

**PERFORMANCE AUDIT REPORT ON
PROVISION OF CUSTODY AND
REHABILITATION SERVICES**

BY

**MALAWI PRISON SERVICES
IN
THE MINISTRY OF HOME LAND SECURITY**

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12th December, 2022.

The Right Honourable Speaker
National Assembly
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Through: The Honourable Minister of Finance, Economic Planning and
Development
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Lilongwe 3
Malawi

**PERFORMANCE AUDIT REPORT ON THE PROVISION OF CUSTODY
AND REHABILITATION SERVICES BY THE MALAWI PRISON
SERVICES IN THE MINISTRY OF HOMELAND SECURITY**

Dear Madam,

PPursuant to the provision of section 184 (2) of the Constitution of the Republic of Malawi and the Public Audit Act Cap 37:01, I have the honour to submit my report on the results of the Performance Audit on Provision of Custody and Rehabilitation Services by the Malawi Prison Services in the Ministry of Homeland Security.

A Performance Audit is an audit of Economy, Efficiency and Effectiveness with which the audited entity uses its resources to achieve its goals. The prime aim of a performance audit is to ensure better use of resources, improved operations and better decision making in reaching policy objectives set

Yours faithfully,

A handwritten signature in black ink, appearing to be 'TKB'.

THOMAS K. B. MAKIWA
Acting Auditor General

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LIST OF ACRONYMS AND ABBREVIATIONS

Abbreviations

AIDS	:	Acquired Immune Deficiency Syndrome
CCP	:	Chief Commissioner of Prisons
CSO	:	Civil Society Organisations
DDS	:	Daily Dietary Scale
DGP	:	Democratic Governance Programme
DHO	:	District Health Office
DP	:	Development Partners
HIV	:	Human Immune Deficiency Virus
IGA	:	Income Generating Activities
MANEB	:	Malawi National Examination Board
MDAs	:	Ministries, Departments and Agencies
MGDS	:	Malawi Growth and Development Strategy
MoHS	:	Ministry of Homeland Security
MoJCA	:	Ministry of Justice and Constitutional Affairs
MoU	:	Memorandum of Understanding
MP	:	Malawi Police
MPS	:	Malawi Prison Service
FBO	:	Faith Based Organisation
RPO	:	Regional Prison Office
SDGs	:	Sustainable Development Goals
SMR	:	Standard Minimum Rule
TEVET	:	Technical Entrepreneurial & Vocational Education Training
ZACP	:	Zomba Central Prison

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EXECUTIVE SUMMARY

Custody and Rehabilitation Services is one of the core functions provided by Malawi Prison Services in order to ensure internal security of the Nation. Custody involves housing and detaining of persons committed to Prison by Courts of Malawi while rehabilitation is the process of providing support in form of educational or vocational training to inmates to offer self-reliance and law abiding upon release with intention of preventing re-offending. During detention inmates are supposed to access basic health care at the expense of the state.

Malawi Prison Service(MPS) is one of key security institutions under delivery of criminal justice system in the democratic governance sectors in Malawi which provides custody and rehabilitation services to persons who have been prosecuted or are awaiting prosecution by the judiciary. MPS works towards a sector goal of achieving improved justice delivery, rule of law and internal security in order to promote a just and peaceful society for socio economic development.

Provision of Custody and Rehabilitation Services falls under SDG number 16 (Peace justice and strong institutions) and in MGDS III provision of Prison Services falls under Other Key priority areas under the theme of Peace and Security. MGDS III has a specific outcome relating to provision of Prison services which is to enhance Management of Prisons. In the Malawi Vision 2063 under Enabler No 3, Malawi aspire to have effective and efficient governance systems and institution with strict adherence to the rule of law. This enabler recognises peace and security as key principles in attainment of Malawi Vision 2063.Under this principle Malawi aspires to maintain a peaceful Malawi that attracts and retains investors.

As a result of Risk Assessment which was conducted by National Audit Office in 2017/2018 financial year in democratic governance sector which indicated that Prison Service Department had high risks in effective and efficient Provision of Prison Services, it was proper that a Performance Audit be carried out on Provision of Custody and Rehabilitation Services to inmates.

The audit objective was to assess the extent to which MPS has provided Custody, Health and Technical rehabilitation services in-order to enhance humane and safe custody of inmates and to reduce recidivism, tendency of a convicted criminal to reoffend. The audit covered three financial years from 2015/2016 to 2017/2018.

The audit used various methodologies to collected data in order to come up with sufficient and relevant evidence for the conditions observed. Data for the audit was collected through document reviews, interviews and physical inspections.

Interviews were conducted with prison officials as well as inmates. Physical inspections were conducted in prison cell, MPS clinics and in technical skill rehabilitation workshops.

The key findings of the audit were as outlined in the paragraphs below:

1. Implementation of Technical Skill Rehabilitation Programs

The audit identified that implementation of technical skill rehabilitation programs was not effectively implemented as only 6% of convicted inmates accessed technical skill rehabilitation programs and quality of rehabilitation are still low and that there are no post release support programs provided to inmates on discharge. Key conditions observed on implementation of technical rehabilitation programs included:—

a. Low Enrolment in Technical Rehabilitation Programs

Though MPS had shifted its focus on treatment of inmates from punitive approach to corrective approach through provision of rehabilitation programs to offenders, the audit established that rehabilitation programs were not effective since very few convicted inmates were enrolled in rehabilitation programs.

For instance, out of 9001 convicted inmates in 11 sampled prison stations, it was established that only 540 were enrolled in Technical skill rehabilitation program representing 6% of convicted inmates.

Low enrolment was attributed to inadequate trainers, lack of training materials and equipment, lack of secured workshops and lack of inmate uniform.

Failure to impart useful skills or vocational training programmes to all inmates during their custody might lead into recidivism as lack of marketable skills increases opportunities for indulging in criminal offenses to earn a living

b. Poor Quality of Rehabilitation Program

The audit established that quality of technical rehabilitation programs in MPS did not meet the prescribed quality standards as indicated by lack of modern training tools, equipment and also training infrastructures.

Failure to furnish rehabilitation workshop with modern tools and equipment was attributed to inadequate finances allocated towards rehabilitation programs since only MK22,443,852 was allocated towards rehabilitation programs in sampled prison station for three years period (2015/2016; 2016/2017; and 2017/2018) under review which represents 1% of approved annual budgets of sampled prison stations

Lack of modern tools, equipment and rehabilitation workshops translated into inmates not being trained in all necessary skills that were meant to be provided

thereby affecting the quality of the trainings provided. In addition, this limited the number of inmates enrolled in technical skill rehabilitation programs.

c. Lack of Post Release Support Services to Rehabilitated Inmates

The audit established that MPS was not providing post-release support to inmates who had acquired technical skill in Prison on completion of their term of sentence.

Failure to provide post release support to inmates was attributed to MPS failure to put proper plan and systems on how they can support inmates upon release from prisons.

Failure to have post release packages might lead into difficulties for inmates to adjust into society if they have no start-up capital for small businesses and working tools to showcase their technical skill acquired through rehabilitation programs and it might escalate cases of recidivism.

Recommendations to improve on inmate rehabilitation and post release services are as highlighted below

- I. MPS should ensure that prison stations are conducting training need assessment for every inmates during admission and that a rehabilitation program is allocated based on need.
- II. MPS should consider to construct training workshops in Prisons stations that do not have workshops.
- III. In the short term, MPS should consider negotiating with Technical colleges to provide technical students to MPS who can work on attachments to beef up the available number of facilitators.
- IV. MPS should consider providing training opportunities to officers in MPS who are willing to work in various technical programs.
- V. MPS should consider improving budgetary allocation towards rehabilitation programs.
- VI. MPS should consider commercialising services and products provided in Technical rehabilitation workshops and other marketable services in the department to build capacity for Income Generating Activities (IGAs) as the Department has a potential of generating a lot of finances from these programs.
- VII. MPS should also ensure that inmates who have acquired technical rehabilitation skills while in the prison should be supported with working tools for plying skills acquired during rehabilitation.

2. Implementation of measures in place to improve living conditions of inmates

a. Overcrowding in Prison Cell

The audit established that Prisons were keeping in custody inmates more than double the recommended holding capacity. Analysis of average daily population in sampled Prison station for the period under review also established that the trend of congestion increased in the period under review from an average of 196% in 2015/2016 to 215% in 2016/2017 and 219% in 2017/2018.

Congestion in Prison cell was attributed to inefficiencies in judicial system and failure by Government to increase capacity of Prison cells to match with the growing crime rate. For instance, population of inmates had almost tripled over the 20 year period from 5,557 in August 1997 to 15,150 in July 2017 yet expansion of prison capacity had barely changed to match with the increasing number of inmates committed to Prisons

Congestion in Prison cells exert pressure on financial resources of prison station for feeding inmates. For instance, in three years period under review 8 sampled prison station were each spending between MK2.4 million to MK2.6 million to feed inmates per day. Prison station were spending 93% of their annual budget on ration and staff salaries. Congestion in prison also affected sanitation of inmates which could lead to increase in spreading of infectious diseases including air and water borne diseases.

b. Poor Quality and Quantity of Meals Provided to Inmates

The audit established that on average 91% of meals provided to inmates comprised of Nsima with legumes and less than 9% was Nsima or Rice with other relishes and in other instances inmates were issued with maize meal (Nsima) without relish.

The audit also established that the quantity of meals provided to inmates was not adequate since inmates were mostly fed on 1 main meal a day and quantities issued to inmates were lower than recommended in Malawi Prison Service daily dietary scale for inmates.

Poor quality and quantity of meals provided to inmates was attributed to inadequate ration budget which did not match with high population of inmates in Prison station.

Poor quality and quantity of meals has a health effect on inmates as it leads in malnutrition of inmates

c. Inadequate Provision of Uniforms, Blankets and Soap for Inmates

The audit established that supply of basic necessities to inmates like uniform, blankets and Soap in MPS, was not adequate. Physical observation noted that some inmates had no blankets and uniform. The audit also established that most prison stations failed to provide inmates with 2 pieces of soap a month as required by Prison regulations.

Interviews and documentary reviews established that failure to provide adequate uniforms, blankets and soap was attributed to increase in population of inmates which did not match with financial resources provided to MPS for procurement of basic necessities. The audit also established that information management for inmates in MPS was very poor since there were challenges in data completeness, availability and consistency and was mostly manual which affected management decision making on procurement and distribution of basic necessities for inmates.

To improve on living condition of inmates, NAO recommends that MPS should consider the following:

- i. Expanding the available holding capacity of Prison cells in Malawi by building new Prisons in districts where there are no Prisons and should expedite construction of the new Chitedze Prison station.
- ii. Collaborating with judiciary to intensify use of camp court in reviewing remandee cases to shorten the period that inmates take on remand.
- iii. Investing seriously in Prison Farms both in animal and crop husbandry in order to improve on quantity and quality of meals provided to inmates. These have a potential of providing sufficient food supply to MPS at a low cost.
- iv. Intensifying the tailoring training programs provided to inmates as investment in this area could be a less cost way of producing the uniforms.
- v. Decentralising procurement of blankets and other basic necessities to station or Regional office level
- vi. Improving on information/records management by computerising data system as it will help to improve in storage of data and ultimately help in making better decisions on management of inmates.

3. Provision of Health Services to Inmates

a. Ineffective health services provided to inmates

The audit established that health services provided to inmates were not effective as they were compromised by lack of adequate and qualified personnel to manage

health facilities, Poor medical supply from MPS headquarters to Prison stations, Lack of medical equipment and medical infrastructures.

Provision of poor medical services in MPS health facilities led into MPS referring medical cases of inmates to civil health facilities where they risk escaping of inmates. The audit also observed that the referral process was taking a long time and it risked aggravating the inmates' medical condition.

Ineffective health services was attributed to loss of qualified medical personnel to other Private and Public institution in search of good working condition, inadequate funding towards medical services for procurement of medical supplies, equipment and infrastructure.

To improve on health services provided to inmates, NAO recommends that MPS should consider the following:-

- i. Scaling up efforts to renovate and extend health infrastructure in Prison stations.
- ii. Improving on supply of drugs and other medical supplies in prison stations by decentralising procurement of drugs to Regional Prison Offices (RPO) or station levels.
- iii. Improving on the number of available medical personnel by lobbying with Ministry of Health (MoH) to consider deploying some civil qualified medical personnel to Malawi Prisons health facilities.
- iv. Ministry of Health to monitor statistics of reports from Prisons in terms of number of patients with different ailments at different intervals including their conditions, availability of essential drugs in Prisons and any other monitorable health matter.

PART I

INTRODUCTION

1.1 Background information

Custody and Rehabilitation Services is one of the core functions provided by Malawi Prison Services (MPS) in order to ensure internal security of the Nation. Custody involves housing and detaining of persons committed to Prison by Courts of Malawi while rehabilitation is the process of providing support in form of educational or vocational training to inmates to offer self-reliance and law abiding upon release with intention of preventing re-offending. MPS is a Department under the Ministry of Homeland Security mandated under Chapter XVII of Constitution of Malawi to provide prison services.

Malawi Prison Service(MPS) is one of key security institutions in delivery of criminal justice system in the democratic governance sectors in Malawi which provides custody and rehabilitation services to persons who have been prosecuted or are awaiting prosecution by the judiciary. MPS works towards a sector goal of achieving improved justice delivery, rule of law and internal security in order to promote a just and peaceful society for socio economic development.

Provision of Custody and Rehabilitation Services falls under SDG number 16 (Peace justice and strong institutions) and in MGDS III provision of Prison Services falls under Other Key priority areas under the theme of Peace and Security. MGDS III has a specific outcome relating to provision of Prison services which is to enhance Management of Prisons. Malawi Vision 2063 under Enabler No 3 Malawi aspire to have effective and efficient governance systems and institution with strict adherence to the rule of law. This enabler recognises peace and security as key principles in attainment of Malawi Vision 2063. Under this principle Malawi aspires to maintain a peaceful Malawi that attracts and retains investors.

Malawi Prison services is one of the key players in delivery of criminal justice in the democratic governance sectors in Malawi and work towards a sector goal of achieving improved justice delivery, promotion of human rights, rule of law and internal security in order to promote a just and peaceful society for socio economic development.

Malawi has thirty (30) Prison Stations (PS) which were constructed to house and detain persons committed to prison by court and these prison stations are distributed in all the regions of Malawi. Prisons are categorised into two categories which are maximum and minimum security. Out of 30 Prison Stations in the country there are only four (4) maximum security prisons and the rest are minimum security prisons. Refer to Appendix I

1.2 Motivation

The audit on Custody and Rehabilitation Services was motivated by four (4) main issues namely:

- i. Congestion in Prisons which tripled in 20 years from 5557 in 1997¹ to 15,150 in July 2017²
- ii. Escaping of inmates which threatens public security. Media reported three cases of inmates escape in Malawi 7 inmates at Mangochi³, 9 inmates at Mikuyu⁴ and 2 inmates at Chichiri⁵
- iii. Higher Prison Warders to Inmate ratio of 1:8, against a standard of 1:5
- iv. Delays in construction of proposed new prison stations

1.3 Design of the audit

1.3.1 Audit objectives

The audit objective was to assess the extent to which MPS has provided Custody, Health and Technical rehabilitation services in-order to enhance humane and safe custody of inmates and to reduce recidivism

1.3.2 Audit scope

The Audit was carried out on Provision of Custody, Health and Technical Rehabilitation Services to Inmates in both maximum and minimum prison stations by the Malawi Prison Services with a countrywide perspective. In order to compare performance on provision of Custody and Technical Rehabilitation Services between years and to establish the trend, the audit covered three financial years from: 2015/2016 to 2017/2018.

1.3.3 Audit questions

In order to address the audit objective, the following audit questions were designed:—

1. To what extent are technical skills rehabilitation programs effectively provided to inmates to reduce recidivism?
 - a. Did MPS provide technical skills rehabilitation programs to all convicted inmates during their custody?

¹ African Commission on Human and Peoples Right Report of 17-18th June 2001

² January 2018, Prison Magazine.

