

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Examining Prisoners' Treatment Practices in Prison Centers in Oromia National Regional State, Ethiopia

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Abstract:

The objective of this study was to examine prisoners' treatment practices in prison centers in Oromia National Regional State. The study was limited to examining right of freedom from inhuman treatment, right to work and opportunity to generate income, access to sport and recreation, visitors' access to prisons, right to transfer, right to lodge complains, right to access information, right to religion and disciplinary measures upon prisoners. To achieve this stated objective, both qualitative and quantitative research approaches were employed. The study used descriptive type of research strategy to describe the situations that exist in prison centers at the time of study. Twenty (20) administrative zones in the region were clustered into four (Eastern, Western, Central and Southern) and a total of 7 zones with their respective zonal prisons (except for Oromia Special Zone Around Finfinne which has no Zonal level prison) randomly selected using lottery method. Further, 7 district level prisons were selected randomly from sampled zones using lottery method, which mean one district from each zone. The only prison TVET in the region was purposely included in the sample. Both primary and secondary data were used. Prison leaders, prison staff and prisoners were the major sources of primary data, whereas secondary data were collected from Oromia Prison Administration Commission reports, prison centers, published and online sources. Both open-ended and closed-ended questionnaire, interviews, FGD, observation and document analysis were used as data collection instruments.

The study revealed that torture and arbitrary beating were found to be very rare problems. Prisoners were involved in different income generating businesses. The right of religion was respected so that worship areas were allocated for different religions and, no significant problems were found in relation to visitor's access to prisoners. However, businesses run by prisoners had no support, training and, credit access, and there was poor market linkage for prisoners' products and services. Unethical prison staff use prisoners' labor freely as well as made them work for others freely. Moreover, the study identified poor access and supply of sport and recreational facilities in almost all prison centers. Income generating businesses, sport and recreation facilities, and worship areas were confined to male premises and female detainees denied equal access to these facilities. Media for information access were found to be limited to TV and Radio, and poor access for books, newspapers and internet. The study also revealed that arbitrary disciplinary measures such as forced labor and free services were taken as a punishment on prisoners and disciplinary committees fail to stick to disciplinary procedures.

Based on the findings of the study the following recommendations are made: Oromia Prison Administration Commission and Prison Centers required encouraging income generating activities (cooperative and personal ventures) through training, support, credit access and creating market linkages for prisoners' products and services. It is also important to make prison services and facilities equally accessible for female prisoners. Avoiding enforcing prisoners to give free service and forced labor, and developing systems that help check up on prisons disciplinary committees to make them follow transparent and predetermined disciplinary procedures. Further, clear and well-established complaint handling system and opening doors to receive complains from those prisoners who feel prejudice as well as diversifying the types of media through which prisoners get up-to-date information will improve the effectiveness of rehabilitation and reformation programs besides responding to prisoners' right. Moreover, prisons required to provide space, facilities and equipment and allow prisoners to frequent daily physical exercises. Lastly, Oromia Prison Commission needs to look for best practices from Mekele Prison Center and adapt it to the regional context.

Keywords: Income generation, humane treatment, Prison centers, Complaint handling, Disciplinary measures

1. Introduction

1.1. Background of the Study

Prisons have been places where individuals were detained until they underwent some legal process and have existed in most societies for many centuries. They were legally established in Ethiopia by Proclamation 45/1942 (The Ethiopian Human Rights Commission (EHRC), 2012). During the past regimes, prisons in Ethiopia were not used as centers in which detainees were corrected and rehabilitated; rather they served only as places of confinement and harsh disciplining (EHRC, 2012).

The concern for human right issues and obligations of governments to respect human rights are now an important feature of the day-to-day conduct of governments. The raising concern for human rights put pressure on states and they have developed a considerable number of human rights instruments at the national, regional and international levels. Therefore, states have undertaken obligations under international and domestic law both to promote and to protect a wide variety of human rights issues. Accordingly, human rights instruments such as Universal Declaration of Human Rights, The Standard Minimum Rules for the Treatment of Prisoners, The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and The International Covenant on Economic, Social and Cultural Rights Convention provide a set of rules and standards that help prison administrators and staff perform their duties through policies and practices that are lawful, humane and disciplined manner. Therefore, it can be said that prison management and prison treatment practices and rights of prisoners have their roots in different declarations, standards and conventions.

The constitution of the Federal Democratic Republic of Ethiopia (FDRE) devoted one-third of its articles for human rights issues and puts obligation on government organs and officials at different administrative tiers to respect and enforce human rights and freedoms. Specifically, article 21 of the FDRE Constitution provides that people held in custody and imprisoned have the right to treatments in humane manner respecting their human dignity. In addition, Article 18 (1) of the Oromia Regional State Revised Constitution Proclamation No. 46/2001, stipulates that any persons held in custody or imprisoned are protected from acts that degrade their human dignity such as cruel and arbitrary beating and torture. Because human rights are an integral part of good prison management (Coyle, 2002).

Accordingly, the objective of Prison Administration is to admit and ward detainees, and provide them with correction and rehabilitation services which enable prisoners to achieve attitudinal and behavioral changes as clearly indicated in article 5 of the Federal Prisons Commission Establishing Proclamation No. 365/2003. Regional prison centers have also stated their objectives in their respective proclamations and directives. Further, the FDRE Constitution article 9(4) accepts all international and African agreements ratified by Ethiopia as an integral part of the law of the land. Therefore, prison administrations at all administrative levels in Ethiopia are directly responsible to protect human rights in prison centers

The Universal Declarations, Standard Minimum Rules, Principles, African charter of Human Right, Constitution of the Federal Democratic Republic of Ethiopia, Oromia National Regional State Constitution, Federal Prisons Commission Establishment Proclamation and other regional regulations and directives have dedicated special provisions for human rights, specifically to people under custody or imprisonment. Detainees are people deprived of freedom of movement. Unless determined by law as a punishment for a serious criminal offence, Ethiopian laws provide prisoners with unfringeable and absolute right to life. They have the right to be treated humanely, right to transfer, right to information access, right to contact with the external environment, right to lodge complaint, right to religious observance, right to sports and exercise, right to participate in income generating activities and right to access visitors.

Oromia Prison Centers and Oromia Prison Administration Commission are institutions administering detention centers and mandated to provide correction and rehabilitation services by creating conducive environments, respecting human rights and through humane treatment of prisoners. Currently, there are 36 prison centers in the region, 18 prison centers at zonal and 17 at district (woreda) including one Prison Technical and Vocational Training and Education Center.

Therefore, this study was focused on examining regional prison centers on their prisoners' treatment practices based on international declarations, conventions, norms and standards as well as national and regional laws in Ethiopia. It tried to cover right of freedom from inhuman treatment, right to work and opportunity to generate income, access to sport and recreation, visitors' access to prisons, prisoners right to transfer, prisoners' right to lodge complains prisoners' right to access information, right of religion and disciplinary measures upon prisoners.

1.2. Statement of the Problem

Prisoners have the right to be protected from inhuman punishments and act that degrading their human dignity. The Universal Declaration on Human Rights (UDHR) is the founding instrument that came up with elaborated human rights to give effect to the human rights objective set under the United Nation's Charter. Article 5 of UDHR prohibits torture, cruel, inhuman or degrading treatment or punishment. Further, Article 5 of the African Charter on Human and Peoples' Rights, states that every individual have the right to the respect of the dignity inherent in human beings. Prisoners have the right to be engaged in works that benefit them in their post release life and physical exercises to keep them healthy. Standard Minimum Rules (SMRs) for the Treatment of Prisoners, Rule 71 (1, 2, &3) stipulate that prisoners required to work and the work should not cause distress and subject to their physical and mental fitness as determined by the medical officer. Rule 21 (1-2) of the SMRs for the Treatment of Prisoners requires every prisoner who is not employed in outdoor work have at least one hour of suitable exercise in the open air daily based on the suitability of the weather, and young prisoners, and others of suitable age and physique receive physical and recreational training during the period of exercise.

