continue to undermine the economic, social, academic and emotional development of the currently marginalized population of women inmates. If, however, rehabilitation is looked at as every inmate's human right, its focus will change from being a male-centred to an all inclusive activity designed according to one's capabilities.

Despite the theory that that the rehabilitation of inmates should occur without distinction on the basis of sex is a human right, what emerged from the research data collection process was that the rehabilitation of female inmates in the research sites under study was almost virtually non-existent.

4.2 Discussion

4.2.1 The Offender Management Unit (OMU)

For rehabilitation to be effective, ZCS needs to strengthen the OMU. It must have a well defined structure, with qualified officers well vested in various skills. Consideration should also be made for an increased budgetary allocation for the unit so as to allow for the expansion of its programmes. There is also a need for modern infrastructure and equipment that will cater for a variety of skills.

Considering that rehabilitation is the core focus of corrections, there is a need to increase the number of OM officers in order to meet the increasing demand. The size of the facility should also determine the number of social welfare officers and chaplains it is to have.

Allowing social welfare officers and chaplains to perform additional duties undermines the performance of their own duties. It is therefore recommended that social welfare officers and chaplains perform their own specific duties.

4.2.2 Monitoring and evaluating (M & E) of programmes

The monitoring and evaluation (M&E) of rehabilitation programmes in the ZCS can be a useful instrument for measuring their effectiveness and tracking the progress of other related

projects in different jurisdictions. This can form the basis for strengthening the understanding around the multifaceted factors underlying recidivism, gender stereotyping, and discrimination against female inmates. M and E would be a means of providing necessary information so desired for strategic planning, designing and implementation of programmes. It would also act as a guide to allocate, and re-allocate funds in better ways.

Considering the fact that rehabilitation is one of the core functions of the ZCS, there is a need for rehabilitation programmes to be evaluated from a gender perspective so as to measure progress being made in empowering female inmates.

M and E is a systematic tool for tracking implementation and outputs, for the purpose of measuring the effectiveness of the programme, thus determining the viability of such programmes that recommendations for any changes or modification to the programme can be made. It can also help in identifying the most valuable and efficient use of resources.

4.2.3 Develop a strategic plan

The Auditor General Report (2014, ix) noted that the ZPS did not have a strategic plan over a long period of time and noted:

‘...it is questionable whether the Government goal of rehabilitating and reintegrating prisoners is being realized.’

With this in mind, I stress the need to develop a strategic plan as it is crucial for the success of the organization. A strategic plan is a roadmap for decisions and actions that an organization seeks to realize within a desired period of time. The vision, purpose and values of the organization should be the basis for this strategic plan. It should also build on past successes in order to thrive in the future.

A strategic plan must be constantly reviewed and updated taking into consideration any legal relevant changes and inputs for different stakeholders. By doing so, the plan would be contemporary and relevant to the ZCS.

4.2.4 Review of the law

In spite of rehabilitation and security being the ZCS's two major functions, the Prisons Act has so focused on the latter to the detriment of the former with the result that the system remains largely retributive in nature.

There is therefore a need to review the law to make it gender friendly. This 1966 piece of legislation (the Prisons Act) must be reviewed as it has outlived its usefulness especially since it does not address current gender issues. In other words, it is too outdated to be used in the implementation of the ZCS's mandate of rehabilitation. It has also remained in place for far too long and thwarts rather than improves the lived realities of female inmates and female officers in the ZCS. There is thus a wide gap between reality and the legal rule (Dahl, 1987: 14).

I therefore recommend a review of this law.

4.2.5 Gender engendering

The ZCS needs to alter its current gendered approach to the provision of rehabilitation. It needs to look at what inmates should be entitled to and how that translates into appropriate programmes for different inmates. The difference between provisions, however, should not be based on sex or gender preferences, but on capabilities and, where possible, the activities they would prefer to undertake.

4.2.6 Risk assessment and need assessment

There is a need for Offender Management Officers to regularly carry out risk assessment in order to advise the Reception and Discharge Board on appropriate rehabilitation programmes an inmate is to undergo. Since female differ from male inmates, there is a need to consider assessing female inmates based on their unique needs. The Act should clearly define the different types of assessment and the criteria to be applied in this process.

4.2.7 Skills training and educational programmes

There is a need to develop a system that will allow both female and male inmates to access rehabilitation facilities as this will not disadvantage any group. An inmate's personal preferences should be taken into consideration by the Reception and Discharge Board when allocating rehabilitation programmes.

There is also need to consider the job market when designing rehabilitation programmes as most inmates would leave prison only to end up re-offending due to their inability to secure work for which they have been trained. Entrepreneurship programmes should be designed, introduced and made compulsory for all inmates.