³ <https://Malawi24.com/2016/03/20-Prisoners-escape-Mangochi-Prison>

⁴ <https://Mwnational.com/9-Prisoners-escape-Mikuyu>

⁵ Daily times of 27th January 2016

- b. Has MPS improved quality of rehabilitation services provided to inmates?
 - c. Has MPS provided post release supports to inmates who have undergone rehabilitation programs?
2. To what extent did MPS implement the measures put in place to improve living conditions of inmates during their custody/detention in accordance with their strategic objective of enhancing humane and safe custody of Inmates?
- a. Were prisoners provided with adequate floor space in prison cells during their custody/detention?
 - b. Did MPS provide improved and nutritious diet to inmate in accordance with its strategic objective?
 - c. Did MPS provide all necessary basic necessities to inmates for use in Prison during their custody
3. To what extent did MPS provide adequate health services to inmates?
- a. Did MPS provide adequate health infrastructure in all prison stations to meet demand of basic health services by inmates?
 - b. Did MPS ensure that prison health facilities are provided with adequate and qualified medical personnel?
 - c. Did MPS provide necessary medical supplies to prison health facilities?

2 Methodology

This chapter presents the methods of data collection used, methods of data analysis, sampling methods used and limitations to the audit.

2.1 Methods for data collection

Data for the audit was collected from MPS headquarters and sampled Prison stations through interviews, document review, physical inspection and questionnaires.

2.1.1 Interviews

Interviews were carried out in order to get testimonial evidence, collaborate data collected through document reviews and establish deviations from standards and causes of deviations from standards. Interviews were conducted with Prison officials at MPS headquarters and Prison Stations. The team also interviewed inmates to understand how rehabilitation, basic health care and custody services were provided to inmates. Refer to appendix II for interviews conducted.

2.1.2 Document review

Documents were reviewed in order to collect documentary evidence of conditions on custody of inmates, provision of health services and technical rehabilitation programs provided to inmates and to establish assessment criteria for the audit. For details of reviewed documents and their purpose refer appendix III.

2.1.3 Physical inspection

Physical inspections were conducted on Prison infrastructures like cells, rehabilitation workshops, kitchens and cell materials provided to inmates for use during custody. Inspections were conducted on Prison cells to see the sizes and number of inmates kept in cells, ventilation conditions and availability of toilets in cells.

Inspections were conducted in rehabilitation workshops in order to establish the existence and functionality of workshops in sampled stations.

2.1.4 Questionnaires

Questionnaires were administered to prison stations with the aim of gathering written evidence to both inmates and prison officers in order to determine inmates living condition, access

to health services and technical rehabilitation services. Refer to Appendix xvii a and xvii b for details of questionnaire used.

2.2 Methods of data analysis

Data collected through questionnaires, document reviews and prisoners' data base at Chichiri in the City of Blantyre was captured in excel and analysis were done using Microsoft excel. The analysis were done to establish average daily population of inmates in sampled prison station, congestion levels, financial adequacy against planned activities and proportions of rehabilitated inmates against inmates population among other analysis.

2.3 Sampling

Out of thirty (30) Prison Stations in all the four regions of Malawi, the audit sampled all the four (4) maximum prison stations since they kept almost 50% of the inmates' population in Malawi and planned to sample two (2) medium/minimum prison station in each region using random sampling making a total of eight (8) Medium/minimum prison stations representing 40% of total prisons in Malawi. However, during execution data was collected from 10 prison stations representing 33% of planned sample. For details of categories of Prison stations in Malawi, planned and visited prison station refer to Appendix IV and Appendix V respectively.

2.4 Limitation of the Audit

The audit planned to visit one maximum prison and two medium prison stations in each Region however, due to logistic challenges, visitations were not made to some medium/minimum prisons stations in the Southern Region as detailed in Appendix V.

3 Description of an Audit Area and Assessment Criteria

3.1 Description of the audit area

3.1.1 Provision of custody, health and technical rehabilitation services by the Malawi Prison Services

Custody of inmates involves housing and providing all the necessary care to inmates while under sentence or awaiting trial while rehabilitation are skills imparting programs which are provided to inmates with the objective of helping prisoners to live a law abiding and self-supporting lives after their release. Custody and rehabilitation of inmates is a very important aspect as it helps to promote national security and social economic growth since upon rehabilitation inmates are able to venture into self-supporting economic activities after their release.

Provision of Custody and rehabilitation in Malawi is the responsibility of Malawi Prison Services in the Ministry of Homeland Security (MoHS). It draws its mandate from the Constitution of Malawi 1994 under Chapter XVII to house, detain and rehabilitate persons committed to prisons by the courts of law. The Mission of MPS is to contribute to public security and safety through effective rehabilitation, reformation, development and community reintegration of offenders". The purpose of MPS is to provide safe and humane custody to persons committed to prisons and rehabilitation of convicted offenders. Through this Purpose MPS is supposed to ensure that both convicted persons and those awaiting trial are to be accorded safe and human custody. To achieve the above purpose the MPS carries out the following functions:

- a. Provision of security services
- b. Provision of curative, preventive and nutritional health service to offenders
- c. Provision of general administrative services
- d. Appraisal of internal controls and systems in resource utilization by the Department
- e. Provision of prison staff training and development services
- f. Provision of rehabilitation and re-integration services

3.1.2 Government objectives for provision of custody and rehabilitation services to inmates

Government objective for providing custody and rehabilitation services to inmates are to maintain internal security by

imprisoning all who have violated laws thereby protecting the community.

The other objective is to reform and rehabilitate those imprisoned so that they may live a law abiding life after release and to empower them with technical skills that may bring economic benefits to them and the Nation after discharge.

3.1.3 Government Undertakings for provision of custody and rehabilitation services to inmates

Malawi Government considers prisoners' affairs as crucial as they are in tandem with fundamental human rights as such they have been included in Malawi Constitution under section 42 which requires that every person detained including very sentenced prisoner to have the rights to be detained under conditions consistent with human dignity and shall be provided with adequate nutrition and medical expenses at the expense of the state.

To show its commitment towards prisoners' welfare the Government has also included in Malawi Growth Development Strategy III agendas to enhance Management of Prison by among others things improving prison infrastructures, improving rehabilitation interventions and gender responsive and disability friendly prison facilities.

The Government has been also expanding Prison infrastructures to decongest prison for instance it has constructed new cell block at Maula and has the project of constructing new chitedza Maximum prison station in Lilongwe.

3.1.4 Legal Framework, Organizational Set-up, Distribution of prison stations and Funding Arrangements

a. Legal Framework

The legal instrument that Governs operation of Malawi Prison Service are Constitution of Malawi, Malawi Prisons Act 1954, Criminal Procedures and Evidence Code (Cap 8:01) Penal Code (Cap.7:01) of Laws of Malawi and Prisons Standing Orders (1966).

b. Organisation set-up

Malawi Prison Services is headed by Chief Commissioner of Prisons (CCP) and its headquarters is in Zomba. Article

164 of Malawi Constitution entrusted the Chief Commissioner of Prisons with the responsibilities to ensure proper and efficient administration of prisons, protection of human rights, respect of judicial orders and directions and adherence to international standards.

Malawi Prisons Services is organised into the following five key divisions as highlighted below:

i. Operations Division

Responsible for safeguarding and rehabilitation of offenders and ensure smooth operation of the service. This division carries out the following functions:—

- Management of prison operation services by providing tactical surveillance and transport logistics and construction and rehabilitation of prison infrastructures
- Management of security services by providing armoury and ballistics for security control of offenders and prison premises.

ii. Farms Division

Responsible for developing a sustainable system that ensures food self-sufficiency and improved diet for offender. This division grow and manages crop and animal production.

iii. Medical Division

Responsible for providing curative and preventive health services in MPS. This section provide medical care to both staff and inmates.

iv. Prison Training School

This division is responsible for provision of training services to prison staff on how they can provide security to inmates.

v. Administration and Support Services

This provides general administrative support services to the core functions of the Department. It carries out the following functions:

- Management of financial and accounting services
- Provision of human resource management services

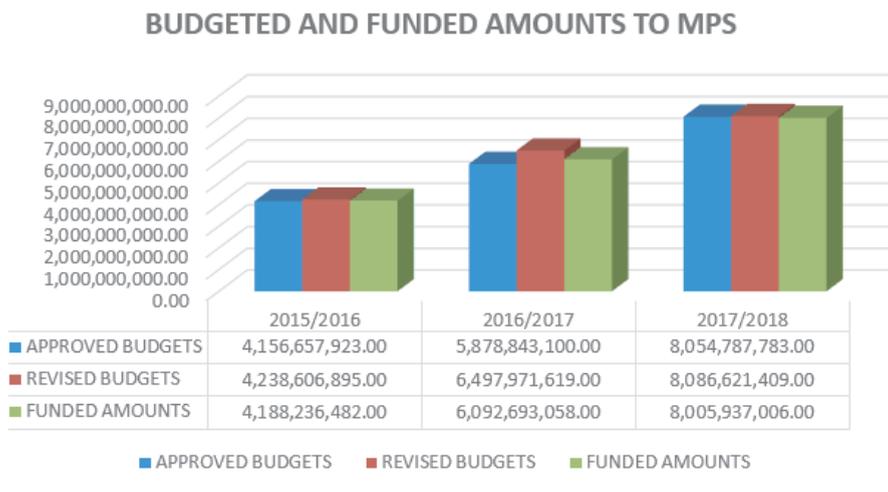
c. Distribution of Prison Stations

MPS currently has Thirty (30) Prison Stations that exist to safeguard and rehabilitate offenders with a total recommended holding capacity of 6103⁶ inmates. Keeping inmates more than recommended/designed holding capacity is regarded as congestion in the Prison cell. The Stations are categorised into maximum and minimum security prisons depending on the risks of prisoners the prison station is to keep. Malawi has four Maximum Prisons which are Zomba, Chichiri, Maula Prisons and Mzuzu. Maximum Security prisons are supposed to keep prisoners convicted for more than 5 years while medium security keeps those convicted for a period not exceeding 5 years. Refer to Appendix IV on number of Prison station distributed in four regions of Malawi.

d. Funding and budgets

MPS solely relies on Government financial support to finance its operations on Other Recurrent Transactions (ORT), personal emoluments and development projects for the period under review total revised budgets were K18,823,199,923 whilst total funding was K18,286,866,546, representing funding rate of 97%. Table 2 shows a three-year trend summary of budgeted and actual funding the Department received for its operation.

Figure 1: Budgeted and Funded Amounts for Malawi Prison Services



⁶ Total capacity of all prison station sourced from MPS headquarters

3.1.5 Key stakeholders of Malawi Prison Services and their roles

Department of Prison has several stakeholders who play various roles to ensure that the Department attains its strategic objects. Below are the few key stakeholders of Malawi Prison Services

Table 1: Key Stakeholders of Malawi Prison Services

STAKEHOLDER	ROLE OF STAKEHOLDER
Ministry of Homeland Security	<ul style="list-style-type: none"> • Formulates policies for the Department • Provide material support as required. • Support on legal matters and enactment of required legislation in Parliament.
Ministry of Justice	<ul style="list-style-type: none"> • Provide guidance/ advice on legal matters. • Support on drafting of required Bills
Judiciary Department of Immigration	<ul style="list-style-type: none"> • Collaborate in the delivery of justice. • Detain foreigners in Malawi Prisons who are awaiting deportation to their respective home.
Malawi Police Service	<ul style="list-style-type: none"> • Responsible for crime prevention, criminal investigations and prosecution of offenders. Key member of Presidential pardon committee.
Ministry of Health	<ul style="list-style-type: none"> • Provides medical services for Inmates where Prison Department doesn't have adequate capacity. • Provides medical supplies of to Prison Clinics
Ministry of Gender	<ul style="list-style-type: none"> • Provide rehabilitation support to released inmates in Balaka. • Provide reformation services to detained juvenile inmates
TEVETA, MANEB	<ul style="list-style-type: none"> • Provides capacity building in technical and formal education delivery.
Development partners	<ul style="list-style-type: none"> • Capacity building for staff and inmates • Offer Financial resources
Faith Based Organisations (FBO) and Civil Society Organisation (CSO)	<ul style="list-style-type: none"> • FBO and CSO Provides counselling, Evangelism, Legal services and donates basic necessities like soap and food staff to inmates.

3.2 Process description

Provision of Prison services undergoes three major stages which are admission, custody and discharge. Other services like rehabilitation and medical services are provided within these major stages. Both convicted and remandee undergo through these key stages with some minor variations on documentations used, dressing requirements, rehabilitation activities and discharge procedures.

a. Admission

On arrival at Prison reception, a convicted person presents a committal warrant while unconvicted issue remand warrant for admission into Prison. Prison officials at the reception records into convict register the Prisoners number, personal particulars of a convict, date of admission, offence, sentence and duration of sentence, expected date of release and actual date of release after applying a remission.

On admission, a person is searched of any prohibited items and properties in cell. Any prohibited items are taken from the Prisoner and recorded in the Prisoners' property book, labelled and kept secure by reception section. Prohibited items confiscated from inmates on admission are supposed to be given back on release. Every person being admitted in Prison stations is required to undergo medical examination by qualified medical personnel before mixing with other inmates. On admission, convicted inmates are provided with white uniform for easy identification while unconvicted/remandees are admitted into prison cell in their ordinary clothes.

b. Custody/Maintenance

On admission, the convicts are issued with uniform which comprises of 2 pairs of white shirt and white short, 2 singlets (cold season only), 2 soap monthly where no laundry is provided and 1 soap where laundry is provided, 3 to 4 blankets during cold season while in hot season inmates are to be provided with 2 to 3 blankets during hot season and a sleeping mat. Female inmates are to be provided with 2 dresses, 2 pairs of knickers, 2 petticoats, 2 singlets (cold season only) in addition to the required provision of soap and pair of sandals

During imprisonment, different categories of inmates are kept in different cells basing on variations in gender, age, criminal records, legal reason for their detention and risk of Prisoners. On daily basis, prisoners are supposed to be fed by the Malawi Prison

Service by providing them with balanced diet meal and three meals a day. Department of Prison also provides medical services and rehabilitation programs to inmates during their stay in Prison. Rehabilitation programs are skill imparting programs which are provided only to convicted inmates with the objective of helping prisoners to live a law abiding and self-supporting lives after their release. Some of the rehabilitation programs that are conducted in prisons are technical skills, basic educational skills, farming and Religious programs. On daily basis inmates are supposed to be counted during locked in time (3:30pm) and locked out time which is at 6:00 am and reports of the locked in and locked out numbers are submitted to CCP.

Prisoners are required to be housed in hygienic conditions whereby they are supposed to be provided with adequate housing, clean water supply, sanitary food preparation, cleansing and waste treatment. Adequate housing comprises providing enough bedding space for each prisoner and clean beddings. Sanitary food preparation involves providing adequate amount of health food at regular times on daily basis according to MPS daily dietary scale (DDS).

Inmates are required to receive a comprehensive medical examination when first admitted to prison. The examination includes:

- An evaluation of general health, including weight and blood pressure;
- Test for infectious diseases that are easily transferrable, including tuberculosis and scabies; and
- All necessary vaccinations.

To provide standard medical services, every prison is required to have a properly stocked health facility which should have at least three separate rooms or areas for the following use; confidential and individual consultations, primary treatment and the other room for long term care. If the prison health facility is not capable of adequately caring for sick prisoners, the prisoner is required to be transferred to a civil hospital. Prisoners who have returned from civil hospital wards are required to be moved to prison sick bay as soon as they are fit to be moved. The Prisoner is also supposed to be medically examined before removal to another prison. Periodically, a medical officer is required to examine all inmates.

c. Discharge

An inmate can only be released from the Prison by the order of the court or by due process of law which includes expiration of Prisoner's sentence or payment of any fine. Prisoner may be released by a court for a variety of reasons including acquittal, bail, or presidential pardon. On release, a person is given back all his properties, discharge certificate and transport allowance only for convicted inmates equivalent to take him/her to the court that convicted them.

