

# THE UNITED REPUBLIC OF TANZANIA NATIONAL AUDIT OFFICE



## PERFORMANCE AUDIT REPORT ON ADMINISTRATION AND PROVISION OF REMANDS AND PRISONS INFRASTRUCTURE



CONTROLLER AND AUDITOR GENERAL  
MARCH, 2022





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## About National Audit Office

### Mandate

The statutory duties and responsibilities of the Controller and Auditor General are given under Article 143 of the Constitution of the URT of 1977 and in Sect. 10 (1) of the Public Audit Act, Cap 418.

### Vision, Mission and Core Values

#### Vision

A credible and modern Supreme Audit Institution with high-quality audit services for enhancing public confidence.


#### Mission

To provide high-quality audit services through modernisation of functions that enhances accountability and transparency in the management of public resources.

**Motto: “Modernising External Audit for Stronger Public Confidence”**

#### Core Values

In providing quality services, NAO is guided by the following Core Values:

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- i. Independence and objectivity
  - ii. Professional competence
  - iii. Integrity
  - iv. Creativity and Innovation
  - v. Results-Oriented
  - vi. Teamwork Spirit

#### We do this by: -

- ✓ Contributing to better stewardship of public funds by ensuring that our clients are accountable for the resources entrusted to them;
- ✓ Helping to improve the quality of public services by supporting innovation on the use of public resources;
- ✓ Providing technical advice to our clients on operational gaps in their operating systems;
- ✓ Systematically involve our clients in the audit process and audit cycles; and
- ✓ Providing audit staff with appropriate training, adequate working tools and facilities that promote their independence.



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## PREFACE



Section 28 of the Public Audit Act, Cap. 418 gives mandate to the Controller and Auditor General to carry-out Performance Audit (Value-for-Money Audit) for the purposes of establishing the economy, efficiency and effectiveness of any expenditure or use of resources in the MDAs, LGAs and Public Authorities and other Bodies which involves enquiring, examining, investigating and reporting, as deemed necessary under the circumstances.

I have the honour to submit to Her Excellency, Hon. Samia Suluhu Hassan, the President of the United Republic of Tanzania, and through her to Parliament of the United Republic of Tanzania, the Performance Audit Report on the Administration and Provision of Remands and Prisons Infrastructure.

This report contains findings, conclusions and recommendations that directly concern the Ministry of Home Affairs and Tanzania Prisons Service.

The Management of the Ministry of Home Affairs and Tanzania Prisons Service were given the opportunity to scrutinize the factual contents of the report and come up with comments. I acknowledge that, the discussions with both entities were very useful and constructive in achieving the objectives of the audit.

My office intends to carry-out a follow-up at an appropriate time regarding to actions taken by the Management of the Ministry of Home Affairs and Tanzania Prisons Service in relation to the recommendations raised in this report.

In completion of the audit, the office subjected the draft report to a critical review of subject matter experts namely Dr. Goodluck Kiwory (Lecturer at the University of Dar es Salaam - School of Law) and Dr. John Gulaka (Retired Senior Prisons Officer) who came up with useful inputs on improving the output of this report.

This report has been prepared by Mr. Deusdedit Sise Muhono (Team Leader), Mr. Paschal Msele and Ms. Trust Tweve (Team Members) under

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the supervision and guidance of Ms. Mariam Chikwindo - Chief External Auditor, Mr. James Pilly - Assistant Auditor General and Mr. George C. Haule - Ag. Deputy Auditor General.

I would like to thank my staff for their devotion and commitment in the preparation of this report. I also extend my appreciations to Management of the Ministry of Home Affairs and Tanzania Prisons Service for their cooperation with my office which has facilitated timely completion of this report.



Charles E. Kichere,  
**Controller and Auditor General,**  
**United Republic of Tanzania,**  
**March, 2022.**

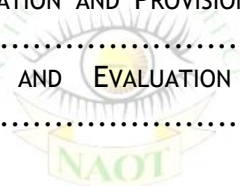


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## LIST OF ABBREVIATIONS

CCTV	Closed Circuit Television
CGP	Commissioner General of Prisons
CICR	International Commission for Red Cross
LGAs	Local Government Authorities
MDAs	Ministries, Departments and Agencies
MoHA	Ministry of Home Affairs
MTEF	Medium Term Expenditure Framework
SP	Strategic Plan
TASAF	Tanzania Social Action Fund
TPS	Tanzania Prisons Service
TZS	Tanzanian Shillings



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## EXECUTIVE SUMMARY

### Background

International law requires that prisoners and detainees be treated with humanity and respect for their inherent dignity as human persons<sup>1</sup>. As such in all cases and to every possible extent, prisons should be planned and designed to comply with the legal norms and principles intended to preserve the basic human rights and dignity of all persons<sup>2</sup>.

In Tanzania, Prisons were established under the Prisons Act, Cap 58 [R.E. 2002] with the aim of keeping and reforming any person who is under detention whether he or she is convicted or not. According to the Act<sup>3</sup>, every prison shall include the grounds and buildings within the prison enclosure and also any other grounds or buildings belonging or attached thereto and used by prisoners or the staff of the prison<sup>4</sup>. In other words every prison shall have infrastructure with facilities that will enable its operations. It includes but not limited to health, safety, transportation, water and sanitation, buildings and energy.

### Audit Rationale

The motivation to carry out this audit was the fact that, there is a growing concern both at international and national level on the conditions of remands and prisons infrastructure which need improvements<sup>5</sup>. Accordingly, at the national level, there is a need to improve strategies used to manage capacity of remands and prisons' infrastructure in the country so as to avoid overcrowding in prisons and the accompanying consequences.

It is from the above background that the Controller and Auditor General decided to carry-out performance audit on administration and provision of remands and prisons infrastructure in the country. The audit aimed at determining whether the Ministry of Home Affairs (MoHA) and s (TPS)

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<sup>1</sup>Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR)

<sup>2</sup>United Nations Technical Guidance for Prisons Planning, 2016  
[https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016\\_EN.pdf?mtime=20171215190045](https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016_EN.pdf?mtime=20171215190045) Retrieved on 22<sup>th</sup> April 2021

<sup>3</sup>Section 23 (2) of the Prisons Act, Cap. 58 [R.E. 2002]

<sup>4</sup>Section 24 (1) and (2) of the Prisons Act, Cap 58 [R.E. 2002]

<sup>5</sup>United Republic of Tanzania: National Human Rights Action Plan, 2013-2017

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adequately establish, administer and provide for remands and prisons infrastructure and services so as to enhance capacity of prisons infrastructure as well enhance rights and dignity of remands and prisoners in the country.

The main audited entities were the Ministry of Home Affairs (MoHA) and Tanzania Prisons Service (TPS). Specifically the Audit focused on establishment of remands and prisons infrastructures, capacity of TPS to provide remands and prisons infrastructure and MoHA's and TPS' control and monitoring of remands and prisons activities. The audit covered a period 2017/18 to 2020/21. The audit evidence was gathered through document review, interviews with relevant officials and physical observation. The collected information was subjected to both qualitative and quantitative analysis techniques.

## **Main Audit Findings**

### **Absence of National Prisons Service Policy and Strategy**

Despite TPS acknowledging the need to establish Prisons Service Policy in its 2016/17 - 2020/21 Strategic Plan, it was found that there was no specific National Prisons Service policy in place to facilitate the provision and management of prison services in the Country.

Among the reasons noted for delays in development of National Prisons Service Policy were lack of collaboration and stakeholders' involvement in the criminal justice system and in particular with regards to prisons infrastructure which contributed to delays in development of the National Prisons Service Policy.

Lack of policy and strategy resulted to not having holistic national approach in the administration and provision of remands and prisons infrastructure in the country which caused prisons to operate without having defined mechanisms that governed their services provision to inmates.

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## **Inadequate Needs Assessment for Established Remands and Prisons**

It was noted that, for the last four financial years, TPS managed to construct only two (2) prisons out of 10 planned prisons (equivalent to 20% of the expected target).

Prisons constructed were Chato and Ruangwa and were constructed and completed in the years 2018 and 2019 respectively. It was further noted that the two prisons were constructed without conducting needs assessment in order to justify the need to initiate and construct the two prisons. Further, it was revealed that there was no needs assessment which was conducted for the past four financial years that established the extent of congestion in respective areas which necessitated the need to construct the two Prisons, rehabilitate or renovate remands and prisons in specified Regions and Districts.

Failure to conduct needed assessment prior to establishing new remands or prisons and rehabilitation might lead to not addressing the paramount problem of prisons congestion as the constructed prisons may have been constructed in less congested regions other than those which were highly congested one, as it was the case with the two constructed prisons of Chato and Ruangwa.

## **Establishment and Provision of Remands and Prisons Infrastructure were not Included in TPS and MoHA Annual Plans**

Both MoHA and TPS did not provide for establishment or rehabilitation of new prisons in their respective annual plans despite being included in their strategic plans. This means that MoHA and TPS could not have the basis of establishing or rehabilitating any prison for the past four financial years.

It was noted that, despite setting out strategies for establishing and rehabilitating new prisons, there was lack of clarity concerning source of funds in respective Strategic Plans among MoHA and TPS for the tasks.

This was attributed by unclear allocation of responsibilities in the planning process between MoHA and TPS as there was no clear-cut of responsibilities in terms of who is responsible in planning for establishment, renovation and rehabilitation of new and existing remands

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and prisons in the country. Inadequate oversight role by MoHA also contributed to uncoordinated efforts during planning between MoHA and TPS.

### **Insufficient Accommodation for Remands and Prisoners**

The audit found that, visited prisons were overcrowded due to lack of sufficient space to accommodate the number of remandees and prisoners. Generally, number of inmates in visited prisons was higher than the authorized accommodation capacity of the prisons as well as prison cells.

The audit made an analysis and found that, there were 5,565 inmates accommodated in 15 visited prisons with a combined capacity of 4,493 inmates. Thus, there were 1,072 inmates in excess of available capacity, which is about 24%. In addition, eight of visited prisons were overcrowded ranging from 1% to 194% of respective capacity, whereas seven prisons have unutilized capacity ranging from 6% to 80%. The highest rate of congestion was noted in Dar es Salaam region in Keko prison which had excess of 194%.

The reason for Dar es Salaam having excess of prisoners includes nature of convicts. Prisons of Keko accommodated remandees and convicts whose cases and sentences could not allow them to easily get out of prisons for lack of bail and nature of crimes committed convictions; number of crimes in Dar es Salaam was higher compared to other visited regions; and Dar es Salaam population was higher as compared to other visited regions which make it most vulnerable to criminal acts.

The analysis further shows that, all visited central prisons of Keko, Segerea and Butimba were congested followed by Districts and farm prisons which were less and least congested respectively. This was caused by the increase in number of inmates who were committed to prisons through court orders without increasing the capacities of the remands and prisons infrastructures. Likewise, farm prisons were less congested because it only hosted prisoners with short sentences of between 3 to 24 months.

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## **Inadequate Provision of Prisons Staff Accommodation**

The national need for prisons staff houses was 14,747 during the period under audit. However, available number of prisons staff houses was 4,221. This is equivalent to 29% of the actual need in the whole country. Furthermore, TPS' Strategic Plan of 2016/17 to 2020/21 showed that TPS had planned to construct 14,000 staff houses and renovate 2,000 staff houses. However, TPS annual plans neither reflected the above targets nor provided for budgets for construction and renovation of prisons staff houses for the past five financial years.

The audit team noted that most of visited prison staff houses were in wretched condition because of lack of maintenance and repairs. Prison staff houses lacked adequate clean water supply, sewerage systems were old and most of them were leaking. This situation was noted in six prisons of Keko and Butimba Central Prisons; Kilwa, Manyoni, Ukerewe District prisons; and Kingurungundwa and Kwamngumi Farm prisons.

Lack of maintenance and shortage in prisons staff accommodation were attributed to lack of budgets for maintenance of Prison staff houses. .

Due to shortage of staff houses and poor condition of available staff houses, the audit team noted that there was 1,628 available staff in 15 visited prisons, out of which, 645 staff which was equivalent to 40%, were living outside prison premises contrary to requirement of Prisons Standing Order of 2003. The highest rate was recorded at 72% of all staff at Wazo hill farm prison followed by Segerea, which had 65% while the lowest was 14% at Isupilo farm prison.

## **Shortage of Transport Facilities for Remands, Prisoners and Staff**

The audit team noted that, in the year 2008, TPS received eight (8) motor vehicles support from Legal Sector Reform Programme to facilitate transportation of remandees from Prisons to Courts. This was a pilot project which covered four (4) Regions of Dar es Salaam, Arusha, Dodoma and Coast Region. Since then, TPS has not been able to procure more vehicles for the purpose of improving transport services in prisons. Audit team noted that, TPS lacked enough resources to facilitate procurement of new vehicles.



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Hence, there was shortage of transport facilities to facilitate prisons activities which stood at 57%. The situation was worse at Pangani District prison in Tanga region as there was no vehicle despite having a requirement of two vehicles. Audit team further noted that, out of 15 visited prisons, 12 prisons had only one vehicle, and only three prisons of Keko, Segerea in Dar es Salaam and Butimba in Mwanza regions had more than one vehicle.

During the visit to Regional and District Prison offices, it was noted that the few vehicles that were available for prisons and remands operation were in bad physical and mechanical condition while no measures were taken to initiate their replacement. There were no budgets which were set aside in respective districts and regional level for procuring new ones.

### **Inadequate Maintenance to Prisons Infrastructure**

TPS did not have maintenance plans to support its maintenance activities and there was no budget which was set aside for maintenance purposes. Due to this maintenance of prisons' vehicles and buildings infrastructures was left to the respective prisons using their own source.

The Audit team noted that, this was associated with inadequate budget allocated to TPS since 2016/17 as the Government pulled out from financing prisons operations namely; maintenance of prisons buildings and vehicles, and infrastructures such as sewerage systems and water supplies systems.

### **Inadequate Water Supply and Poor Sewerage Systems**

During the visit to Central and District Prisons, it was noted that 8 out of 15 of the visited prisons did not have clean water services within their premises. Inadequate supply of water was a result of lack of supply from water authorities due to unpaid water bills which made the authorities to regularly disconnect the service. As a result, prisoners were forced to fetch water from wells and village water pumps which endanger safety and security of both the community, prison staff and prisoner as well.

Positive developments were noted at Segerea prison whereas the prison engaged a contractor through TASAF programme for construction of water tank for storage and supply of clean water throughout the prison premises.

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During the visits in selected prisons, the Audit observed leakages of water pipes and taps. The water pipes' were too old and were crossing the waste water pipes. More than 80 remandees and prisoners shared a single tap. This was observed at Butimba, Ukerewe, Manyoni, Pangani, Kilwa and Wazo Hill prisons. In addition, water and sewerage systems were too old and there were no plans of renovation or replacement. This means that in the long run the systems may collapse and pose a huge risk of epidemic diseases.

### **Security Infrastructure and Systems were Not Available in Most of Visited Prisons**

The Audit team revealed that TPS did not have enough modern security systems and facilities to enhance security within and outside the prison premises like scanners, metal detectors, CCTV cameras and searchlights.

This condition was observed in 15 visited prisons whereby only two prisons of Keko and Segerea in Dar es Salaam region (equivalent to 13% of all 15 visited prisons) had CCTV camera for enhancing security of the prison premises, while other prisons did not have CCTV cameras. This makes them to depend largely on prison staff for security purposes.

The insufficient security equipment was caused by lack of budgeting for purchasing security equipment. It was noted that, there was no budget in TPS's MTEFs and annual budgets despite the fact that the Strategic Plans recognized the need for improving security systems within and outside the prisons in the country.

Unsatisfactory security systems in prisons resulted into various incidences of prisoners escape and bringing in contrabands such as unauthorized articles like foods, needles, razorblades, knives, drugs and prohibited substances.

### **Inadequate Routine Inspections of Prisons Infrastructure**

The Audit team revealed that, TPS had an inspection unit which was responsible for carrying out inspections to prisons. Nevertheless, it was noted that the section did not have inspection plans and did not conduct

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routine inspection on the available infrastructure in order to assess its condition.

The Audit team further noted that the reason for lacking routine inspections was lack of monitoring strategy, inspection plans and inspection schedules for the financial years 2016/17 to 2020/21. The highest achievement in inspections was noted in Mwanza region which was able to conduct a maximum of one to two inspections which was equivalent to 25% and 50% inspections per year whilst the lowest was in Lindi and Singida regions which had maximum of 25% in two financial years 2019/20 and 2020/21. In all the five regions, the most inspected prison category was central prisons as compared to Districts and Farm prisons.

Lack of routine prisons inspections has led to prolonged deterioration of prisons infrastructure due to lack of preventive maintenance interventions.

### **MoHA did not Adequately Monitor TPS's Performance**

The Audit team noted that for the past four financial years, i.e. 2017/18, 2018/19, 2020/21 and 2021/22 the Ministry conducted one monitoring activity. This was conducted in the financial year 2020/21 whereby only five regions covered which were Dodoma, Tabora, Singida, Dar es Salaam and Coast region.