International norms and standards also indicate that all prisoners have the right to communicate with the outside world, especially with their families and retain the right to be transferred to prisons closer to their family. Rule 37 of the SMRs for the Treatment of Prisoners allow prisoners to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits which could be under necessary supervision of the concerned. Taking into account the importance of prisoner's contacts with family and friends, prisoners have also the right to be transferred to prison centers closer to their family. Accordingly, UN (2005) "A prisoner's request to be held in a prison near his or her home shall be granted as far as possible". Further, prisoners have also granted the right to challenge inhuman and arbitrary treatments in prisons. SMRs for the Treatment of Prisoners, Rule 36 (1) provides "Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer

authorized to represent him.” Prisoners have also the right to be up dated with information in prisons as well as what is going on in the external world. SMRs for the Treatment of Prisoners, specifically, rule 39 states that prisoners required to be kept informed regularly of the more important items of news by reading of newspapers, periodicals or special institutional publications, and books and by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Prisoners have also the right to follow a religion or beliefs of their choice. International Covenant on Civil and Political Rights, Article 18 (1) provides the right to freedom of thought, conscience and religion for everyone which include the freedom to have or to adopt a religion or belief of his choice, and freedom to manifest his religion or belief in worship, observance, practice and teaching. Further, prisoners have also the right to be protected from inhuman and degrading disciplinary measures. SMRs for the Treatment of Prisoners, Rule 31 completely prohibit corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments as punishments for disciplinary offences. Similarly, Rule 33 of the SMRs for the Treatment of Prisoners puts clearly that instruments of restraint, such as handcuffs, chains, irons and strait jackets, should never be applied as a punishment.

The aforementioned international standards, conventions, charters and declarations are envisioned that most of the states develop laws to their context being guided by them. According to article 9(4) of the FDRE constitution, some of them may be directly binding in Ethiopia. Others have a special provision in FDRE and Regional constitutions, Proclamations, Regulations and Directives. Accordingly, article 21 of the Constitution provides that persons held in custody and imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity. In addition, Oromia Regional State Revised Constitution Proclamation No. 46/2001, Article 18 (1) indicates that any persons held in custody or imprisoned are protected from acts of inhuman, cruel and punishments that degrading their human dignity. Article 3 of the 2005 Criminal Law and Article 31 of the Federal Prison Commission Establishing Proclamation No. 365/2003, “Convicted detainees shall be assigned to participate in development activities in keeping with their occupational interest and health status, and be remunerated for work done”.

The right of prison to contact with the external world, right to lodge complains and freedom of religion is clearly addressed in different proclamations and regulations. Article 24 (1) of Regulation No. 138/2007 on the Treatment of Federal detainees stipulates that any detention center required to provide detainees with the necessary and conducive physical education and exercises. Oromia Regional State Revised Constitution Proclamation No. 46/2001 article 21 (2) provides that persons held in custody and imprisoned upon conviction and sentencing have the opportunity to communicate with, and to be visited by, their spouses and partners, close relatives, friends, religious counselors, medical doctors and their legal counsel. Article 28 (1-4) of the Federal Detainees Treatment Regulation stipulates that detainees have the right of lodging complaints and appeals and the prisons are tasked with the responsibility of communicating detainees’ complaints and appeals to concerned bodies for necessary action and of following up on decisions taken. Accordingly, Regulation No. 138/2007 article 27 (1) provides that rules and regulations of a prison required to be communicated orally or in writing to every prisoner on his admission. Article 26 of the Federal Prisons Treatment Regulation No. 138/2007 as well as the regional detainee treatment regulations and directives stipulates that detainees have the right to freedom of religion and belief.

Even though the country as well as the region have well developed legal frameworks and provisions dedicated to the right of people in custody or imprisoned, the information concerning prisoners’ treatment is so limited to understand the extent to which human right issues have been considered and implemented in Oromia prisons. However, the Regional Government of Oromia has interested in information about the status of human right issues, management practices and service levels in detention centers in the region to work on identified gaps. This was a historical moment in the history of the country when the attitudes about prisons has changed from a place of confinement and torture to a place of rehabilitation and reformation and prison rights got greater concern. Owing to the government commitment and information gaps, this research was initiated and mainly focused on prisoners’ treatment practices in prison centers of the region. Therefore, this study was aimed at examining the extent to which Oromia National Regional State Prisons take into account both international standards, conventions, charters and declarations and national and regional laws in the treatment of detainees.

1.3. Objectives of the Study

1.3.1. General Objective

The general objective of this study is to examine prisoners’ treatment practices in prison centers in Oromia National Regional State.

1.3.2. Specific Objectives

The specific objectives of the study include:

- To examine the extent of prisoners right of freedom from inhuman treatment,
- To identify whether prisoners use their rights to involve in income generating activities or not,
- To identify the extent to which disciplinary measures taken by disciplinary committee are procedural and fair,
- To assess the availability of sport and recreational facilities in prison centers,
- To examine prisoners right to lodge complains,
- To examine prisoners right to religion,
- To assess the extent to which prisoners have the right to contact with the external world and access to up-to-date information,

1.4. Significance of the Study

The research may provide reliable information for regional prison administration commission as well as for Federal and Regional Governments that help determine the future of prison centers. It may also have significance in indicating the areas where policy

interventions will be required with respect to prisoners handling and prisoners exercising of legal rights in prison centers. In addition, the study document is expected to serve as a reliable source of information for relevant institutions, researchers, students, and NGOs interested in treatment of prisoners (human rights). Furthermore, it can initiate researchers in the area for further study.

1.5. Scope of the Study

Geographically, the study was focused on prison centers in Oromia National Regional State. It tried to cover right of freedom from inhuman treatment, right to work and opportunity to generate income, access to sport and recreation, visitors' access to prisons, prisoners right to transfer, prisoners' right to lodge complains prisoners' right to access information, right of religion and disciplinary measures upon prisoners.

2. Review of Related Literatures

Prisons have been places where individuals were detained until they underwent some legal process and have existed in most societies for many centuries. The main purpose of imprisonment is reformation and rehabilitation of individuals deprived of their liberty because of the offences they have committed. Reformation and rehabilitative program require respecting the rule of law and humane treatment of prisoners deprived of their liberty. It does not mean that the rule of end at the prison gate and must be maintained. The way prison staff treat prisoners is central to human rights observance (International Center for Prison Studies (ICPS), 2004). Even though prison staff receive individuals who are lawfully deprived of their liberty, they have the responsibility to hold them safely and then release them back to the community up on finishing their term of imprisonment. This implies that prison officials are at a position to protect human rights on a daily basis, experiencing and putting them into practice; respecting them and enforcing their respect. When prison officials carrying out their functions in a manner that respects and protects human rights, they bring honor not only to themselves, but also to the government and the nation which they serve.

Prison management and prison treatment practices and rights of prisoners have their roots in different international standards, declarations, conventions and national laws which have provided a set of rules to help prison staff perform their duties through policies and practices that are lawful, humane and disciplined. In this regard, Ethiopia has enacted laws concerning people under custody or imprisonment in its constitution, proclamation and regulation. Similarly, Oromia National Regional State has passed regulation and directives in relation to prison management and rights of prisoners. However, the focus of this study was to examine how prisons in the region treat prisoners from the following perspectives: Right of freedom from inhuman treatment of detainees, prisoners work and income generating opportunity, access to sport and recreation, visitors' access to prisoners, prisoners right to transfer, prisoners' right to lodge complains prisoners' right to access information, right of freedom of religion and disciplinary measures upon prisoners. Accordingly, literatures related to the aforementioned issues were reviewed as follows:

2.1. Right of Freedom from Inhuman Treatment of Detainees

No matter how serious the crime of which they have been accused or convicted, people who are detained or imprisoned do not cease to be human beings (Coyle, 2002). Putting people in custody is not to bring any harm whatsoever to their physical and mental wellbeing, but intended only as a means of restricting their movement (EHRC, 2012). The Universal Declaration on Human Rights (UDHR) is the founding instrument that came up with elaborated human rights to give effect to the human rights objective set under the United Nations Charter. Article 5 of the UDHR prohibits torture, cruel, inhuman or degrading treatment or punishment. Though this declaration has no binding effect, it was the first human right instrument ratified by almost all countries of the world. It is also incorporated by constitutions of many of the states including Ethiopia. Even though UDHR prohibited cruel, inhuman or degrading treatment or punishment, it was general principle which calls further clarification to be invoked as rights by the alleged victims. Accordingly, Article 10 of the International Covenant on Civil and Political Rights put it as "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The African Charter on Human and Peoples' Rights, Article 5 "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status." However, the SMRs for the Treatment of Prisoners is the first of such instruments that was devoted specifically to protect the rights of persons under any form of detention. It is specifically stated that corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment for disciplinary offences are forbidden. The international human rights instruments do not leave room for any doubt or uncertainty in respect of torture and ill-treatment (Coyle, 2002). This implies that the international human rights instruments state clearly that there are absolutely no circumstances in which torture or other cruel, inhuman or degrading treatment or punishment can ever be justified. According to ICPS (2004), being sent to prison involves the severe punishment of loss of liberty and all that implies, however it should not involve additional punishment, inhuman and degrading treatment and mental or physical deterioration. Human rights standards have often been embodied in national laws and regulations; they provide invaluable guidance for the performance of a function that is vital to the good functioning of a democratic society and to the maintenance of the rule of law.