3.3 Audit criteria

Assessment criteria were derived from policy documents, regulations, standing orders of MPS and International Standard on Management of Prisoners. Below are audit questions and their assessment criteria.

Assessment criteria on audit question #1

a. Does MPS provide technical skills rehabilitation programs to all convicted inmates during their custody?

- MPS planned to increase number of inmates participating in rehabilitation programs by recruiting and training 5000 inmates in every prison every other year⁷

b. Has MPS improved quality of rehabilitation services provided to inmates?

According to MPS 2015-2020 strategic plan, to improve quality of rehabilitation services MPS planned to undertake the following activities

- Procure assorted workshop materials;
- Construct specially designed workshops; and
- Furnish workshops with modern tools and equipments for use and training in tailoring, motor vehicle mechanics, carpentry electronics et.c

c. Has Malawi Prison service provided post release support to inmates who have undergone rehabilitation programs?

- The purpose of prison regime should be to help prisoners lead law-abiding and self supporting lives after release. (SMR, Article 58)

⁷ MPS 2015-2020 Strategic Plan

Assessment criteria on audit question #2

- a. Are prisoners provided with adequate cubic content of air and adequate floor space in prison cells during their custody/detention

Under the United Nations (UN) Standard Minimum Rules (SMR) for treatment of prisoners it is a requirement that inmates are provided with adequate cubic contents of air and floor space. Every Prison station in Malawi was also built to hold a specific number of inmates.

- b. Has MPS provided improved and nutritious diet to inmates in accordance with its strategic objective?

MPS planned to provide improved health and nutrition services of inmates MPS will improve diet by giving inmates 3 nutritious meals a day which includes breakfast and two main meals. (MPS 2015-2020) strategic plan

- c. Has MPS provided necessary basic necessities to inmates for use in Prison during their custody

MPS strategic Plan 2015-2020 states that in order to meet basic needs of inmates it will procure and distribute to inmates basic necessities on a regular basis eg beddings, Uniforms, soap, plates, tooth brushes, plates and cups

Assessment criteria on audit question #3

- a. Has MPS provided adequate health infrastructure in prisons to meet demand of health services by inmates?

MPS 2015-2020 strategic plan goal no 1 states that MPS will

- refurbish twelve (12) prison clinics in order to provide comprehensive health care; and
- Construct nine (9) health facilities in Prisons that do not have any clinic

- b. Has MPS ensured that its health facilities are provided with adequate and qualified medical personnel?

- SMR, ARTICLE 22(1)), States that at every corrective institution there shall be available the services of atleast one qualified medical officer or medical services to be organized in close relationship to the general health administration of the community or the region
- MPS planned to recruit additional health workers for prison health facilities according to its strategic plan

- c. Does MPS provide required necessary medical supplies to prison health facilities?
- MPS planned to stock Prison facilities with adequate pharmaceutical and medical supplies

4 FINDINGS

4.1 IMPLEMENTATION OF TECHNICAL REHABILITATION PROGRAMS

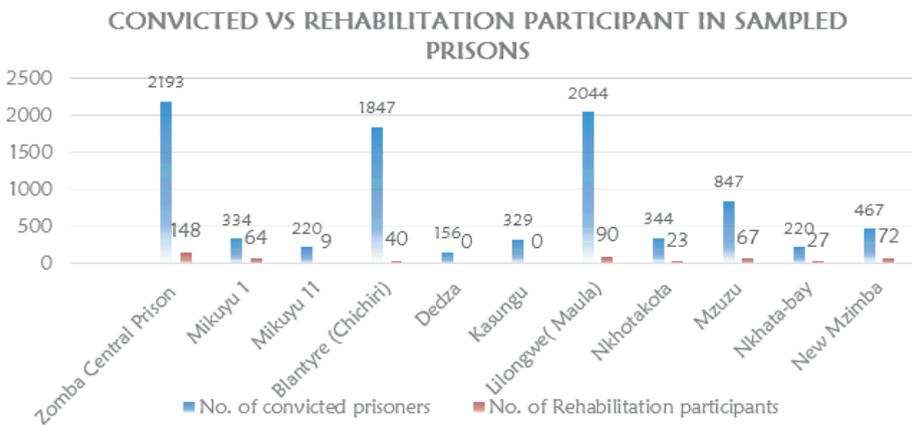
One of the aspiration of MPS in treatment of prisoners is to encourage personal reformation and social rehabilitation so as to help prisoners leave a law abiding and self-supporting lives after release⁸. However the audit identified that implementation of rehabilitation programs was not effective as it was compromised by low enrollment in technical rehabilitation programs and lack of training infrastructures as elaborated in conditions below

4.1.1 Number of inmates participating in Technical Rehabilitation Programmes

MPS strategic goal No. 2.2 aimed at increasing the number of inmates participating in rehabilitation programs by introducing rehabilitation programs in all Prisons and train 5,000 inmates in every prison over the five years' period (2015-2020)

The audit established that there was a very low enrolment of inmates in technical rehabilitation programs. For instance, during a visit to 11 prison station it was noted that out of 9, 001 convicted prisoners, only 540 prisoners were enrolled in technical skill rehabilitation programs which represent only 6% of the convicted inmates. The figure 2 compares number of convicted and those who participated in technical rehabilitation for the period under review.

Figure 2: Total Number of Rehabilitated Inmates against Convicted Inmates in Sampled Prison Stations



NAO Analysis (June 2019)

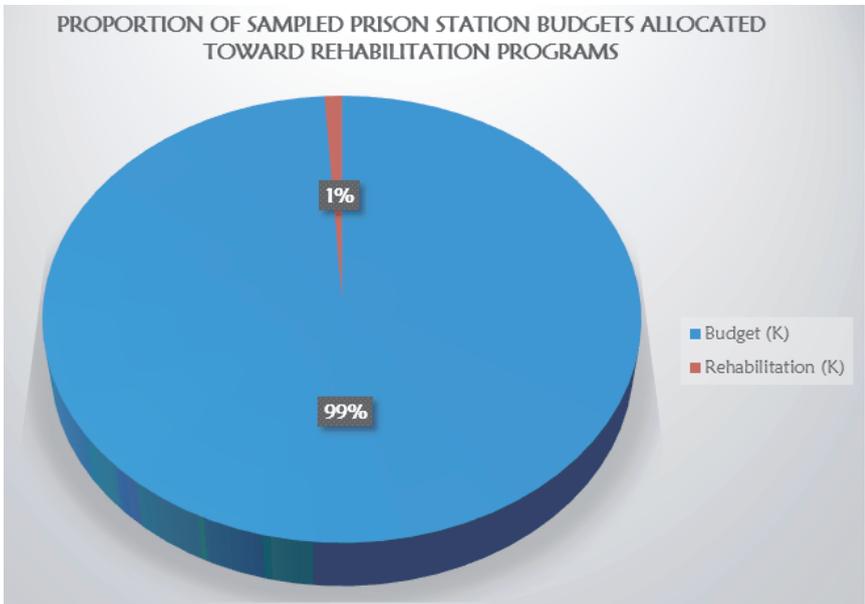
⁸ Malawi Prison Policy 2010

Some of the factors which contributed to low enrolment in rehabilitations programs included the following

a. Inadequate budgetary provision towards rehabilitation programs:

According to interviews with MPS officials and data collected from sampled prison stations, the audit established that MPS had inadequate budget provision toward rehabilitation activities and this affected implementation of rehabilitation programs. For three years period under review MPS allocated only MK22,443,852 towards rehabilitation programs which represents 1% of approved total budget of sampled prison station. The trend of rehabilitation budgets also decreased from 1.94% in 2015/2016 to 0.84% in 2016/2017 to 0.61 % in 2017/2018 despite increase in number of inmates committed to Prisons. Refer Figure 3 for details and appendices VI and VII

Figure 3: Chart Showing Proportion of Sampled Station Budgets Allocated to Rehabilitation Program



Interviews with prison officers and review of sampled prison station financial records also indicated low approved budgets coupled with downward revision of annual budgets that affected effective implementation of planned activities like procurement of inmate uniforms, training materials, training equipment and training infrastructures.

4.1.2 Inmate security system:

Rehabilitation programs have to be provided in a properly secure environment to avoid inmates escaping from custody by providing a secured workshops and uniforms as an identification features.

Lack of proper security system led into few inmates being admitted in rehabilitation programmes. For instance, Kasungu Prison Farm, had no security fence around the prison workshop as such, out of the 329 convicted prisoner, none was attached to rehabilitation programme because of security concerns. The photo 1 shows part of the area designated for carpentry rehabilitation workshop without proper security at Nkhotakota Prison Station.



Photo 1: Carpentry workshop at Nkhota-kota Prison Station operating on open place and without a security fence

Further to this, only prisoners who had uniforms were allowed to attend rehabilitation programs since the workshops are located outside security fence. The location of workshops outside the prison premises (security fence) made it difficult for authorities to admit many prisoners into rehabilitation programmes fearing them to escape.

4.1.3 Lack of instructors/trainer of trainers:

MPS 2015-2020 planned to train 50 prison staff in technical works every year to lead in rehabilitation programs and hire 70

interns from technical schools to work in prison workshops as mentors. As of January 2019, this never materialised and it adversely affected the number of available instructors in MPS. Subsequently, this led to low enrolment in rehabilitation program as some stations were unable to implement technical rehabilitation programs due to lack of instructors. For instance, Mikuyu 2 Prison had 5 inmates who were on the technical rehabilitation programme but there was no trained prison officer to guide inmates on rehabilitation program.

Failure to impart useful skills or vocational training programmes to all inmates during their custody leads into recidivism as lack of marketable skills increases opportunities for indulging in criminal offenses to earn a living

Management Comment

The audit observation is indeed a true reflection. However, the status is due to the fact that rehabilitation is not considered as mandatory expenditure by Treasury as compared to other key line items of Ration, Utilities, Farm Inputs, Uniforms and Farm mechanization when circulating already low MTEF Ceilings despite the Department's application for the same.

4.1.4 Quality of rehabilitation programs

MPS strategic plan of 2015-2020 Goal number 2.3 states that in order to improve quality of rehabilitation programs, MPS among other things shall Furnish W/shops with modern tools and equipment. However, through the audit, it was observed that quality of technical rehabilitation programs is still low as indicated by conditions outlined below:

i. Availability of rehabilitation training tools, equipment and materials

To improve quality of rehabilitation Programs, MPS among other things planned to procure assorted workshop materials and furnish workshops with modern tools and equipment during the period under review.

Physical inspection and interviews with Prison officials established that all sampled prison stations lacked modern tools and equipment for use in training. Additionally, it was noted through physical inspection at Chichiri Prison that the mechanical engineering workshop had no modal engine which could be used for practical demonstration and

carpentry section had only one bench where all inmates admitted to the program were trained instead of TEVETA requirement which states that any training workshop should have a minimum of ten (10) benches for training.

Failure to furnish rehabilitation workshop with modern tools and equipment was attributed to inadequate finance allocated towards rehabilitation programs since only 1% of MPS budget was allocated towards rehabilitation programs. Further review of procurement plans also indicated that MPS has never included procurements for rehabilitation tools and equipment in their annual procurement plans and the materials which were procured were for routine maintenance of staff houses and prison cells e.g. Plumbing materials.

The audit also established that lack of training materials was attributed to MPS over reliance on donor support in provision of material to use for its rehabilitation activities. For instance, due to suspension of St. John of God in supporting some technical rehabilitation programs in Northern Region, MPS was unable to sustain the programs there by curtailing or suspending them altogether.

Lack of modern tools and equipment in rehabilitation workshops affected the quality of trainings provided to inmates as inmates were not trained in all necessary skills and it also limited the number of inmates which could be enrolled in technical skill rehabilitation programs.

ii. Availability of Training Infrastructures (Workshops)

To increase number of enrolment and quality of rehabilitation programs MPS planned to construct designated learning rooms/workshops in Prison stations during the period under review.

The audit established that almost all sampled Prison station except Mzimba had no specially designed workshops for technical skill rehabilitation programs and they were operating in very poor working environment. At Chichiri Prison carpentry, mechanics and welding programs were conducted at one place due to lack of workshops refer to photo 2 for details. At Mikuyu II and Kasungu Prisons, trainings were done under a tree. Refer photo 3 which shows inmates operating under a tree. At Maula Prison, tinsmith and carpentry were done on an open ground without a shade to

protect trainees from direct sunlight and at Dedza Prison the workshop was not functioning and there were no rehabilitation program at the prison during the time of audit.

Photo 2: Chichiri Prison technical rehabilitation workshop



Photo 3: Carpentry Workshop at Kasungu Prison Farm



Lack of training workshops in Prison station was attributed to lack of prioritisation in planning for construction of workshops as evidenced by failure to include in MPS development budget the component for construction of workshops.

Lack of proper training workshops led into few inmates being recruited into technical skill rehabilitation programs as such, leaving out a lot of prisoners deserving rehabilitation with limited chance for reforming. Lack of proper training workshops also led into disruption of trainings during rain seasons especially in stations which uses open grounds as training areas.

Management Comment

The audit observation is indeed true save for non-prioritization of construction of workshops in MPS budgets. However, low quality rehabilitation programmes is attributed to lack of budgetary allocation by Treasury towards revitalization of industrial workshop projects and the revolving fund account to sustain the programmes largely dependent on initiatives.

4.1.5 Lack of pre-release and post release support services

The treatment of prisoners should encourage personal reformation and social rehabilitation. The purpose of prison regime should be to help prisoners lead law-abiding and self-supporting lives after release.

Through interviews, the audit established that MPS had no programme or budget for the pre-release and post-release support and upon completion of their term of sentence and rehabilitation, no discharge package/start-up kit was given to inmates who had undergone technical rehabilitation programs.

Failure to provide post release support to inmates was attributed to MPS failure to put proper plan and systems on how they can support inmates upon release from prisons and over-reliance on donor support on post release supports of inmates.

Failure to have post release packages may lead into difficulties for rehabilitated inmates to adjust into society if they have no start-up capital for small businesses and working tools to showcase their technical skill acquired whilst in prison.

Management Comment

The audit observation is indeed a true reflection. However, the Department has made efforts at reviewing its functions to put in

place structures and systems to support post release programmes and other extension services when approved. Further, the Prison Act which is under review will among other issues address post release challenges.

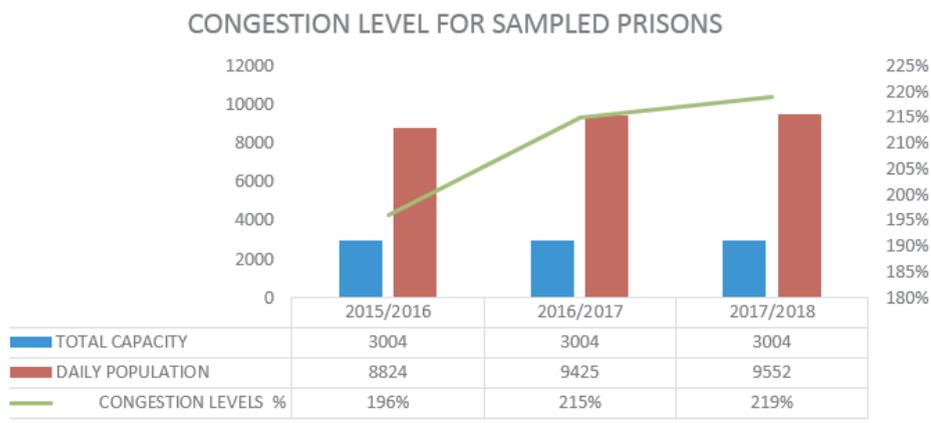
4.2 LIVING CONDITIONS OF INMATES DURING CUSTODY

4.2.1 Accommodation of Inmates in Malawi Prison Cells

United Nations Minimum Standard Rules (MSR) for treatment of prisoners requires that inmates should be provided with accommodation which provides adequate cubic contents of air, lightening, heating and adequate floor space.

Analysis of daily population of inmates in sampled prison stations and physical inspection of cells established that the number of inmates in sampled prison stations was almost double their recommended holding capacities. The audit also established that the trend of congestion in sampled Prison station for the period under review increased from 196% in 2015/2016 to 215% in 2016/2017 and 219% in 2017/2018. Refer to Figure 4 and Appendix XIV for details.