However, the Audit team noted that the conducted monitoring by the MoHA focused mainly on development projects implemented by TPS in respective regions such as construction of prison staff houses which were at different stages of completion. Other prisons were not monitored.

### **Audit Conclusion**

The general conclusion from this audit is that, despite the efforts shown by the TPS, which is under MoHA, in administering prisons and remands infrastructure; It is concluded that MoHA and TPS are not adequately administering and providing for remands and prisons infrastructures. TPS does not have sufficient capacity in terms of resources to further improve the remands and prisons infrastructure due to lack of budget and insufficient personnel; furthermore, MoHA does not have an effective

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mechanism to coordinate and monitor its performance and the performance of TPS so as to enhance capacity of prisons infrastructure and prisoners' welfare in the country.

## **Audit Recommendations**

### ***Establishment and Provision of Remands and Prisons Infrastructure***

Ministry of Home Affairs should: develop the national prisons service policy that will provide guidance, consistency, accountability and efficiency in provision of prisons and remands infrastructure.

Tanzania Prisons Service should:

- a) conduct needs assessment for establishment of prisons and remands infrastructure to analyze the needs and magnitude of existing gap in provisions of prisons and remands infrastructure and use the information for developing plans for interventions; and
- b) ensure that establishment and provision of prisons' infrastructure are included in their annual plans and budget.

### ***Capacity for Administration and Provision of Remands and Prisons Infrastructure***

Tanzania Prisons Service should:

- a) in collaboration with MoHA ensure availability of sufficient and adequate accommodation for prisoners, remandees and prisons' staff;
- b) carry out routine inspection of its infrastructure in order to address its condition and take the appropriate measures;
- c) prepare comprehensive and consolidated prison staff training programmes and ensure its implementation;
- d) initiate a mechanism that will ensure that all prisons staff and prisoners are provided with acceptable uniforms;

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- e) in collaboration with MoHA ensure availability of sufficient transport facilities to all remands and prisons to easy and secure movement of remandees, prisoners, and staff;
  - f) ensure that security of all prisons is strengthened;
  - g) establish follow-up mechanisms and work on noted causes for inadequate provision of services and utilities in prisons and remands are worked upon to ensure the availability of essential utilities in prisons which include clean water, electricity, foods, clothing and medical facilities to all prisons within the country; and
  - h) establish strategies and plans that will facilitate maintenance of remands and prisons buildings, staff houses and vehicles and ensure their implementation.

### ***Monitoring, Control and Evaluation of Self and Prisons' Performance***

Ministry of Home Affairs should:

- a) strengthen coordination mechanisms between s and other stakeholders in provision of prison services such as Court, National Prosecution Services, Directorate of Criminal Investigation and Police Force to ensure provision of prisons services and infrastructure is well coordinated; and
- b) prepare TPS monitoring strategy or plan and ensure its implementation.

Tanzania Prisons Service should:

- a) develop a comprehensive database for reporting Prisons infrastructure information and formulate a procedure or a system for verifying the prisons information received from District and Regional Prisons offices; and
- b) ensure self-Monitoring of its operations including having dedicated function Unit for monitoring and evaluation activities.

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## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background

International law requires that prisoners and detainees be treated with humanity and respect for their inherent dignity as human persons<sup>6</sup>. As such in all cases and to every possible extent, prisons should be planned and designed to comply with the legal norms and principles intended to preserve the basic human rights and dignity of all persons<sup>7</sup>.

In Tanzania, Prisons were established under the Prisons Act No. 34 of 1967 with the aim of keeping and reforming any person who is under detention whether he or she is convicted or not. According to the Act<sup>8</sup>, every prison shall include the grounds and buildings within the prison enclosure and also any other grounds or buildings belonging or attached thereto and used by prisoners or the staff of the prison<sup>9</sup>. In other words every prison shall have infrastructure with facilities that will enable its operations. It includes but not limited to health, safety, transportation, water and sanitation, buildings and energy.

Tanzania is a member of the United Nations including the agencies under it. As such, it is obliged to implement the conventions and protocols on human rights including rights of prisoners and offenders to ensure that they are implemented as agreed. According to Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31<sup>st</sup> July 1957 and 2076 (LXII) of 13<sup>th</sup> May 1977, such rights include the following: medical services, education and training, separation of categories, food and water, exercises and sports, clothing and bedding, personal hygiene, accommodation, information to and complaints by prisoners, prisoners to contact with their family and

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<sup>6</sup>Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR)

<sup>7</sup>United Nations Technical Guidance for Prisons Planning, 2016  
[https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016\\_EN.pdf?mtime=20171215190045](https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016_EN.pdf?mtime=20171215190045) Retrieved on 22<sup>th</sup> April 2021

<sup>8</sup>Section 23 (2) of the Prisons Act, Cap. 58 [R.E. 2002]

<sup>9</sup>Section 24 (1) and (2) of the Prisons Act, Cap. 58 [R.E. 2002]

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reputable friends, access to religious services and worship well as right to be represented in courts.<sup>10</sup>

## 1.2 Motivation for the Audit

The motivation to carry out the Audit was necessitated by a fact that there is a growing concern both at international and national level on the conditions of remands and prisons infrastructure which need improvements<sup>11</sup>. Accordingly, at the national level, there is a need to improve strategies used to manage capacity of remands and prisons' infrastructure in the country so as to avoid overcrowding in prisons and the accompanying consequences.

Below are the problem indicators that prompted the conducting of this audit on the management of capacity of remands and prisons infrastructure.

- (i) ***Insufficient Prison Buildings and Infrastructure:*** Many prison buildings in use are old, with inadequate facilities and services, therefore, building new capacity could be necessary to replace aging of infrastructure and provide adequate space and standards of living, in line with national and international law<sup>12</sup>.

In addition, most prisons and remands in Tanzania had shortage of residential houses for prisons' officers accomodation. Also, most prisons, remands and few prison officers' residential houses available were dilapidated. This was asserted by Deputy Minister for Home Affairs, Eng. Hamad Masauni while visiting one of the prisons on 5<sup>th</sup> April 2020 as reported by the Citizen Report dated 6<sup>th</sup> April 2020, where he said prisoners were living in poor conditions due to poor infrastructure. He also remarked that, prison buildings and other infrastructure were very old as such, there was a need for urgent renovations.

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<sup>10</sup><https://www.ohchr.org/en/professionalinterest/pages/treatmentofprisoners.aspx>

<sup>11</sup>United Republic of Tanzania: National Human Rights Action Plan, 2013-2017

<sup>12</sup>United Nations Office on Drugs and Crimes, 2013 "Handbook on strategies to reduce overcrowding in prisons," Pg. 48 (retrived from: [https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding\\_in\\_prisons\\_Ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf)) retrieved on 22<sup>nd</sup> April 2021

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In addition, report<sup>13</sup> of the Parliamentary Committee on International Relations, Home affairs and Security published in year 2020, it was observed that there was insufficient housing for prison officers. This had forced prison officers to live in the community which affects their efficiency in dealing with prisons both at administrative and operational level. This is against the Standard Minimum Rules for Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders of 1955 which requires prisons staff to have sufficient security such as accommodation and safety<sup>14</sup>.

(ii) **Overcrowding and Congestion in Prisons:** The Country Reports on Human Rights Practices issued by the Bureau of Democracy, Human Rights and Labor (United States Department of State) in 2019 also indicated that Prisons continued to hold more inmates than their capacity would allow. For example, in 19 July 2019 the late President John Pombe Magufuli visited Butimba Prison and found that it held more than 1,000 inmates while its capacity was to hold 900 prisoners.

(iii) **Poor Living Condition in Prisons:** Water supply infrastructure facilities is essential for daily activities and operations in prisons. It is essential for both indoor and outdoor purposes. A Country Report on Human Rights Practices published by Bureau of Bureau of Democracy, Human Rights and Labor of United States Department of State in March 2020<sup>15</sup> reported that, prisons and prison conditions remained poor due to food shortages, gross overcrowding, physical abuse and inadequate sanitary conditions.

Moreover, the 2014/15<sup>16</sup> report of the Minister of Home Affairs presented before the national assembly during the budget discussion stipulated that, there was a shortage of infrastructure

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<sup>13</sup>[http://www.parliament.go.tz/polis/uploads/committee\\_reports/1549470081-Taarifa%20ya%20Mwaka%202019-mambo%20ya%20Nje%20,%20Ulinzi%20na%20Usalama.pdf](http://www.parliament.go.tz/polis/uploads/committee_reports/1549470081-Taarifa%20ya%20Mwaka%202019-mambo%20ya%20Nje%20,%20Ulinzi%20na%20Usalama.pdf)

<sup>14</sup><https://cdn.penalreform.org/wp-content/uploads/2016/01/PRI-NMR-Short-Guide-Swahili-WEB.pdf>

<sup>15</sup><https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/tanzania>. Retrieved on 22 April 2021

<sup>16</sup><https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/tanzania>. Retrieved on 22 April 2021



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for water supply and delapidated sewerage infrastructure systems in some of the prisons in the country.

Based on the above problem indicators and challenges, the Controller and Auditor General decided to carry-out a performance audit on the administration and provision of remands and prisons infrastructure in the country.

### **1.3 Design of the Audit**

#### **1.3.1 Audit Objective and Sub-Objectives**

This audit aimed at determining whether the Ministry of Home Affairs (MoHA) and s (TPS) adequately establish, administer and provide for remands and prisons infrastructure and services so as to enhance capacity of prisons infrastructure as well enhance rights and dignity of remands and prisoners in the country.

Specifically, the audit focused on assessing whether:

- (a) The Ministry of Home Affairs and s adequately establish remands and prisons infrastructure;
- (b) Tanzania Prisons Service has adequate capacity to administer and provide for prisons infrastructure and services; and
- (c) Ministry of Home Affairs and Tanzania Prisons Service have a working mechanism to control, monitor and evaluate its own performance and impact of prisons service activities.

#### **1.3.2 Audit Questions**

In order to address the audit objective and its specific objectives above, three main audit questions which were supported by sub-questions were developed. **Appendix 2** presents the audit questions and their respective sub-questions.

#### **1.3.3 Audit Criteria**

The criteria for the Audit were based on the roles played by MoHA and TPS according to their respective functions and the organization structure. In

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addition, criteria were derived from various legislations that govern prison services in the country. Details of criteria used in the three main audit aspects aligned to the audit questions are as indicated below:

- (i) **Establishment of Remands and Prisons Infrastructure:** MoHA in collaboration with TPS is entrusted with the primary role of ensuring there is adequate capacity of remands and prisons infrastructure through development of sound prisons service policy and strategies that will lay down the policy framework of the government services in the country.

Strategies will as well provide for how prisons services will be financed and national targets and plans towards reduction of overcrowding and provision of services to prisons will be implemented and achieved<sup>17</sup>.

- (ii) **Administration and Provision of Prisons Infrastructure and Services:** TPS was expected to ensure that prisons infrastructure was maintained at all times and inmates were provided with services and care in accordance with the agreed national and international standards.

This will be possible if there will be a well-established and strong prisons administration which is well financed and resourced; well-trained and adequate staff; working tools and equipment; adequate security to ensure safety of prisons inmates; routine inspections of prisons both at physical and social dimensions; and Prisons should treat inmates with dignity as human beings and accordingly<sup>18</sup>.

- (iii) **Mechanism for Monitoring, Control and Evaluation of Self and Prisons Performance:** MoHA and TPS, jointly were required to ensure the availability of working mechanisms to measure their

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<sup>17</sup>MoHA Strategic Plan of 2016-2021; TPS Strategic Plan of 2016-2021; Prisons Standing Orders of 2003 Para 35; UNOPS Technical Guidance for Prisons Planning of 2016 Section A4 on Human Decency and Dignity

<sup>18</sup>The Prisons Act, Cap. 58 [R.E. 2002]; The Prisons (Service Management) Regulations of 1968; s Standing Orders of 2003; UNOPS Technical Guidance for Prisons Planning of 2016; Section 4 on Human Decency and Dignity; Water, Sanitation, Hygiene and Habitat issued by International Commission for Red Cross of 2012.

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own performance and provision of prisons services activities; MoHA was expected to monitor performance of TPS in discharging its administrative and service duties in respective prisons whilst measuring its own performance towards its monitoring function;

TPS should monitor its daily operations and activities in relation to provision of prisons infrastructure and services within and outside the prisons perimeter. At the same time, it was supposed to report on its performance on annual basis; and reports and feedbacks systems would enhance proper discharge and coordination of prisons service provision<sup>19</sup>.

#### 1.3.4 Scope of the Audit

The main audited entities were the Ministry of Home Affairs (MoHA) and Tanzania Prisons Service (TPS). MoHA was responsible for coordinating implementation of prisons service policies and strategies and mobilization and management of external resources to support prisons services function. TPS on the other hand was primarily responsible for implementing the prisons services functions in order to ensure safe custody of remands and prisoners.

Data and information were gathered from MoHA and TPS. Moreover, additional data was collected from Regional and District Prisons Offices. Furthermore, specific prisons were also visited for the purpose of observing actual condition of their infrastructure and verification of facts. Therefore, the Audit Team visited six regions namely: Dar es Salaam (Kinondoni DC), Tanga (Pangani DC); Lindi (Kilwa DC); Iringa (Iringa DC); Singida (Kiomboi and Manyoni); and Mwanza (Ukerewe DC). Criteria used to select these regions and Districts are further detailed in **Section 1.4**.

The audit covered a period of four years from 2017/18 to 2020/21. This period was selected to establish trend of performance of Ministry of Home Affairs and s who were vested with the responsibilities of administration and provision of remands and prisons infrastructure in the country.

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<sup>19</sup>The Prisons Act, Cap. 58 [R.E. 2002]; The Prisons (Service Management) Regulations of 1968; Tanzania Prisons Service Standing Orders of 2003; MoHA Strategic Plan of 2016-2021; TPS Strategic Plan of 2016-2021; Prisons Standing Orders of 2003; UNOPS Technical Guidance for Prisons Planning of 2016.

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## 1.4 Sampling Techniques, Methods for Data Collection and Analysis

Different methods were used for data collection. Below are detailed explanations for sampling techniques, each of the methods used and method for data analysis:

### 1.4.1 Sampling Techniques

From a population of 126 prisons in the country, the Audit Team used a formula for proportions to obtain the actual sample size which was 95 prisons. From this sample size, the Audit Team applied optimization proportion of 30% (as recommended) of the actual sample size to be the optimal sample size for data collection. Using that proportion, the sample size was determined to be 29 prisons.

However, due to scarcity of resources the Audit Team applied optimization of 50% of the sample size of 29 prisons which is 15 prisons. From this sample size, the Audit Team computed the weighted sample size to obtain a proportion sample size from each category of prisons which are central (12), districts (68) and farm (46). The weighted proportions (percentage) were: 9.5%, 54%, and 37% central, district and farm prisons respectively. Therefore, the optimal sample sizes for each category are 3, 7, and 5 prisons respectively.

Purposively, based on geographical location, 6 regions were selected namely Dar es Salaam (Eastern zone), Tanga (Northern zone), Lindi (Southern zone), Iringa (Southern Highland zone), Singida (Central zone) and Mwanza (Lake Zone). Purposively, prisons were selected based on the level of congestion whereas for central prisons Segerea, Keko and Butimba were selected, for District prisons, Pangani, Iringa, Magu, Kilwa, Manyoni, Ukerewe and Kiomboi were selected. For farm prisons, Kwamngumi, Isupilo, Ushora, Wazo Hill and Kingurungundwa were selected. **Table 1.1** shows, regions and category of visited prisons.

**Table 1.1: Summary of Selected Regions and Category of Prisons Visited**

Regional Office to be Visited	Central Prison visited	District Prison to visited	Farm Prison visited
Dar es Salaam	Segerea		Wazo Hill
	Keko		
Tanga		Pangani	Kwa Mngumi
Lindi		Kilwa	Kingurungundwa
Iringa		Iringa	Isupilo
Singida		Manyoni	Ushora
		Kiomboi	
Mwanza	Butimba	Ukerewe	
		Magu	

*Source: Auditors' Analysis (2021)*

#### 1.4.2 Methods for Data Collection

Both qualitative and quantitative data were collected in order to provide evidence on the administration and provision of remands and prisons infrastructure within MoHA and TPS. Three different methods were used to collect the required qualitative and quantitative data. The methods included review of documents, interviews and physical observation. Detailed information for each method used is detailed below:

##### (i) Documents Review

Various documents relating to management of prisons infrastructure were reviewed from TPS and MoHA. This helped to understand the extent of planning, implementation and monitoring of prisons infrastructure and services. However, additional documents were sought from other government sources for the purposes of validating the information obtained from MoHA and TPS. The list of documents reviewed is presented in **Table 1.2**.