The Federal Democratic Republic of Ethiopia (FDRE) Constitution, Article 9(4) accepts all international and African agreements ratified by Ethiopia as an integral part of the law of the land. Accordingly, one- third of the parts of the FDRE constitution devoted to human rights. Articles 14 and 15 of the Constitution of the Federal Democratic Republic of Ethiopia provide that except as a punishment for a serious criminal offence determined by law, every person has unfringeable and absolute right to life. Article 18 of the constitution prohibits any inhuman treatment of peoples. Article 21 of the Constitution provides that persons held in custody and imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity. In addition, Article 18 (1) of the Oromia Regional State Revised Constitution Proclamation No. 46/2001 stipulates that any persons held in custody or imprisoned

are protected from acts of inhuman, cruel and punishments that degrading their human dignity. Article 22 (1) of the Federal Prisons Establishment Proclamation provide that all persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity. Further, proclamation No. 365/2003 of the Federal Prisons Commission Establishment forbids any treatment or act, that is inhuman or that violates human dignity. This implies that human rights issues as well as the issues concerning prison are well addressed in FDRE and Oromia Regional Constitutions, Proclamation, Regulations and Regional directives.

2.2. Work and Income Generating Opportunity

Prisoners should be kept occupied in order not to spend their days in idleness or boredom. Prisoners who are kept occupied are less likely to become depressed and disruptive, which is important for prisoners own personal wellbeing and also for the smooth management of the prisons (Coyle, 2002). According to the International Prison Center Study Mission Report (2004), many prisoners in the world have access to no activities except listening to the radio, watching television (where this is permitted), reading and playing cards or other forms of gambling. The center also stated that introducing a variety of more positive activities improve the daily lives of prisoners and staff and humanize prison experience. According to ICPS (2004), the interest of prison authorities is to make sure that prisoners have plenty to do and fully occupied and have active days, so that the possibility of violence and unrest can be reduced and they are less likely to become bored and frustrated.

SMRs for the Treatment of Prisoners, Rule 71 (1, 2, &3) stipulate that prison labor should not cause distress, prisoners required to work which is subject to their physical and mental fitness as determined by the medical officer, as well as sufficient work of a useful nature to keep prisoners actively employed for a normal working day. International Covenant on Civil and Political Rights, Article 8(a) "No one shall be required to perform forced or compulsory labor." Regulation No. 138/2007, Article 31 indicates that detainees should not be compelled to engage in hazardous work, nor should detainees sentenced to death, pregnant women, elderly detainees and remand detainees be compelled to engage in such work. According to Article 3 of the 2005 Criminal Law and Article 31 of the Federal Prison Commission Establishing Proclamation No. 365/2003, "Convicted detainees shall be assigned to participate in development activities in keeping with their occupational interest and health status, and be remunerated for work done". Regulation No.138/2007 On the Treatment of Federal Prisoners article 30 (1&2), indicates that prisoners should be categorized and be given work assignments on the basis of their skills, professions and attitudes; and they should be paid for the work they perform and should be given apprenticeship and training if they lack skills. In addition, this regulation stipulates that Prison Administration should encourage and support activities to be performed by prisoners individually or organized in-groups for their benefits and social services. Therefore, it is possible for the prisoners to engage in revenue generating activities and can deposit the money in a safe place to be used at the time of post release life or up on request. Further, at regional level, Regulation No. 123/2009, article 4 (1-7), a regulation to provide for the utilization of internal revenue of Oromia Regional State Prisons allows prisons to generate revenue from animal rearing, fattening, sales of agricultural products, fees from service delivery, rent, sales of assets out of use, mineral work, metalwork, woodwork and others and utilize them. Therefore, prisoners have also an opportunity to engage in paid work in businesses initiated by prison centers.

The SMRs for Treatment of Detainees (Arts. 71-76) and Federal Detainees Treatment Regulation No. 138/2007 (Art 30- 34) as well as regional states detainee treatment regulations, directives and rules define clearly the nature of income generating occupations and the work conditions that should be satisfied. Ethiopia has laws, government agencies, and policies supporting co-operatives. The Cooperative Society Proclamation in 1998 established general provisions for the registration, legal form, rights and duties of members, governance and management, audit and inspection, and dissolution of co-operatives, among other things.

For example, in Tigray Region, Mekele Prison which housed about 2,900 prisoners, have formed more than 20 prisoners' co-operatives providing services in diverse areas (John Howard Society, 2013). According to The John Howard Society of Canada(2013):

- In Mekele Prison Center, co-operatives are providing services in diverse areas such as horticulture, farming (pigs, poultry, livestock), basket making, cobblestone cutting and laying, glassworks, brick making, metal work, carpentry, weaving, garment making, embroidery, plumbing, electric work, and baking. Prisoners are permitted to participate in co-operative activities outside the prison and can continue to work at the co-operative once released. The Dedit Credit and Savings Institution (DECSI) in Ethiopia provides start-up investment loans to prisoners and the prison administration acts as guarantor for those loans. Wages earned through prisoner-based cooperatives are competitive and are saved by the prisoners, used for remittances, and invested back into their co-operatives.

Therefore, prisoners have the legal right to have their own income generating business either in cooperative form or as individual venture. They can also generate income by participating on paid prison initiated development activities. Their source of initial capital could be from relevant finance institutions with the guarantor of their prison administration.

2.3. Access to Sport and Recreation

The International Covenant on Economic, Social and Cultural Rights recognizes everyone's right to physical and mental health on Article 12. According to Rule 21 (1-2) of the SMRs for the Treatment of Prisoners, every prisoner who is not employed in outdoor work has at least required to make one hour of daily exercise in the open air based on the suitability of the weather. It also demands young prisoners and others of suitable age receive physical and recreational training during the period of exercise. Further, Rule 78 of the SMRs for the Treatment of Prisoners requires all detention centers to provide recreational and cultural activities for the benefit of the mental and physical health of prisoners. Similarly, Rule 21 provides detainees with the rights for sports and physical exercises.

In the same manner, Article 24 (1) of Regulation No. 138/2007 on the Treatment of Federal detainees, as well as regional detainee treatment regulations and directives stipulates that any detention center required providing detainees with the necessary and conducive physical education and exercises. In addition, Article 24(2) of this Regulation (No. 138/2007), as well as the regional regulations and directives on treatment of detainees, require all detention centers to create conditions for detainees to engage in various recreational activities. These national and international standards and laws indicate that prisoners have the right to sport and physical exercises, and cultural and recreational activities. Therefore, prisons required to provide space, installations and equipment that serve these purposes.

2.4. Visitors Access to Prisons and Right to Communication

Imprisoned people are denied of the right to free movement but retain other rights as human beings (Coyle, 2002). One of the most important of these is the right to contact with their families. According to UN (2005), “All prisoners shall have the right to communicate with the outside world, especially with their families”. According to Coyle (2002), it is not only the right of prisoners to contact with their family, but also it is equally a right for the family members who are not in prison. Therefore, they retain the right of contact with their father or mother, son or daughter, brother or sister who has been sent to prison. Universal Declaration of Human Rights, Article 12 puts it as ‘No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence’. Rule 37 of the SMRs for the Treatment of Prisoners allow prisoners to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visitors under necessary supervision of the concerned. Principle 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that a detained or imprisoned person should be entitled to communicate and consult with his legal counsel. Similarly, Principle 19 provides that a detained or imprisoned person should have the right to be visited by and to correspond with, in particular, members of his family and should be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Similarly, article 21 of the FDRE Constitution provides that all prisoners have the opportunity to communicate with, and to be visited by, their spouses and partners, close relatives, friends, religious counselors, medical doctors and their legal counsel. Oromia Regional State Revised Constitution Proclamation No. 46/2001 article 21 (2) provides that persons held in custody and imprisoned upon conviction and sentencing have the opportunity to communicate with, and to be visited by, their spouses and partners, close relatives, friends, religious counselors, medical doctors and their legal counsel. Further, Regulation No. 138/2007 Article 5 (2), allows prisoners conversations with their legal counselors or attorneys or an official authorized to inspect the prison, but should be conducted under the surveillance of wardens and the conversation may not be listened to by same. Moreover, the rights of prisoners to communicate with their spouses, close relatives, friends, medical doctors, legal counselors and religious leaders are also prescribed on Proclamation No.365/ 2003, Article 29, and Regulation No.138/2007 Article 13 (1) of Ethiopia.