Figure 4: Congestion Levels in Sampled Prison Stations of Zomba, Chichiri, Maula, Mzuzu, Kasungu, Nkhota-kota, Mzimba and Nkhata-bay



Source: NAO analysis of daily lock up reports (June 2019)

Note: Congestion is the excessive number of inmates held in Prison stations against their designed holding capacity. Total capacity is the sum of capacity in 8 sampled prison (Zomba, Chichiri, Maula, Mzuzu, Kasungu, Nkhota-kota, Mzimba and Nkhata-bay).

Further analysis of average population of sampled indicated that in other instances prison stations kept in custody three times more than their recommended capacity for instance in 2017/18, Nkhota-kota Prison Station which was built to keep 120 inmates had a daily average population of 556 inmates and Mzuzu which was meant to keep 138 inmates had a daily average population of 757 inmates. Refer Table 2 for details.

Table 2: Average Daily Population of Sampled Prison Stations against Recommended Capacity

Prison Station	Capacity	2015/2016	2016/2017	2017/2018
		Average No of Inmates per day	Average No of Inmates per day	Average No of Inmates per day
Maula	880	2657	2785	2811
Nkhota Kota	120	434	523	556
Kasungu	240	397	409	381
Chichiri	570	1740	1923	1848
Zomba	576	2282	2300	2364
Mzuzu	138	545	604	757
Mzimba	400	599	645	587
Nkhata-Bay	80	170	236	248

Source: NAO analysis of daily lock up reports (June 2019)

Table 3: Extent of Congestion in Sampled Prison Station During the Period under Review

PRISON STATION	2015/2016 Congestion %	2016/2017 Congestion %	2017/2018 Congestion %
Maula	202	216	219
Nkhota Kota	262	336	363
Kasungu	65	70	59
Chichiri	205	237	224
Zomba	296	299	310
Mzuzu	299	346	455
Mzimba	51	63	50

Source: NAO analysis of daily lock up reports (June 2019)

Analysis of congestion in sampled stations for the period under review established that Maula, Chichiri, Zomba, Mzuzu and Nkhota-kota were the most congested as congestion ranged from 200% to 455% while

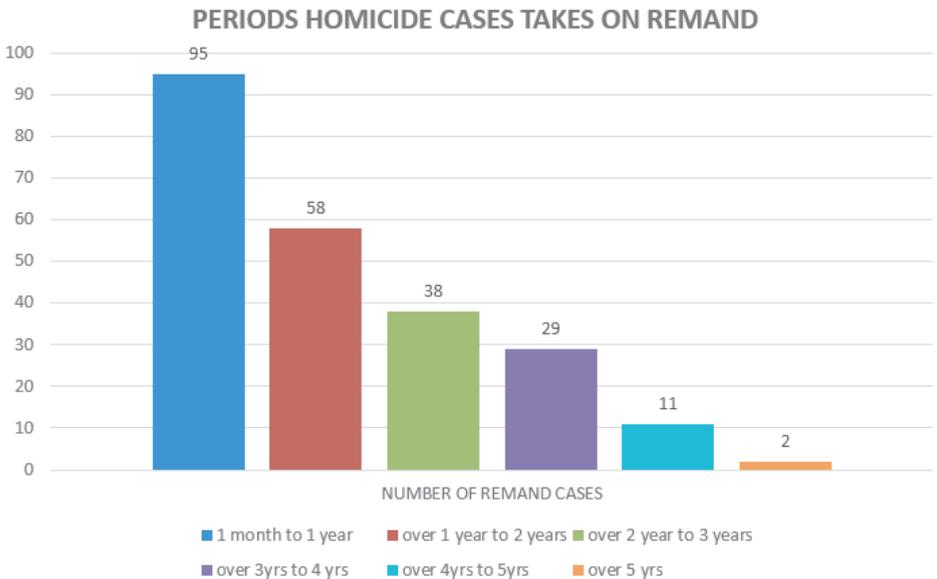
Mzimba and Kasungu had a congestion in the range of 50% to 70%. Using data in Table 3, congestion rate ranges from 55% to 455%

Overcrowding in Prison was attributed to various factors like:—

a. Delays in in trying remand cases by courts:

Interviews with prison officials and inmates indicated that overcrowding in prison was attributed to delays in trying remand cases which led into overstaying of remanded inmates in prisons. For instance, a review of homicide returns of Maula Prison for the month of January 2018 alone showed a total of 233 remand cases of which 41% of the cases were on remand for less than a year while 59% were remanded for more than a year up to 5years. Figure 5 and Appendix IIX have the details.

Figure 5: Graph Showing Periods Homicides Cases Take while Waiting for Trial (Maula Prison)



It was also noted that prison stations were keeping in custody several inmates who had their remand period expired without extension as such increasing congestion and other inmates had their remand period extended several times hence prolonging their period of stay in Prisons.

Using the statistics in figure 5 above, it has revealed that in January, 2018, Maula Prison used 26% of its Prison Capacity just for remandees

b. Sentencing Policies adopted by Judicial System

Interview with Prison officials also established that the other cause of congestion in prison was sentencing policies adopted by judicial system as they preferred custodial sentencing than community sentencing, as such prisons were keeping in custody inmates who had committed petty offences.

c. Inadequate prison infrastructures

The audit also established that congestion in prisons was also attributed to inadequate prison infrastructures. Despite the population of inmates having almost tripled over the 20 years from 5,557 in August 1997 to 15,150 in July 2017, the capacity of Prisons has not changed to match with the increasing number of inmates committed to Prisons.

It was also noted that some districts had no prison stations. For instance, in Central region districts like Salima, Dowa and Mchinji had no Prison stations, as such all convicts and remandees were referred to the nearest district prison station.

Congestion in prison stations has an adverse effect on prison operations and inmates' welfare as outlined below

i. Pressure on Prison station financial resources-

Due to high populations of inmates, prisons stations were spending a lot of their financial resources on managing inmates. For instance, analysis of approved budgets of sampled prison stations (Chichiri, Zomba, Maula, Kasungu, Nkhota-kota, Mzuzu and Mzimba) for the period under review, indicated that inmates ration and salaries for prison officers amounted to MK5,957,756,000 which was 93% of stations annual budget while MK449,586,000 was spent on other operations and this represented 7% of annual budget expenditure on other services like rehabilitation programs. Since more than 90% of the budget was spent on inmate ration and salaries for officers, prison stations failed to adequately undertake rehabilitation programs and other important services. Refer to Figure 6 and Table 4 for detailed analysis of approved budget and expenditure on ration, salaries and leave grants

Figure 6: A Chart Showing Amount of Sampled Prisons Budget Spent on Ration, Salaries and Others

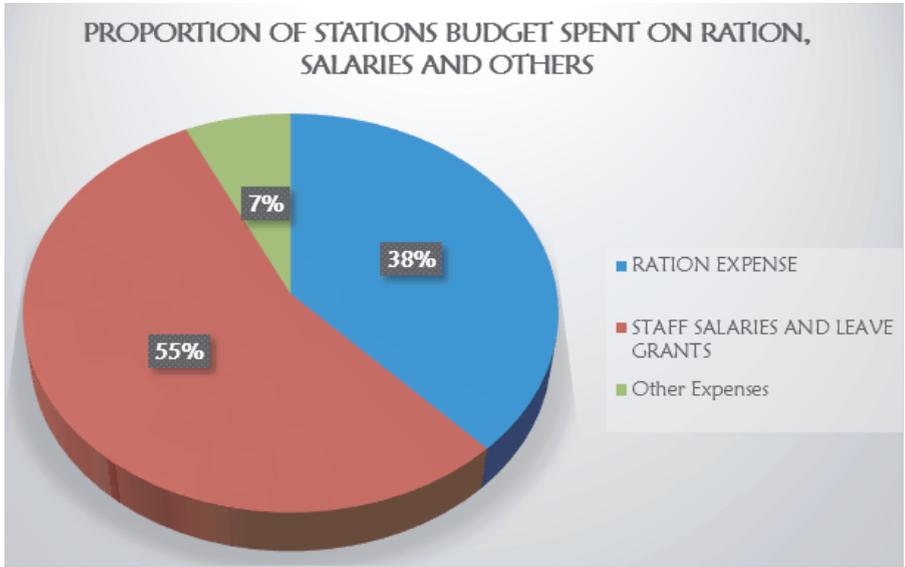


Table 4: Approved Budgets and Actual Expenditure on Ration, Salaries and Leave Grants for 6 Sampled Prison Stations (Chichiri, Maula, Zomba, Mzuzu, Nkhota-Kota and Kasungu)

FINANCIAL YEARS	APPROVED BUDGET	RATION EXPENSE	SALARIES AND LEAVE GRANTS
2015/2016	1,410,420,460.00	514,938,058.00	788,047,541.00
2016/2017	1,952,877,135.00	951,582,123.00	838,085,344.00
2017/2018	3,044,044,387.00	967,476,772.00	1,897,626,100.00

Source: NAO analysis of MPS financial records (June 2019)

The audit also established that overcrowding in Prison stations led into many prison stations accumulating rations payment arrears for instance during the period between July 2015 to June 2018 Maula, Kasungu and Mzuzu Prisons incurred ration payment arrears amounting to MK162,369,165,000, MK21,695,000.00 and MK51,163,230.00 respectively. Accumulation of arrears was as a result of inadequate budget allocation for inmate rations which could not meet the daily increase in population of inmates.

Prison stations spend a lot of money to feed inmates per day. Basing on 2015 to 2018 prices of MPS ration, supplies were K10,000 for a 50kg bag of Maize and K40,000.00 for a 50kg bag of beans to feed 1 inmate per day on 0.680kg of maize flour and 0.170 kg of legumes resulting into a total inmate daily cost K272.00 without factoring in processing and overhead costs. Basing on these costs, 8 sampled stations spent between MK2.4 million to MK2.6 million per day to feed inmates for the periods under review. Refer table 5 for details

Table 5: Cost of feeding inmates in 8 sampled stations per day.

	<u>2015/2016</u>	<u>2016/2017</u>	<u>2017/2018</u>
Total inmates per day for 8 sampled stations ⁹	8942	9425	9552
Cost to feed inmate per day	MK272.00	MK272.00	MK272.00
Cost per day	<u>MK2,432,224.00</u>	<u>MK2,563,600.00</u>	<u>MK2,598,144.00</u>

ii. Sanitary effects—

Congestion in prison cells affects sanitary of inmates as it led into spread of infectious diseases like Tuberculosis (TB). For instance, Maula recorded 22, 25, 77 and 36 TB cases in the years 2015, 2016, 2017 and 2018¹⁰ the drop in 2018 was as a result of improvement in ventilation system in Prison cells after an alarming increment in 2017. Congestion also affected decent sleeping of inmates as established through interviews where inmates complained of sleeping in a seated positions due to lack of spaces in cells

iii. Staffing Pressure—

Overcrowding in Prison Station led into high pressure on staff to inmate ratio as in all sampled prison station there was no Prison station which was operating within a desirable Prisoner to warder ratio. For instance, at Maula Prison Station Prisoner to inmate ratio was 1:12 in all financial years under audit instead of the recommended 1:5.

⁹ Refer to Appendix XVI for Prisoners Population.

¹⁰ Maula Prison Station Mass Screening Reports.

Management Comment

The audit observation is indeed a true reflection. However, the Department is making efforts to improve prisoners sleeping space through coordinated camp courts, training and deployment of some prison paralegal officers to maximum security prisons, and periodic review/ confirmation of sentences/cases leading to release of some inmates. Further, the department is making efforts at expanding existing infrastructure through construction of additional cell blocks.

4.2.2 Number of meals provided to inmates per day

MPS Strategic Plan of 2015-2020 set an objective of providing improved health and nutrition services of Inmates by among other things, improving diets of inmates through giving inmates 3 hot meals a day which is nutritious. Section 42(1) of the Constitution of the Republic of Malawi also requires Provision of adequate nutrition to every person who is detained including every sentenced Prisoner.

Interviews with Prison officials and Inmates in ten (10) sampled Prison stations established that all prison stations were not providing inmates with three (3) hot meals a day. Out of 10 sampled prison station, three (3) prison stations were able to provide two hot meals a day (breakfast and lunch, or lunch and super) while the rest were only providing 1 meal which is lunch. Refer to Appendix IX for Details. Zomba and Kasungu Prison Stations are the only units that are able to provide breakfast to inmates whilst Mikuyu 1 is the only prison that is able to provide dinner.

The audit also established that in other instances some prison station failed to provide even a single meal a day to inmates for instance, on 27th and 28th February 2017¹¹ Kasungu Prison provided only two maize cobs to each inmate as the main meal for the day due to lack of maize meal while Maula Prison from 16-31 May 2016¹² provided inmates with only nsima without relish and on 29th November, 2017 and 5th December 2018¹³ Chichiri Prison did not provide even a single meal to inmates due to lack of maize meal.

¹¹ The Prison station had no Maize flour for the day

¹² The Prison station provide only maize meals without relish to lack of relish.

¹³ The Prison station failed to cook meals for inmates due to power outages and they didn't have alternative Energy Source for cooking

Interviews with Prison Officials indicated that quantity of food stuff issued to inmates a day was enough to cook three meals a day however they failed to provide/cook three meals in a day due to inadequate capacity of cooking pots. The audit established that at Zomba, Maula, Mzuzu and Chichiri Prisons, with available capacity of cooking pots, to cook lunch alone, they had to start cooking at 02:00 hrs or 03:00 hrs and finish serving inmates by 3:00pm which is an official lock up time hence to cook super it was not feasible considering inmate security.

During inspection, it was also noted that capacity of cooking pots was affected by frequent breakdown for instance, inspection at Kasungu revealed that out of 5 electrical pots available at 12th December 2018, only 1 pot was functioning while Mzimba Prison station had all electrical pots not functioning as at 4th May, 2019 and they were using non electric pots. Refer photo 3 which shows non-functioning electrical pots as at the date of inspection and an improvised firewood kitchen at Mzimba Prison station.



Photo 4: Improvised firewood Kitchen at Mzimba Installed Electrical pots at Mzimba not functioning due to faults and two Small cooking pots.

Failure to provide three meals a day affected the health of inmates as established through interviews and document reviews that prison stations registered cases of adult malnutrition. Failure to provide inmates three meals is also an infringement on human rights.

Management Comment

The audit observation is indeed a true reflection. This, however, is being addressed through lobbying Government for increased budgetary allocation and the adoption of unit management system being advanced in the review of functions which shall further decentralize functions such as feeding to unit level.

4.2.3 Quantity of meals provided to inmates (Adherence to daily dietary scale)

Prison regulations also state that on admission to prison, a prisoner shall be placed on appropriate diet scale prescribed in the Third Schedule of Prisons Regulation. Third schedule requires a daily provision of 680g of maize meal and 170g of beans or peas per person per day to inmates among other dietary requirements.

A review of ration ledger for quantity of ration provided to inmates indicated that some stations were not providing inmates with sufficient quantity of rations as per Daily Dietary Scale (DDS) requirement as stipulated in Third Schedule of Prisons Regulation. Out of six sampled Prison Stations (Maula, Nkhota-kota, Kasungu, Mzuzu, Mzimba and Nkhata-bay) which were analysed on meeting daily inmate ration scale it was observed that two (2) Prison Stations, Mzuzu and Nkhata-bay were able to provide inmates with maize meals and relish in accordance with DDS and the rest were providing inadequate ration than recommended in dietary scale. For instance, Maula and Nkhota-kota provided on average 530grams and 580grams of maize meal respectively while Kasungu and Mzimba were providing on average 620 grams of maize meal per inmate per day. Average provision of bean/peas per person per day was 140grams for Maula and Mzimba while for Nkhota-kota and Kasungu, it was 150 grams per inmate. Refer Table 6 for details.

Nkhota-Kota Prison Station and Kasungu Prison Station improved on ration provided to inmates in 2017/2018. For instance Nkhota-kota met the daily requirement for both meal and relish while Kasungu Prison station managed to meet the required quantity only on the daily maize meal.