**Table 1.2: Documents Reviewed and Reasons for Review**

Category of the Documents	Reasons for reviewing
<b>1: Establishment of Remands and Prisons</b>	
Policy(ies)	Understands the policy content regarding management of remands and prisons infrastructure in the country.
Legislation (law and Regulations, Rules and Guidelines)	To understand mandate, roles and functions of government entities in managing remands and prisons infrastructure in the country.
Strategies, budgets and plans from MoHA and TPS.	Understanding strategies and plans set by the responsible Ministries and government entities to ensure capacity of remand and Prison infrastructure. To observe the trends of budget/revenue and expenditures, efficiency, equity and reliability of the sources of funds regarding management of remand and Prison infrastructure.
International Conventions	To get acquainted with minimum international requirements and standards on capacity of remand and prisons infrastructure.
<b>2: Administration and Provision of Prisons Infrastructure and Services</b>	
Annual Performance Reports	To gain an understanding on how the entities have attained their targets based on strategic and annual plans; To have knowledge of the challenges facing management of capacity of Remands and Prisons infrastructure.
Inspection Plans and Reports; Inspection checklists/manuals and guidelines	To assess performance level of MoHA and TPS in inspecting prisons infrastructure
<b>3: Monitoring, Control and Evaluation of Prisons Infrastructure activities</b>	
Monitoring Plans and Reports; Monitoring checklists; or Monitoring Strategy.	To get an insight into the challenges, strength, weaknesses raised during monitoring, control and evaluation with regards to management of remands and prisons infrastructure.
Evaluation Reports.	

*Source: Auditors' Analysis from the Reviewed Literature, 2021*

## (ii) Interviews

Interviews were conducted for the purpose of obtaining information regarding administration and provision of remands and prisons infrastructure and clarifying information obtained from reviewed documents and physical observation. Therefore, the Audit Team conducted interviews and discussions with officials from both Ministry of Home Affairs (MoHA) and Tanzania Prisons Service (TPS). Table 1.3 shows the details of individuals and entities that were interviewed during the audit.

**Table 1.3: Officials Interviewed and Respective Reasons**

Institution Covered	Title of official interviewed	Reasons for interview
Ministry of Home Affairs	Director of Policy and Planning; and Director of Complaints Management;	To assess funding of remands and prison infrastructures; performend monitoring activites and respective challenges received as a result of complaints submitted.
Tanzania Prisons Service (TPS)	Deputy Commissioner of Prisons - Prisons Inspection Unit.	To assess the performance of systems used by TPS to ensure capacity of remand and Prison Infrastructure.
	Deputy Commissioner of Prisons - Correctional and Rehabilitation Division (Prisons Infrastructure Development Section)	To understand challenges and shortfalls identified by various inspections conducted.
	Commissioner of Legal and Prisons Affairs Division .	To assess the strategies initiated by TPS to ensure sufficient infrastructure facilities.
	Commissioner for Finance and Planning - (Planning and Budgeting Section).	
	Commissioner for Administration and Human Resource Management - (Human resource and Transport Section).	
Regional Prisons Offices	Regional Prisons Officers	To have an understanding of the roles and performance of regional offices in administration and provision of remands and prisons

Institution Covered	Title of official Interviewed	Reasons for interview
		infrastructure at regional level.
District Prisons Offices	Officers in-charge of Prisons	<p>To assess performance of District prisons officers in ensuring services are adequately provided to remandees and prisoners;</p> <p>To observe actual state and condition of prisons through physical verification.</p>

*Source: Auditors' analysis, 2021*

### (iii) Physical Observations

The Audit Team conducted physical observations in the fifteen (15) selected prisons to observe the state of prisons infrastructure and facilities based on minimum standard checklist prepared. During observation, auditors conducted interviews with various prison officials on how they discharged their functions and also assessed the condition of prisons infrastructure in all categories of prisons. In all visited sites, the Audit Team took notes and limited number of pictures as evidence of what was observed.

## 1.5 Data Analysis Methods

The Audit Team used different techniques to analyse qualitative and quantitative data. These methods are detailed hereunder:

### (a) Analysis of Qualitative Data

- Content analysis techniques was used to analyse qualitative data by identifying different concepts and facts originating from interviews or document reviews and categorise them based on its assertion;
- The extracted concepts or facts were either tabulated or presented as it is to explain or establish relationship between different variables originating from the audit questions;



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- The recurring concepts or facts were quantified depending on the nature of data it portrays; and
  - The quantified information (concepts/facts) were then summed-up or averaged in spread-sheets to explain or establish the relationship between different variables.

### **(b) Analysis of Quantitative Data**

Quantitative information with multiple occurrences was tabulated in spread-sheets to develop point data or time series data and relevant facts extracted from the figures obtained;

- The tabulated data was summed-up, averaged or proportioned to extract relevant information and relationships from the figures;
- The sums, averages or percentages were plotted using different types of graphs and charts depending on the nature of data in order to explain facts for point data or establish trends for time series data; and
- Other quantitative information/data with single occurrence were presented as they are in the reports by explaining the facts it asserts.

### **1.6 Data Validation**

The management of the Ministry of Home Affairs and s were given the opportunity to go through the draft report and comment on the facts, figures and information presented.

Both managements of the Ministry of Home Affairs and confirmed on the accuracy of the information presented in this report and their comments and responses are shown in **Appendix 1**.

### **1.7 Standard for the Audit**

The audit was conducted in accordance with the Performance Audit Standards issued by the International Standards for Supreme Audit Institutions (INTOSAI). The standards require the Supreme Audit Institution (SAI) to plan and perform the Audit so as to obtain sufficient and

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appropriate audit evidence as well as provide a reasonable basis for findings and conclusions based on audit objective(s)<sup>20</sup>.

## 1.8 Structure of the Report

Following this introductory chapter, the remaining part of the audit report is organized as follows:

- **Chapter Two:** presents the description of the system for administration and provision of remands and prisons infrastructure in Tanzania. Moreover, it covers policy and legal framework, processes, key players and stakeholders together with their responsibilities in enhancing infrastructure of remands and prisons;
- **Chapter Three:** presents the findings of the audit covering the establishment of remands and prisons; administration and provision remands and prisons infrastructure; and control, monitoring and evaluation prisons services activities;
- **Chapter Four:** provides overall conclusion and specific conclusions for the audit; and
- **Chapter Five:** outlines the audit recommendations that can be implemented by managements of Ministry of Home Affairs (MoHA) and Tanzania Prisons Service (TPS).

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<sup>20</sup>The International Standards of Supreme Audit Institutions (ISSAI) are benchmarks for auditing public entities. They are developed by the International Organization of Supreme Audit Institutions (INTOSAI), which is a worldwide affiliation of governmental entities. The INTOSAI's members are the Chief Financial Controllers, Comptrollers, or Auditor General Offices of nations.

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## CHAPTER TWO

### SYSTEM FOR ADMINISTRATION AND PROVISION OF REMANDS AND PRISONS INFRASTRUCTURE

#### 2.1 Introduction

This chapter describes the systems in place used to manage capacity for remands and prisons infrastructure in the country. It covers governing legal and institutional framework, key stakeholders and their main responsibilities and processes in managing capacity of remands and prisons infrastructure.

#### 2.2 Policy and Legislation Governing Administration of Remands and Prisons Infrastructure

##### (i) *Prisons Service Policy and Strategy*

Currently, the Government has no national policy for prisons service in the country. Besides, multiple legislation are used to manage capacity of remands and prisons infrastructure in the country.

##### (ii) *The Prisons Act, 1967, Cap. 58 [R.E 2002]*

The Act was a parent legislation that deals with general management of remands, prisoner and prisons in the country. It provided, among other matters, for constitution and administration of prison services; powers, duties and privileges of prison officers; establishment of control of prisons; administration and custody of prisoners; training and treatment of prisoners; and detention and treatment of un-convicted prisoners.

##### (iii) *The Prisons (Prisons Management) Regulations, 1968*

The Prisons Act, Cap. 58 [Cap. 58] had introduced the regulations for prisons management. These Regulations provided for procedures and processes in managing prisons in the country. It laid down the necessary requirement that were to be observed by the prisons management in ensuring prisons (including remands) are safe and secure at all times.

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It also laid down the roles and responsibilities of prison management and prisons officers in ensuring that prisons and remands are safe and secure for remands, prisoners and prisons officers. The Regulations also provides for minimum standards of how Prisons should treat prisoners and detainees while they were in prisons or detained under any law.

**(iv) *The Community Services Act No. 6 of 2002, CAP 291***

The Act made provisions for the introduction and regulation of community service on offenders in certain cases, and for connected and incidental matters. The rationale towards the Act was to reduce the number of prisoners who could alternatively serve their imprisonments outside the prisons.

It further provides for varieties of community services orders as well as management and enforcement of community services orders. The Act, provides for the National Community Service Committee as well National Coordinator. It further established Regional, District, Ward and Village Community Services committees.

**(v) *International Legal Instruments***

The International legal instruments which include Conventions, Treaties, Declarations, and Protocols adopted by Tanzania provide minimum requirement of treatment of remands and prisoners in terms of infrastructure and services.

These include Standard Minimum Rules for Treatment of Prisoners adopted by the first United Nations Congress on prevention of Crimes and Treatment of Offenders in Geneva, the International Commission for Red Cross Guidelines on Water, Sanitation, Hygiene and Habitat of 2012.

**2.3 Strategies for Administration and Provision of Remands and Prisons Infrastructure**

s Strategic Plan of 2016 to 2021 provides for guidance on administration and provision of remandees and prisoners infrastructure in the country. The plan provided TPS with an opportunity to focus on designated strategies that would effectively provide good remandees and prisoners'

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welfare, performance as well as safe custody, corrections and escort of inmates aimed at enhancing the administration and provision of remandees and prisons infrastructure.

Key Strategic objectives and strategies include the following:

- (i) Law and order for public safety and security improved by:
  - (a) enhancing security facilities in prisons;
  - (b) improving prisons' transportation and communication facilities;
- (ii) Economic rehabilitation programmes and custodial services for inmates improved by:
  - (a) improving inmates facilities;
  - (b) establishing alternative source of energy for cooking;
  - (c) reviewing prisons' legislation.
- (iii) Resource management and public services improved by:
  - (a) revisiting and improving training programmes;
  - (b) strengthening procurement systems;
  - (c) using modern security working tools and equipment; strengthening performance management system; and
  - (d) Strengthening monitoring and evaluation.
- (iv) Prisons facilities and working environment improved by:
  - (a) constructing, renovate and refurbish prisons buildings;
  - (b) enhancing treatment of offenders in accordance with international norms and standards; and

## **2.4 Key Players and their Roles in the Administration and Provision of Remands and Prisons Infrastructure**

In the administration and provision of remands and prisons infrastructure, several stakeholders are involved. However, the primary role of dealing with remands and prisons lies on the Ministry of Home

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Affairs and Tanzania Prisons Service. Below are the key stakeholders who are involved in overseeing, administering and providing for remands and prisons' infrastructure.

#### **2.4.1 Ministry of Home Affairs (MoHA)**

MoHA was established under the Ministers (Discharge of Ministerial Functions) Government Notice No. 144 of 22 April 2016. The Ministry was mandated to maintain peace and order in the country through formulation of policies, relevant laws and regulations and their implementation as well as mobilization of funds.

Moreover, the Ministry of Home Affairs has a role of ensuring, among other functions, that prisons infrastructure are well maintained. These included overseeing and monitoring of projects being undertaken by TPS such as renovation and maintenance of existing prisons buildings or construction of new buildings.

#### **2.4.2 Tanzania Prisons Service (TPS)**

Tanzania Prisons Service was the primary implementer of the Prisons Act, 1967, Cap. 58 [R.E. 2002] and its corresponding regulations. According to the Act and the TPS Strategic Plan, the responsibilities of the s was to contribute to bringing, developing and maintaining social security in the country by doing the following:-

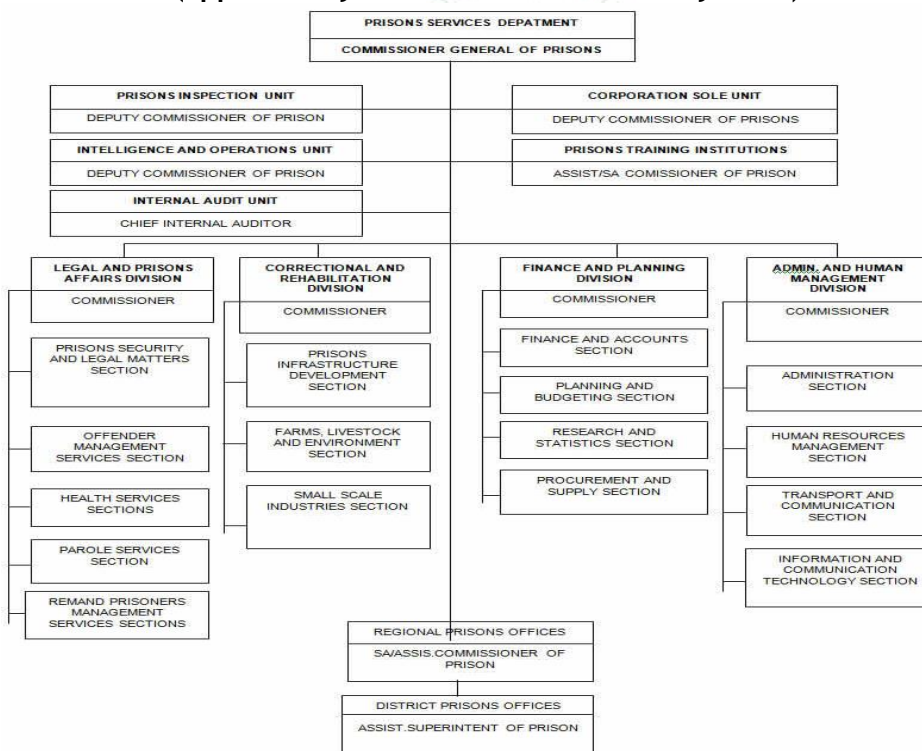
- Protecting prisoners of all kinds who are detained in prisons;
- Develop and implement criminal rehabilitation programs and train offenders in various production activities and skills through practical and advisory practices;
- Conduct the activities and services of suspects (Inmates) in accordance with the law;
- Contribute to advice on crime prevention, reduction of re-offending (recidivism) and control rehabilitation.

## 2.5 Framework for Management of Remands and Prisons Infrastructure

Tanzania Prisons Service (TPS) is a Department under the Ministry of Home Affairs (MoHA). TPS has the responsibility of providing adequate infrastructure and facilities to remandees and prisoners. The Commissioner General of Prisons (CGP) is the head of TPS and is assisted by the Commissioners in various Divisions and Units.

The Divisions of the Prisons Service are legal and prisons affairs; correctional and rehabilitation; finance and planning; and administration and human resources management. Regional Prisons Offices and District Prisons offices also constitute part of TPS. Below is an approved TPS's organisational Structure.

**Figure 2.1: The Approved Organisation Structure of the s Department (approved by the President on 7th July 2018)**



*Source: TPS's Strategic Plan, 2021*

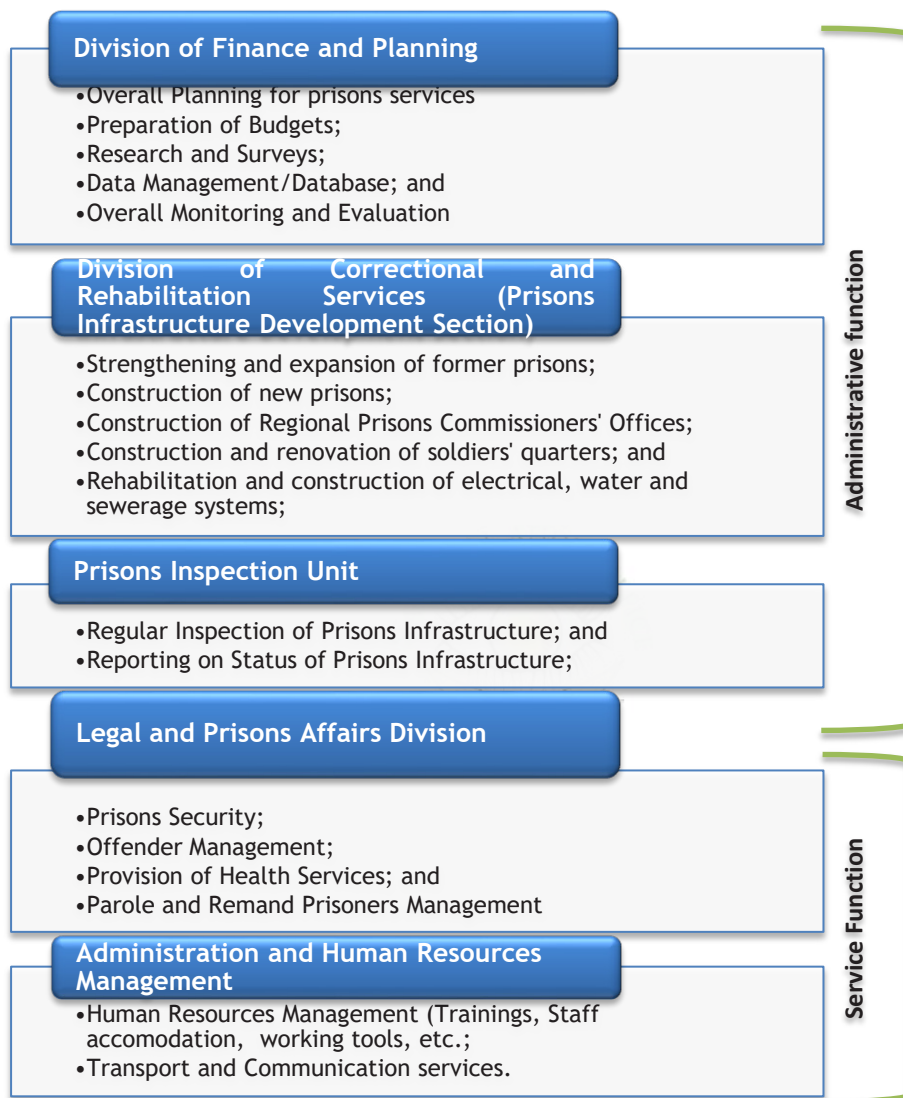
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Prison Infrastructure Development Section under Correctional and Rehabilitation Division in collaboration with the Offices of the Regional Prison Commissioners works on the construction and rehabilitation of prison infrastructure by involving prisoners. With regards to construction activities, this section oversees and coordinates all matters of land development that is under the ownership of TPS. In respect of prisons infrastructure, the Prisons Infrastructure Development Section is primarily responsible for infrastructure development. Specific functions and roles of respective Divisions, Sections and Units at TPS as regards to administration and provision of remands and prisons infrastructure are as indicated in **Figure 2.2**.





