

# **HUMAN RIGHTS**

**IN AFRICAN PRISONS**

**EDITED BY JEREMY SARKIN**



**HSRC Press**

Cape Town, South Africa

**Ohio University Research in International Studies**

Global and Comparative Series No. 10

Ohio University Press

Athens, Ohio

# Contents

Tables and figures viii

Acknowledgements ix

Acronyms and abbreviations x

- 1 An overview of human rights in prisons worldwide 1  
*Jeremy Sarkin*
  - The importance of prison research 1
  - Why this book? 4
  - Rising global prisoner numbers 9
  - Are states with high prisoner populations more punitive? 10
  - The historical context 12
  - Conditions and overcrowding 14
  - Resources and prison governance 20
  - Awaiting trial detention 22
  - Women 24
  - Children 26
  - Rehabilitation 27
  - Alternative sentencing 29
  - The role of the African Commission on Human and Peoples' Rights 30
  - The Special Rapporteur on Prisons and Conditions of Detention in Africa 32
  - Prison reform in Africa 34
  - Conclusion 37
  
- 2 A brief history of human rights in the prisons of Africa 40  
*Stephen Peté*
  - The pre-colonial period 40
  - The Atlantic slave trade 43
  - The colonial period 44
  - The post-colonial period 52
  - Conclusion 60
  
- 3 Challenges to good prison governance in Africa 67  
*Chris Tapscott*
  - International norms 68
  - Towards administrative reform of prisons in Africa 70
  - The promotion of self-sufficiency 71
  - The management of healthcare in prisons 72
  - Overcrowding and prison design 73
  - The management of children and youth 74

- Rehabilitation programmes 75
- Human resource management 76
- Independent oversight of prison administration 79
- Conclusion 80
  
- 4 Overcrowding in African prisons 83
  - Victor Dankwa*
  - Problems caused by overcrowding 84
  - Causes of overcrowding 85
  - Overcrowding figures for some African prisons 88
  - Measures of hope 88
  - Conclusion 90
  
- 5 Pre-trial detention and human rights in Africa 93
  - Martin Schönteich*
  - International standards and guidelines 94
  - African standards and jurisprudence 95
  - African resolutions and declarations on pre-trial detention 97
  - Pre-trial detention and imprisonment in Africa 99
  - Pre-trial detention as a human rights issue 104
  - Developing solutions 111
  - Conclusion 114
  
- 6 Children in African prisons 117
  - Julia Sloth-Nielsen*
  - The prevalence of children in African prisons 117
  - International standards applicable to children in prisons 119
  - Prison conditions in practice 122
  - Positive aspects of African approaches to incarceration 126
  - Children of imprisoned mothers 128
  - Conclusion 130
  
- 7 The imprisonment of women in Africa 134
  - Lisa Vetten*
  - The imprisonment of women across the African continent 135
  - What leads to women being imprisoned? 144
  - Other institutions that are prison-like in nature and effect 148
  - Marriage, sex and women's imprisonment 149
  - Conclusion 152

8	Rehabilitation and reintegration in African prisons 155
	<i>Amanda Dissel</i>
	Defining rehabilitation and reintegration 155
	Regional instruments 159
	Legislation and policy frameworks 161
	The practice of rehabilitation and reintegration in African prisons 162
	The impact of rehabilitation and reintegration services on prisoners 172
	Conclusion 175
9	Alternative sentencing in Africa 178
	<i>Lukas Muntingh</i>
	The framework for and origins of alternative sentencing in Africa 179
	Alternative sentencing and prison overcrowding 184
	Proportionality and interchangeability of sanctions 190
	Social conditions and alternative sentencing 191
	Alternative sentencing in the broader system of governance 193
	The future of alternative sentencing in Africa 198
	Conclusion 200
10	The African Commission's approach to prisons 204
	<i>Rachel Murray</i>
	The role of international institutions in assessing prison conditions 204
	Visits by the Special Rapporteur 206
	Standards adopted by the Commission with respect to prison conditions 211
	Conclusion 216
	Contributors 224
	References 226
	Index 247