2.5. Prisoners Right to Transfer

The prison, at which a prisoner is held, especially when serving a lengthy sentence, can have a very significant impact on him or her maintaining family contact and support. Regular visits are vital in helping the reintegration of the prisoner after release. According to UN (2005) “A prisoner's request to be held in a prison near his or her home shall be granted as far as possible”. Principle 20 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment allows the transfer of a detained or imprisoned person to be kept in a place of detention or imprisonment reasonably near his usual place of residence if requested by a detained or imprisoned person and possible to do so. The transfer of prisoners from one prison to another can also be a highly controversial issue. Some prisoners want to be detained at a prison that is close to their relatives and loved ones. Some prisoners have also alleged that transfers are used inappropriately to undermine the investigation of criminal charges when prisoners have laid such charges against officials (Lukas, 2006). Regulation No. 138/2007, Article 19 ‘any prisoner who is serving a final sentence and there is no other pending case against him may, upon his request, be transferred to a prison situated in the locality where his relatives reside’.

2.6. Right to Lodge Complaint

There should be a formal and open set of procedures which prisoners can use to complain, without any fear of recrimination, to an independent authority against any incidence of torture or cruel, inhuman or degrading treatment (Coyle, 2009). According to UN (2005), every prisoner should have the right to make a complaint regarding his or her treatment and, the complaint may be lodged on behalf of the prisoner by his or her legal representative or family.

SMRs for the Treatment of Prisoners, Rule 36 provide:

- (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.
- (3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.
- (4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

The right to challenge conditions of imprisonment or treatment while in detention is also contained in Principle 33 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. It states that a detained or imprisoned person or his counsel should have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment to the authorities responsible. In line with these international standards and principles,

Article 28 (1-4) of the Federal Detainees Treatment Regulation stipulated that detainees have the right of lodging complaints and appeals and the prisons are tasked with the responsibility of communicating detainees' complaints and appeals to concerned bodies for necessary action and of following up on decisions taken.

2.7. *Right of Detainees to Access Information*

Prisoners should be updated with events which have been taking place in civil society, both in the communities from which they have come and in the wider world. This is a way of reducing the abnormality of the prison experience and also of making sure that the prisoner does not become completely detached from the community to which he or she will return on release (Coyle, 2002). Detainees must be able to acquire beneficial current information while in prison to facilitate easy social rehabilitation and integration in the society at the end of their prison terms (EHRC, 2012).

Standard Minimum Rules for the Treatment of Prisoners, specifically, rule 39 states that prisoners required to be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, and books and by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration. Similarly, Rule 35 (1) puts a demand on prison centers to provide information for every prisoner on admission in written forms about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution. Accordingly, Regulation No. 138/2007 article 27 (1) provides that rules and regulations of a prison required to be communicated orally or in writing to every prisoner on his admission.

2.8. *The right to Freedom of Religion*

Incarceration is deprivation of liberty of prisoners; however, deprivation of liberty must not include deprivation of the right to observe the requirements of one's religion (Coyle, 2002). Universal Declaration of Human Rights, Article 18 states that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom to manifest his religion or belief in teaching, practice, worship and observance. Similarly, the International Covenant on Civil and Political Rights, Article 18 (1) provide the right to freedom of thought, conscience and religion for everyone which include the freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Rule 41 of the SMRs for the Treatment of Prisoners provide:

- (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- (2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.
- (3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude should be fully respected.

This implies that as much as possible, prisoners should be allowed to satisfy the needs of their religious life by attending the services provided in the religious institutions and having in their possessions that the religions require for the purpose. According to Coyle (2002), prison regulations should include the right of qualified religious representatives to visit prisons regularly to meet prisoners and facilities should be provided to all prisoners who wish to observe their religious duties.

Accordingly, the right to freedom of religious is one of the rights guaranteed by the Constitution of Federal Democratic Republic of Ethiopia provided under article 27. Article 26 of the Federal Prisons Treatment Regulation No. 138/2007 as well as the regional detainee treatment regulations and directives stipulates that detainees have the right of freedom to religion and belief. However, complaints in connection with the right of freedom of worship have come from female detainees in Ethiopian prisons (EHRC, 2012). According to Coyle (2002), the prison authorities should ensure that prisoners have the opportunity to pray, to read religious texts and to meet other requirements of their religion, prisoners of the same religion should have the opportunity to gather as a group for religious services and should have the opportunity to be visited by qualified representatives of their religion for private prayers and group services.

2.9. *Disciplinary Measures*

It is important to acknowledge that the rule of law does not end at the prison gate (Coyle, 2009). Prisons need appropriate disciplinary system to protect the safety of both staff and prisoners and to maintain good order and security in prisons. Most prisons have committees established to serve the interest of inmates and disciplinary offences are most of the time reviewed by these committees. The decision of the committee's will be passed on to the prison administration for approval to ascertain that the committee's decision does not violate the regulation of the prison.

SMRs for the Treatment of Prisoners, Rule 28(1) states that no prisoner should be employed in the services of the institution in any disciplinary capacity. Rule 31 completely prohibit corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments as punishments for disciplinary offences. Similarly, Rule 33 puts clearly that instruments of restraint, such as handcuffs, chains, irons and strait jackets, should never be applied as a punishment. According to Coyle (2009), administrative punishments may include a formal recorded warning, exclusion from work, forfeiture of wages (where these are paid for prison work), restriction on involvement in recreational activities, restriction on use of certain personal possessions, restriction on movement in the

prison. However, punishments should not include any restriction on family contact, either by letter or by visit. Apart from any other consideration, this would be a punishment on the family or friends of the prisoner (Coyle, 2009). Article 39 (1) of the Regulation on Treatment of Detainees No.138/2007 and regional regulations or directives, the detention centers themselves may impose appropriate penalties on detainees who committed disciplinary offence after investigation and hearing their defense. In Articles 36-38, the Federal Regulation lists types and classification of penalties. These include oral warning, disruption of family visits, solitary confinement, or reduction of wages. Besides, any disciplinary measure should be disclosed to a detainee in writing and should include a statement referring to the detainee's right to appeal. However, unlawful disciplinary punishments are taken against detainees by many detainees' disciplinary committees and occasionally by some detention center wardens in considerable number of detention centers (EHRC, 2012).

3. Research Methodology

Under this chapter, procedures and methods used by the researcher to accomplish the research objectives were discussed. Hence, research design, data sources, sampling methods and sample size, data collection tools and analysis techniques were discussed in this chapter.

3.1. Research Design

In this study, both qualitative and quantitative research approaches were employed. The primary objective of this study is describing the situations in prison centers with respect to treatment of prisoners at the time of study and therefore descriptive research strategy was used.

3.2. Sources of Data

Both Primary and Secondary data were used for this study. Hence, primary data were collected from prison staff, detainees and prison management members through questionnaire, focus group discussion, structured interview and checklist guided observation. The secondary data were collected from reports, institutional plans, published and unpublished documents, minutes, internet and literatures.

3.3. Sampling and Sampling Techniques

The samples were drawn from prison centers in Oromia National Regional State. The 20 Administrative Zones in the region were grouped into four clusters based on their geographical location in the respective region (East, west, South and Central). From each cluster, sample zones were selected randomly and proportionally using lottery method. Accordingly, West Shewa and East Wollega Zones from the western cluster, Guji Zone from the southern cluster, Special Zone and North Shewa Zone from the central cluster and West Hararge and East Shewa Zones from eastern cluster were selected. As the administrative zones randomly selected, by default zonal prison centers included in the sample except for Special Zone Around Finfinne where there is no zonal prison center. Therefore, from each zone, one zonal prison center included into the sample and one woreda prison center was randomly selected using lottery method from each zone. In addition, using purposive sampling method, the only prisoners' Technical and Vocational Education and Training Center in the region was included into the sample. Overall, 14 prison centers (6 zonal prison centers, 7 district (woreda) prison centers and 1 technical and vocational training center) were selected for this study from the total 36 prison centers in the region. Therefore, the sampled prison centers constituted about 39% of the total prison centers in the region.

From each prison, 5 leaders were purposely selected and two top leaders were interviewed and the other three filled the questionnaire. In addition, 28 prison staff were included in the sample through random selection from different prison departments. Hence, 10 prison staff filled questionnaire whereas 8 of them involved in focus group discussion. Moreover, a total of 32 prisoners were randomly selected for this study. From the sampled prisoners, 12 prisoners participated on focus group discussion and other 20 prisons filled the questionnaire.