**Figure 2.2: Role and Functions in Administration and Provision of Remands and Prisons Infrastructure at TPS**

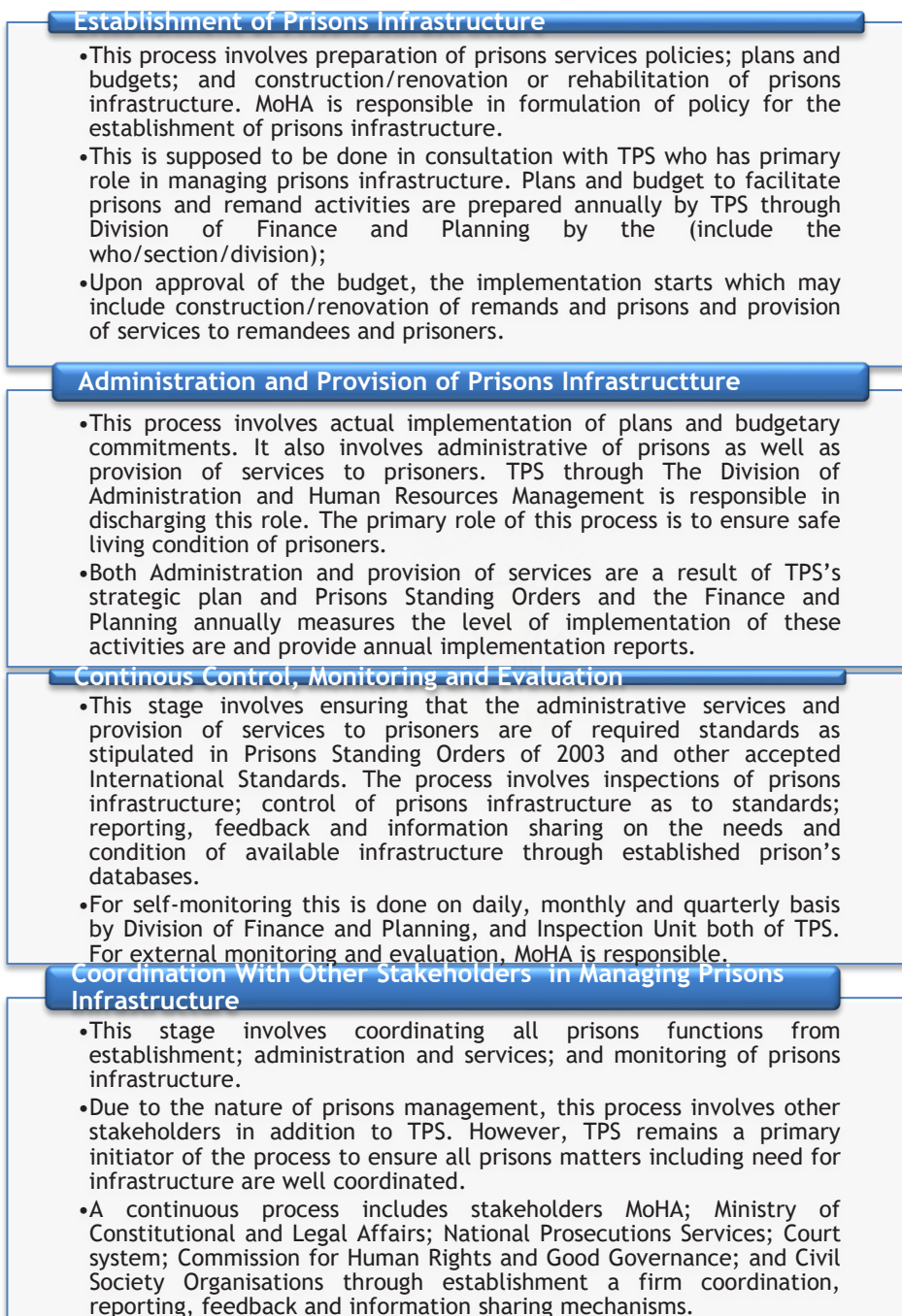


*Source: TPS Strategic Plan, 2016-2021*

## 2.6 Process for Administration and Provision of Remands and Prisons Infrastructure

Management of capacity for remands and prisons infrastructure goes through a number of processes. This starts from infrastructure establishment, administration, monitoring and coordination. **Figure 2.3** portrays a typical process for managing prisons infrastructure.

**Figure 2.3: Process for Administration and Provision of Remands and Prisons Infrastructure**



*Source: Interviews with MoHA and TPS Officials and TPS's Strategic Plan 2016-2021*

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## 2.7 Resource Allocation

### 2.7.1 Funding for Remands and Prisons Infrastructure at Ministry of Home Affairs (MoHA)

Management of remands and prisons infrastructure was required to have adequate funding to enable the Ministry to discharge its monitoring function adequately. Major source of funds of MoHA was subventions from the government. **Table 2.1** provides details of budgetary allocations for prisons services for the past five financial years.

**Table 2.1: Funding and Budgetary Allocations for Prisons Welfare and Rehabilitation from 2017/18 to 2020/21**

Financial Year	Amount Budgeted for Prison Services (TZS)	Amount Disbursed for Prisons welfare and rehabilitation (TZS)	(%) of Prison services
2017/18	234,105,055,287	185,391,407,999	79
2018/19	221,350,975,973	185,293,338,510	84
2019/20	232,757,774,712	146,872,308,542	63
2020/21	204,603,474,926	142,429,311,000	70

*Source: TPS MTEF, 2017/18 to 2020/21*

As indicated in **Table 2.1**, for the past four financial years, MoHA allocated a total of TZS 892,817,280,899 for provision of remands and prisons services in the country. The amount allocated aimed at strengthening and monitoring projects implemented by TPS.

### 2.7.2 Funding of Remands and Prisons Infrastructure at TPS

Administration and provision of remands and prisons infrastructures are widely funded by government subventions to TPS through budgetary allocations by the Ministry of Finance and Planning and own source revenue generated by TPS. **Table 2.2** provides details of budgetary allocations to TPS for the past five financial years.

**Table 2.2: Funding and Budgetary Allocations for Prisons Welfare and Rehabilitation (Sub-vote 2002) from 2017/18 to 2020/21**

Financial Year	Amount Budgeted (TZS)	Amount Allocated for Infrastructure Development (TZS)	(%) of Infrastructure allocation
2016/17	82,477,642,000	3,116,760,000	4
2017/18	83,392,484,355	4,380,323,000	5
2018/19	84,057,326,710	5,712,170,000	7
2019/20	84,722,619,065	6,985,733,000	8
2020/21	85,387,461,420	26,817,580,000	31

*Source: TPS MTEF, 2016/17 to 2020/21*

As indicated in **Table 2.2**, TPS received a total amount of TZS 420 billion from the Government. From the received amount, TPS allocated TZS 47 billion for development and provision of prisons infrastructure such as buildings and prison facilities.

### 2.7.3 Staffing level at TPS

For the period under review, staffing level at TPS is as indicated in **Table 2.3**.

**Table 2.3: Allocated Staff to Facilitate Implementation of Remands and Prisons Activities (Vote 2002), 2017/18 to 2020/21**

Financial Year	Required No. of Staff (Manning level)	Available No. of Staff	Deficit (%)
2017/18	12,630	10,928	13
2018/19	12,700	10,717	16
2019/20	13,320	9,022	32
2020/21	13,320	10,662	20

*Source: TPS Staff Level and Annual Reports, 2017/18-2020/21*

As noted in **Table 2.3**, for the past five financial years, TPS was generally understaffed with the highest rate being in the financial year 2019/20 whilst the lowest being in financial year 2017/18.

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## CHAPTER THREE

### AUDIT FINDINGS

#### 3.1 Introduction

This chapter presents findings on the extent to which the Tanzania Prisons Service in collaboration with the Ministry of Home Affairs had efficiently administered the provision of prisons and remands infrastructures in the country. The Performance was measured based on the extent of establishment of remands and prisons infrastructures; capacity to administrate and provide for prisons infrastructures and services; and mechanism for control, monitoring, and evaluation of institution performance.

#### 3.2 Existence of the Problem

Prison conditions are faced with inadequate food, overcrowding, poor sanitation and insufficient medical care. According to the Commissioner General of Prisons, funding for prisons was less than half the level required to provide adequate care for prisoners; and there were no private detention facilities.

The Country Human Rights Reports of the United States Department of State published in March 2020, on Tanzania Human Rights Practices indicated that as of December 2019, the prisons, whose total designed capacity was for 29,552 inmates, held 31,382 inmates which was 6% above authorized capacity. Pretrial detainees and convicted prisoners were held together. Moreover, remands and prisons held minors together with adults in several prisons due to lack of detention facilities.

In 2019, the Commission for Human Rights and Good Governance (CHRGG), visited selected prisons and detention facilities and found that 452 minors detained in the visited adult prisons. Among these, 101 were convicts and 351 were pretrial detainees. In several adult prisons, minors were placed in separate cells but mixed with adults during the day and while being transported to court. In other prisons children and adults were mixed at all times.

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According to management of the Ministry of Home Affairs Officials, approximately 50% to 56% of the prison population consisted of pretrial detainees in 2015 (the latest available data). Detainees charged with crimes generally waited for three to eight years for trial due to inadequate number of judges to adjudicate cases, inadequate judicial budget, and the lengthy of time required to complete criminal investigations.

Further assessment conducted by Audit team revealed the following:

### **3.3 Inadequate Establishment and Provision of Remands and Prisons Infrastructure**

Management of Tanzania Prisons Service (TPS) acknowledged the need to establish Prisons Service Policy in its 2016/17 - 2020/21 Strategic Plan. The policy would lay down the objectives and strategies towards improving the standard of prison services in the country. The need was backed-up by best practice from the International Commission for Red Cross Guideline. The Guideline provides for a need to link between policy, including the purpose of imprisonment, infrastructure and management practices as well as the process for planning new prison accommodation.

The Audit Team noted the efforts employed by the TPS in establishment and provision of remands and prisons infrastructure which include construction of two District prisons in Chato and Ruangwa, on-going renovation of Central and Districts prisons, and on-going construction of prisons staff houses.

However, the weaknesses noted regarding establishment and provision of remands and prisons infrastructures in the country are explained below:

#### **3.3.1 Absence of National Prisons Service Policy and Strategy**

Despite the management of TPS acknowledging the need to establish Prisons Service Policy in its 2016/17 - 2020/21 Strategic Plan, the plan did not indicate clearly that one of the goal is to establish or develop national

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prisons policy in order to facilitate the provision and management of prison services in the country.

The reason for not having the national policy, according to officials from TPS and MoHA was the fact that previously, i.e. since 1931, TPS was a fully-fledged government department under Permanent Secretary of MoHA. However, there was no specific law, which regulated the TPS activities during that time until in 1967 when the Tanzania Prisons Act was enacted. Since then, TPS continued to be an independent department under MoHA.

Following such change, in 2013 the MoHA saw a need to have the national prisons service policy to oversee prison services in the country and accordingly in the same year MoHA called for opinions for the development of national prisons service policy. Based on this, TPS wrote a paper in 2014, which was submitted on the same year to MoHA for further process and actions but up to the time of this audit, TPS does not know the status or progress made towards the establishment of the prisons service policy.

Further interviews with MoHA officials revealed that the process of formulating the national prisons service Policy was at a good stage, and it was shared with stakeholders for their comments in the year 2014. The Audit Team requested for the draft policy from MoHA and the stakeholders deliberations but it was not availed for review and verification.

Among the reasons noted for delays in development of national prisons service policy were lack of collaboration and stakeholders' involvement in the criminal justice system and in particular with regards to prisons infrastructure which contributed to delays in development of national prisons service policy.

Lack of policy and strategy resulted to having no holistic national approach in the administration and provision of remands and prisons infrastructure in the country which caused prisons to operate without having defined mechanisms that governed their services provision to inmates such as health, clean water and food facilities. It has also led to

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not having a common approach for provision of prisons infrastructures such as construction of new prisons, accommodation for prisoners and prison staff, maintenance, rehabilitation and inspections of existing prisons infrastructures.

### **3.3.2 Absence of Needs Assessment for Established Remands and Prisons**

Review of Strategic Plans of TPS and Ministry of Home Affairs (MoHA) for the period of 2016/17 - 2020/21 indicated that, TPS planned to construct and renovate ten (10) prisons in the country whilst MoHA planned to rehabilitate 12 and 56 Central and District Prisons respectively.

Review of the Progress Reports of 2017/18 to 2019/20 and Construction Reports for the period of 2019/20 from TPS showed that for the last four financial years, TPS managed to construct only two prisons out of ten planned prisons (equivalent to 20% of the target). However, there were no records in place indicating number of renovated prisons in the country. Constructed prisons were Chato and Ruangwa and were constructed and completed in the years 2018 and 2019 respectively.

However, review of submitted Medium Term Expenditure Framework (MTEF of 2018/19 - 2020/21) and respective Annual Plans of 2016/17 to 2020/21 revealed that the construction of the two prisons i.e. at Chato and Ruangwa was neither planned nor budgeted for. The Audit Team reviewed MoHA and TPS's plans and budget reports for financial years 2016/17 to 2019/20 and noted that, both MoHA and TPS did not have any provision for carrying out needs assessment for construction of prisons in the country.

It was further noted that the two prisons were constructed without conducting needs assessment in order to justify the need to initiate and construct the two prisons. Needs analysis would assist in assessing the magnitude of the remands and prisons gap, setting priorities of whether or not to construct, where to construct, how and when should the construction be completed.



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Furthermore, review of Annual Progress Reports from MoHA and TPS for financial years 2016/17 to 2019/20 indicated that no needs assessment that was conducted for the past four financial years that established the extent of congestion in respective areas which necessitated the need to construct the two prisons, rehabilitate or renovate remands and prisons in specified regions and districts.

Interviews held with TPS officials indicated that the reason for construction of the two prisons was a result of the political will to reduce congestion in prisons located in Lake Zone regions and Southern regions where congestion was high.

The Audit analysis to establish whether the two regions were highly congested as compared to others noted that prior to construction of the two prisons, Kagera Region, (Chato district was formerly part of Kagera region) had 3,586 inmates whereas the authorized capacity was 1,778 inmates which implied 102% more inmates. Lindi Region (Where Ruangwa is located) had 536 inmates in prisons with a capacity of accommodating 931 inmates. This implies the inmates occupied about 58% of the capacity leaving a space for 395 more inmates (i.e. 42% of current capacity)

Therefore, by then the justification based on congestion could stand in Kagera Region as Compared to Lindi Region which has unutilized capacity. This was done whilst the highest congestion rates during the period was noted in Regions of Manyara (211%), Mwanza (140%), Kagera (102%), Mbeya (85%) and Arusha (78%) beyond respective capacities.

Enquiries at MoHA revealed that, there was no information to indicate whether there were rehabilitated prisons or if there were needs assessments conducted to determine rehabilitation requirements.

Failure to conduct needs assessment prior to establishing new remands or prisons and rehabilitation may lead to not addressing the paramount problem of prisons congestion as the constructed prisons may have been constructed in less congested regions other than those which are highly congested as it was the case with the two constructed prisons of Chato and Ruangwa.

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### **3.3.3 Establishment and Provision of Remands and Prisons Infrastructure were not Included in TPS and MoHA Annual Plans**

Order 303 of Prisons Standing Orders of 2003 has provided for establishment and maintenance of buildings through buildings maintenance funds. Furthermore, Regulation 28 of the Prisons Services (Prisons Management) Regulations of 1968 requires TPS to ensure that prisons infrastructure are available and maintained at all times and prison inmates are provided with services and care at nationally and internationally agreed standards.