Table 6: Average Daily Amount of Maize Meal and Beans/Peas Issued Per Inmate Per Day

PRISON STATION	FOOD ITEM	AMOUNT PER INMATE PER DAY	2015/	2016/	2017 To	3 Years
			2016	2017	2018	Average
			AVERAGE QUANTITY OF MAIZE FLOUR AND BEANS ISSUED PER INMATE PER DAY			
MAULA	Maize Flour	0.68Kg	0.54kg	0.49kg	0.57kg	0.53kg
	Beans/Peas	0.17Kg	0.15kg	0.13kg	0.13kg	0.14kg
NKHOTA-KOTA	Maize Flour	0.68Kg	0.48Kg	0.58Kg	0.68Kg	.58 kg
	Beans/Peas	0.17Kg	0.14Kg	0.15Kg	0.17Kg	.15 kg
KASUNGU	Maize Flour	0.68Kg	0.56Kg	0.63Kg	0.68Kg	.62kg
	Beans/Peas	0.17Kg	0.15Kg	0.13Kg	0.16Kg	.15kg
MZIMBA	Maize Flour	0.68Kg	0.54kg	0.64Kg	0.68Kg	0.62Kg
	Beans/Peas	0.17Kg	0.12Kg	0.12Kg	0.17Kg	0.14Kg

Failure to provide inmates with adequate quantity of food was attributed to:

i. Daily fluctuating in number of inmates at Prison Station

Population of inmates increased more than budgeted number of inmates which prison station kept. Inmates ration budget was based on existing number of inmates at a specific day with an incremental percentage added to the preceding year budget and whenever inmates' population exceeds the budgeted population it led into reducing the quantity of ration which is provided to inmates per day.

ii. Uneconomical purchasing of inmate rations from suppliers

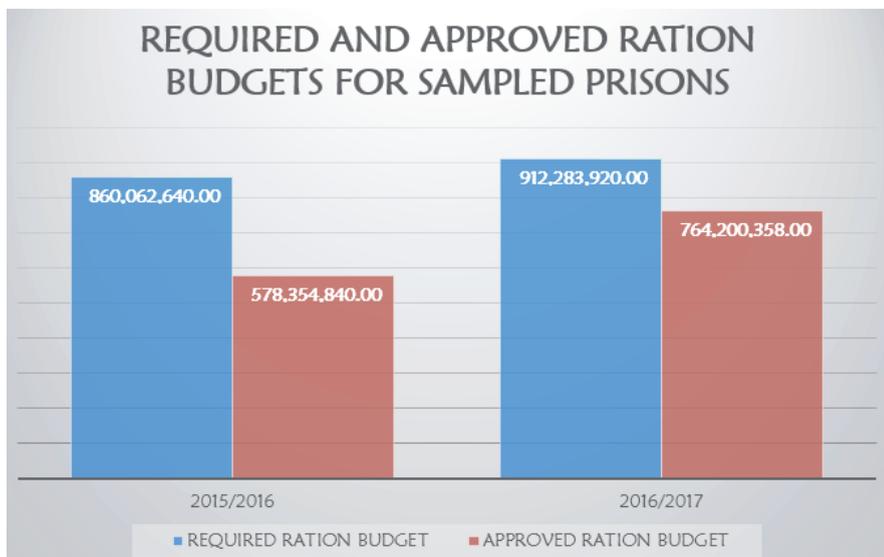
The audit established that the prices that MPS ration suppliers' charges were too high than those on open market prices. For instance, between May to September 2018, when it is harvesting time and prices are usually low, MPS was purchasing maize from suppliers at K10,000.00 for a 50Kg bag while on open market the prices were between K5,000.00 to K6,000.00 for a bag of maize. This affected quantity of food which MPS buys to feed inmates.

iii. Inadequate finances provided towards inmate ration.

Basing on prices that MPS was buying ration from its suppliers in the period under review (2015 to 2018), to feed 1 inmate per

day on 0.680kg of maize flour and 0.170 kg of legumes, it cost MPS K272.00 without factoring in processing and overhead costs. An analysis of inmates' population and required budget against approved ration budgets for Maula, Zomba, Chichiri, Nkhota-kota, Kasungu Mzuzu and Mzimba indicated that the total ration budget provided to these station was less than required to feed the population in these sampled prison stations. Refer to Figure 7 and Appendices XIII a, b and c for details.

Figure 7: Graph Showing Required and Approved Ration Budget for Sampled Prison Stations



Management Comment

The audit observation is indeed a true reflection. However, the Department is bound by the procurement laws which require open tender by competitive bidding influenced by price fluctuations that arise due to changing market forces between the harvest months (April, May) and the tendering period (June, July).

4.2.4 Quality of meals provided to inmates

MPS Strategic Plan of 2015-2020 sets an objective of providing improved health and nutrition services of Inmates by among other things improving diets of inmates through giving inmates with 3 hot meals a day which is nutritious.

Interviews with inmates and prison official for Maula, Chichiri, Kasungu and Nkhota-Kota established that meals provided to inmates were not balanced diets since more than 90% of inmates meal was mainly Nsima with beans.

A review of ration ledgers and analysis of diets provided to inmates in sampled Prison Stations (Maula, Chichiri, Nkhota-kota and Kasungu) established that on average 91% of meals provided to inmates comprised of Nsima with legumes, 8% was Nsima or Rice with other relishes and in other instances inmates were issued with nsima without relish.

Table 7: Kinds of Meals Provided to Inmates to Sampled Prison Stations

	MAULA	CHICHIRI	KASUNGU	NKHOTA- KOTA	MZUZU	MZIMBA	NKHATA- BAY	AVG
Nsima with legumes only	94%	99%	78%	95%	93%	86%	95%	91%
Nsima /Rice with other Relishes	6%	1%	21%	4%	7%	14%	5%	8%
Nsima without relish	0%	0	1%	1%	0%	0%	0%	0%

Source: NAO analysis of daily inmate ration (June 2019)

The analysis of ration issued to inmates in sampled prison station for the three years' period under review established that Kasungu Prison Station was performing better on alternating meals that was provided to inmates as on average the station managed to provide 21% meals with comprised of Nsima/Rice with relishes other than legumes while Chichiri Nkhota-kota and Maula on average provided 1%, 4% and 6% respectively of relish other than legumes. For details refer to Table 7.

The audit established that the failure to provide different kind of meals to inmate was attributed:

i. Inadequate ration budgets

Ration budgets provided to prison stations were inadequate to feed inmates on other meals. For instance, the audit noted that with the high inmate population, it was costly to feed inmates on alternative relish like beef and fish. Interviews with Prison Officers also established that the funding for ration was supposed to cater for procurement of current rations and settle debts for ration incurred in previous years.

ii. Failure to intensify animal husbandry in Prison farms

It was noted that some stations were keeping animals like goat and pig to supplement inmates' diet. However, the animal husbandry was done at a very small scale to meet the demand of supplementary diet for inmates.

Failure to provide balance diet to inmates leads into health problems in inmates as evidenced by cases of adult malnutrition in some prison stations.

4.3 SUPPLY OF BASIC NECESSITIES TO INMATES

4.3.1 Supply of inmates Uniform

MPS strategic plan states that in order to meet basic needs of inmates, it will procure and distribute to inmates basic necessities on a regular basis e.g. beddings, uniforms, soap, plates, tooth brushes, plates and cups. Malawi Prison Service Act, 1954. also states that all male convicted inmates are to be provided with 2 shirts, 2 pairs of shorts, 2 singlets, 2 pieces of soap monthly where landry is not provided and 1 piece where laundry is provided and a pair of sandals at the descretion of Officer In Charge. All convicted female inmates are to be provided with 2 dresses, 2 pairs of nickers, 2 peticoats, 2 singlets (cold Season).

Inspection in convicted prison cells and interviews with convicted inmates and Prison Officials in sampled prisons established that most convicted inmates especially male inmates were not provided with adequate uniforms. Refer to Photo 5 at Nkhota-kota station which shows population in prison not in uniform. Interviews further established that uniform is only provided to inmates who were involved in rehabilitation programs, farming or working outside the prison station.



Photo 5: Nkhota-kota Prison, Population of inmates not in uniform.

Review of procurement documents and interviews with officials in MPS also established that there had never been any procurement and issuance of singlets (for cold weather) to inmates for over 10 years. However, all sampled prison stations were unable to provide statistics on distribution of uniforms to inmates as there were no proper records maintained for identification of who had or did not have a uniform and this affected planning for procurement of inmates uniforms.

A comparison of average daily population for Kasungu Prison Station against totals of uniform distributed at Prison Station¹⁴ also established that the Prison Station failed to provide two sets of uniforms as per the requirement. Refer Table 8 for details.

Table 8: Supply of Inmate Uniform at Kasungu Prison Station

	<u>2015/2016</u>	<u>2016/2017</u>	<u>2017/2018</u>
Kasungu Daily Average population	397	409	381
Required Uniforms (2 pair per person)	794	818	762
No of Inmates issued with Uniforms	370	180	590

Review of stores ledger for Mzimba Prison station also indicated that the station received very few inmates uniform than the average number of inmates which were in custody. Refer Table 9 for details.

¹⁴ Distributed number of uniform was extracted from General Stores ledger

Table 9: Supply of Inmates Uniform from MPS Headquarters to Mzimba Prison

<u>FINANCIAL YEAR</u>	<u>AVERAGE NO OF INMATES PER DAY</u>	<u>INMATES UNIFORM RECEIVED FROM HEADQUARTERS</u>
2015/2016	599	110
2016/2017	645	60
2017/2018	587	50

Interviews indicated that failure to provide adequate uniforms to inmates was attributed to:—

a. High population in Prisons

The audit established that due to high population of inmates in Malawi Prison, the Department could only manage to buy a pair for each inmate. This was evidenced through review of 2016/2017 annual procurement plans which indicated that MPS managed to buy 10,000 uniforms against a population of 14,200 inmates. This showed that each inmate was budgeted for one pair of uniform to be used for the whole year.

b. Centralised procurement of uniforms

The audit established that procurement of inmates uniform is centralised at MPS headquarter which affected timely and equitable distribution of inmates uniforms in prison stations.

c. Failure to put into maximum use of in-house tailoring programs

MPS rolled out tailoring program in its rehabilitation services a way of impartings skills as well as sewing uniforms for inmates and staff to meet the demand for uniforms, however MPS was not maximising tailoring programs which could be a source of inmates uniforms at a cheaper cost and an Income Generating Activity (IGA) to sustain other programs in MPS.

The audit established that Zomba Central Prison tailoring section has adequate capacity to produce uniform demand for both inmate and staff at cheaper cost. This was evidence by availability of 48 sewing machines, well furnished workshop and labour. However, the headquarter was not adequately supporting the section with materials.It was also observed that MPS headquarters was erratically providing sewing materials like cloth,threads and buttons to the section which led into accumulation of uncompleted works (Uniforms).For instance at the time of visit, the workshop had more than 700 pieces of officers combats unfinished due to lack of sewing threads and buttons. Refer to

Appendencies XVIII a and b for details of materials provided to tailoring workshop for the period under review



PHOTO 6: Tailoring Workshop at Zomba Central Prison not fully utilised

Interviews with head of tailoring section also indicated that MPS quartermaster prefer buying uniform clothes and contract exclusive designers to sew uniform at higher cost which is uneconomical rather than using the inhouse tailoring section at Zomba Central Prison

Failure to provide all convicted inmates in prison station with uniform restricted inmates enrollment into rehabilitation programs since only those with uniform could be attached to rehabilitation programs. Lack of inmates uniform also threatens the Security System of Malawi Prisons as it was observed in Mzuzu where a convicted inmate escaped from the prison on a pretext of being a visitor because he didnt have any security identification features like white uniform and it was difficult to differentiate between remand inmates and convicted inmates.

Management Comment

The audit observation is indeed a true reflection. This is attributed to low budgetary allocations to meet uniforms requirement and rehabilitation of production workshops.

4.3.2 Supply of Soap to Inmates

The fourth Schedule of Prisons Act states that all inmates are supposed to be provided with 2 lb (pieces of soap) where laundry is not provided and 1 lb (piece of soap) where laundry is provided.

A review of General stores ledger on how inmate soap is procured and distributed established that there was an erratic and inadequate supply of soap to inmates in sampled prison station as inmates were not supplied with soap every month and in required quantity. For instance, a review of general ledger for Maula Prison Station established that in 2017/2018 the station procured soap for inmates twice in September 2017 when it bought 3000 tablets and in 20/11/2017 when the station bought 108 tablets which were not enough for the population. It was also noted that Maula Prison station did not procure any soap for distribution to inmates in 2014/2015 and 2015/2016 financial years.

Failure to provide inmates with soap was mainly caused by failure to prioritise procurement of soap for inmates as evidenced by failure to include soap procurement in stations annual procurement plan despite being the monthly requirement.

Lack of soap in Prison cells had a sanitary effects to inmates as most needy inmates complained that they bathed without soap and that they could not even wash their clothes and bedding due to lack of soap.

Management Comment

The audit observation is indeed a true reflection. Management has enhanced measures to ensure prioritization of the same.

4.3.3 Supply of inmates beddings

Fifth Schedule of Prisons Act states that inmates are to be provided with 3-4 blankets during cold season and 2-3 blankets during hot season, 1 sleeping mat and 1 mug for use during detention period.

Interviews with inmates and Prison Officials established that there was inadequate supply of blankets to inmates in prison stations to the extent that other inmates slept without blankets and that issuance of blankets did not vary with seasons. However all visited prison stations had no documentation regarding distribution of blankets to individual inmates. Furthermore it was established that Malawi Prison Service did not provide sleeping mats to inmates and inmates sleep on bare floor, while others who had stayed long in custody used ragged blankets as mats.

Inspection in prison cells and interview with prisoner at Mzuzu Prison Station established that out of 581 locked out inmates only 328 inmates had blankets while 273 inmates had no any blanket as of 30th April 2019. For details refer to Table 10.

Table 10: Supply of Inmate Blankets at Mzuzu Prison Station

CELL/BLOCK NAME	TOTAL NO OF INMATES AT THE DATE OF INSPECTION (30th April, 2019)	INMATES WITH BLANKETS AT THE DATE OF INSPECTION (30th April, 2019)	INMATES WITHOUT BLANKETS AT THE DATE OF INSPECTION (30th April, 2019)
BLOCK A	146	52	94
BLOCK B	107	76	31
JUVINILE	31	23	8
IHL-C BLOCK	117	77	40
IHL-D BLOCK	113	73	60
G-BLOCK	67	27	40
TOTALS	581	328	273

Source: Physical inspection by NAO

Failure to provide blankets to all inmates was due to:-

a. Inadequate funding

Interviews with Prison Officials established that MPS received inadequate Other Recurrent Transaction (ORT) funding and most of the financial resources were spent on procurement of inmate ration.

b. Centralised procurement process

The audit established that centralised procurement affected timely and equitable distribution of procured blankets since supply to stations was not done on need assessment.

c. Record/Information Management

The audit also observed that information management for inmates was very poor in MPS. For instance, in all sampled prison station there were no records maintained to ascertain which inmates had and those who had no blankets and this affected management decision making on procurement and distribution of basic necessities for inmates.

According to interviews with Prison Officials failure to provide inmates with blankets led into pneumonia related deaths in Prisons especially during cold season and it's a violation of basic human rights.

Management Comment

The audit observation is indeed a true reflection. The Department will continue lobbying Government for increased budget to cater for uniforms requirement.

4.4 PROVISION OF HEALTH SERVICES TO INMATES

Inmates are entitled to receive proper and quality health care while under detention at the Government expense. However, the audit established that delivery of basic health care to inmates in Malawi Prison Services is compromised by the findings below:

4.4.1 Availability of health infrastructures (Clinics) in prison stations

The Malawi Prison Strategic plan (2015–2020) states that in order to provide comprehensive health services, they will refurbish twelve (12) prison clinics and also construct nine (9) health facilities in prisons that do not have any. The UN Standard Minimum Rule (SMR) for Treatment of Prisoners also state that the clinic should have at least three separate rooms/areas 1 for confidential treatment and individual consultation, 1 for primary treatment and the other for long term care.