3.4. Data Collection Instruments

The following data collection instruments were used for this study:

- Questionnaire: Appropriate Questionnaire that reflects the objectives of the study was developed for different categories of respondents. The questionnaire was composed of both closed- and open-ended questions. Open- ended questions intended to give chance to respondents to express their opinion and views that might not be addressed by close-ended questions. In close-ended questions nominal and Likert scales were used to enable respondents to express their perception easily and quickly.
- Interviews: Prisons' management members were interviewed with the intention to get adequate information from leaders.
- Focus Group Discussions (FGD): Focus group discussions were used for generating qualitative information in the major themes of study. This gave respondents an opportunity to discuss and express their views and feelings on major focus areas under study.
- Document Review: This instrument was used for collecting data from secondary sources such as reports, official records, institutional plans, published and unpublished documents, minutes, internet and literatures relevant to the objectives of the study.
- Observation: Observation checklists in line with the objectives of the study were used. It helped the researcher to collect and describe the real situations on the ground in prison centers.

3.5. Data Analysis

Quantitative data collected were reorganized under each themes of the research (right of freedom from inhuman treatment, right to work and opportunity to generate income, access to sport and recreation, visitors access to prisons, prisoners right to transfer, prisoners right to lodge complains, prisoners right to access information, right of religion and disciplinary measures) and analyzed. The research employed SPSS software version 20 for analysis. Statistical measures such as ratio, mean, and percentage were used and interpreted. The qualitative data obtained from focus group discussion, interview and observation were transcribed, organized around each themes of the research, triangulated against quantitative data and discussed and interpreted.

4. Data Analysis, Presentation and Interpretation

Quantitative data gathered through questionnaires and obtained from secondary sources were organized, tabulated, and analyzed using different descriptive statistical tools such as percentage, ratio and mean, and presented using graphs, tables and charts. The qualitative data collected through focus group discussions, observation and interviews were also analyzed, interpreted and triangulated with quantitative data analysis result under each theme.

4.1. Respondents' Category, Age distribution and Sex Composition

As indicated in **Table 1** below, majority of sampled detainees (64%) were youths with the age range 18-30 followed by prisoners with the age range 31-45 which made 29% of the sampled detainees. This indicates that people at their productive age committing crime and imprisoned. Detainees with the age range 46-60 and above age 60 made 6% and 1% of the sampled detainees respectively. When we look at sampled detainees from gender perspective, 91% were male while only 9% were female from the total sampled detainees. This implies that there was less involvement of women in committing crime as compared to men. Female staff members constituted 22% of the sampled staff, whereas female management members made 19% of the sampled prison management members. This implies that as any other public institutions in the region, the management members and staff of the prisons were also dominated by males. This is attributed to ingrained cultural perspectives in the country which still observed limiting women participation in different type of work and leadership position.

Criteria	Detainees	Prison Staff	Management Members	
	%	%	%	
Age of Respondents	18-30	64	58	29
	31-45	29	34	58
	46-60	6	8	13
	61 and above	1	-	-
	Total	100	100	100
Sex of Respondents	Male	91	78	81
	Female	9	22	19

Table 1: Categories and characteristics respondents

The study was planned to address 28 prison management members through interviews, 462 different categories of respondents (prison staff, management and detainees) through questionnaire and 280 respondents (detainees and prison staff) through focus group discussion across the region. This made the total planned sample size 770 respondents. However, because of ease of access of the prison population (prisoners) without additional costs and with the intention to increase the reliability of the research findings, the research addressed 799 people through questionnaire, interview and FGD which make the response rate 104%.

According to **Table 2** below, the largest proportion of sampled prisoners (35%) were grade 9-10, whereas diploma holders and grade 5-8 made 14% and 13.5% of sampled detainees respectively. Prisoners with education level, grades 11-12, first degree holders, grades 1-4, those who cannot write and read and second degree and above made 13%, 11%, 10%, 2.5% and 0.7% of the total respondents respectively. This indicates that respondents from different educational backgrounds were included in the sample, which in turn ensured inclusion of diverse ideas.

Measure	Respondents' Educational Status								Total
	Not Read and Write	1-4	5-8	9-10	11-12	Diploma	First degree	2 nd degree and above	
%	2.5	10	13.5	35	13	14	11	0.7	100

Table 2: Detainees' Educational status

Sampled prison populations were from diverse occupational background. Farmers made the largest proportion of the sampled detainees (30%) followed by students which accounted 26%, whereas civil servants made 20% of the sample. Businessmen and

unemployed detainees made 12% and 3.5% of the total detainees included in the sample. Others (detainees from other occupational background) constituted 8.5% of the sample. This implies that the sample tried to address the views of people from different occupational background. This helped the researchers to see issues from different perspectives so as to improve the quality and the reliability of research output.

Measure	Previous Occupation of Detainees						
	Farmers	Business People	Students	Civil Servants	Un Employed	Others	Total
%	30	12	26	20	3.5	8.5	100

Table 3: Previous Occupation of sampled Detainees

4.2. Types of Offences Committed

According to **Table 4** below, the largest proportion of respondents (40%) indicated that they were imprisoned committing manslaughter. The next largest offences committed by sampled detainees (18%) were offences stated as 'others' which include offences like Tax Evasion, VAT, Civil Matters, etc. Corruption and Rape rated as the third largest offences committed as indicated by 8.5% of sampled detainees followed by theft which constituted 8% of the sampled detainees.

Measure	Offences committed													
	Manslaughter	Rape	Violent Attack	Corruption Case	Theft	Robbery	Beating	Abduction	Threats and intimidation	Inflicting body harm	Destruction to property	Resources embezzlement	Others	Total
%	40	8.5	2	8.5	8	4	4	1	0.3	2.4	2.4	1	18	100

Table 4: Offences committed by sampled detainees

4.3. Right of Freedom from Inhuman Treatment

International and national norms and standards require imprisoned persons to be treated humanely and protected from acts of torture and act that degrading human dignity. In this regard, the graph below confirmed that most of the detainees in all the sampled prisons perceive that they have right of freedom from inhuman treatment.

Figure 1. below indicates that majority of the respondents opined that there was no degrading and inhuman treatment (72%), acts of torture (67%) and arbitrary beating (65%) of imprisoned persons in their prison. Detainees and prison staff agreed that if there is any arbitrary beating of detainees or similar acts against detainees by detention center wardens or others, the detention center disciplinary committee can take necessary measures following the disciplinary procedures. Therefore, equally, both the detainees and prison staff are human beings and both recognize the fact of their common humanity in all the sampled prison centers.

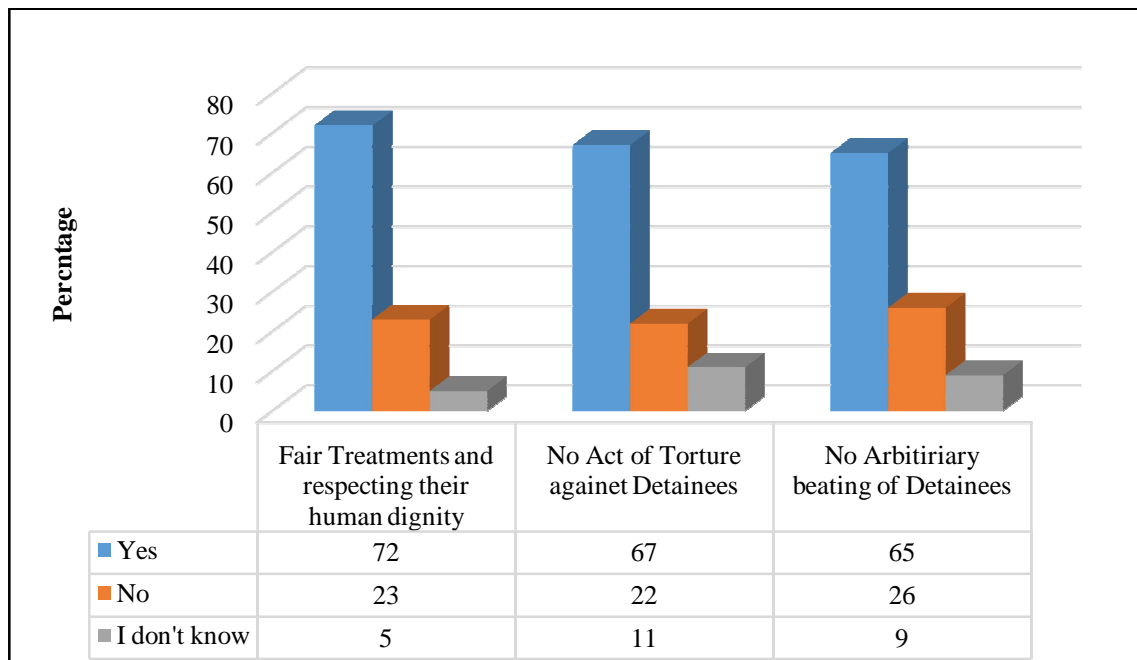


Figure 1: Humane treatment of detainee

However, there was also unfair and inhuman treatment, and arbitrary beating as confirmed by 23% and 26% of respondents respectively. The researcher systematically communicated with families of prisoners while they were visiting prisoners and requested them if they knew about inhuman treatments such as torture and beating committed on their family imprisoned. They replied that they did not hear such type of complain from person imprisoned.