Review of the TPS's and MoHA MTEF from 2018/19 to 2021/22 and Annual Plans showed that both MoHA and TPS did not provide for establishment or rehabilitation of new prisons in their respective annual plans despite being included in their strategic plans. This means that MoHA and TPS could not have the basis of establishing or rehabilitating any prison for the past four financial years. Further review of procurement plans, maintenance plans revealed that construction of new prisons was not included in MoHA and TPS Annual Procurement Plans of 2016/17 and 2018/19 financial years.

Interviews held with officials from MoHA and TPS showed that, despite setting out strategies for establishing and rehabilitating new and old prisons respectively, there was lack of clarity concerning source of funds in respective Strategic Plans among MoHA and TPS for the tasks. This was because, TPS relied on the government subvention to fund construction, rehabilitation and renovation of remands and prisons and therefore the plans were not reflective of the actual activities to be carried out by TPS directly.

Based on the observation made above, auditors made an inquiry on the applicability of TPS's strategic plan and noted that, in 2016/17 there was a change in institutional priorities from provision of administrative and prisons services to production for self-reliance. Accordingly, Prisons management's priority was to establish more projects that would ensure sustainability of individual prisons. Due to this, it was noted that TPS budgets could no longer fund construction or major rehabilitation of new or existing remands and prisons.

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This was attributed by unclear allocation of responsibilities in the planning process between MoHA and TPS. As there was no clear-cut of responsibilities in terms of who is responsible in planning for establishment, rehabilitating of new and existing remands and prisons in the country. That is why, MoHA's and TPS's strategic plans had different plans with regards to number of construction of new prisons and rehabilitation of existing prisons.

Inadequate oversight role by MoHA also contributed to uncoordinated efforts during planning between MoHA and TPS.

As a result, both MoHA and TPS failed to meet their strategic goals of constructing 10 and rehabilitating 68 prisons in the country. Consequently, prisons had remained outnumbered compared to the number of inmates whilst its existing infrastructures were dilapidating as will be discussed in subsequent sections.

#### **3.3.4 Lack of Fund for Establishment of Remands and Prisons Infrastructures**

Best practices<sup>21</sup> require advance preparation of a comprehensive budget, in which an adequate budget is committed when the decision to build is taken.

As detailed in Section 3.3.2 and 3.3.3, review of MoHA's MTEF of 2017/18-2019/20 and TPS's MTEF of 2017/18 - 2019/20 revealed that despite of having the scope of construction and rehabilitation of remands and prison infrastructures in the approved Strategic Plans, MoHA did not disburse funds to cater for construction of new and rehabilitation of existing remands and prisons infrastructure. This is as indicated in **Table 3.1**.

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<sup>21</sup>ICRC Guideline Water, Sanitation, Hygiene and Habitat in Prisons - Supplementary Guidance, p. 24

**Table 3.1: MoHA's Approved Budget and Disbursed Funds for Establishment and Rehabilitation of Remands and Prisons**

Financial Year	Overall Budget (TZS)	Approved Budget Disbursed for Establishment of Prisons (TZS)	Percentage not Disbursed (%age)
2017/18	185,391,407,999	0	100
2018/19	185,293,338,510	0	100
2019/20	146,872,308,542	0	100
2020/21	142,429,311,000	0	100

*Source: MoHA/TPS's MTEF, 2017/18 to 2020/21*

As indicated in **Table 3.1**, it can be noted that, despite the details of budget being shown in MoHA's MTEF, there was no corresponding allocation of budget to cater for establishment or rehabilitation of remands and prisons as detailed in corresponding Strategic Plan of 2016/17-2020/21.

Further analysis revealed that, TPS did not receive funds for construction of new or rehabilitation of the existing prisons as well as for administrative services as per its respective strategic plans. As such, even Regional and District prisons did not receive funds to cater for construction of new and rehabilitation of existing prisons infrastructures as shown in **Table 3.2**.

**Table 3.2: Approved Budget and Received Amount for the Central, Districts and Farm Prisons**

Regional Office	Financial Year	Amount Budgeted (TZS)	Amount Received (TZS)	Deficiency (%)
Dar es Salaam (Keko, Segerea and Wazo Prisons)	2017/18	168,700,000	6,000,000	96
	2018/19	267,800,000	12,000,000	96
	2019/20	201,000,000	26,000,000	87
	2020/21	286,700,000	124,000,000	57
<b>Total</b>		<b>924,200,000</b>	<b>168,000,000</b>	<b>82</b>
Lindi (Kilwa and Kingurungundwa Prisons)	2017/18	25,000,000	1,200,000	95
	2018/19	0	0	-
	2019/20	12,600,000	1,600,000	87
	2020/21	8,000,000	76,000,000	-850
<b>Total</b>		<b>45,600,000</b>	<b>78,800,000</b>	<b>-7</b>
Tanga	2017/18	-	-	-

Regional Office	Financial Year	Amount Budgeted (TZS)	Amount Received (TZS)	Deficiency (%)
(Pangani and Kwamngumi Prisons)	2018/19	3,600,000	2,600,000	28
	2019/20	2,600,000	1,200,000	54
	2020/21	8,000,000	-	100
<b>Total</b>		<b>14,200,000</b>	<b>3,800,000</b>	<b>73</b>
Iringa (Iringa and Isupilo Prisons)	2017/18	6,000,000	2,240,000	63
	2018/19	6,000,000	1,200,000	80
	2019/20	12,567,000	0	100
	2020/21	18,460,000	0	100
<b>Total</b>		<b>43,027,000</b>	<b>3,440,000</b>	<b>92</b>
Mwanza (Butimba, Magu and Ukerewe Prisons)	2017/18	160,000,500	26,880,538	83
	2018/19	124,760,900	36,780,540	71
	2019/20	136,680,980	12,760,000	91
	2020/21	124,856,000	152,000,000	-22
<b>Total</b>		<b>546,298,380</b>	<b>228,421,078</b>	<b>58</b>

*Source: Regional Prison offices Financial Records for Financial Year 2017/18, 2018/19, 2019/20, and 2020/21*

Table 3.2 shows that, for the past four financial years TPS was disbursing less fund to regional prison offices to cater for administration and provision of prisons services at prisons stations. The noted deficit ranged between 54% and 92% making an average of 46% of the budgeted amount.

Furthermore, the Audit Team noted that, apart from the above disbursed amounts to cater for prisons operations activities especially food for remand and prisons; in the financial year 2020/21, TPS allocated a flat rate amount of TZS 38,000,000 to each visited Prison to fund the construction of prison staff houses. This amount was out of the budget (as was raised by the TPS Commissioner General from revenue acquired from production projects implemented by TPS) and was supposed to cover construction of a two-in-one house at an amount so provided.

The Audit Team noted that in all 15 visited prisons, an amount of TZS 38,000,000 was channeled to respective prisons for construction of two-in-one houses for officers except for Ukerewe district which received TZS 76,000,000 due to worsening shortage and dilapidation of prison officer's houses. It was noted that, the disbursed funds came from various sources such as profits generated from investment projects being implemented by TPS countrywide.

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Interviews with officials from visited regional and districts prison offices noted that, reason for not allocating funds for construction of new and rehabilitation of existing prisons was the decision of the government in 2016 to withdraw from funding prisons services and the responsibility was given to TPS and later decentralized to prisons stations level. Due to this, it was noted that prisons had no capacity to raise sufficient funds to facilitate construction activities.

Consequently, Prison stations were struggling to establish production projects so as to maintain respective prison infrastructure and guarantee services to prisoners because they were no longer receiving adequate budget from government. Instead, they were required to use their own source of income and labour as per government proclamation. This increased the burden to prisons with limited accessibility to production projects due to their geographical locations.

### **3.4 Inadequate Capacity for Administration and Provision of Remands and Prisons Infrastructure**

The International Standard Minimum Rules for the Treatment of Offenders (The Mandela Rule 74) requires strengthening of prisons institutional capacity to ensure they fulfill their functions. This were supposed to be operationalized through defined management structure, the staff organizational structure and staff numbers in terms of custodial, administration, programmes, industries, health, and maintenance.

Furthermore, regulations 21, 22, and 28 of the Prisons (Prisons Management) Regulations of 1968 also require prisons to be well administered and maintained. It further provides for services that should be provided to remandees and prisoners such as accommodation, food, clean water, clothing, well maintained sewerage systems and health services.

Assessment was done to establish the extent of TPS to administer and provide for remands and prison services, below were the noted issues:

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### 3.4.1 Inadequate Facilities and Training to Ensure Administration and Provision of Prisons Infrastructure and Services

MoHA and TPS Strategic Plans highlighted the need to strengthen prisons administration framework to ensure that TPS works in an efficient and professional manner in provision of services to remandees and prisoners. Accordingly, TPS was expected to ensure availability of adequate infrastructure and services such as prisoners and prison staff accommodation, transport, security tools, staffing and staff trainings.

During site visits to selected remands and prisons, the Audit Team noted TPS's efforts in administering and providing remands and prisons infrastructure, however, there were areas noted which needed improvements as explained below:

#### *(i) Insufficient Accommodation for Remands and Prisoners*

Regulation 21(1) of the Prisons (Prisons Management) Regulations of 1968 requires that every remand or prisoner admitted in remands and prisons to be given the entire basic requirements of his or her accommodation. They are entitled to sufficient sleeping area, clean and full-aired rooms. In addition, accommodation will, at all times, be kept in a clean sanitary condition.

The visits made to prisons stations found that, they were overcrowded due to lack of sufficient space to accommodate the number of remandees and prisoners.

Generally, number of inmates in visited prisons was higher than the authorized accommodation capacity of the prisons as well as prison cells. **Table 3.3** provides for number of remandees and prisoners accommodated in 15 visited prisons from six regions of Da es Salaam, Lindi, Tanga, Iringa, Singida and Mwanza.

**Table 3.3: Number of Inmates Accommodated in the Visited Prisons and Remands**

Region	Prison	Authorised Capacity of Prison Inmates to be Accommodated	Number of Prison Inmates Accommodated	%age of Prison Inmates Accommodated
Dar es Salaam	Keko	340	999	194
	Segerea	1036	1552	50
	Wazo Hill	120	121	1
Lindi	Kingurungundwa	39	88	126
	Kilwa	90	56	-38
Tanga	Kwa Mngumi	80	75	-6
	Pangani	141	57	-60
Iringa	Iringa	643	443	-31
	Isupilo	300	196	-35
Singida	Kiomboi	58	132	128
	Manyoni	170	299	76
	Ushora	160	32	-80
Mwanza	Butimba	934	1247	34
	Magu	134	138	3
	Ukerewe	248	130	-48
<b>Total</b>		<b>4493</b>	<b>5565</b>	<b>24</b>

*Source: Auditors' Analysis of Remands and Prisons Reports, 2021*

Based on **Table 3.3**, there were 5,565 inmates accommodated in 15 prisons with a combined capacity of 4493 inmates. Thus, there were 1072 inmates in excess of available capacity, which is about 24%. In addition, 8 prisons are overcrowded ranging from 1% to 194% of respective capacity, whereas 7 prisons have unutilized capacity ranging from 6% to 80%. The highest rate of congestion was noted in Dar es Salaam region in Keko prison which had excess of 194%.

All visited prisons of Tanga and Iringa region were observed to have less prisoners compared to authorized capacity, this was caused by small number of crimes, which were recorded in respective regions. Also, having less remands and prisoners was attributed by the fact that, most of them did not accommodate remandees as, they were accommodated in central prisons for ease of transport to attend their particular cases which were



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mostly pending in Resident Magistrate Courts and High Courts. This was the case for Pangani District prison.

The Audit Team further noted that, for the case of Iringa District Prison which had less prisoners, some prisoners who had remained with imprisonment of between 3 to 6 months were transferred to farm prisons to facilitate production activities. The Audit observed at least 24 prisoners being transferred from Singida District Prison to Isupilo farm prison. This practice reduced number of prisoners for Iringa District Prison.

Similarly, at least one prison in visited regions of Lindi, Singida and Mwanza were found to have less number of prisoners compared to their authorized capacities, these were Kilwa (56 out of required 96 capacity), Ushora (32 out of required 160 capacity) and Ukerewe prison (130 out of required 248 prisoner). This was caused by the new institutional reforms of self-reliance where prisoners were heavily involved in production in both urban and farm prisons hence, there was large shift of prisoners from one prison to another especially to those with agricultural projects to serve as labour force in those farms.

Out of the seven visited Regional Offices, Dar es Salaam region prisons had excess number of prisoners than all other visited prisons. This was noted in Keko, and Segerea. The reason for Dar es Salaam having excess of prisoners includes nature of convicts. Prisons of Keko and Segerea accommodated remandees and convicts whose cases and sentences could not allow them to easily get out of prisons for lack of bail and nature of crimes committed and convictions; number of crimes in Dar es Salaam was higher compared to other visited Regions; and Dar es Salaam population was higher as compared to other visited regions which make it most vulnerable to criminal acts.

The analysis further shows that, all visited central prisons of Keko, Segerea and Butimba were congested followed by Districts and farm prisons which were less and least congested respectively. This was caused by the increase in number of inmates who were committed to prisons through court orders without increasing the capacities of the remands and prisons infrastructures. Likewise, farm prisons were less congested

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because it only hosted prisoners with short sentences of between 3 to 24 months.

Interviews with officials dealing with remands and prisoners services showed that prison management has no mandate to refuse accepting the remandees and prisoners even if when the spaces for accommodating such prisoners or remandees is not available. Moreover, the increase in overcrowding was attributed by lack of defined policy or initiatives to expand the existing prisons or establish new ones for accommodating the excess number of remandees and prisons inmates.

The Audit Team conducted physical observation to prisons accommodation buildings and noted that most of the buildings were old and needs major renovations. The worst condition was noted in farm prisons where inmates were sleeping in cells made of iron sheets. This was noted in Ushora and Kingurungundwa farm prisons as shown in **Photos 3.1**.



**Photo 3.1:** Prison Dormitory made by iron sheets used by Prisoners at Ushora Farm Prison (Photo was taken on 12<sup>th</sup> November 2021)

However, the Audit Team noted that, in 2015/16 the prison management had initiated the construction of a new building, which would accommodate at least 200 inmates to replace the old one, which was made of iron sheets. However, due to lack of funds to complete the building, the construction stopped. **Photo 3.2** shows the section of the building to be used as prison dormitory.



**Photo 3.2:** Cross-section of the new prison ward whose construction stopped for lack of fund at Ushora Prison in Singida Region (Photo was taken on 12<sup>th</sup> November 2021)

### **(ii) *Inadequate Provision of Prisons Staff Accommodation***

Based on MoHA's strategic and annual plans of 2016/17 - 2020/21, the national need for prisons staff houses was 14,747 during the period under audit. However, available number of prisons staff houses was 4,221. This is equivalent to 29% of the actual need in the whole country.

Furthermore, review of TPS's Strategic Plan of 2016/17 to 2020/21 showed that TPS had planned to construct 14,000 staff houses and renovate 2,000 staff houses. However, all reviewed TPS annual plans neither reflected the above targets nor provided for budgets for construction and renovation of prisons staff houses for the past five financial years.

The Audit Team visits made to sampled prisons established that TPS had taken initiatives to construct two-in-one house in all visited Central, District and Farm prisons. A total amount of TZS 38,000,000 (raised by TPS Commissioner General from revenue acquired from production activities implemented by TPS) was disbursed to prisons and the construction was at different stages.

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However, the Audit Team noted that most of visited prison staff houses were in wretched condition because of lack of maintenance and repairs. Prison staff houses lacked adequate clean water supply. The sewerage systems were old and most of them were leaking. This situation was noted in six prisons of Keko and Butimba Central Prisons; Kilwa, Manyoni, Ukerewe District prisons; and Kingurungundwa and KwaMngumi Farm prisons.

The visits made to regional and district prison further noted that the available staff house lack maintenance (see **Photo 3.3** below) hence increase the health risk and lower comfortability of prisons staff and their families. Lack of maintenance and shortage in prisons staff accommodation were attributed to lack of budgets for maintenance of prisons staff houses. Lack of maintenance also shortens the service life of the houses.



**Photo 3.3(a):** Prisons staff houses in a dilapidated condition at Kilwa Masoko Prison in Lindi (Photos were taken on 25<sup>th</sup> October 2021)



**Photo 3.3(b):** Prisons staff houses in bad living condition at Ushora Farm Prison in Singida Region (Photo was taken on 12<sup>th</sup> November 2021 at 11:30a.m.)



**Photo 3.3(c):** Prisons staff houses in a wretched condition at Kingurungundwa Farm Prison (Photo was taken on 26<sup>th</sup> October 2021)

As shown in **Photos 3.3 (a) to (c)**, staff houses were found to be in deplorable conditions and prisons staff were living in those houses because they had no option due to remoteness of farm prisons and inadequate number of houses as compared to the number of prison staff at the respective prison stations.

The Audit Team further noted that, nine houses, which accommodated 26 prison staff families, were not complete but staff were living in those houses due to lack or shortage of descent houses for accommodation. This case was observed in prisons of Ukerewe (four houses each with four-in-one), Magu (two houses each with two-in-one), Manyoni (two houses each with two-in-one), and Kwa Mngumi (one house of two-in-one) prisons.