A physical inspection of Medical infrastructures in MPS established that some facilities were still below the standards of a clinic since they had no private examination rooms and room for long term cares. The audit also established that Prisons like Nkhata-bay, Dedza, Mikuyu 2, Kasungu and Nkhota-kota at the time of the audit had no purposely built clinic and they turned some cells into clinics. The audit also established that such clinics lacked important medical examination equipment.

Lack of proper adequate health infrastructure and medical equipment in MPS was attributed to failure by MPS to include in their development budgets resources for construction of clinics and procurement of medical equipment. The review of MPS budget document indicated that MPS had never included in its development budget resources for procurement of medical equipment and construction of medical facilities for the entire period under review. The audit also established that MPS relied more on donor support for construction of health facilities as most of health facilities constructed in MPS were through donor support.

Lack of proper medical infrastructures and equipment led into MPS referring most medical cases to public hospitals which

threatens security of inmates since there were records that some inmates escaped while at referred health facility. Lack of proper health infrastructures also forced MPS to mix sick inmates who needed closer supervision with other inmates in cell.

Management comment

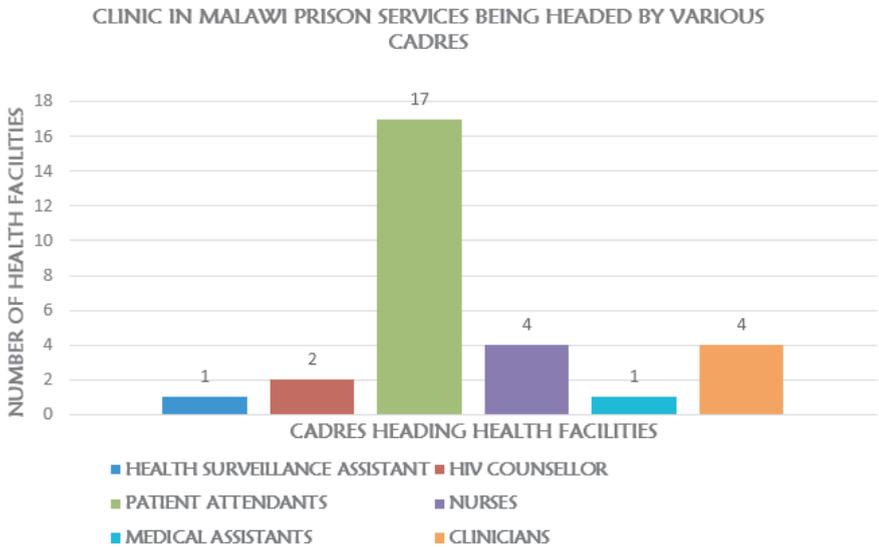
The audit observation is indeed a true reflection. This is attributed to low approved budgets on development to suffice competing priorities that include additional cell blocks and staff houses. Nevertheless, Management is encouraging formations in mobilizing locally available resources to cut on expenditure to meet the need for clinics as it also collaborates with development partners on construction of clinics

4.4.2 Availability of Qualified Medical personnel in Prison Stations

The UN Standard Minimum Rule 22(1) for treatment of Prisoners stipulates that at every corrective institution there shall be the services of at least one qualified medical officer. The qualified medical personnel are Doctors, Clinical Officers, Medical Assistants and Nurses.

A review of MPS staff return and interviews with prison officers established that MPS had no adequate qualified medical personnel working in MPS health facilities. Out of 110 officers who were working in Prison health facilities it was established that only 24% were qualified medical personnel and 76% were not. The audit also established that out of 29 health facilities whose records were analysed 70% of the facilities were managed by unqualified personnel due to lack of qualified medical personnel in MPS. For details refer to figure 8 which shows cadres heading health facilities in MPS.

Figure 8: Cadres Heading MPS Clinics in Various Stations



Lack of adequately trained medical personnel in Prison Health Services was attributed to poor staff retention strategy since interviews established that trained and qualified medical personnel left MPS to join other organisations. The audit also established that lack of qualified medical personnel in other health facilities was attributed to unequitable distribution of staff for instance Zomba, Blantyre and Mzimba had 3,2 and 2 clinicians respectively while other health facilities had none.

Lack of adequately qualified medical personnel in MPS health facilities led into MPS referring cases that could have been managed at Prison level to other public health facilities which also posed a risk of inmates escaping during the referral period. Lack of qualified medical personnel also led to delays in treating inmates as unqualified health workers could not prescribe medication.

Management Comment

The audit observation is indeed a true reflection. However, the Department has addressed the issue of brain drain through introduction of medical top up allowances. Further, in the reviewed functions, the Department has incorporated posts for qualified medical personnel and awaits to fill the same in the subsequent recruitment exercises.

4.4.3 Pharmaceutical and medical supplies

The Malawi Prison strategic plan (2015 – 2020) states that MPS planned to stock Prison facilities with adequate pharmaceutical and medical supplies.

Interviews with Health personnel and analysis of medical ledgers established that supply of Pharmaceutical and medical supplies by MPS was not adequate and that most of supply in prison clinics relied on support from District Health Offices(DHO). However, there were no proper records kept in health facility to ascertain consumption/demand against what was supplied. A review of medical stores ledger for pharmaceutical and medical supplies procured by MPS indicated that procured medical supplies were less than population of inmates. Refer Table 11

Table 11: MEDICAL SUPPLIES PROCURED BY MPS HEADQUARTES FOR SUPPLY TO VARIOUS PRISON CLINICS

	2015/2016	2016/2017	2017/2018
<u>QTY SUPPLY</u>	<u>QTY PROCURED</u>	<u>QTY PROCURED</u>	<u>QTY PROCURED</u>
CPZ	2	0	0
Levofloxacin Tab	10	0	0
Lufex Syrup	100	0	0
Dacold Syrup	20	0	100
Miconazole Cream	0	100	0
Hdrocortisone Cream	0	0	50
Diazepam Injection	0	10	0
Cefuroxime Tabs	15	20	0
Amlodipine	3	0	10
Haloperidal	5	0	0
Frusemide	50	0	0
Flumal Tabs	5	0	0

The audit also established that lack of adequate supply of medical and pharmaceutical supplies in MPS was attributed to:

a. Inadequate budget toward medical services.

Interviews with head of medical services in MPS and medical officers attributed inadequate supply of medical services to inmates to low funding towards medical services which affected

procurement of essential drugs, medical equipment and construction of medical infrastructures. A review of financial statements for MPS also established that MPS was provided only MK30,721,849 MK24,727,268 and MK49,276,585 in financial years 2015/2016, 2016/2017 and 2017/2018 respectively and these allocations represented an average of 0.57% of MPS total annual budgets.

b. Unequitable distribution of medical supplies from Headquarters.

The audit observed that 50 to 100 percent of procured medical supplies benefits Zomba central Prison since it is considered as the central pharmacy of MPS and were the one who were responsible for distributing drugs to other prison stations. Refer to Appendix XII.

c. Centralised procurement of medicine

It was also observed that centralised procurement of medical supplies contributed to inadequate supply of medical supplies in MPS since procurement and supply was not done on need assessment, (pull system) but rather push system. For instance, Mzimba and Mikuyu Prisons were supplied with Praziquatel (Bilharzia medicine) which was not a need and they had to exchange with other health facility to get the medicine that was most needed.

Lack of adequate medical supplies in prison station led into referring some sick inmates to public health facilities which risk escaping of inmates and in other instance Inmates were prescribed medication and referred to buy from private pharmacies through their relatives.

Management Comments

The audit observation is indeed a true reflection. However, the Department will continue lobbying Government to increase budgetary allocation towards procurement of medicines, medical supplies and equipment, and consider the same as mandatory expenditure.

5 CONCLUSION

MPS is expected to conform to local and international standards regulating safe and humane treatment of inmates. As such, MPS has changed approach of Prisoners management from punitive to rehabilitative approach. MPS is supposed to ensure that inmates are treated in a humane manner and with respect for inherent dignity of human and in observance of human rights. However, inmates living conditions, basic health services and provision of technical skills rehabilitation programs are not provided to the expected standards. The quality of inmates living conditions, health and rehabilitation services is compromised by conditions outlined in paragraphs below.

Implementation of the rehabilitation programs was not done effectively as evidenced by low enrolment in technical rehabilitation programs, low quality of technical skill programs and lack of post release support to rehabilitate inmates. For the period under review MPS managed to provide technical rehabilitation programs to less than 10% of convicted inmates leaving out more convicted inmates not rehabilitated.

Quality of technical rehabilitation programs was compromised by poor training, lack of training resources like workshops infrastructures, workshop training materials, and qualified trainers in technical and vocational skills. There were no laid down procedures or structured plan on how the rehabilitation programme should be implemented. The non-availability of adequate training materials in all visited prisons visited has had a negative effect on the success of the programmes since training infrastructures and materials were vital components for the rehabilitation programmes. Successful implementation of technical skills rehabilitation program is dependent on availability of rehabilitation policy and procedures, resources, training infrastructures and post release support. Successful implementation of rehabilitation program was also affected by failure to commercialise products or services from rehabilitation workshop which have potential to generate a lot of financial resources to support rehabilitation program.

To sustain acquired skills rehabilitated inmates need to be provided with post release support. Due to absence of post release support upon completion of their jail terms, prisoners were still poorly reintegrated into the society resulting in recidivism. Absence of post release support risked MPS releasing prisoners without addressing their rehabilitation needs and institution's priority of reforming and rehabilitating prisoners as law abiding citizens will not be achieved

MPS had failed to fully implement measures put in place to improve living conditions of inmates during detention as the living conditions were still deplorable as evidenced by overcrowding in prison cells, inadequate supply

of food, clothing and beddings both in term of quality and quantity. Inmates' accommodation was very poor in term adequacy of floor space as on average sampled station were housing inmates double the recommended capacity which affected decent sleeping and sanitary conditions in prisons.

Quality and quantity of meals served to inmates were still poor as inmates' rations comprised 90% on Nsima with bean/cowpeas. Quantity of meals were still very low since inmates were fed on one hot meal a day and meals were also not provided in accordance to quantities stipulated in approved DDS requirement.

Provision of basic necessities to inmates was very poor as there are many inmates in detention who did have bedding, Uniform and soap was erratically provided which did not even meet the minimum quantity each inmate was to be provided. Provision of custody services had not functioned efficiently and effectively mainly due to increase population of inmates committed into Malawi Prisons which had not matched with resources provided to MPS and failure to adequately invest in Prison farms which has a potential of producing sufficient food supply in MPS.

Provision of basic health care services to inmates was not adequate as most of the clinics in department did not have adequate and qualified medical personnel, Ambulances medical supplies and equipment. As such there was too much reliance of referring cases to Public health facilities where in other instances referral were delayed.

Information keeping in MPS was manually done and poorly kept which affected also affected decision making on management of inmates, rehabilitation programs, procurement and distribution of basic necessities in MPS.

Other than internal factors affecting provision of custody and rehabilitation services there were also external factors affecting delivery of service in MPS. Bottlenecks of other key stakeholders like Malawi Police and Judiciary which delayed in investigating cases, delay in trying cases and sentencing policies contributed to overcrowding in Prison stations and exerting excessive pressure on little resources in MPS.

Overcrowding was the main problem affecting both minimum and maximum prisons and was the root cause of many problems affecting living conditions of inmates, basic health services and rehabilitation programs.

In summary, MPS has failed in attaining the minimum standards as far as provision of custody and rehabilitation of prison services in Malawi is concerned.

6 RECOMMENDATIONS

6.1 Rehabilitation Programs

- a. To increase the number of inmates participating in Technical skills rehabilitation programs MPS should consider enhancing security system in all Prison stations by constructing training workshops in Prisons stations that do not have workshops as this will ensure that all inmates are conducting training in secured environment.
- b. MPS should ensure that prison stations are conducting training need assessment for every inmates during admission and that a rehabilitation trainings provided to inmates is allocated based on identified inmates need. Prisons station should maintain documentary evidence on progress of participation in rehabilitation programs of every inmate.
- c. MPS should improve on supply of inmates Uniform to all inmates who are willing to join technical rehabilitation program so that no inmates should be limited to acquire technical skills because of lack of inmates' uniforms.
- d. To address the shortfall in number of trained facilitators MPS should liaise with Technical Colleges to supply technical students to MPS to work as mentors to beef up the available number of facilitators which is currently in MPS. In the long term MPS should train some officers in MPS who are willing to work as facilitators in technical workshop.
- e. Government should consider improving budgetary allocation towards rehabilitation programs so that stations should be able to purchase necessary training materials for rehabilitation programs.
- f. MPS should consider commercialising services provided in Technical rehabilitation workshops and other marketable services in the department to build capacity for IGAs as the Department has a potential of generating a lot of finances from these programs. MPS should also liaise with Ministry of Finance to establish a treasury fund in the Department so that proceeds from the sale of products or services from rehabilitation programs could be deposited and used by the Department to reduce financial dependence from Government
- g. Malawi Prison Service should consider providing inmates who have undergone technical rehabilitation programs with working tools on discharge so that they can continue applying skills acquired after discharge.

6.2 Implementation of measures to improve living conditions for inmates

6.2.1 Inmate accommodation

- a. To reduce congestion in Prison cell, MPS should consider expanding the currently available holding capacity of Prison cells in Malawi by building new Prisons in districts where there are no Prison. MPS should also consider expediting construction of new Chitedze Prison station Project in Lilongwe as it has a big capacity to accommodate a lot of inmates.
- b. To curb over-staying of inmates on remand MPS should collaborate with judiciary to intensify use of camp court in reviewing remandee cases to shorten the period that inmates takes on remand. MPS should include the cost of camp courts in their budget and work plans.
- c. MPS should collaborate with judiciary on promoting alternative to custodial sentencing so that minor cases which are sent to Prisons could be engaged in community service works.

The issue of inmate accommodation is the root cause of many problems in prisons and should be prioritised.

6.2.2 Provision of inmate food

- a. To improve on quantity and quality of meals provided to inmates NAO recommends that MPS should invest seriously in Prison Farms both in animal and crop husbandry as it has potential of providing adequate food supply and a source of proteins for inmates at a low cost.
- b. To ensure that inmates are provided with three meals a day MPS should consider enhances capacity of the Kitchens in Prison station by adding some more electrical cooking pots and ensuring that they are properly serviced. MPS should also consider revising the daily dietary scale which should clearly stipulate the quantities which should be provided at breakfast, lunch and super.
- c. MPS should ensure that station which uses electrical pots always keeps firewood as backup power supply in case of power outages.

6.2.3 Inmates' uniform

NAO recommend that MPS should consider intensifying the tailoring training programs provided to inmates as investment in this area is likely source of low cost inmates' uniform and revenue if the products could be extended to public needs.

MPS should also consider decentralising procurement of inmates' uniform or tailoring materials to station levels to reduce unequitable distribution of uniforms in Prison station.

6.2.4 Supply of soap to inmates

Stations should be empowered in Soap making programs so that they can buy their own soap making materials and that soap should be distributed to inmates thereafter for use.

6.2.5 Supply of Cell equipment

- a. Procurement of cell equipment like inmates blankets, bowl and cup should be done by Stations as they are in the best position to know what, when and the quantity to procure and will avoid challenges of unequitable distribution of cell equipment to Prison stations from the headquarters.
- b. Every prison station should maintain a proper documentation of inmates who have been issued with cell equipment, quantity issued and inmates who doesn't have cell equipment for proper accountability of cell equipment.
- c. MPS should consider improving on information/records management by computerising data management as it will help to improve in storage of data and ultimately help in making better decisions on management of inmates.

