

## **IMPROVING SANITARY CONDITIONS AND HYGIENE IN PRISONS**

### **DRAFT CONCEPT**

#### **Background**

The establishment of the Prisons Service dates back to 1911 when the first prison was built, the Nairobi Remand and Allocation Prison. Today, the total number of prisons stands at ninety three with a capacity of over 40,000 inmates which population exceeds the number of between 12,000 and 14,000 initially intended for accommodation in all the prisons built between 1911 and 1996. Besides the escalation of crime, the administration of criminal justice entails a tardy process that often leads to protracted incarceration of remand inmates. The steady growth of the prison population has led to overcrowding and caused a severe strain on existing infrastructure and facilities. From available reports, congestion still remains a monolithic challenge in prisons today as it gives rise to a number of other problems such as disease outbreak and compromises on both personal and general prison hygiene standards all of which impact negatively on the enjoyment of fundamental human rights.

However, it is gratifying to note that the government is open to addressing the existing challenge in prisons within the context of the criminal justice process and has in the past four years embarked on a broad based reform program targeting prisons. Among some of the reforms to ease overcrowding are the implementation of the Community Service Orders, a scheme under which persons convicted of minor offences are granted non-custodial sentences. But the impact created though the programme towards prison decongestion is yet to be assessed. The move to adopt a synergetic approach to these reforms by liaising actively with the prosecution and judiciary to speed up investigations and trials respectively is another measure applied to overcome the problem. In this regard, a number of obstacles such as personnel, skills upgrading, financial resources,

work ethics and attitude change have to be surmounted. Despite these interventions the situation of prison congestion is yet to be satisfactorily addressed to ensure the human rights of prisoners are safeguarded.

The development of a Strategic Plan by the Prison Department is a remarkable milestone in the endeavour to improve correctional facilities and prison conditions in general. To this end, it is hoped that OFFLACK can seize the opportunity to partner with the Prisons Department to help alleviate poor hygiene and sanitary conditions in prisons to ensure compliance with international standards.

### **Rationale/ Justification for Proposal**

Congestion or overcrowding of prisons is considered a human rights violation as it proliferates in the infringement of other rights such as the right to health, privacy, affects personal care and hygiene central to the sense of dignity and self-esteem of an individual and sacrosanct of all, the right to life.

The rights of prisoners are established in both national, regional and international law. Under Kenya legislation, the Prisons Act, Borstal Institutions Act and the Children's Act secure the rights of persons in detention in prisons. Under the regional legal regime, the Kampala Declaration provides a comprehensive framework of the rights of prisoners and prison management to guide corrective facilities in sub-Saharan Africa.

At the international level, a number of conventions, declarations, and covenants exist which prescribe certain standards that countries who are parties are under an obligation to achieve. The most aspirational document that has gained wide acceptance is the United Nations Standard Minimum Rules for the Treatment of Prisoners. The rules provide the minimum below which no state or institution should descend. It is these standards that Kenya ought to strive to align local standards to granted the gaps in national laws.

OFFLACK is a non-governmental organization established in 1998 with the objective of promoting access to justice and rights of vulnerable groups primarily through legal aid and awareness creation. In the course of its interaction with the prisons through

occasional visits to inmates who qualify for its legal aid program, OFFLACK noted with concern that personal hygiene in cases where this is neglected due to lack of amenities in prison adversely impacts on the dignity of the person which is ordinarily stripped by the mere fact of incarceration.

While OFFLACK recognizes the zealous interventions through practical measures by the Prison Department to ensure humane prison conditions, it is apparent that poor hygiene and sanitary conditions have not been adequately dealt with. Aware of the open door policy encouraged by the Prison Department that seeks to build mutually beneficial partnerships between the Prisons Department, private sector and non-governmental organizations, OFFLACK requests your kind consideration of the following services;

- Provision of free fumigation services
- Provision of mouth wash
- Provision of antiseptic creams

OFFLACK further proposes to provide this service on a pilot basis by targeting correctional centers with the most deplorable sanitary conditions such as those with poor prison infrastructure and amenities coupled with a high prison population. Ideally, the target should be representative of gender and age where a male prison, a female prison and a children's detention center should be identified for the purpose. The duration of the proposed intervention could possibly range between 3 and 6 months to allow adequate time for results from the time of inception.

### **Conclusion**

OFFLACK is persuaded that the proposed intervention would augment the efforts by the Prisons Department and other like minded partners in the crusade to humanize prisons in Kenya. OFFLACK will immensely appreciate your honest opinion of this draft proposal and further advice on opportunities for collaboration and the direction ahead.