Due to shortage of staff houses and poor condition of available staff houses, the Audit Team noted that there were 1628 available staff in 15 visited prisons, out of which, 645 staff lived outside of prison premises as shown in **Table 3.4**.



**Table 3.4: Number of Staff living Outside the Prisons due to Lack of Staff Houses**

Name of Prison	Total Number of Staff	Number of Staff Living within the Prison Premises	Number of Staff Living Outside the Prison Premises	Percentage Staff living outside the Prison Premises
Wazo Hill	74	21	53	72
Segerea	434	153	281	65
Butimba	235	187	48	59
Magu	51	21	30	58
Keko	282	178	104	37
Manyoni	58	41	17	30
Kiomboi	54	38	16	29
Ukerewe	54	38	16	29
Pangani	42	31	11	26
Kilwa Masoko	48	36	12	25
Kingurungundwa	24	19	5	21
Iringa	124	98	26	21
Kwa Mngumi	46	38	8	17
Isupilo	74	64	10	14
Ushora	28	20	8	8
<b>Total</b>	<b>1628</b>	<b>983</b>	<b>645</b>	<b>40</b>

*Source: Prisons Staff Records and Auditors' Analysis, 2021*

As shown in **Table 3.4**, 645 of all prison staff in the visited prisons, which is equivalent to 40%, were living outside prisons premises contrary to requirement of Prisons Standing Order of 2003. The highest rate was recorded to be 72% at Wazo hill farm prison followed by Segerea, which has 65% while the lowest was 14% at Isupilo farm prison. However, number of staff present at the respective prisons stations could affect these percentage variations.

These caused difficulties in ensuring staff were present within prisons compounds at all times to respond for emergency situations when they arise. This hindered proper administration of prisons inmates and infrastructure in terms of operations and security, for instance, it was noted that, in Ukerewe in the year 2018, four prisoners escaped from custody while carrying out outdoor production activities. According to Prisons Officer in-charge, this was a result of not having sufficient number of prison officers to attend all prisoners at the same time during outdoor activities.

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**(iii) Shortage of Transport Facilities for Remandees, Prisoners and Staff**

The review of TPS' Strategic Plans and Transport register of 2021 indicated that there was a shortage of transport facilities for prisons and prisons staff. The recorded rate of shortage of the vehicles was 75% of the required vehicles.

The TPS progress reports of 2019/20 and 2020/21 and interviews with TPS officials responsible with transport issues indicated that currently some prisons did not have transport facilities and some had dilapidated vehicles.

However, the Audit Team noted that in the year 2008, TPS received support from Legal Sector Reform Programme and supplied with eight (8) motor vehicles to facilitate transportation of remandees from Prisons to Courts. This was a pilot project which covered four Regions of Dar es Salaam, Arusha, Dodoma and Coast Region.

Since then, TPS has not been able to procure more vehicles. According to TPS progress reports of 2019/20, TPS lacked enough resources to facilitate procurement of new vehicles. As a result, since 2008 TPS has not been able to procure new vehicles for the purpose of improving transport services in prisons. Table 3.5 shows the allocated number of motor vehicles in the visited regional and district prisons.

**Table 3.5: Availability of Vehicle in Selected Prisons**

Prison	Number of Vehicles Required	Number of Vehicles Available	Deficiency
Butimba	8	2	6
Keko	8	4	4
Segerea	8	4	4
Kilwa	3	1	2
Pangani	2	0	2
Kingurungundwa	2	1	1
Wazo hill	2	1	1
Kwa Mngumi	2	1	1
Iringa	2	1	1
Isupilo	2	1	1

Prison	Number of Vehicles Required	Number of Vehicles Available	Deficiency
Manyoni	2	1	1
Kiomboi	2	1	1
Ushora	2	1	1
Magu	2	1	1
Ukerewe	2	1	1
<b>Total</b>	<b>49</b>	<b>21</b>	<b>28</b>

*Source: Statistical Data from TPS, 2021*

**Table 3.5** indicates that in each of the visited prisons, there was shortage of reliable transport facilities to facilitate prisons activities which stood at 28 vehicles. The situation was worse at Pangani District prison in Tanga region as there was no vehicle despite having a requirement of two vehicles. **Table 3.5** further shows that 12 prisons had only one vehicle, and only three prisons of Keko and Segerea in Dar es Salaam and Butimba in Mwanza regions had more than one vehicle.

During the visit to Regional and District Prison offices, it was noted that the few vehicles that were available for prisons and remands operation were in bad physical and mechanical condition while no measures were taken to initiate their replacement. There were no budgets which were set aside in respective districts and regional level for procuring new ones. All vehicles observed in all 15 visited prisons were received between 2007 and 2008. These vehicles have never been replaced up to the time of this audit. **Photo 3.4** provides for the condition of some of the vehicles found at the prisons stations that were visited.





**Photo 3.4(a):** Interior view of the Buses which were no longer in use due to excessive dilapidation at Segerea Prison (Photos were taken on 22<sup>nd</sup> October 2021)



**Photo 3.4(b):** Exterior view of prison bus used for transporting remandees to Courts within Dar es Salaam at Segerea Prison office (Photos were taken on 22<sup>nd</sup> October 2021)



**Photo 3.4(c):** Dilapidated prison car used for both administrative and prison activities at Kingurungundwa farm prison (Photos were taken on 26<sup>th</sup> October 2021)

Insufficient and poor transportation facilities affected the ability of TPS to take remandees and prisoners to courts, health centers, hospitals and other places hence reduced efficiency in provision of Prison services.

Furthermore, lack of adequate and maintained vehicles for both administrative and operational activities was an indication that, TPS had failed to fulfil their primary mandate of transporting remandees from prisons to courts because this function is to a large extent discharged by the police force. Moreover, due to lack of transport for administrative purposes caused by absence or obsolete vehicles at prison levels, prisons encountered hardships in handling daily operational activities including attending regional and district meetings.

For instance, the Audit Team noted failure to transport agricultural products from farms, firewood and transferring sick remandees and prisoners to referral hospitals. This case was noted at Kingurungundwa prison which was 68 km away from Lindi District Council and Ukerewe prison whereas remandees and prisoners were transferred through ferries to Mwanza which is 56 km.

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**(iv) Inadequate Training to Prisons Staff**

Prisons Service Standing Order of 2003 require the Commissioner General of Prison to ensure supervision and in-service training of all prison officers under his command.

Review of TPS Medium Term Expenditure Frameworks (MTEF) 2019/20-2021/22 and 2016/17-2018/19 and Strategic Plan of 2016/17-2020/21 indicated that TPS had planned to train prisons officers for enhancing skills and knowledge in treatment of offenders.

Interviews held with TPS officials revealed that TPS did not adequately provide trainings to prisons staff for the past five years although trainings were budgeted for in its MTEFs and SPs. Details of planned training as per MTEF are as indicated in **Table 3.6**.

**Table 3.6: Status of Planned Vs Conducted Prisons Trainings from 2016/17 to 2020/21**

Financial Year	Planned Number of Prisons Staff to be Trained	Number of Trained Staff	% of Staff Trained	Availability of Training Reports
2017/18	187	0	0	Nil
2018/19	289	0	0	Nil
2019/20	588	82	14	Nil
2020/21	578	105	18	Nil

*Source: TPS MTEF, 2016/17 - 2018/19; 2018/19 - 2020/21; Progress Reports of 2016/17 to 2020/21; and Auditors' analysis, 2021*

As indicated in **Table 3.6**, it can be seen that for the past five financial years TPS provided training to a total of 187 of all 1642 prisons staff who were in the plans. In the financial year 2020/21, 105 prisons staff were trained while in the financial year 2019/20, 82 staff were trained. **Table 3.6** further indicates that none of the staff was trained in the financial years 2017/18 and 2018/19.

According to interviews with officials responsible with training, it was noted that provided trainings were on management of prisons and prisoners, prison security and health and safety.

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Based on the interviews held with administrative officials, TPS could not train prisons staff as per respective annual training plans due to insufficient funds disbursed to facilitate this activity. Other established reasons for not achieving the planned targets was that TPS did not have comprehensive and consolidated training programmes, training plans or prisons staff training schedules. As a result, trainings targets could not be achieved as needs for training were not adequately established.

Lack of trainings to staff pose a risk of not adhering to established standards on treatment of prisoners as well as remandees which may impair the performance of the prison in delivering services to prison inmate's i.e. depriving remandees and prisoners' rights.

**(v) *Existence of Worn-out Prison Staff Uniforms***

According to Prisons Standing Orders of 2003, Prisons staffs are supposed to be supplied with two pairs of uniforms after every six months. These uniforms are for official use and with defined official colors. However, the Audit Team noted that for the past four financial years from 2017/18, 2018/19, 2019/20 and 2020/21, prisons staff in visited prisons were not provided with the uniforms as required by Prisons Standing Order 37 of 2003.

Field visits conducted to the selected prisons revealed that uniforms used by prison staff were of different in colors, material and some were torn down and changed color. Interviews held with prison staff in the visited prisons indicated that difference in uniform colors was noted to be caused by the fact that each staff who had no uniform or whose uniforms were worn-out purchased the materials/fabrics individually since they were not provided with uniforms from 2017/18 to 2020/21. This situation has reduced smartness and personality of prisons staff and officers as well as reduced morale despite their important role in keeping and rehabilitating prisoners.

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**(vi) *Security Infrastructure and Systems were Not Available in Most of Visited Prisons***

Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules of 2015) requires prisons to ensure provision of safety and security of prisoners, staff, service providers and visitors at all times.

Review of the TPS's Strategic Plan, Annual Plans, Progress Reports and Budget; as well as interviews carried out with TPS officials and officer's in-charge of visited prisons revealed that TPS did not have enough modern security systems and facilities to enhance security within and outside the prison premises like scanners, metal detectors, Closed Circuit Television (CCTV) and searchlights. They further reported that, they had acute shortage of security staff as shown in **Section 2.7.3** of this report, outdated technology and poor building infrastructure.

This condition was observed in 15 visited prisons whereby only two prisons of Keko and Segerea in Dar es Salaam region (equivalent to 13% of all 15 visited prisons) had CCTV camera for enhancing security of the prison premises. Other Prisons did not have CCTV cameras. This makes them to depend largely to prison staff for security purposes.

The insufficient security equipment was caused by lack of budgeting for purchasing security equipment. It was noted that, there was no budget in TPS's MTEFs and annual budgets despite the fact that the Strategic Plans recognized the need for improving security systems within and outside the prisons in the country.

Unsatisfactory security systems in prisons resulted into various incidences of prisoners to escape and prisoners bringing in contrabands such as unauthorized articles like foods, needles, razorblades, knives, drugs and other prohibited substances. For instance, interviews held with visited prisons management revealed that due to insufficient security, in the past four financial years from 2017/18 to 2020/21, 14 escape cases were reported, 6 in Butimba, 3 in Ushora, 2 in Singida and 3 in Ukerewe prisons.

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### 3.4.2 Inadequate Maintenance to Prisons Infrastructure

Best practices<sup>22</sup> require authorities responsible for managing, planning and/or constructing prisons to appreciate the need for ongoing maintenance. They were expected to consider the availability of materials, equipment and technical skills and prepare a maintenance budget.

Review of TPS Strategic Plan, MTEFs and Annual Plans for the period under Audit noted that TPS did not set annual targets of maintaining prisons buildings and their corresponding infrastructure including staff houses and vehicles.

Furthermore, TPS did not have maintenance plans to support its maintenance activities and there was no budget which was set aside for maintenance purposes. Due to this maintenance of prisons' vehicles and buildings infrastructure was left to the respective prisons using their own source.

The Audit Team noted that, this was associated with inadequate budget allocated to TPS since 2016/17 as the Government pulled out from financing prisons operations namely; maintenance of prisons buildings and vehicles and infrastructures such as sewerage systems and water supplies systems. Also, it was noted that even at visited prisons, there were no plans and budgets that was set aside for maintenance activities. Due to that, maintenance was done on ad-hoc basis depending on the severity of the infrastructure defect.

Furthermore, the Audit Team noted that with exception of Keko and Segerea prisons, the rest of 15 visited prisons did not have construction or maintenance engineers. The management used unqualified people for the maintenance.

Due to unsatisfactory maintenance, the accommodation facilities for remandees, prisoners and prisons staff were in bad condition as explained

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<sup>22</sup>International Commission for Red Cross Guidance on Water, Sanitation, Hygiene and Habitat 2012, p. 27



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in **section 3.3.1 (i) and (ii)** respectively. Similarly, the Audit Team observed vehicles, which were in bad condition due to lack of maintenance as further explained in **Section 3.3.1. (iii)**.

### **3.4.3 Inadequate Routine Inspections of Prisons Infrastructure**

Rule 83 of the United Nations Minimum Standard Rules for the Treatment of Prisoners of 2015 requires prisons administration to carry out regular inspections of prisons infrastructure and services to ensure that prisons were managed in accordance with existing laws, regulations, policies and procedures.

Review of TPS' annual plans of 2016/17 to 2020/21 indicated that, TPS did not provide for regular inspections of prisons infrastructure in four financial years of 2017/18, 2018/19, 2019/20 and 2020/21. Interviews with TPS officials revealed that inspection was carried out on ad-hoc basis depending on a particular event or occurrence and that it is the mandate of Commissioner General of Prisons (CGP) to order inspection once he thinks there is a need to do so as per Section 5(2) of the Prisons Act, Cap. 58 [R.E. 2002].

Further inquiries revealed that TPS had an inspection unit which was responsible for carrying out inspections to prisons. But it was noted that the section did not have inspection plans and did not conduct routine inspection on the available infrastructure in order to assess its condition.

The Audit Team further noted that the reason for lacking routine inspections was lack of monitoring strategy, inspection plans and schedules for the financial years 2016/17 to 2020/21. Lack of inspection plans was attributed to the activity not being included in TPS's strategic and annual plans. In addition, it was further noted that the inspection activity was not budgeted for and as such it was conducted on *ad-hoc* basis depending on the availability of funds or upon the request of the CGP.

Lack of routine prisons inspections has led to prolonged deterioration of prisons infrastructure due to lack of preventive maintenance interventions.

The interviews with TPS's inspection unit officials revealed that respective prisons management at central, district and farm levels carried out daily inspections and the reports were sent to TPS Headquarters through the regional prison office. Usually, the inspection covers all prisons premises starting from status of remandees and prisons cells, number of remandees and prisoners, security issues, remandees and prisoners' health, food, sanitary and environment. After inspection, on a daily basis, a brief is prepared either in written or oral form and submitted to Officer In-charge of prison who will later channel it to the Regional Prisons Officers and ultimately to the CGP for further actions.

Furthermore, RPOs in the six visited regions stated that regional officers carried out inspection of prisons after every three months i.e. quarterly and TPS Headquarters carried out inspections to prison stations depending on the seriousness of the issues noted from inspections conducted by regional, district or farm prisons. **Table 3.7** shows extent of Inspection conducted to District Prisons by Regional Prisons Offices.

**Table 3.7: Extent of Inspections Conducted by Regional Prison Offices to Prison Stations in Respective Regions**

Region	Financial Year	Planned Number of Inspections	Actual number of conducted Inspections
Dar es Salaam	2017/18	4	0
	2018/19	4	0
	2019/20	4	2
	2020/21	4	1
Lindi	2017/18	4	0
	2018/19	4	0
	2019/20	4	1
	2020/21	4	1
Tanga	2017/18	4	2
	2018/19	4	0
	2019/20	4	0
	2020/21	4	1
Iringa	2017/18	4	1
	2018/19	4	1
	2019/20	4	2



Region	Financial Year	Planned Number of Inspections	Actual number of conducted Inspections
	2020/21	4	1
Singida	2017/18	4	0
	2018/19	4	0
	2019/20	4	1
	2020/21	4	1
Mwanza	2017/18	4	2
	2018/19	4	1
	2019/20	4	2
	2020/21	4	1

*Source: TPS Strategic Plans, Interviews and Auditors' Analysis, 2021*

**Table 3.7** shows that for the past four financial years, Regional Prisons Offices did not achieve the target of carrying out inspections as per plan. The highest achievement was noted in Mwanza Region which was able to conduct a maximum of two (2) inspections whilst the lowest was in Lindi and Singida regions which have maximum of one (1) in two financial years 2019/20 and 2020/21. In all five regions, the most inspected prison category was central prisons as compared to districts and farm prisons.

However, for those regions which managed to carry out the routine prisons inspections, inspection reports could not be availed to auditors on the excuse that the respective reports were classified as confidential and could not be shared. Further initiatives were made by requesting the reports from TPS Headquarters but nothing was availed hence auditors could not establish the extent of conducted inspection.

#### **3.4.4 Inadequate Provision of Services and Utilities to Prisons and Prisoners**

Best practices<sup>23</sup> require that the prison infrastructure must provide a safe environment regardless of where the prison was located and the resources available. Infrastructure includes safe electricity and water systems,

<sup>23</sup>International Commission for Red Cross Guidance on Water, Sanitation, Hygiene and Habitat 2012, p. 27

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buildings and surrounding environment. Furthermore, Regulation 21, and 22 of the Prisons (Prisons Management) Regulations of 1968 of the Prisons Act, Cap. 58 [R.E. 2002] provides for essentials needed for the inmates who reside within the remands and prisons. Inmates were entitled to clean environment, water, health, food and clothing.