Considering the fact that rehabilitation is the core function of the ZCS, it should be made compulsory for all inmates irrespective of the sentence.

4.2.8 Women with children

Considering the fact that most correctional facilities were built for male inmates, female inmates with children accompanying them face countless challenges trying to fit in. Such children have their rights to recreation, education and health affected as they have to continually live as though they are themselves inmates in an environment that does not support their development. The child's right to health is affected as they are forced to share the same room with other adults thereby increasing their risk of infections to disease. The child's right to education is affected as the ZCS does not provide for their education. It is therefore recommended that the Minister of Home Affairs uses powers vested in him under section 3(1) of the Prisons Act to declare a suitable building a correctional facility for female inmates.

Considering the fact that most female inmates are mothers who worry that their children often drop out of school as a result of their incarceration, I also recommend that the earning scheme be revised and reintroduced to allow women support their school going children during their incarceration.

4.2.9 Waive examination fees

Since the Ministry of Education and TEVETA are important stakeholders in the success of rehabilitation of inmates, they should seriously consider waiving their examination fees. It has been noted that most of the offenders have little or no educational background thus providing them with such an opportunity will ease the burden on the government. Also fees paid by the ZCS to relevant educational institutions for inmates could be channelled to other rehabilitational needs.

4.2.10 Training

It is recommended that training in women's rights receive priority attention. This will help mitigate the abuse and harsh treatment of female inmates by officers. This will provide a better understanding of the different international and regional instruments providing for the rights of women and specifically female inmates.

Gender training should also receive priority attention as it is a continuous process aimed to provide knowledge, strategies and tools to develop skills that will eventually bring about attitudinal and behavioural changes. It will also help officers build gender skills and acquire the knowledge necessary for advancing gender equality in their daily lives and at work.

4.2.11 Financial and human resources

The government should be encouraged to increase financial and budgetary allocations to the ZCS so as to enable the service to provide the necessary rehabilitation to inmates. This will also require increased human resources, therefore increased funding would help the ZCS to recruit extra officers so as to reduce the officer/inmate ratio, and should offer skills development activities to build a professional ZCS which would line up with its new mandate, while upholding and respecting the rule of law.

4.2.12 Establishment of a Gender Advisory Unit (GAU)

It is recommended that the command set up a gender advisory unit at its head office which should endeavour to address the disproportionate and unique impact of various issues on women in the ZCS.

The unit will be responsible for spearheading gender mainstreaming programmes in the ZCS bearing in mind the mandate of the Service. It would also be responsible for the implementation of policies, procedures, and planning, bringing about a continuous review of policies and interventions. It would also ensure that the tenets of equality between women and men in the ZCS are fully integrated in all areas. This would be done through capacity-building.

4.2.13 Government to reconsider employing people with criminal records

Being the largest employer, government should consider changing laws on employing people with criminal records as this is in itself discriminatory. Its quest to rehabilitate and produce

law abiding citizens would be defeated if the people it is rehabilitating do not find employment as this would cause them to reoffend.

4.2.14 An open prison

If sentences women serve are in most instances shorter, it could be that they commit less violent crimes. As a way of reducing prison overcrowding and budgetary allocation, policies should be put in place that allow for the creation of open prisons for women (Mavhembu, 2016). This would be a point of reference to the regional group that the ZCS belongs to. Being the first of its kind, there would be a need to use models from other countries that have successfully managed to run open prisons for women. There are a great many countries that run successful open prisons for men.

4.2.15 Community interventions

Community interventions should continually be improved so as to find a normal way to punish female offenders so that only those convicted of dangerous and violent crimes posing a danger to society are sent to prison. This would a more effective way of preventing further victims and increasing women's chances of remaining the main family carers thus helping to preserve the family unit.

4.2.16 Start-up capital

For female rehabilitation to be complete the government should consider giving them some equipment or resources, i.e., start-up capital, which could act as a springboard for their productive re-entry into society. This would be of great assistance to former female inmates since most of them have little or no formal education, come from poor families and have little or no means of survival. This gesture would reduce their dependence on men and assist them in becoming more economically independent. This is especially important in view of the fact most married former female inmates suffer from the stigma of their husbands abandoning them and remarrying as a result of their incarceration which means that they have no home to which to return. If the government could offer them such life-saving support, these women would at least be able to reintegrate back into society and maintain themselves and their children.

4.2.17 Employment as a key to re-integration

Female inmates should be offered a wider range of practical and realistic training opportunities that can allow for their smooth reintegration to society. Considering the fact that women commit less violent serious crimes, a Work Release Programme could be designed for them and this would also broaden their range of training opportunities.