6.3 Recommendations on Provision of Health Services

- a. MPS should consider scaling up its efforts to renovate and extend health infrastructure in Prison stations and these structures should include rooms for confidential treatment and individual consultation, primary treatment and for long term care.
- b. MPS should consider improving on supply of drugs and other medical supplies in prison stations by decentralising procurement of drugs to RPO or station levels and that supply of drugs should be based on prisons identified needs.
- c. MPS should consider improving on the number of available medical personnel by lobbying with Ministry of health to have

some civil qualified medical personnel deployed to work Prison stations clinics in the Short term and in the long term MPS should consider training its staff who are already in service in medical studies.

APPENDICES

APPENDIX I – PRISONS IN MALAWI AND THEIR CAPACITIES

	<u>PRISON STATION</u>	<u>CAPACITY</u>
1	Chitipa	60
2	Karonga	15
3	Mzuzu	138
4	Nkhatabay	80
5	Mzimba	400
6	Rumphi	80
7	Dedza	160
8	Kachere	54
9	Kasungu	240
10	Lilongwe	880
11	Byanzi	60
12	Ntchisi	80
13	Nkhotakota	120
14	Ntcheu	80
15	Mangochi	90
16	Domasi	240
17	Mikuyu 1	240
18	Mikuyu11	210
19	Mpyupyu	200
20	Zomba Central Prison	756
21	Blantyre	570
22	Bvumbwe	90
23	Chikwawa	240
24	Makande	360
25	Mulanje	240
26	Mwanza	160
27	Thyolo	90
28	Luwani	50
29	Nsanje	120
30	Bangula	80
	TOTAL CAPACITY	6183

APPENDIX II- INTERVIEWS CONDUCTED

INTERVIEWED POSTS	STATION OFFICES VISITED	PURPOSE FOR INTERVIEWS
Research, Planning & Development Officer	Headquarters	To collect data on Prison capacities, Statics of Prison stations and other policy guidelines used in MPS
Officer in Charge	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To collect statistics on Prisoners Statistics, collect testimonial evidence on causes of deviation to standards and collaborate with documentary evidence collected.
Station Officers	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish extent to which MPS is carrying out its duties through operations in order to achieve its goals
Stores Officer	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish the extent to which MPS procurement and storage of food stuffs, uniform, blankets was being undertaken
Workshop (Rehabilitation)	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish statistics on inmates rehabilitated in various technical programs and to establish causes of deviations in operations.
Rehabilitation Participants	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To get information from the inmates who participate in the rehabilitation activities
Head of Hard Labour	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish number of inmates kept in hard labours and cause of congestions in cells.
Head of Remand	Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish number of inmates kept in remand and cause of congestions in cells

Medical Section Officer and Heads of Clinics	MPS headquartes Mzuzu, Nkhatabay, Mzimba, Kasungu, Nkhotakota, Dedza, Maula, Mikuyu 1, Mikuyu 2, Chichiri, Zomba	To establish if MPS is providing adequate health care to inmates and causes of failures to provide adequate health cares.
		To collect information on staffing levels in Medical section and extent of availability of medical drugs in health facilities.

APPENDIX III: DOCUMENTS REVIEWED

CATEGORY	DOCUMENT REVIEWED	PURPOSE(S) OF REVIEW
Legislations	Malawi Prisons Service Act, 1954	To ascertain the law governing Malawi Prison services
	Malawi Prisons Service Regulations	To determine who has the Authority to admit, custody and discharge of prisoners.
	MPS Standing Orders	To ascertain the process and procedure governing admission and discharge of Prisoners
	The Malawi Growth and Development Strategy (MGDS) 111 (2017-2022)	To ascertain MPS strategies in the next five years on whether they are achievable.
Guidelines	Management and Standard Operational Procedures of the Malawi Correctional Services Department of 2010	To ascertain the process and procedure governing admission and discharge of Prisoners
	Malawi Prison Service Policy 2010	To establish the guidelines and policies of MPS
	Malawi Prisons Service 2012-2014 Strategic Plan, etc.	To establish the critical success success factors and key performance indicators of MPS
	Malawi Prisons Service 2015-2020 Strategic Plan	To establish the critical success factors and key performance indicators of MPS

	UN Standard Minimum Treatment of Prisoners (The Nelson Mandela Rules),	To establish whether Malawi as a signatory to UN Human Rights Rights is following the provision
	Budget	To establish whether MPS is adequately funded
	Malawi Inspectorate of Prison Reports to Parliament	To establish Status & composition of Prisons in Malawi
	Draft Functional review report	To establish the reform currently being undertaken by MPS and how they have been embraced by the Authorities.
Reports	Locking up Reports	To establish number of inmates under custody/detention in Prisons.
	IPC minutes	To establish whether MPS follows guidelines on procurements and decision making
	Samples of Prisoners' files	To establish whether all records have been captured on file e.g medical assessment
	Ration ledger books	To establish whether required standard on ration are being maintained in prisons
Files	Store ledger	To ascertain quantity of inmates blankets and uniforms procured establish whether all procurements were actually received by MPS and also to establish type of rations issued to inmates.
	Prison remandee Register	To establish how long inmates stay on remand before their cases are concluded
	Prison Admission Register	To establish and verify record maintained of all prisoners in custody

**APPENDIX IV – DISTRIBUTION OF PRISON STATIONS IN MALAWI
AND THEIR CATEGORY**

<u>EASTERN</u>	<u>SOUTHERN</u>	<u>CENTRAL</u>	<u>NORTH</u>
Domasi (Min)	Chichiri (Max)	Byanzi (Min)	Chitipa (Min)
Mangochi (Min)	Bvumbwe (Min)	Dedza (Min)	Karonga (Min)
Mikuyu I (Min)	Chikwawa (Min)	Kachere (Min)	Mzimba (Min)
Mikuyu II (Min)	Makande (Min)	Kasungu (Min)	Mzuzu (Max)
Mpyupyu (Min)	Mulanje (Min)	Maula (Max)	Nkhatabay (Min)
Ntcheu (Min)	Mwanza (Min)	Ntchisi (Min)	Nkhatabay (Min)
Zomba (Max)	Nsanje (Min)	Nkhotakota (Min)	Rumphi (Min)
	Thyolo (Min)		
	Luwani (Min)		
	Bangula (Min)		

Min=Minimum, Max = Maximum

**APPENDIX V – LIST OF PLANNED TO VISIT AND ACTUALLY
VISITED PRISON STATION AND THEIR CAPACITIES**

<u>REGION</u>	<u>PLANNED PRISON (PS) STATIONS TO VISIT</u>	<u>WAS THE PS ACTUALLY VISITED?</u>
EASTERN REGION	ZCP	YES
	MIKUYU 1 PS	YES
	MIKUYU 2 PS	YES
SOUTHERN REGION	BLANTRE PS	YES
	MULANJE PS	NO
	THYOLO PS	NO
CENTRAL REGION	DEDZA PS	YES
	KASUNGU PS	YES
	NKHOTA-KOTA PS	YES
	MAULA PS	YES
NORTHERN REGION	MZUZU PS	YES
	MZIMBA PS	YES
	NKHATA-BAY PS	YES

**APPENDIX VI – SUMMARY OF NUMBER OF CONVICTED INMATES
ENROLLED IN TECHNICAL REHABILITATION PROGRAMS**

<u>Institutions</u>	<u>No. of convicted prisoners</u>	<u>No. of Rehabilitation participants</u>	<u>No. Not on Rehabilitation % Not on</u>	<u>No. of Rehabilitation</u>
1 Zomba Central Prison	2193	148	2045	0.07
2 Mikuyu 1	334	64	270	0.19
3 Mikuyu 11	220	9	211	0.04
4 Blantyre (Chichiri)	1847	40	1807	0.02
5 Dedza	156	0	156	0.00
6 Kasungu	329	0	329	0.00
7 Lilongwe(Maula)	2044	90	1954	0.04
8 Nkhotakota	344	23	321	0.07
9 Mzuzu	847	67	780	0.08
10 Nkhata-bay	220	27	193	0.12
11 New Mzimba	467	72	395	0.15
Total	<u>9001</u>	<u>540</u>	<u>8461</u>	<u>0.06</u>

**APPENDIX VII – BUDGETARY ALLOCATION SPENT ON
REHABILITATION PROGRAMS**

<u>Institutions</u>	<u>Financial Year</u>	<u>Budget</u>	<u>Actual</u>	<u>Rehabilitation</u>	<u>Rehab./ Budget</u>	<u>Rehab./ Actual</u>	
Eastern Region							
Zomba Central Prison	2015-2016	149,630,935.00	142,630,935.00	6,635,550.00	4.43	4.65	
	2016-2017	213,740,518.00	203,740,518.00	3,967,500.00	1.86	1.95	
	2017-2018	232,872,711.00	226,872,711.00	3,779,480.00	1.62	1.67	
	Total	596,244,164.00	573,244,164.00	14,382,530.00	2.41	2.51	
Mikuyu 1	2015-2016	18,366,268.00	1,749,170.00	917,000.00	4.99	52.42	
	2016-2017	24,766,622.00	2,602,672.00	391,200.00	1.58	15.03	
	2017-2018	24,194,560.00	3,644,632.00	224,350.00	0.93	6.16	
Total		67,327,450.00	7,996,474.00	1,532,550.00	2.28	19.17	
Mikuyu 11	2015-2016	18,712,495.00	17,681,128.00	0.00	0.00	0.00	
	1	2016-2017	24,886,705.00	24,538,303.00	0.00	0.00	0.00
	2	2017-2018	24,745,531.00	22,843,064.00	0.00	0.00	0.00
	Total		68,344,731.00	65,062,495.00	0.00	0.00	0.00
Southern Region							
Blantyre (Chichiri)	2015-2016	152,059,103.00	154,264,335.00	327,000.00	0.22	0.21	
	1	2016-2017	170,380,233.00	207,121,306.00	1,683,144.00	0.99	0.81
	2	2017-2018	219,398,019.00	218,394,018.00	1,387,128.00	0.63	0.64
	Total		541,837,355.00	579,779,659.00	3,397,272.00	0.63	0.59

Central Region

Dedza						
Nkhotakota	2015-2016	48,175,930.00	29,752,810.00	46,000.00	0.10	0.15
	2016-2017	42,032,499.00	26,702,055.00	44,000.00	0.10	0.16
	2017-2018	152,819,850.00	47,964,734.00	44,000.00	0.03	0.09
Total		243,028,279.00	104,419,599.00	134,000.00	0.06	0.13
Lilongwe (Maula)						
Lilongwe (Maula)	2015-2016	156,554,852.00	156,554,406.00	2,997,500.00	1.91	1.91
	2016-2017	227,342,740.00	227,265,408.34		0.00	0.00
	2017-2018	211,811,769.00	211,716,643.00		0.00	0.00
Sub-total		595,709,361.00	595,536,457.34	2,997,500.00	1.91	1.91
Kasungu						
Kasungu	2015-2016	20,504,196.00	20,117,766.00	0.00	0.00	0.00
	2016-2017	23,169,741.00	23,169,741.00	0.00	0.00	0.00
	2017-2018	29,009,644.00	28,826,858.00	0.00	0.00	0.00
		72,683,581.00	72,114,365.00	0.00	0.00	0.00
Northern Region						
Mzuzu						
Mzuzu	2015-2016					
	2016-2017					
	2017-2018					
	Sub-total					
New Mzimba						
New Mzimba	2015-2016					
	2016-2017					
	2017-2018					
	Sub-total					
Nkhata-Bay						
Nkhata-Bay	2015-2016					
	2016-2017					
	2017-2018					
	Sub-total					
		2,185,174,921.00	1,998,153,213.34	22,443,852.00	1.03	1.12

APPENDIX VIII – DURATION HOMICIDES CASES SPENDS ON REMAND

PERIOD A HOMICIDE SPENT ON REMAND	NUMBER OF REMAND CASES
1 month to 1 year	95
over 1 year to 2 years	58
over 2 year to 3 years	38
over 3yrs to 4 yrs	29
over 4yrs to 5yrs	11
over 5 yrs	2
TOTAL CASES	233

**APPENDIX IX – PRISON STATIONS AND MEALS THEY PROVIDE
PER DAY**

<u>PRISON STATION</u>	<u>BREAKFAST</u>	<u>LUNCH</u>	<u>SUPER</u>
Zomba Maximum	Y	Y	N
Kasungu	Y	Y	N
Mikuyu 1	N	Y	Y
Chichiri	N	Y	N
Mikuyu 2	N	Y	N
Maula Prison	N	Y	N
Nkhotakota	N	Y	N
Mzimba	N	Y	N
Mzuzu	N	Y	N
Nkhata-bay	N	Y	N

Source: NAO analysis. Y=Yes, N=No

**APPENDIX X: QUANTITY OF DIET PROVIDED TO INMATES
BY PRISON STATION**

<u>PRISON STATION</u>	<u>FOOD ITEM</u>	<u>REQUIRED AMOUNT PER INMATE PER DAY</u>	<u>2015/2015 2016/2017 2017/2017 3 yrs Avg</u>			
			<u>AVERAGE QUANTITY OF MAIZE FLOUR AND BEANS ISSUED PER INMATE PER DAY</u>			
Maula	Maize Flour	0.68Kg	0.54kg	0.49kg	0.57kg	0.53kg
	Beans/Peas	0.17Kg	0.15kg	0.13kg	0.13kg	0.14kg
Nkhota-Kota	Maize Flour	0.68Kg	0.48Kg	0.58Kg	0.68Kg	.58 kg
	Beans/Peas	0.17Kg	0.14Kg	0.15Kg	0.17Kg	.15 kg
Kasungu	Maize Flour	0.68Kg	0.56Kg	0.63Kg	0.68Kg	.62kg
	Beans/Peas	0.17Kg	0.15Kg	0.13Kg	0.16Kg	.15kg
Mzuzu	Maize Flour	0.68Kg	0.69Kg	0.68Kg	0.69Kg	.686kg
	Beans/Peas	0.17Kg	0.17Kg	0.16Kg	0.17Kg	.166kg
Mzimba	Maize Flour	0.68Kg	0.54kg	0.64Kg	0.68Kg	0.62Kg
	Beans/Peas	0.17Kg	0.12Kg	0.12Kg	0.17Kg	0.14Kg
Nkhata-Bay	Maize Flour	0.68Kg	0.69Kg	0.69Kg	0.68Kg	0.686Kg
	Beans/Peas	0.17Kg	0.17Kg	0.17Kg	0.17Kg	0.17Kg

APPENDIX XI- NUMBER OF CADRES WORKING IN MPS HEALTH FACILITIES.