During the visit conducted to central, district, and farm prisons, the Audit Team noted a number of weaknesses related to provision of water, health services and clothing that were directly affecting the welfare of remands and prisoners. These are further detailed below:

**(i) *Inadequate Water Supply and Poor Sewerage Systems***

Section 65 of the Prisons Act, Cap. 58 [R.E. 2002] as well as International Standards<sup>24</sup> require prisoners to have access to clean water for cooking, drinking, personal use and laundry. In addition, prison management must ensure that drinking water and water for all other purposes is free of charge and freely available to all detainees.

During the visit to central and district prisons, it was noted that 8 out of 15 of the visited prisons did not have clean water services within their premises. The Audit Team noted that, 4 out of 15 prisons maintained water tanks that were used as storage in case there was no water from water supply authorities. This was observed at Kwamngumi farm prison in Tanga Region, Kingurungundwa farm prison in Lindi Region, Manyoni district prison and Ushora farm prison in Singida Region.

Positive developments were noted at Segerea prison whereas the prison engaged a contractor through Tanzania Social Action Fund programme for construction of water tank for storage and supply of clean water throughout the prison premises. The contract was worth TZS 198 million and was expected to run for a period of six months. The contract also included the renovation of wastewater and sewerage system at the prison.

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<sup>24</sup>Rule 22(2) United Nations Minimum Standards on Treatment of Offenders, 1956 (Mandela Rules); International Commission for Red Cross, 2012.

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Interviews held with TPS officials responsible for remandees and prisons services revealed that Districts and Farm prisons were located outside the urban areas, which made them lack clean, and safe water for drinking and cooking purposes. They usually relied on constructed local dams.

According to interviews with Officers' in charge of prisons, inadequate supply of water was a result of lack of supply from water authorities due to unpaid water bills which made the authorities to regularly disconnect the service. As a result, prisoners were forced to fetch water from wells and village water pumps which endangers safety and security of both the community, prison staff, remandees and prisoners as well. This was particular in case of escape of prisoners and deliberate contamination of water sources. Moreover, prisoners would be attacked by the community due to the existing perception of seeing prisoners as enemies of the community. In addition, use of untreated water would lead to health complications.

During the visits in selected prisons, the Audit Team observed leakages of water pipes and taps. The water pipes were too old and rusted and were crossing the waste water pipes. Over 80 remandees and prisoners shared a single tap. This was observed at Butimba, Ukerewe, Manyoni, Pangani, Kilwa and Wazo Hill prisons.

In addition, waste water and sewerage systems were too old and there were no plans of renovation or replacement. This means that in the long run the systems may collapse and pose a huge risk of epidemic diseases. The Audit Team acknowledges decent and clean water and water serving environment being provided at Iringa and Kiomboi District prisons, whereas the points for accessing water within the prisons were well cleaned and structured with tiles.

## ***(ii) Unsatisfactory Health and Medical Services Infrastructure***

Section 27 of the Prisons Act, Cap. 58 and United Nations Minimum Standard on Treatment of Offenders, of 2017 require every prison institution to make available at least one qualified medical officer who should have some knowledge of psychiatry for provision of health services.

The medical services should be organized on close relationship to the general health administration of the community or nation.

Review of TPS' Strategic Plans of 2016/17 to 2020/21 showed that prisons in the country have inadequate healthcare infrastructure and equipment' especially those located in remote areas such as open farm prisons and District prisons. The strategy showed that in 126 prisons, at least 78% to 80% did not have qualified medical practitioners, decent healthcare services and infrastructure.

The same situation was noted in visited prisons as there was shortage of medical personnel in all of the visited prisons when compared to number of prisoners. For instance, Singida, Kiomboi and Ukerewe District Prisons had only one medical practitioner each, who also acted as an in charge of the Prisons Dispensary. Isupilo farm prison had two medical officers and who were on leave at the time of the visit, hence there was one pharmacist who was in charge of the Dispensary. **Table 3.8** provides for status of availability of medical personnel in visited prisons at the time of visit.

**Table 3.8: Status of Medical Personnel in Visited Prison at the Time of the Visit**

Prison	Required Medical Personnel	Available Medical Personnel	Deficit (%)
Kingurungundwa	12	0	100
Ushora	12	0	100
Pangani	24	1	96
Manyoni	24	1	96
Kiomboi	24	1	96
Ukerewe	24	1	96
Wazo	12	1	92
Kilwa	24	2	92
KwamNgumi	12	1	92
Magu	24	2	92
Butimba	34	3	91
Iringa	24	4	83
Isupilo	12	2	83
Keko	34	6	82
Segerea	34	20	41

Prison	Required Medical Personnel	Available Medical Personnel	Deficit (%)
Total	330	45	86.4

*Source: Medical records and Auditors' Analysis, 2021*

**Table 3.8** shows that all 15 visited prisons had insufficient number of health personnel. The highest deficit was noted in Kingurungundwa and Ushora farm prisons which had no medical personnel, whilst the lowest was noted in Segerea prison with the deficit of 41%. Other prisons had deficits ranging from 82% to 96%.

Consequently, prison dispensaries offered only limited treatment and sometimes did not offer services at all due to lack of personnel. Thus, prison management was forced to transfer remandees and prisoners to Dispensaries or Health Centres outside the prison premises. For instance, Keko, Kingurungundwa, Iringa, Manyoni, and Ukerewe prisons lacked maternal health services due to inadequate medical officers and facilities.

According to TPS officials dealing with prison health services at visited prisons, the reasons for insufficient healthcare services within remands and prisons included:

- ***Insufficient medical practitioners:*** It was noted that for the last two financial years, i.e. 2019/20 and 2021, prison staff both commissioned and non - commissioned staff were nominated to attend various rank promotion courses which took three to six months in different prison colleges and among the cadres which was largely given priority was health practitioners. However, despite the gap no replacement was made;
- ***Dilapidated and lack of health care buildings, laboratory and medical equipment's for provision of health care services:*** In all 15 visited prisons, only five prisons namely Keko, Segerea, Iringa, Isupilo, and Butimba had functional dispensaries within the prison i.e. equipped with medical and laboratory equipment. The remaining 10, some lacked both health care buildings and medical/laboratory equipment's while some had health care building but not equipped with medical and laboratory equipment;

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- ***insufficient transport services (Ambulance) for transporting prisoners to healthcare facilities:*** in 15 visited health facilities, no prison had its own dedicated ambulance to cater for remands and prisoners health needs and emergencies; and
  - ***Overcrowding of prisoners in prisons:*** based on the number of health practitioners (as indicated in **Table 3.8** above), the population of remandees and prisoners exceeded the capacity of available health practitioners hence could not meet the needs of remands and prisoners.

For reasons above, TPS was forced to transfer remandees and prisoners with health problems to Dispensaries, Health Centers or Regional referral hospitals outside prisons' premises for treatment. This affected other operations by reducing number of prison staff who would be used for enhancing security at the prisons but rather they were forced to stay with remandees in hospitals outside the premises of the prisons.

### ***(iii) Dilapidated Bedding and Cooking Facilities***

The ICRC guideline on, water, sanitation, hygiene and habitat in prison requires accommodation including bedding facilities to be readily available and cooking facilities to be well designed and take into consideration type of fuel to be used.

It was observed that, bedding facilities in visited prisons were dilapidated. Mattresses were very old and in wretched conditions. This was observed in Segerea, Butimba, Pangani, Ukerewe, Kwamngumi and Kingurungundwa prisons.

During site visits to prisons, the Audit Team observed the use of old cooking facilities such as cookers and kitchens. Interviews with Officers In-charge of visited prisons shows that the utensils used by inmates have never been replaced for the past five financial years. This was specifically observed in Butimba, Pangani, Ushora, Ukerewe, Magu and Kwamngumi prisons.

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Furthermore, the Audit Team noted a massive use of firewood as major source of energy for cooking prisoners' food. Use of firewood poses the risk of deforestation and degradation, which may result to environmental and health complications. The interviews with Prison officers' in charge from visited prisons revealed that TPS were unable to go for alternative source of energy due to budget constraints.

Due to limitations provided under Section 83 (e) of the Prisons Act, 1967 [R.E. 2002], the Audit Team could not be able to obtain the indoor photos of the visited prisons.

### **3.5 Inadequate Monitoring of Prisons Services**

Strategic Plans of MoHA's and TPS' of 2016/17 - 2020/21 recognises monitoring and evaluation as one of the key functions that needs to be used in measuring the performance of administration and provision of prisons infrastructure. This was supposed to be done through quarterly monitoring of prisons services activities throughout a year based on the identified key performance indicators.

Accordingly, both Regulation 6 of the Prisons Services Regulations of 1968 and TPS's Strategic Plan of 2016/17 - 2020/21 state that monitoring of administration and provision of remands infrastructure was required to be conducted by MoHA at national level whilst TPS had a role of monitoring its daily operations and report on quarterly basis.

However, review of MoHA's Strategic Plan showed that monitoring was expected to be done through inspections to prisons and development projects being implemented by TPS at Central, District and Farm level. However, the Audit Team noted that there were inefficiencies in monitoring prisons services as further explained in section below:

#### **3.5.1 MoHA did not Adequately Monitor TPS' Performance**

According to MoHA SP 2016/17 to 2020/21, MoHA through the Directorate of Research, Policy and Planning was expected to carry out monitoring function on annual basis on the activities implemented by institutions under the Ministry. Monitoring was supposed to be done through physical

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inspections of prisons as well as reviewing annual performance reports from TPS.

However, interviews held with MoHA officials responsible for monitoring and evaluation revealed that for the past four financial years, i.e. 2017/18, 2018/19, 2019/20 and 2020/21 the Ministry conducted one monitoring activity. This was conducted in the financial year 2020/21 whereby only five (5) regions covered which were Dodoma, Tabora, Singida, Dar es Salaam and Pwani.

However, review of monitoring reports showed that the conducted monitoring by the MoHA focused mainly on development projects implemented by TPS in respective regions such as construction of prison staff houses that were noted to be at different stages of completion. Other prisons were not monitored.

Furthermore, MoHA did not have monitoring strategy or plans in place for monitoring TPS operations. Due to this TPS' operations to a large extent remained unmonitored. This poses a risk that TPS will go unnoticed if it does not adhere to its plans.

Interviews held with officials from the Directorate of Policy and Planning showed that failure to conduct monitoring to TPS activities was attributed to lack of monitoring fund whereas, from financial year 2016/17 to 2019/20 no funds were allocated for monitoring TPS activities. This was because, TPS was considered as autonomous and independent from MoHA and therefore MoHA was not having direct control or influence to TPS' activities. Thus there was no budget for monitoring of TPS's activities.

Moreover, the office of the Assistant Director of Policy and Planning who was responsible with monitoring and evaluation did not have transport facilities to enable timely monitoring of TPS and prisons services activities as discharged by TPS and respective regional prisons offices.



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### **3.5.2 TPS did not adequately Conduct Self- Monitoring**

TPS's Strategic Plan recognises a need to establish a robust monitoring and evaluation function within TPS. However, to date the efforts have not materialised. Interviews with officials responsible for planning at TPS revealed that since its establishment TPS had not established a dedicated unit for undertaking monitoring activities.

Further interviews held with same officials showed that, the monitoring function was assumed by the Statistics Unit which was under Finance and Planning Division. However, since 2017/18 up to the time of this audit no monitoring activity that was carried out by TPS.

The Audit Team noted that TPS had planned to conduct evaluation every year to ascertain whether expected outcomes and achievements were met in correlation with projections in the Strategic Plan. However, review of Progress Reports for years 2017/18 to 2020/21 did not show whether evaluation of TPS's performance was done as per TPS's Strategic Plan. This was attributed by lack of dedicated unit to deal with monitoring and evaluation activities at TPS.

Lack of monitoring and evaluation would result to submission of unrealistic information to TPS management from Central, District and Farm prisons level; as well as to the MoHA. This was because TPS had no mechanisms to enable the management to track and verify the submitted information.

### **3.5.3 Inadequate Reporting of Performance and State of Prisons Infrastructure**

#### ***a) TPS did not Adequately Report on the State of the Prisons Infrastructure***

Review of MoHA and TPS' Strategic Plans of 2016/17 to 2020/21 indicated that both MoHA and TPS were expected to periodically collect data and report to the respective Unit, Section, Division and Senior Management for them to take necessary interventions to address identified gaps.

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Interviews held with officials from MoHA and TPS showed that, the reporting mechanism was not effective because the monitoring function was yet to be effected within TPS.

The Audit Team noted that reporting was done through the Statistics Unit which gathered data from District and Regional Prisons and compiled a general report. However, the reports, which were submitted to the auditors for review, were not comprehensive as they did not report on state of the prisons such as prisons infrastructure, but rather they reported on the statistical number of remandees and prisoners within the prisons.

Lack of reliable information on prisons infrastructure was likely to undermine planning for maintenance, renovation or construction of prisons to accommodate remandees and prisoners. The reports would not provide comprehensive information to inform decision making on part of the management.

#### ***b) Absence of Database for Reporting Prisons Infrastructure***

The best practices<sup>25</sup> require prisons to maintain data and checklists to ensure that all data related to prisons administration was properly recorded and stored. Normally the database was expected to include basic principles of treatment of prisoners; safeguards; material condition of prisons; safety order and discipline of offenders, healthcare and prisons staff.

The database was supposed to be operated by TPS who were responsible for overall administration of remands and prisons. Other authorities would have restricted access to information, particularly information related to prisons administration especially on remands and prisons welfare and administrative matters.

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<sup>25</sup>United Nations Office on Drugs and Crime Guidelines (Assessing Compliance with the Mandela Rules, Checklist for Internal Inspection Mechanism), 2017 p. 8

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The Audit Team noted that TPS's Strategic Plan of 2016/17-2020/21 recognised a need to establish a database. However, TPS did not develop the database.

Interviews held with officials responsible with data management and statistics from TPS revealed that prisons offices and head office were primarily relying on the traditional system of record keeping that was the use of paper works and radio calls as a substitute of database, which made them struggle to manage their records.

Consequently, TPS lacked formalised procedure or system to verify prisons information received from District and Regional prisons in the country. As such, it was likely that the information received or utilized by TPS management and other government stakeholders was distorted, that did not reflect the condition on the ground.



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## **CHAPTER FOUR**

### **AUDIT CONCLUSIONS**

#### **4.1 Introduction**

This chapter gives the audit conclusion based on the findings presented in Chapter Three above. The conclusions were drawn based on overall and specific objectives of the audit as presented in Chapter one, section 1.3.1 of this report.

#### **4.2 General Conclusion**

The general conclusion from this audit is that, despite the efforts shown by TPS, which is under MoHA, in administering prisons and remands infrastructures, the audit concludes that MoHA and TPS are not adequately administering and providing for remands and prisons infrastructures. TPS does not have sufficient capacity to further improve the remands and prisons infrastructures due to lack of budget and insufficient personnel; furthermore, MoHA does not have an effective mechanism to coordinate and monitor its performance and the performance of TPS so as to enhance capacity of prisons infrastructures and prisoners' welfare in the country.

This is because established targets and plans towards reduction of overcrowding and provision of services to prisons have not been sufficiently implemented and achieved by both TPS and the MoHA. Condition of remands and prisons in the country remain poor and threatening which distress welfare of remands and prisoners.

#### **4.3 Specific Conclusion**

##### **4.3.1 MoHA and TPS did not Adequately Ensure Establishment of Remands and Prisons Infrastructure**

It is concluded that having defined National Prison Service Policy is very crucial as it will provide the guidance in Provision of Prisons and Remands Infrastructure. Failure to have one in place implies inability of TPS to

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implement its primary role of ensuring there is adequate capacity of remands and prisons infrastructure.

Accordingly, both MoHA and TPS did not evidence the need of adequately establishing remands and prisons in the country as they are operating without having the basis of establishing or rehabilitating any prison for the past four financial years. This is because there is no needs assessment that is being conducted to address the Prison infrastructure demands. Similarly, plans for establishment and provision of remands and prisons infrastructure do not include construction and renovation of new and existing remands and prisons respectively.

Absence of need assessment and plans implies that prisons may have been constructed in less congested regions, also number of prison buildings will continue to remain few and old.

#### **4.3.2 TPS Lacks Sufficient Capacity to Administer and Provide for Prisons Infrastructure and Services**

The capacity of TPS to administer provision of infrastructures for remands and prisons among other things is determined by number and conditions of buildings for both prisons and its staff; having secured prisons; provision of other services and utilities such as water, electricity and availability of reliable transport facilities to facilitate implementation of prisons activities.

It is concluded that, despite the effort shown by TPS to facilitate construction of two-in-one staff house countrywide, yet it is challenged with provision of required infrastructure to prisons and remands. This is because statistics from MoHA<sup>26</sup> showed shortage of both buildings to accommodate prisons and remands and staff houses which stood at 71%; shortage of vehicles for the visited prisons, which stood at 57% and shortage uniforms for prisons staff. Further, the one, that were available, were dilapidated.