4.2.18 Developing community connection, not disconnection

The establishment of an Open Prison for women would also help female inmates to develop community connections. It would enable them to maintain close connections with their families and children which would enhance healing and understanding, and support women in the resumption of their active family roles and responsibilities as mothers.

It would also encourage the development of volunteering in the community, to provide education to the public and to enable the community to witness the women in positive pursuits.

Developing community connections would also foster greater openness within the community, including the media, to encourage coverage of positive activities, in contrast to the persistent presentation of images and stories that deepen public fear and stigmatisation of the women.

4.2.19 'Unlearning' for corrections

Merely putting all that has been recommended on paper will not bring about the desired change, unless the ZCS as a whole is subjected to the unlearning process. Reform alone is not enough; there is a need for a much deeper reorganization, restructuring, reconsideration, reorientation of the whole correctional service, level by level, correctional facility by correctional facility.

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Appendices

Appendix 1: Questionnaire for the Commissioner General, ZCS

RESEARCH ON : **REHABILITATION PROGRAMS FOR FEMALE INMATES**

TITLE : **AN ANALYSIS OF REHABILITATION PROGRAMS FOR FEMALE INMATES IN ZAMBIA. A CASE STUDY OF KANSENJI AND KAMFINSA PRISONS IN THE COPPERBELT PROVINCE.**

YEAR : **2015 – 2016**

My name is **CLIVE KAWUMBU NJAMBA**, student number **R156080W** a student at the University of Zimbabwe studying a Masters Degree in Women's Law. I am conducting research on the rehabilitation of female prisoners in Zambia. I am kindly requesting your valuable input into this research by answering the following questions. It is my hope that such information may contribute to the drafting of recommendations which may help to improve the equality and equitability of rehabilitation programs for female inmates.

INTERVIEW QUESTIONS

1. What is rehabilitation and what is its relevance to the ZCS?
2. Is it an inmate's human right?
3. What is the ZCS's policy on the rehabilitation of female prisoners?
4. Are rehabilitation programs gendered?
5. Is there a monitoring & evaluation of rehabilitation programs which measures their successes and failures?
6. Considering the fact that security and rehabilitation are the main concerns of the ZCS, how effective is the Offender Management Unit (OMU)?
7. Does the OMU trace its origins back to any legal provisions? If so, which provision?
8. Female inmates at Kamfinsa female and Kansenshi prisons were only offered rehabilitation courses in: gardening, tailoring, knitting, literacy and educational programs while their male counterparts have access to these courses as well as: carpentry and joinery, building and construction, metal fabrication, to mention but a few. **ALSO TAKE NOTE OF THE 2014 ZAMBIA PRISONS SERVICE ANNUAL REPORT; 4.1.5 – SKILLS TRAINING, AND TABLE 4.4**
 - i. What is the ZCS's policy on gender?

- ii. Does this amount to discrimination based on ones sex, and capabilities?
 - iii. Does this amount to the exclusion of women from accessing better income generating programs that place them in positions where they can contribute to the economy growth of the nation?
 - iv. Is gender stereotyping the provision of rehabilitation programs issue of concern?
 - v. The 2014 Zambia Prisons Service annual report (**ABOVE TABLE 4.3**) also noted that a total of 10 inmates were pursuing various degree programs at Copperstone and Nkuruma Universities. Whose responsibility is it to finance such programs?
9. Does the impact of the application section 60(1) of the Prisons Act give rise to discrimination against female inmates considering the fact that workshops/ facilities from which rehabilitation programs are run are located on the male side of the prison. (E.g. Kamfinsa)

Section 60(1) of the Prisons Act provides as follows:

Male and female prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent, as far as is practicable, their seeing or communicating with each other...

10. What is the ZCS's strategic plan on: **(could be long term or short term)**
- i. Gender
 - ii. Women and
 - iii. Rehabilitation
11. The 2014 Report of the Auditor General on Rehabilitation and Reintegration of Prisoners recommended that:
- i.** (a) The Prisons Act should be revised to conform to international standards.
 - (b) The Prison Service should develop a strategic plan incorporating strategies on rehabilitation and reintegration of prisoners. A

comprehensive national policy on Internal Security should be developed which addresses rehabilitation and reintegration needs of prisoners.

ii. The Prison Service should ensure that all prisoners are counseled regularly. The Service should employ and train officers in social work to conduct efficient counseling. In addition, the Service should deploy a psychologist at each prison.

iii. (a) Prisoners discharged before completion of their relevant skills training programs should be placed on CACO to ensure that they complete their training programs outside prison.