NAME	CLINICAL		MEDICAL	PATIENT ATTENDANTS	MICROS COPIST	COUNSELORS		TOTAL	
	DOCTORS	OFFICERS	ASSISTANT NURSE			(HIV)	HSA		
Blantyre		2	1	2	3	3	3	14	
HQ	1	1						2	
Bvumbwe					1		1	3	
Bzyazi					1		1	2	
Chikwawa				1	1		1	3	
Chitipa					1		2	3	
Dedza					2		1	3	
Domasi					1		1	2	
Karonga					1		1	2	
Kasungu		1			2		1	4	
Kachere					1		2	3	
Luwani					1			1	
Makande							1	1	
Mikuyu 1					1		1	2	
Mikuyu 2					1		1	2	
Mpyupyu					1		1	2	
Mangochi					2		2	4	
Mulanje					1		1	2	
Mwanza				1	1			2	
Mzimba		2	1	2	2	1	2	10	
Nsanje				1	1		1	3	
Ntcheu					2			2	
Ntchisi					1	1	2	4	
Nkhatabay		1			1		2	4	
Nkhotakota				1			2	3	
Training									
School					1		1	2	
Rumphi					1		1	2	
Thyolo					1		2	3	
Zomba		3		5	6	3	2	1	20
TOTAL	<u>1</u>	<u>10</u>	<u>2</u>	<u>13</u>	<u>38</u>	<u>8</u>	<u>36</u>	<u>2</u>	<u>110</u>

APPENDIX XII – DISTRIBUTION OF DRUGS PROCURED BY MPS HEADQUARTERS TO HEALTH FACILITIES IN PRISON STATIONS

DATE	SUPPLY	QUANTITY PROCURED	DISTRIBUTED TO ZOMBA	% DISTRIBUTED	
				DISTRIBUTED TO ZOMBA	TO OTHER STATIONS
29/04/2016	CPZ	2	2	100	0
01/01/2016	Levofloxacin Tab	10	10	100	0
30/01/2016	Lufex Syrup	100	100	100	0
24/04/2016	Dacold Syrup	20	20	100	0
06/10/2017	Dacold Syrup	100	60	60	40
20/09/2016	Miconazole Cream	100	52	52	48
06/10/2017	Hdrocortisone Cream	50	30	60	40
07/09/2016	Diazepam Injection	10	7	70	30
01/01/2016	Cefuroxime Tabs	15	11	73	27
03/03/2017	Cefuroxime Tabs	20	9	45	55
29/04/2016	Amlodipine	3	3	100	0
06/10/2017	Amlodipine	10	8	80	20
29/04/2016	Haloperidal	5	2	40	60
01/01/2016	Frusemide	50	50	100	0
01/01/2016	Flumal Tabs	5	3	60	40

APPENDIX XIII a: REQUIRED AGAINST APPROVED RATION BUDGET FOR SAMPLED STATIONS IN 2015/2016

STATION	AVERAGE POPULATION PER DAY FOR 2015/2016	REQUIRED RATION BUDGET FOR 2015/2016	APPROVED RATION BUDGET FOR 2015/2016
Maula	2657	263,786,960.00	134,800,000.00
Nkhota-Kota	434	43,087,520.00	25,366,475.00
Kasungu	397	39,414,160.00	16,420,423.00
Chichiri	1740	172,747,200.00	109,330,418.00
Zomba	2282	226,556,960.00	125,401,000.00
Mzuzu	550	54,604,000.00	51,861,400.00
Mzimba	603	59,865,840.00	51,758,342.00

**APPENDIX XIII b: REQUIRED AGAINST APPROVED RATION
BUDGET FOR SAMPLED STATIONS IN 2016/2017**

PRISON STATION	AVERAGE POPULATION PER DAY FOR 2016/2017	REQUIRED RATION BUDGET	APPROVED RATION BUDGET
Maula	2785	269,677,120.00	185,367,293.00
Nkhota Kota	523	50,643,136.00	32,006,944.00
Kasungu	409	39,604,288.00	21,521,852.00
Chichiri	1923	186,207,936.00	177,465,669.00
Zomba	2300	222,713,600.00	363,293,930.00
Mzuzu	615	59,551,680.00	81,338,839.00
Mzimba	652	63,134,464.00	90,587,596.00

**APPENDIX XIII c REQUIRED AGAINST APPROVED RATION
BUDGET FOR SAMPLED STATIONS IN 2017/2018**

STATION	AVERAGE POPULATION PER DAY FOR 2017/2018	REQUIRED RATION BUDGET	APPROVED RATION BUDGET
Maula	2811	279,076,080.00	226,959,751.00
Nkhota-Kota	556	55,199,680.00	65,235,636.00
Kasungu	381	37,825,680.00	30,807,504.00
Chichiri	1848	183,469,440.00	230,143,526.00
Zomba	2364	234,697,920.00	237,930,459.00
Mzuzu	766	76,048,480.00	95,699,948.00
Mzimba	601	59,667,280.00	80,699,948.00

APPENDIX XIV CONGESTION LEVELS IN EIGHT SAMPLED STATIONS FOR PERIOD UNDER REVIEW

	<u>2015/2016</u>	<u>2016/2017</u>	<u>2017/2018</u>
TOTAL CAPACITY (For all Sampled prison stations which are Maula, Nkhota-Kota, Kasungu, Chichiri, Zomba, Mzuzu, Mzimba and Nkhata-Bay)	3004	3004	3004
DAILY POPULATION (average daily Population for all Sampled Prison Station which are Maula, Nkhota-kota, Kasungu, Chichiri, Zomba, Mzuzu, Mzimba and Nkhata-Bay)	8824	9425	9552
Excess Bodies	5820	6421	6548
Congestion levels %	<u>196%</u>	<u>215%</u>	<u>219%</u>

APPENDIX XV- INCREASE IN PRISON POPULATION IN MALAWI OVER 20 YEARS PERIOD

<u>YEAR AND DATE</u>	<u>SOURCE</u>	<u>NATIONAL INMATES POPULATION</u>
Aug-97	African Commission on Human and Peoples Rights Report 17-18 June 2001	5557
2000	African Commission on Human and Peoples Rights Report 17-18 June 2001	7728
Jun-01	African Commission on Human and Peoples Rights Report 17-18 June 2001	7800
Dec-09	MPS annual Report	11945
Jul-17	The Malawi Prison Magazine of December 2017	15150

APPENDIX XVI: COST OF FEEDING INMATES PER DAY FOR ALL SAMPLED STATIONS IN A YEAR

<u>STATION</u>	<u>2015/16</u>	<u>2016/2017</u>	<u>2017/2018</u>
Maula	2657	2785	2811
Nkhota-Kota	434	523	556
Kasungu	397	409	381
Chichiri	1740	1923	1848
Zomba	2282	2300	2364
Mzuzu	545	604	757
Nkhata-bay	599	645	587
	288	236	248
Total inmates per day	8942	9425	9552
Cost to feed inmate per day	272.00	272.00	272.00
Total cost of feeding inmates per day in 7 stations	2,432,224.00	2,563,600.00	2,598,144.00

APPENDIX XVII a: QUESTIONNAIRES FOR STATION OFFICERS USED DURING THE AUDIT

A PERFORMANCE AUDIT QUESTIONNAIRE ON

Provision of custody and rehabilitation services

By

MALAWI PRISON SERVICES

Name of Prison station

PART A: INMATES LIVING CONDITIONS

1. What is the official capacity of this Prison Station and against the actual number of inmates as at the following dates

Period	Official Capacity	Actual No of inmates
30th June 2016
30th June 2017
30th June 2018

2. What has been the annual total number of inmates that were under custody at this Prison Station in the following financial years?

Financial Year	Total No of inmates
July 2015 to June 2016
July 2016 to June 2017
July 2017 to June 2018

3. What has been the annual budget against actual funding for this station in the following financial years?

Financial Year	Annual Budget	Actual funding
July 2015 to June 2016
July 2016 to June 2017
July 2017 to June 2018

4. How much of the Prison Station annual budget was spent on the following services in the following years?

Financial Year	Ration	Rehabilitation Programs
July 2015 to June 2016
July 2017 to June 2017
July 2017 to June 2018

Financial Year	Health Services
July 2015 to June 2016
July 2017 to June 2017
July 2017 to June 2018

5. What has been the Prisoner Warder to Inmate ratio at this Prison Station in the following financial years?

Financial Year	Warder to Inmate Ratio
July 2015 to June 2016
July 2016 to June 2017
July 2017 to June 2018

6. Do you provide the following items on admission to inmates?

	Yes	No	If yes how many
Beddings	<input type="checkbox"/>	<input type="checkbox"/>
Uniform	<input type="checkbox"/>	<input type="checkbox"/>
Soap	<input type="checkbox"/>	<input type="checkbox"/>
Plates	<input type="checkbox"/>	<input type="checkbox"/>
Cups	<input type="checkbox"/>	<input type="checkbox"/>

7. When was the last time you received the following basic needs from MPS headquarters to distribute to inmates?

	Month	Year
Beddings	<input type="text"/>	<input type="text"/>
Inmates Uniform	<input type="text"/>	<input type="text"/>
Soap	<input type="text"/>	<input type="text"/>
Plates	<input type="text"/>	<input type="text"/>
Cups	<input type="text"/>	<input type="text"/>

8. When was the last time that you distributed the following basic necessities to inmates?

	Month	Year
Beddings	<input type="text"/>	<input type="text"/>
Inmates Uniform	<input type="text"/>	<input type="text"/>
Soap	<input type="text"/>	<input type="text"/>

9. Does your Prison station provide inmates with the following meals per day?

	Yes	No
Breakfast	<input type="checkbox"/>	<input type="checkbox"/>
Lunch	<input type="checkbox"/>	<input type="checkbox"/>
Super	<input type="checkbox"/>	<input type="checkbox"/>

10. How often does your station provide inmates with the following meals per day?

	Always	Never	Sometimes
Breakfast	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lunch	<input type="text"/>	<input type="text"/>	<input type="text"/>
Super	<input type="text"/>	<input type="text"/>	<input type="text"/>

11. How often does this Prison station provide inmates with three meals per day in accordance to MPS strategic Plan of 2015-2020?

Always

Never

Sometimes

12. Are cell well ventilated?

Yes

No

13. Do you spray cells against mosquitos, bedbug or any other insects that are harmful to human being?

Yes

No

If yes, when was the last time you conducted prison cells spraying

Month

Year

14. How many prison cells does this station have?

15. Out of the total stated cells how many have toilet within the cell?

PART B: PROVISION OF REHABILITATION SERVICES

1. Do you provide provide technical skills rehabilitation programs at this Prison station?

Yes

No

2. Have any of your staff been trained in any technical areas so that they can lead in rehabilitation programs in the period between 2015 to 2018?

Yes

No

3. Have you ever received iterns from Technical Colleges to work in Workshop as mentors at this Prison Station in the period between 2015 to 2018?

Yes

No

4. Does this Prison station provide technical skills rehabilitation programs to all deserving convicted inmates during their custody?

Yes

No

If No state the reason why

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5. Has Malawi Prison Service furnished workshops with Modern tools and equipments for use and training in Technical skills?

Yes

No

If No state why

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6. Has MPS partnered with TEVETA and Technical College in curriculum development, implementation and award of certificates to training participants

Yes

No

If No state why

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7. Does MPS maintain records of inmates participating in rehabilitation programs which shows date of enrolling into rehabilitation program, number enrolled in the program and completion details as documentary evidence on the progress of participants' attendance?

Yes

No

If yes mention the type of documents

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8. Does MPS have manuals and procedures for the individual rehabilitation programmes

Yes

No

9. Have this station ever faced the situations of non-availability of stock of raw material and consumables leading to interruption of rehabilitation program?

Yes

No

If yes, state the extent and the effect

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10. Does MPS conduct training need assessment for individual inmates before they are allocated to various rehabilitation programs?

Yes

No

If yes state how the need assessment is conducted

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11. Does this Prison station have workshop for implementation of technical skill rehabilitation programmes?

Yes

No

12. Does the workshop have all necessary tools and equipment for use for training inmates?

Yes

No

If not state tools and equipment that is lacking in your workshop

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13. Does this Prison station have qualified facilitators trained on rehabilitation programmes?

Yes

No

Briefly state the number of available qualified facilitators

Total available Instructors

Qualified instructors

14. What is the actual number of prisoners who have completed the rehabilitation during the last 3 financial years against those convicted?

FINANCIAL YEAR	TOTAL CONVICTED INMATES	INMATES TRAINED IN TECHNICAL SKILLS
2015/2016
2016/2017
2017/2018

15. What is your overall satisfaction rating of the rehabilitation services at the Malawi Prison Service Department: (please tick one)

Very Satisfied

Somewhat Satisfied

Neither Satisfied Nor Dissatisfied

Somewhat Dissatisfied

Very Dissatisfied

Briefly explain why you feel that way

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APPENDIX XVII b: QUESTIONNAIRE FOR INMATES USED DURING THE AUDIT

A PERFORMANCE AUDIT QUESTIONNAIRE ON

Provision of custody and rehabilitation services

By

MALAWI PRISON SERVICES

Name of Prison station

PART A: INMATES LIVING CONDITIONS

1. When were you admitted into Prison?

Date Month Year

2. Were you provided with the following items on admission?

	Yes	No	if yes how many
Beddings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uniform	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soap	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Currently do you have any of the following basic needs for use during your custody?

	Yes	No
Beddings	<input type="checkbox"/>	<input type="checkbox"/>
Uniform	<input type="checkbox"/>	<input type="checkbox"/>
Soap	<input type="checkbox"/>	<input type="checkbox"/>
Plates	<input type="checkbox"/>	<input type="checkbox"/>
Cups	<input type="checkbox"/>	<input type="checkbox"/>

4. When was the last time that you were provided with the following basic necessities?

	Month	Year
Beddings	<input type="checkbox"/>	<input type="checkbox"/>
Uniform	<input type="checkbox"/>	<input type="checkbox"/>
Soap	<input type="checkbox"/>	<input type="checkbox"/>

5. Does Malawi Prison Service provide you with the following meals per day?

	Yes	No
Breakfast	<input type="checkbox"/>	<input type="checkbox"/>
Lunch	<input type="checkbox"/>	<input type="checkbox"/>
Super	<input type="checkbox"/>	<input type="checkbox"/>

6. How often are you provided with the following meals per day?

	Always	Never	Sometimes
Breakfast	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lunch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Super	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. How often are you provided with three meals per day?

Always	<input type="checkbox"/>
Never	<input type="checkbox"/>
Sometimes	<input type="checkbox"/>

8. Are cell well ventilated?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

9. Does Malawi Prison Service provide adequate floor spaces that allow comfortable sleeping of inmates?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

10. Does your cell have a toilet within?

Yes

No

11. Have you or any fellow inmate ever been cruelly treated at any Point in time by MPS staff during custody Period?

Yes

No

If yes state the kind of cruel treatment experienced

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12. Was the case reported to relevant Prison Authority?

Yes

No

13. State how did Malawi Prison Authority resolved the experienced case of cruel treatment of inmates.

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PART B: PROVISION OF TECHNICAL SKILLS REHABILITATION PROGRAMS

1. Do you have any technical skills rehabilitation programs at this Prison station?

Yes

No

2. Are you attached to any technical rehabilitation program during this period of your custody?

Yes

No

If not attached to any rehabilitation program state the reason why

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3. Did you undergo any rehabilitation need assessment during admission?

Yes

No

If No, How was the program allocated to you?

By my choice

Imposed by MPS

4. Does MPS have all the necessary tools and equipment for use in training programs you are attached to?

Yes

No

If No, state kind of tools and equipment that you are lacking which affects your training?

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5. Does MPS have qualified personnel to teach technical skill at this prison station?
 Yes
 No
6. Does MPS have adequate personnel to teach technical skill at this prison station?
 Yes
 No
7. Does MPS have all the necessary tools and equipment for use in training programs you are attached to?
 Yes
 No
8. What is your overall satisfaction rating of the rehabilitation services in the Malawi Prison Service?

(Tick one)

- Very Satisfied
- Somewhat Satisfied
- Neither Satisfied Nor Dissatisfied
- Somewhat Dissatisfied
- Very Dissatisfied
- Briefly describe why you fill that way

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PART C: PROVISION OF HEALTH SERVICES

1. Were you given a comprehensive medical examination before admission into cells?
 Yes
 No

2. Were you tested of any infectious diseases that are easily transferable like Tuberculosis and scabies on admission

Yes

No

3. Does a health facility at this Prison station provide inmates with all necessary medication when they fall sick?

Yes

No

4. Are you provided with all necessary assistance health care in health facility at this prison station?

Yes

No

If not, what challenges do you encounter with health care at this prison's health facility?

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5. What is your overall satisfaction rating of the health services in the Malawi Prison Service?

(Tick one)

Very Satisfied

Somewhat Satisfied

Neither Satisfied Nor Dissatisfied

Somewhat Dissatisfied

Very Dissatisfied

Briefly describe why you fill that way

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Appendix XVIII

TRAFFIC BRONZE PROVIDED TO TAILORING SECTION

TRAFFIC BRONZE (GREEN)

DATE	QUANTITY RECEIVED IN METRES	RECEIVED FROM
12/4/2017	452.9	QuarterMaster
23/04/2013	2716	QuarterMaster
6/8/2013	18	QuarterMaster

(B) WHITE CLOTH (FOYA) PROVIDED TO TAILORING SECTION

INMATES WHITE CLOTH

DATE	QUANTITY RECEIVED DATE IN METRES	RECEIVED FROM
10/4/2016	50 Metres	Quarter Master
5/5/2016	500 Metres	Quarter Master
13/05/2016	750 Metres	Quarter Master
5/5/2017	200 Metres	Quarter Master