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<sup>26</sup>MoHA Strategic Plan, 2016/17-2020/21

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Despite all these, yet TPS did not show the need to further improve the noted weakness because it lacked policy to guide remands and prisons activities and needs assessment to establish the requirements. TPS also did not set aside annual plans and budget for construction of remands and prisons accommodation; as well as annual targets for maintaining prisons buildings and its corresponding infrastructure including staff houses and vehicles. Consequently, most of the prisons remained overcrowded with dilapidated buildings for both prisoners and prisons' staff.

All these imply a call for more intervention by both TPS and MoHA to strengthen the capacity of TPS to administer provision of infrastructure for remands and prisons.

#### **4.3.3 MoHA and TPS show Inefficiencies in Monitoring and Control the Performance of Implemented Prisons and Remands Activities**

Despite of MoHA and TPS recognizing the Monitoring and evaluation as one of the key function that will facilitate the measure for the performance of administration and provision of prison infrastructure, monitoring and evaluation, which was being conducted, was not effective.

The Audit concluded that, Both MoHA and TPS failed to establish working mechanisms that would facilitate further improvement in monitoring the performance of activities related to prisons and remands infrastructure. This was because, Ministry of Home Affairs did not ensure availability of monitoring strategy/plan; TPS failed to establish a dedicated unit for undertaking Monitoring activities which would facilitate own assessment on implemented activities related to infrastructures for prisons and remands. Similarly, conducted monitoring by MoHA did not consider all activities implemented by TPS with regards to infrastructure for remands and prisons; but construction project were noted to be the main focus for conducted monitoring.

It is further concluded that, failure for TPS to develop database that would facilitate tracking of prisons performance in terms of administration and provision of remands and prisons infrastructure and services; implies failure of TPS to achieve one of its strategic objective. This was because,

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TPS's Strategic Plan of 2016/17-2020/21 recognised a need to establish a database.



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## CHAPTER FIVE

### AUDIT RECOMMENDATIONS

#### 5.1 Introduction

This chapter provides for recommendations to Ministry of Home Affairs and Tanzania Prisons Service on what should be done to improve the administration and provision of prisons and remands infrastructures and Services.

The audit team acknowledges the government effort towards improving provision of remands and prisons in the country. However, more interventions are required to improve the observed gaps for the purpose of enhancing capacity of prisons infrastructure and prisoners' welfare in the country.

The National Audit Office believes that, these recommendations need to be fully implemented to ensure improvements towards establishment, administration and monitoring of remands and prisons infrastructure in the country.

#### 5.2 Establishment and Provision of Remands and Prisons Infrastructure

In order to ensure adequate Establishment and Provision of Remands and Prisons Infrastructure, The Ministry of Home Affairs should: develop national prisons service policy that will provide guidance, consistency, accountability and efficiency in provision of Prisons and Remands infrastructure.

Tanzania Prisons Service should:

- a) conduct needs assessment for establishment of prison and remand infrastructure so as to analyze the needs and magnitude of existing gap in provisions of prisons and remands infrastructure and use the information for developing plans for interventions; and



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- b) ensure that establishment and provision of prisons infrastructure are included in their annual plans and budget.

### **5.3 Capacity for Administration and Provision of Remands and Prisons Infrastructure**

In order to improve the capacity for Administration and Provision of Remands and Prisons Infrastructure, Tanzania Prisons Service should:

- a) in collaboration with MoHA ensure availability of sufficient and adequate accommodation for prisoners, remandees and prisons' staff;
- b) carry out routine inspection of its infrastructure in order to address its condition and take the appropriate measures;
- c) prepare comprehensive and consolidated prison staff training programmes and ensure its implementation;
- d) initiate for a mechanism that will ensure that all prisons staff and prisoners are provided with acceptable uniforms;
- e) in collaboration with MoHA ensure availability of sufficient transport facilities to all prison offices all over the country to easy and secure movement of prisoners, remandees and staff;
- f) ensure that security of prisons in all prisons is strengthened;
- g) Establish follow-up mechanisms and work on the noted causes for inadequate provision of services and utilities in prisons and remands to ensure availability of essential utilities in prisons which include clean water, electricity, food, clothing and medical facilities to all prisons within the country. and
- h) establish strategies and plans that will facilitate maintenance of prisons buildings and vehicles and ensure their implementation.

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#### **5.4 Monitoring, Control and Evaluation of Own and Prisons Performance**

In order to enhance monitoring, control and evaluation of own and prisons performance, The Ministry of Home Affairs should:

- a) strengthen coordination mechanisms between TPS and other stakeholders in provision of prison services such as Court, National Prosecution Services, Directorate of Criminal Investigation and Police Force to ensure provision of prisons services are well coordinated; and
- b) enhance preparation of monitoring plan for monitoring TPS' activities and ensure its implementation.

Tanzania Prisons Service should:

- a) develop a comprehensive database for reporting prisons infrastructure information and formulate a procedure or system for verifying the prisons information received from district and regional prisons offices; and
- b) ensure self-Monitoring of its operations including having dedicated function Unit for monitoring and evaluation activities.

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## REFERENCES

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## APPENDIX

### Appendix 1 (a): Response from the Ministry of Home Affairs

#### Specific Comments

S/N	Recommendation	Comments of Ministry of Home Affairs	Planned Action	Implementation Timeline
<b><i>Establishment and Provision of Remands and Prisons Infrastructure</i></b>				
a)	Develop the National Prisons Service Policy that will provide guidance, consistency, accountability and efficiency in provision of Prisons and Remands infrastructure	<b><i>Agreed</i></b>  The initiatives to prepare the prisons service policy were under way and was shared with stakeholders in 2014. However, its implementation was marred by the need to have one policy for MoHA so to cover all departments under the Ministry including s.	The Ministry will continue to speed up the process of preparing the national policy to cover all entities under MoHA.	3 to 5 years  (To be evaluated on yearly basis)
<b><i>Monitoring, Control and Evaluation of Own and Prisons Performance</i></b>				
a)	strengthen coordination mechanisms between TPS and other stakeholders in provision of Prison services such as Court, National	<b><i>Agreed</i></b>	The Ministry will strengthen coordination with other stakeholders to ensure the prisons infrastructures and services are improved.	Continuous and on-going

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S/N	Recommendation	Comments of Ministry of Home Affairs	Planned Action	Implementation Timeline
	Prosecution Services, Directorate of Criminal Investigation and Police Force to ensure provision of Prisons Services are well coordinated			
b)	Enhance preparation of monitoring plans for monitoring TPS's activities and ensure its implementation.	<i>Agreed</i>	The Ministry will continue to oversee and monitor TPS' activities on yearly basis.	1 year



## Appendix 1 (b): Response from Tanzania Prisons Service

### Specific Comments

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
<b>Establishment and Provision of Remands and Prisons Infrastructure</b>				
a)	Conduct needs assessment for establishment of prison and remand Infrastructure so as to analyse the needs and magnitude of existing gap in provisions of prisons and remands infrastructure and use the information for developing plans for interventions	<p><b>Agreed</b></p> <p>is aware of the existing gap in the provision of prisons and remands infrastructures in the country. The gap is inevitable as nearly 60% of the existing correction facilities were built during colonial era. Change in the population size globalization, economical changes and other factors mark the for cause of the increase in criminal issues which calls for the immediate actions of conducting needs assessment for the establishment of prisons and remands infrastructures.</p> <p>To facilitate establishment of</p>	<p>TPS to appoint District Prisons Officers</p> <p>To conduct needs assessment for establishment of prisons and remands infrastructures in collaboration with other associated organisation in various places throughout the country</p> <p>To construct four new prisons i.e. Kaliua, Kakonko, Kilosa and Gairo</p>	<p>1 year</p> <p>1 year</p> <p>2 years</p>

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		<p>prisons and remands infrastructures, s plans to establish prisons to all government administrative districts which have no prisons facilities. Early studies revealed district which do not have prisons facilities.</p> <p>The Commissioner General of Prisons appointed District Prisons Officers to some of the districts which do not have prison facilities.</p>		
b)	Ensure that establishment and provision of prisons infrastructure are included in their annual plans and budget	<p><b>Agreed</b></p> <p>Development projects like those which involve the establishment and provision of remands and prisons infrastructures require large sums of money and therefore it is relevant to have them included in the annual plans and budgets.</p>	TPS to set priorities and budget for the development projects which are then submitted to the planning and budget section.	1 year

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		Execution of such projects follows the five-year development plans which are prepared and set after every five years.		
<b>Capacity for Administration and Provision of Remands and Prisons Infrastructure</b>				
a)	In collaboration with MoHA ensure availability of sufficient and adequate accommodation for prisoners, remandees and prisons' staff;	<p><b>Agreed</b></p> <p>During the establishment of most of most of the available prisons facilities, the number of inmate lock-up was low due to the existed population and level of crimes. Cells were designed and built according to the stipulated criminality rate. As time have changed, several factors have led to the inmates congestion in prison cells.</p> <p>Tanzania Prisons Service is in the process of rehabilitating prison infrastructures to ensure availability of sufficient and</p>	<p>i. TPS, to appoint 26 District Prison Officers.</p> <p>ii. TPS, to construct four (4) new prisons at Kaliua, Kakonko, Kilosa and Gairo</p> <p>iii. TPS to construct new staff houses</p>	<p>1 year</p> <p>2 years</p> <p>5 years</p>



S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		<p>adequate accommodation for prisoners.</p> <p>Furthermore, TPS program of having prisons facilities in every district will also help to reduce prisoners' congestion to the existing stations.</p> <p>TPS is also working hand in hand in hand with MoHA in the program that seeks to achieve quality and adequate staff accommodation to all bodies which are under the Ministry. The program awaits for the take-off actions as the write-up has been presented to the Ministerial management for further directives.</p>		
b)	Carry out routine inspection of its infrastructure in order to address its condition and take the appropriate measures	<p><b>Agreed</b></p> <p>Maintenance of prisons infrastructures requires regular inspections to determine its condition at all</p>	<p>TPS to conduct regular inspections of infrastructures;</p> <p>TPS will set aside the budget for remands and</p>	Continuous

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		<p>times. Because of such infrastructure serve large population in most areas, if not well maintained, any fault may lead to a disastrous communicable diseases at times, such happening may lead to a security breach or death.</p> <p>Inspections of such infrastructures has to be</p>	<p>prisons infrastructures; and</p> <p>Take appropriate measures to improve remands and prisons infrastructures.</p>	
c)	prepare comprehensive and consolidated prison staff training programmes and ensure its implementation	<p><b>Agreed</b></p> <p>The aim is to train many prisons members of staff, the constraint is budget. There is shortage of budget for training so the alternative we use is cost sharing in all types of trainings.</p>	<p>Training for building capacity based on increasing academic understanding according to carrier.</p> <p>Training for promotion is special for members of staff who will be selected by promotion board will be sent to colleges inside prisons service department and at TCTA, KPF, and Kiwira</p>	May to November, 2022

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
			colleges.	
d)	Ensure that all prisons staff and prisoners are provided with acceptable uniforms	<b>Agreed</b>	TPS to utilize and engage supplier through single source to supply prisons staff uniforms and prisoners uniforms	1 year  (To be implemented in each annual procurement plan)
e)	In collaboration with MoHA ensure availability of sufficient transport facilities to all prison offices all over the country to easy and secure movement of prisoners, remandees and staff	<b>Agreed</b>  s faces a big challenge regarding transport facilities there 220 motor vehicles most of which were acquired before 2007. Most of these vehicles are very old and need regular intensive maintenance to keep them on road. 48 prisons station do not have single vehicles, some of these stations are located very remote from social services. 12 regional prison offices and commandants do not have vehicles. 19 head of section/units at PHQ do not have	To purchase motor-vehicles annually to ensure all prisons stations have reliable mode of transport. TPS needs 287 vehicles for administration activities and about 276 for transportation of remandees and prisoners. The plan is to acquire as many vehicles as possible. Special request was sent to Ministry of Home Affairs for the purchase of vehicles for administration and transportation of remandees and prisoners.	5 years (To be verified annually)

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		vehicles. Tanzania prisons have been purchasing vehicles annually according to budget approved by the parliament 2020/21 the service acquired 8 vehicles in 2021/22 the parliament approved 4.6 billion for the purchase of new motorvehicles.		
f)	Ensure that security of prisons in all prisons is strengthened	<b>Agreed</b>  Capacity building through training and staff seminars;  To have modern security equipment such as CCTV cameras, Weapons, radio Calls etc.;  Renovation of Prisons Infrastructures in all prisons;	TPS will ensure staff attend training and seminars quarterly;  TPS will purchase all required security equipment through government sources or donors;  TPS will build and renovate infrastructures in all prisons	1 year  1 - 5 years  3 - 5 years
g)	Establish follow-up mechanisms and work on the noted causes for inadequate provision of services and	<b>Agreed</b>  Despite having a limited budget, TPS continues to enhance accessibility of	Daily custodial services to 36 inmates provided by June 2026	3 years

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
	utilities in prisons and remands to ensure availability of essential utilities in prisons which include clean water, electricity, food, clothing and medical facilities to all prisons within the country.	<p>essential services in all prisons across the country. TPS contacts the Ministry of Finance and Planning to request to increase its budget so as to improve the delivery of services in remands and prisons.</p> <p>In 2021/22 TPS has been allocated TZS 363,060,000 for utilities supplies and services. TZS 99,200,000 for medical supplies and services, TZS 10,549,398,000 for prisoners food supplies and services and TZS 150,000,000 for prisoners cloths.</p>		
h)	Establish strategies and plans that will facilitate maintenance of prisons buildings and vehicles and ensure their implementation.	<p><b>Agreed</b></p> <p>s is soon to start a program of conducting properties' conditional analysis to its buildings, offices, wards and accommodation</p>	<p>Conduct properties conditional analysis;</p> <p>St budget for maintenance works; and</p> <p>Carryout repairs and maintenance</p>	Continuous

S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
		buildings. The program aims at realising properties condition and maintenance approaches for periodic and emergency maintenance approach.	works to prisons buildings.	
<b>Monitoring, Control and Evaluation of Own and Prisons Performance</b>				
a)	Develop a comprehensive database for reporting Prisons infrastructure information and formulate a procedure or a system for verifying the prisons information received from District and Regional Prisons offices	<b>Agreed</b>  In order to ensure that required database is developed the following will be required: i. Enough and competent people with computer skills; ii. Infrastructure which are supporting the system e.g. internet and all accessory devices are available; iii. Develop a national strategy to improve the infrastructure	1. TPS will develop a road-map for developing prisons infrastructure plans; 2. Enhance the systems to capture infrastructure needs in all prisons in the country.	1 to 3 years
b)	Ensure self-Monitoring of its operations		TPS to set budget for periodic monitoring	1-5 years

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S/N	Recommendation	Comments of s	Planned Action	Implementation Timeline
	including having dedicated and functional Unit for M&E activities			



## Appendix 2: Audit Questions and Sub-questions

<b>Audit Question 1:</b>	<b>To what extent has MoHA and TPS establishes remands and prisons infrastructure?</b>
Sub-Question 1.1:	Has MoHA and TPS developed policy and strategies for provision of prisons services in the country?
Sub-Question 1.2:	To what extent has MoHA and TPS conducted needs assessments for provision of remands and prisons infrastructure and services?
Sub-Question 1.3:	To what extent does MoHA and TPS plan for provision of prisons infrastructure and services?
Sub-Question 1.4:	Does MoHA set budgets for establishment of remands and prisons infrastructure?
<b>Audit Question 2:</b>	<b>Does TPS have adequate capacity to administrate and provide for prisons infrastructure and services?</b>
Sub-Question 2.1:	To what extent does TPS ensure there is adequate accommodation for remands and prisoners?
Sub-Question 2.2:	Does TPS plan and conduct inspection of prisons infrastructure?
Sub-Question 2.3:	Does TPS has sufficient resources to ensure administration and provision of remands and prisons infrastructure?
Sub-Question 2.4:	To what extent does TPS ensure that physical and services infrastructure of remands and prisons are well maintained?
Sub-Question 2.5:	To what extent does TPS ensure that there is adequate provision of social services such as better healthcare and water supply to remandees and prisoners?
<b>Audit Question 3:</b>	<b>Do MoHA and TPS have working mechanism for control, monitoring, and evaluation of own and prisons performance?</b>
Sub-Question 3.1:	Do MoHA and TPS develop prisons services monitoring plans and strategies?
Sub-Question 3.2:	Do MoHA and TPS have tools and checklists for monitoring prison services activities?
Sub-Question 3.3:	To what extent do MoHA and TPS conduct monitoring of prison services activities?
Sub-Question 3.4:	To what extent do MoHA and TPS report on prison services monitoring activities?



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Sub-Question 3.5:	To what extent does TPS develop a mechanism of feedback and sharing of information on prisons services activities?
Sub-Question 3.6:	Do MoHA and TPS develop working and streamlined stakeholder's coordination strategy in the provision of prisons infrastructure and services?