4.4. Work and Income Generating Opportunity

Ethiopian laws provide detainees with the right to generate their own income that benefits and help them lead their life post-release. The study classified these incomes generating activities into three: Prison initiated business activities, prisoners’ self-help association (SHA) initiated business and individual detainee initiated income generating activities.

4.4.1. Prison Initiated Business as a Source of Income

Most of the detainee centers have their own income generating businesses including weaving, agriculture, cattle fattening, construction, metal works, wood works and other minor and small-scale activities carried out by detainees.

Items rated	Measures	Responses	
		No	Yes
Weaving activities	Frequency	131	338
	%	28	72
Agricultural activities	Frequency	313	156
	%	67	33
Animal Fattening	Frequency	275	194
	%	59	41
Construction activities	Frequency	336	133
	%	72	28
Wood Work	Frequency	364	115
	%	75	25
Metal Work	Frequency	275	194
	%	59	41
Other Sources	Frequency	378	91
	%	81	19

Table 5: Prison Initiated Income Generating Businesses

Accordingly, 72%, 33%, 41% and 41% of the respondents indicated that weaving, agriculture, metalwork and animal fattening used as sources of income for their prison centers as well as detainees. Similarly, significant percentage of respondents indicated that construction (28%), woodwork (25%), and others (19%) were sources of considerable income for both the prisons and prisoners. Most labor-intensive activities such as agriculture mostly use the labor of detainees. This implies that prisoners were paid for their labor

exerted on the farms and businesses owned by prison centers. However, the condition of payment was not clearly defined for most of prison centers and sometimes detainees delivered free labor for the prison centers. According to the discussions made with the detainees and researchers observation, municipalities used detainees' labor for activities such as digging holes for pipe lines, ditches and other similar work through prison administration permission and paid wage according to the cost of daily labor or less. Moreover, unethical staff members used detainees' labor for themselves and also made them work for others freely (e.g. Washing clothes, garden work, fetching water, etc.) freely.

4.4.2. Detainees Self-Help Association as a Source of Income

The other alternative sources of income generating activities were those running by detainee's self-help association. Some of these include cooperative shops, entertainment clubs, petty trading and coffee and tea shops as indicated by 62%, 34%, 49% and 53% of the respondents respectively. However, the researcher found that co-operatives were not supported by relevant training and credit facility in similar ways as Micro and Small Enterprises (SMEs) in the society. Therefore, less has been done to organize prisoners into cooperatives (SMEs) and to provide them with initial capital through facilitating credit access from financial institutions.

Type of Business	Measures	Responses	
		No	Yes
Cooperative shops	Frequency	178	291
	%	28	62
Entertainment Clubs and Small-Scale Enterprise	Frequency	309	160
	%	66	34
Other Petty trading and Small Economic Activities	Frequency	268	201
	%	57	43
Tea and Coffee Shops	Frequency	193	276
	%	41	59

Table 6: Income generating Activities by Detainees Organized Under SHA

4.4.3. Personal Venture as a Source of Income

Another income generating activities were those initiated by individual detainees (personal venture). These activities include tailoring, shoe shining, cleaning services, hair dressing, beauty salon, tea and coffee vending, food preparation, bakery and others. Accordingly, tailoring, shoe shining, hair dressing and tea or coffee vending were the major types of private ventures and sources of income for prisoners which were agreed upon by 70%, 49%, 48% and 36% of the respondents respectively. However, the participation of women prisoners in these incomes generating activities whether in prison initiated, detainees' self-help association and personal venture were limited as compared to male prisoners.

Category	Measures	Responses	
		No	Yes
Tailoring	Frequency	139	330
	%	30	70
Shoe Shining	Frequency	235	233
	%	51	49
Cleaning Services	Frequency	309	160
	%	66	34
Beauty Salon	Frequency	297	172
	%	63	37
Hair Dressing	Frequency	243	225
	%	52	48
Tea or Coffee Vending	Frequency	302	167
	%	64	36
Food Preparation	Frequency	332	136
	%	71	29
Bakery	Frequency	376	83
	%	80	20
Others	Frequency	403	64
	%	86	14

Table 7: Income Generating Activities Initiated by the detainees (personal venture)

As for any citizen, prisoners have the right to run their own business either individually or in cooperative forms. This may require seed capital to establish their business from the start. Even though there is no legal background that inhibit prisoners to benefit from credit services, as indicated in Table 8 below, 88.5% of the respondents agreed that there is no access to credit for financing their ventures.

Response	Frequency	%
Yes	54	11.5
No	415	88.5
Total	469	100

Table 8: Do Detainees have Access to Credit Services to generate their own Income?

The result of the interview made with regional officials also indicates that there was no involvement of financial institutions such as Oromia Saving and Credit Association (WALQO) in the provision of credit services for organized prisoners unlike that of Dedebit Micro Finance in Tigray Region.

4.5. Access to Sport Facilities and Recreational Centers

Exercise is important for prisoners' physical health and also gives an opportunity for the release of mental tension. In accordance with international norms and standards and national laws, prisons are requiring providing space, facilities and equipment and allowing prisoners to frequent daily physical exercises. Hence, the sampled population from different detention centers requested to rate their perception related to access to sport fields, participation in different sport programs and availability of sport materials. Accordingly, 69% of the respondents perceived that detainees have no access to sport field, while 20% opined that they have low access and 94% believe that there was almost no or low participation in different sport programs. On top of this, 72% responded that they lack sport materials, while 24% agreed that there was low supply of sport materials. The qualitative data analysis result indicates that prison administrations in the region have poor sport facilities and low emphasis for sport and exercise. The experiences from Tigray Region (Mekele Prison Center) show that prison administrations have clubs and they have competition with other clubs as well as other prison administrations which has been hosted by different prison administrations in the region. This helps the prisoners to exercising and training different games on program based.