(b)The Prison Service should also come up with short term rehabilitation programs to meet the needs of short term prisoners.

vi. (a) The Prison Service should also initiate job placements and other forms of support for discharged prisoners and parolees.

Has the ZCS implemented any of the above mentioned recommendations? (If necessary, kindly comment on each of the recommendations)

Appendix 2: Questionnaire for Copperbelt Regional Commanding Officer, ZCS

RESEARCH ON : REHABILITATION PROGRAMS FOR FEMALE INMATES

TITLE : AN ANALYSIS OF REHABILITATION PROGRAMS FOR FEMALE INMATES IN ZAMBIA.
A CASE STUDY OF KANSENJI AND KAMFINSI CORRECTIONAL FACILITIES ON THE COPPERBELT PROVINCE.

YEAR : 2015 – 2016

My name is **CLIVE KAWUMBU NJAMBA**, student number **R156080W** a student at the University of Zimbabwe studying a Masters Degree in Women's Law. I am conducting research on the rehabilitation of female prisoners in Zambia. I am kindly requesting your valuable input into this research by answering the following questions. It is my hope that such information may contribute to the drafting of recommendations which may help to improve the equality and equitability of rehabilitation programs for female inmates.

INTERVIEW QUESTIONS

1. What do you understand by the term rehabilitation of prisoners?
2. Is rehabilitation a basic prisoner's human right?
3. Is there gender stereotyping in the provision of rehabilitation programs?
4. What rehabilitation programs are offered in your region to:
 - i. Female inmates and
 - ii. Male inmates?
 - ii. Kindly explain the difference if any
 - iii. How can this difference be overcome?
5. Do you have qualified Correctional officers to conduct the rehabilitation program?
6. Are there a criteria used in selecting of inmates for rehabilitation training?
If so, what are they?
7. In your own opinion, between male and female prisoners, who benefits more from rehabilitation training?

- i. If there is any difference, kindly explain why
8. What is your strategic plan for the rehabilitation of prisoners?
9. What, if any, challenges are encountered in rehabilitating female prisoners?
 - i. How can these challenges be overcome?
10. Has rehabilitation had any positive impact on recidivism? If yes explain

Appendix 3: Questionnaire for the Officer-In-Charge (OIC) – ZCS

RESEARCH ON : REHABILITATION PROGRAMS FOR FEMALE INMATES

TITLE : AN ANALYSIS OF REHABILITATION PROGRAMS FOR FEMALE INMATES IN ZAMBIA. A CASE STUDY OF KANSENJI AND KAMFINSI CORRECTIONAL FACILITIES ON THE COPPERBELT PROVINCE.

YEAR : 2015 – 2016

My name is **CLIVE KAWUMBU NJAMBA**, student number **R156080W** a student at the University of Zimbabwe studying a Masters Degree in Women’s Law. I am conducting research on the rehabilitation of female prisoners in Zambia. I am kindly requesting your valuable input into this research by answering the following questions. It is my hope that such information may contribute to the drafting of recommendations which may help to improve the equality and equitability of rehabilitation programs for female inmates.

INTERVIEW QUESTIONS

1. What do you understand by the term rehabilitation of prisoners?
2. Is rehabilitation a basic prisoner’s human right?
3. What rehabilitation programs are offered at this facility to;
 - i. Female inmates and
 - ii. Male inmates?
4. Is there a criterion used in selecting inmates for rehabilitation training?
5. Has gender stereotyping affected rehabilitation programming at this facility? explain
6. What effect has section 60 (1) of the Prison Act had on the rehabilitation of female inmates?
 - i. Is there a way round it
7. In your own opinion, between male and female prisoners, who benefits more from rehabilitation training?
 - ii. If there is any difference, kindly explain why

Appendix 4: Questionnaire for other key informants

1. What is rehabilitation?
2. What rehabilitation programs do you have?
3. Are your programs gendered?
4. On average, how many female inmates do you rehabilitate in a year?
5. What criteria do you use in use in choosing rehabilitation programs for inmates?
(probe for education background etc)
6. How many active rehabilitation officers do you have and what are their qualifications?
7. Do you offer certificates to inmates to inmates upon completion of your programs?
8. What else do you offer the inmates upon release? (probe for capital, tools, materials as a way of sealing rehabilitation)
9. What are your age groups and background of your clients?
10. What are some of the challenges that you face in rehabilitating inmates? (probe for recidivism, support disabled women, human resource)
11. Is rehabilitation an inmates human right?
12. Considering question (9) in your opinion are you winning n the rehabilitation of female inmates, (if) not where do you think there is need for improvements?
13. How effective are your programs?
14. How should society treat former female inmates?
15. What is your policy on the rehabilitation of female inmates?
16. Do you link them with any other organization when released?
17. What are some of the challenges that female inmates face in their rehabilitation?
18. Are female inmates receiving the same type of rehabilitation as male inmates?
19. What is your policy on gender?
20. Are male inmates advantaged more than female inmates?
21. If yes to (20) what causes male inmates to be more advantaged?