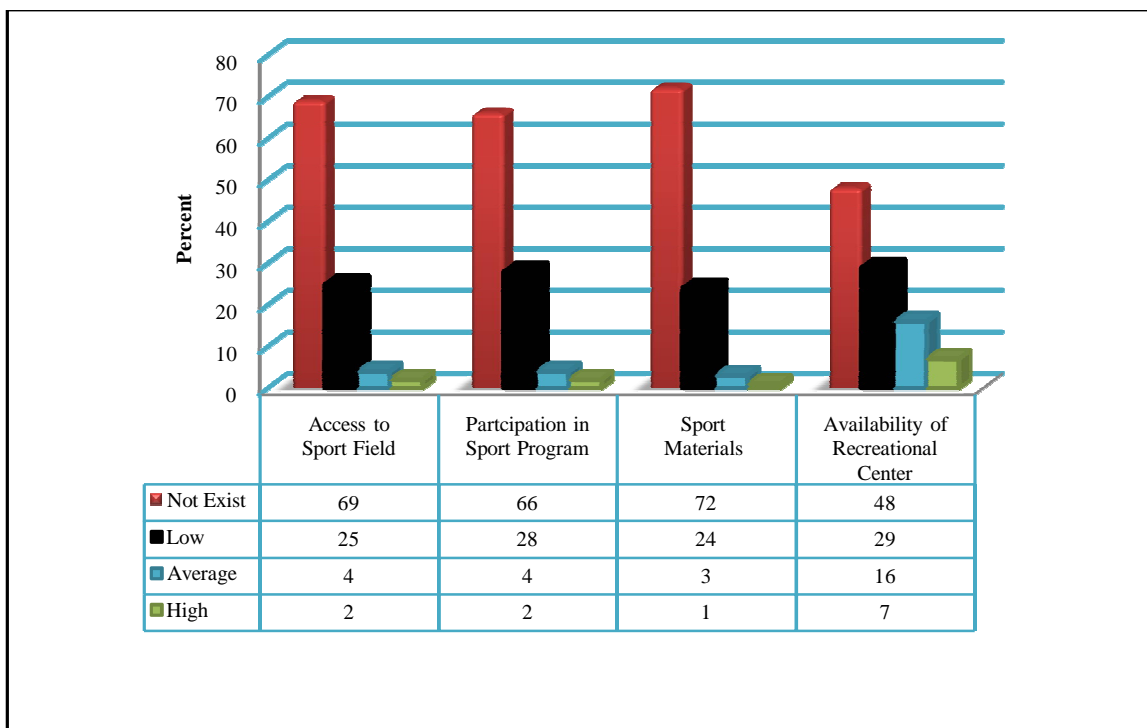


Figure 2: Access to recreation and sport facilities

Therefore, besides the legal right to participate in recreational activities, the data analysis result shows that there is no (or limited access to) such activities. According to Figure 2, 48% of the respondents sensed that they have no recreation centers such as clubs while 29% rated the existing centers as poor with low service provision. Most of the fully operational entertainment or recreational activities involve tea and coffee vending clubs run by the detainees' self-help associations. The result from observation and qualitative data analysis indicated that most of these recreation areas were also confined to male detainees' premises and limited in female quarters. However, there were best experiences from Tigray Region (Mekele Prison Center) in having different services such as clubs, restaurants, butchery, halls for rehabilitation programs, mini media and debating rooms to improve the general knowledge of detainees on different matters. Further, there were detainees with special talent such as music and drama who voluntarily entertain prisoners during national and religious holidays as well as on other ceremonies.

4.6. Visitors Access to Prisons and Right to Communication in the Prison

It should never be forgotten that visits with close family members are a basic human right and should not be regarded as privileges. Therefore, prison centers have a responsibility to ensure that these relationships can be maintained and developed. Accordingly, analysis result indicates that the regional detention centers, to some extent, abide by the national and international norms and standards. According to Table 9. below, respondents opined that prisoners have frequent access to their family visits (63%), Legal advisors (36%), religious leaders (44%) and health professionals (35%) respectively. However, when we see the frequency of visits, 27%, 48%, 41% and 39% of respondents opined that prisoners have been visited sometimes by their family, legal advisor, religious leaders and health professionals respectively.

Category	Measures	Responses		
		No	Sometimes	Frequently
Family	Frequency	45	128	296
	%	10	27	63
Legal Advisor	Frequency	76	225	167
	%	16	48	36
Religious Leaders	Frequency	66	196	207
	%	14	41	44
Health Professionals	Frequency	122	183	164
	%	26	39	35

Table 9: Detainees access to their relatives and advisors

The qualitative data analysis result also shows that; family has no problem to visit prisoners. The discussion made with management, staff and detainees at all the sampled detention centers indicate that as there was no problem in obtaining information and communicating with families, lawyers, religious people and relatives almost throughout the week. The report from Standing Committee for Legal Issues in Regional Parliament (Chefe Members) also confirmed that no significant problem in relation to prisoners' access to visitors.

As we can see from Table 10, whatever the frequency of visits, 85% of the respondents agreed that the most commonly used communication medium was face to face whereas, the practices of other media were less common.

Media of Communication	Measure	Responses	
		No	Yes
Uses Face to Face Communication	Frequency	69	400
	%	15	85
Uses Telephone Communication	Frequency	364	105
	%	78	22
Uses Postal Services	Frequency	360	109
	%	77	23

Table 10: Means of communication in the prison

Telephone conversations become especially important when the prisoner is being held many miles from home and it is difficult for his or her family to visit. Accordingly, 22% and 23% of the respondents agreed that they frequently use telephone and postal communication in the detention centers respectively.

4.7. Right to Transfer

According to international standards and national laws, prisoners have the right to be transferred to the prisons closer to their family. This helps the prisoners to regularly communicate with their family members which also has direct impact on the success of rehabilitation and reformation programs. Accordingly, majority of the respondents (59%) agreed that there was the possibility of prisoners to be transferred to other prisons. However, 41% disagreed with this idea and they believe that there was no access for transfer in prisons.

Item rated	Measure	Responses	
		No	Yes
Detainees have access to be transferred to prisons closer to their family	Frequency	194	275
	%	41	59

Table 11: Right to transfer to other prison

The qualitative data analysis result indicates that there was time when prisoners were released by police officers before handing over to the recipient prison centers during transfer which was justified by corruption and other personal ties. In addition, transferring prisoners from region to region hampered by the need for agreement between Prison Administration Commissions at regional level rather than between respective prison centers.

4.8. Right to Lodge Complaint

The right to challenge condition of imprisonment or treatment while in detention is one of the major rights that prisoners should exercise in prison centers. Prisoners should be able to complain to independent persons about any inhuman and unfair treatment without fear of future discrimination. Various national constitution and regulations, and international norms and standards revealed that detained or imprisoned person or his counsel have the right to make a request or complaint regarding his treatment, in particular case of torture or other cruel, inhuman or degrading treatment, to the prison administration and to higher authorities and, when necessary, to authorities vested with reviewing or remedial powers.

Category	Measures	Responses		
		Disagree	Neutral	Agree
There is transparent complaint handling system	Frequency	119	68	282
	%	25	15	60
There is appropriate complaint handling system /mechanism	Frequency	170	104	195
	%	36	22	42
The operational system in handling complaint process is impartial	Frequency	153	105	211
	%	33	22	45

Table 12: Complaint handling system

The **Table 12.** above shows that in the sampled detention centers, prisoners have exercised their legal rights of lodging complains. Accordingly, 60% and 42% of the respondents agreed that there were transparent and appropriate complaint handling systems in their prison, while significant proportion (25%) and 36% of the respondents disagreed respectively. In addition, 45% of the respondents agreed that complaint handling systems were operated impartially. However, 33% of the respondents disagreed with impartiality of the operation system, while still considerable proportions (22%) remain neutral.

4.9. Right of Detainees to Access Information

Prisoners should be updated with events which have been taking place in civil society, both in the communities from which they have come and in the wider world. This is a way of reducing the abnormality of the prison experience and also of making sure that the prisoner does not become completely detached from the community to which he or she will return on release (Coyle, 2002). Therefore, detainees have the right of access to current publications of newspapers, listening to the radio and watching television and generally right of access to information. Based on this concept, the study thoroughly examined whether detainees have access to up to date information in the outside world or not.

Category	Measures	Responses	
		No	Yes
Detainees access to up-to-date information	Frequency	145	324
	%	31	69
TV as sources of information	Frequency	115	354
	%	24	76
Radio as sources of information	Frequency	197	272
	%	42	58
Access to different books	Frequency	348	121
	%	74	26
Access to newspapers	Frequency	386	83
	%	82	18
Access to internet services	Frequency	444	25
	%	95	5

Table 13: Prisoners access to information

As depicted in the **Table 13.**above, the respondents at the sampled area show that there was access to some of the communication media in the detention centers. Accordingly, about 69% of the respondents agreed that the detainees have access to updated/current information whereas the remaining 31% disagreed. Regarding the sources of information, majority of the respondents agreed that television and personal radio were the main sources of information and rated positively by 76% and 58% respectively. The focus group discussion and personal observation also indicates that the detainees were allowed to use their own personal radios and television sets provided by the correction institutions in their rooms and entertainment areas.

However, the respondents confirmed that there is no access to different books, newspapers and internet services. As seen in the Table 13, of the total respondents, 74%, 82% and 95% of them opined that detainees have no access to books, newspapers and internet respectively. This shows that even though there is no operational reason other than exceptional circumstances, the detainees were limited to use television and personal radio as the major sources of information in all detention centers in the region. The qualitative

data analysis result also shows that almost all detention centers have no well-equipped library and access to daily and weekly publications.

4.10. The Right to Freedom of Religion

The federal and regional laws guarantee detainees right of freedom of religion and belief. To this effect, this study identified variables to assess the detainees’ right to freedom of religious and the quantitative data was presented in the following graphs.

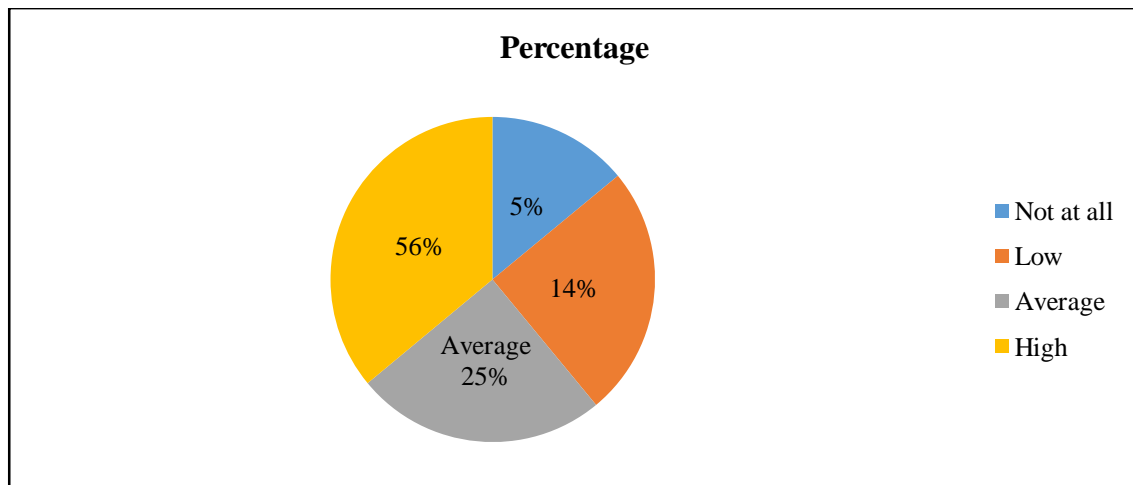


Figure 3: Right to religion

Figure 3. revealed that the right of detainees to pursue their own religion both individually or in group was fully respected. Of the total respondents, 56% of them agreed that there was a freedom of respecting religious rights of prisoners and prisoners exercise their religious activities either individually or in group in detention centers. Whereas, about 5% of the respondents disagreed and the remaining 25% opined that the right to exercise religious activities in prisons can be rated as an average. This can safely be concluded that there was no problem in terms of visits by religious fathers to the detention centers to communicate with detainees, lead group prayers and conduct religious teachings in the prison centers.

As depicted by table 4:20 below, majority of the respondents (70%) agreed that places were allocated for all major religions covered by this study. According to the researcher’s observation and interviews made with detainees and management of the prisons, places for worship were allocated for different religion so that prisoners were able to exercise their rights of freedom to religious.

Category	Measures	Responses	
		No	Yes
The place allocated for Worship	Frequency	140	329
	%	30	70
Worship for Orthodox	Frequency	113	366
	%	24	76
Worship for Protestants	Frequency	161	308
	%	34	66
Worship for Muslims	Frequency	161	308
	%	34	66
Worship for Catholic	Frequency	165	304
	%	35	65

Table 14: Allocation of Worship places

As depicted in the table above, religious place of worship allocated for Orthodox, Protestants, Muslims and Catholic religion followers which was agreed upon by 76%, 66%, 66% and 65% respectively. This will have positive effect on the reformation and rehabilitation process of detainees. However, there was a problem in addressing the female detainees’ right of freedom of worship. Female detainees complain about the fact that, in most cases places of worship were located in the male detainees’ quarters and making it difficult for them to exercise their rights of religion. This is also confirmed by the researcher’s observation and the discussions made with prisoners in detention centers.

4.11. Disciplinary Procedures and Punishment

Failure to take corrective action on misbehaving detainees may disturb the peace of the entire detainee community and lead matters in an undesirable direction. Therefore, the detention centers have to impose appropriate penalties on detainees who committed disciplinary offences after investigation and hearing their defense based on the disciplinary procedures and classification of penalties.

Category	Measures	Responses	
		No	Yes
oral warning on detainees	Frequency	310	159
	%	66	34
Prohibition of family visit	Frequency	445	24
	%	95	5
Solitary Containment	Frequency	449	20
	%	96	4
Reduction of Wages	Frequency	456	13
	%	97	3
Imposes free services	Frequency	394	75
	%	84	16
Forced labor work	Frequency	271	198
	%	58	42

Table 15: Disciplinary measures by disciplinary committees

Accordingly, **Table 15**. shows that some of the indicators for the arbitrary disciplinary measures that have been imposed on detainees by disciplinary committees. From the total respondents, 34% agreed that the committee give oral warning before taking other disciplinary measures, whereas 66% of them opined that the disciplinary committees directly take other disciplinary measures before oral warning. Further, there were some arbitrary disciplinary measures taken by the committees which include prohibition of family visits, solitary confinement, wage reduction, imposition of free services and forced labor which were confirmed by 5%, 4%, 3%, 16% and 42% of the respondents respectively. Even though other arbitrary disciplinary measures were insignificant, imposing detainees to deliver free services and forced labor were identified as types of penalties against national laws.

5. Summary of Major Findings, Conclusions and Recommendations

5.1. Summary of Major Findings

The following major findings are identified;

- The study revealed that harsh punishments such as torture and arbitrary beating were found to be very rare problems in prison centers in the region.
- Prisoners were found to be involved in different income generating activities. However, these businesses were found to be weak and also require market linkage for their products and services. Further, prisoners used to work on prison owned businesses freely or without commensurate payment. Further, unethical prison staff used prisons labor freely on their garden, washing clothes, fetching water, as well as made them work for others with which they have special relationship.
- Cooperatives in prison centers had insignificant support and follow up from the concerned government institutions. Therefore, they did not have access to training and credit facilities from financial institutions for startup capital besides fertile legal ground concerning cooperatives.
- There were poor access and supply of sport and recreational facilities in almost all prison centers.
- Most of the income generating activities, sport and recreation facilities and worship areas were confined to male premises and female detainees lack equal access to these prisons' facilities.
- The research found that right of religion was respected and worship areas were allocated for different religions in the prison compound so that prisoners pray, singing and preach the doctrines of their respective religion freely.
- Media for information access were found to be limited to TV and Radio and no access for books, newspapers and internet in the prison centers.
- The disciplinary committees fail to stick to disciplinary procedures. Even though other arbitrary disciplinary measures were found to be rare, free services and forced labor were identified as significant disciplinary measures in prisons.

5.2. Conclusions

- The international norms and standards were brought to the context of Ethiopia and most of them reflected in the constitution of FDRE, Proclamations, Regulations and Regional Constitution and Directives. However, there was significant gap in putting these laws into practice at different levels of prison administrations.
- Prisoners should not sit idle and required to involve in income generating businesses, exercise and recreation activities. These activities were believed to facilitate the effectiveness of rehabilitation and reformation programs and also make prison management smooth. However, sport and recreation facilities as well as the supply of sport materials were poor and credit for business startup was not accessible. Further, prisoners involved in business lack support and training from the concerned government institutions on how to run and manage their business.
- Most of the existing facilities that help make prisons active and reduce monotony were situated in male premises and unfairly distributed. For example, worships, recreational facilities, tea and coffee rooms etc. were found to be less accessible by female prisoners. Moreover, female detainees have insignificant involvement in income generating works and benefited less

than men counterparts. Women were by and large seems excluded from participation in income generating businesses; they also played a very limited role in the income generating activities initiated by the prison center or by the cooperative associations.

- Freedom of religion in prisons as well as prisoners' access to their families and friends were found to be open in all prison centers under consideration. These were the areas where the legal rights were almost fully exercised and very promising.

5.3. Recommendation

- Oromia Prison Administration Commission and Prison Centers required encouraging income generating activities (cooperative and personal ventures) through training, support and crediting access to finance their business. Prisons are also required to create market linkages for prisoners' products and services.
- Oromia Prison Administration Commission and Prison Centers should give great attention to make female prisoners equally access prison services and facilities.
- Prisons and prison staff required to avoid enforcing prisoners to give free and forced labor.
- Prisons should influence and check up on prisons disciplinary committee to follow transparent and predetermined disciplinary procedures. Prisons should also have clear and well-established complaint handling system and open their door to receive complains from those prisoners who feel injustice and communicate accordingly.
- Diversify the types of media that help prisoners to get up to date information from external world which also facilitate the effectiveness of rehabilitation and reformation programs.
- Prisons required providing space, facilities and equipment and allowing prisoners to frequent daily physical exercises.
- Oromia Prison Administration Commission and Prison Commissions in other regions should have shared rules and procedures that guide how to process prisoners transfer between regions. Further, prison centers in the region required to have some standard procedures and formalities while exchanging prisoners within the region to avoid loss of prisoners during handovers.
- It is also recommended for Oromia Prison Administration Commission and prisons in the region to look for best practices from Mekele Prison Center and adapt it to the regional context.

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