Appendix 5 Questionnaire for the prison inmates

RESEARCH ON : **REHABILITATION PROGRAMS FOR FEMALE INMATES**
TITLE : **AN ANALYSIS OF REHABILITATION PROGRAMS FOR FEMALE INMATES IN ZAMBIA. A CASE STUDY OF KANSENJI AND KAMFINSI CORRECTIONAL FACILITIES ON THE COPPERBELT PROVINCE.**
YEAR : **2015 – 2016**

My name is **CLIVE KAWUMBU NJAMBA**, student number **R156080W** a student at the University of Zimbabwe studying a Masters Degree in Women’s Law. I am conducting research on the rehabilitation of female prisoners in Zambia. I am kindly requesting your valuable input into this research by answering the following questions. It is my hope that such information may contribute to the drafting of recommendations which may help to improve the equality and equitability of rehabilitation programs for female inmates.

INTERVIEW DATE ____/____/____

1. REGION: COPPERB+ELT		2. NAME OF CORRECTIONAL FACILITY:					
3. LANGUAGE USED TO CONDUCT INTERVIEW			1=ENGLISH <input type="checkbox"/> 2=BEMBA <input type="checkbox"/> 3= NYANJA <input type="checkbox"/> OTHER (specify)				
4. NAME OF RESPONDENT: <i>(optional)</i>		5. AGE		6. NUMBER OF CHILDREN:		7. AGE, OCCUPATION AND EDUCATIONAL LEVEL OF CHILDREN:	
8. MARITAL STATUS:		BEFORE CONVICTION <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1) SINGLE <input type="checkbox"/> 2)MARRIED <input type="checkbox"/> 3)DIVORCED <input type="checkbox"/> 4)SEPARATED <input type="checkbox"/> 5)WIDOW <input type="checkbox"/> 6)ABANDONED <input type="checkbox"/> AFTER CONVICTION <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				9. AGE, OCCUPATION AND EDUCATIONAL LEVEL OF SPOUCE / GUARDIAN:	
10. OCCUPATION BEFORE CONVICTION		11. EDUCATIONAL LEVEL		12. OCCUPATIONAL SKILL		13. OFFENCE(S)	
						14. SENTENCE	
15. NUMBER OF PREVIOUS CONVICTIONS, OFFENCES and							

INTERVIEW QUESTIONS

1. Do you understand what rehabilitation is?
 - i. If yes explain
2. Were you informed of any rehabilitation programs available at this prison on admission?
 - i. If yes, kindly name some of them.
3. What rehabilitation programs are available specifically for female prisoners at this prison?
4. What rehabilitation programs are available specifically for male prisoners at this prison?
5. Considering your educational background how best can the prison help you in your rehabilitation?
6. What rehabilitation programs are you involved in? (if at all involved in any)
 - i. If not involved in any kindly explain why?
7. How has your family received your rehabilitation training?
8. What made you choose that rehabilitation program?
9. In your opinion, do you receive the same rehabilitation opportunities with male prisoners?
10. How often do you attend rehabilitation lessons?
11. Suppose you had an opportunity to take up a male dominated rehabilitation program e.g. metal fabrication, how do you think your female friends or prison officers would perceive you?
12. Would you want to take up a male dominated training?
 - i. If yes why haven't you?
 - ii. If no, why wouldn't you?
13. Are you satisfied with the rehabilitation program that you are involved in?
 - i. Kindly state why you have said yes/ no
14. How will the rehabilitation training benefit as you settle back in your community upon release?
15. What kind of assistance do you think would be of great help to you upon release?
16. Suppose you did not receive any assistance upon release how would you react?
17. In your opinion do you think rehabilitation can reduce on reoffending?
18. With the kind of rehabilitation training you are receiving, do you see yourself re-offending?

- i. Kindly explain your answer
19. Do you believe you will be able to practice the skills acquired upon release, with or without any form of support?
20. How has your family/ community received your imprisonment?
- i. How will you convince them that you have changed for the better?
21. How often does your family visit you?
- i. If rarely/ never how has that affected you?
22. Are there any organizations that come to offer rehabilitation trainings to you?
- i. How often do they come?
 - ii. What do they offer?
23. In your opinion, is your rehabilitation a human right?
- i. Explain