

# **The Role of Non-Governmental Organizations in the Rehabilitation and Reintegration of Detainees in Cameroon: Implications on Communities and Prisons**

By *Dr Wabi Wilson Wakai*

*Assistant Lecturer, Department of English Law, Faculty of Laws and Political Science,  
University of Buea*

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## **Abstract**

Imprisonment in a correctional service exists to punish those who violate the law. A cardinal principle during imprisonment is the rehabilitation and reintegration of detainees. Ironically, in Cameroonian prisons there is little attention paid on rehabilitation and reintegration objective of imprisonment. State and Non-State actors share this responsibility although primarily, it is the State duty. Thus, this article explores the role of Non-governmental Organizations (NGO) in the rehabilitation and reintegration of detainees in Cameroon. The paper adopts a qualitative approach by exploring primary and secondary data. The paper argues that the absence of complementary efforts by NGOs in the rehabilitation and reintegration of detainees leaves our societies and prisons in danger and accommodative of crime. Thus, the paper recommends a more holistic approach whereby state, civil society organizations, faith based organizations and other organized groups in the communities must come on board to achieve this cardinal principle behind imprisonment.

**Keywords:** Non-Governmental Organizations, Rehabilitation, Reintegration, Detainees and Prisons

## **1. Introduction**

The rehabilitation and reintegration are very a strategic process such that in some situation it involves trying to understand the offenders past behaviours. This is important because it reveals the offenders past behaviours that helps to determine their reason behind offending, so that they

can be assisted accordingly<sup>i</sup>. Rehabilitation is a term that is broadly accepted to mean a planned intervention which aims to bring about change in some aspect of the offender that is thought to cause the offender's criminality, such as attitudes, cognitive processes, personality or mental health. A broad definition of rehabilitation refers to social relations with others, education and vocational skills, and employment. The intervention is intended to make the offender less likely to break the law in the future, or to reduce 'recidivism'<sup>ii</sup>

Reintegration is the process by which a person is reintroduced into the community with the aim of living in a law-abiding manner. Reintegration also refers to active and full community participation by ex-offenders. Preparation for reintegration can occur in prison.

The provision of rehabilitation and reintegration programmes for people in prison is inconsistent from one country to another. Where punitive approaches are pursued, or resources are dire there are few opportunities. Some systems however have comprehensive rehabilitation programmes which are central to prison life and involve delivery from many stakeholders

In the past decades, there has been an increasing demand on penitentiary institutions to develop programmes that facilitate the retention and development of physical and mental skills which contribute to self-knowledge and can help inmates realize a life more in conformity with society's requirements. The goal of education within the prison setting is to ensure that inmates are given the skills to enable them to pursue further training on release in order to live a "good and useful life". Inmates are held within an artificial world in which the rules are different from those in the outside world. They have to follow all rules and regulations. These rules are intended to ensure safe custody, decent living conditions, and fair treatment during the incarceration. Also, the situation of inmates is distinctive due to the fact that their lives are built up of a chain of interrelated requirements: They act upon orders and are commanded to do each activity; the institution specifies requirements not only about what they should do, but also about how they should do it<sup>iii</sup>. Due to this unique circumstance, their perspectives and problems tend to be specific and narrowly defined, focusing mostly on the passing of time. Due to permanent exclusion from society, the inmates' self-esteem and self-worth, living skills, and communication skills may decrease, but it should be emphasized that often this is so even when

they arrive at prison. “Many prisoners are emotionally and mentally unstable with low self-esteem and negative, defensive attitudes...”<sup>iv</sup>

## **2. Rehabilitation and reintegration in prisons**

The rehabilitation process comprises of many activities which includes: Education, Inmates are given the opportunities to advance their educational qualifications, such that they can strive to be responsible and valuable citizens upon their release. Besides providing a conducive learning environment for the inmates, support from individual volunteers in terms of supervising or tutoring them in their weakest subjects is important. This improves offenders’ learning capacity to achieve academic success. Volunteers not only help offenders academically, but also provide the encouragement and motivational support by acting as their mentors and friends<sup>v</sup>

The prisoners also receive vocational training on some specific course such as carpentry, masonry, tailoring and computer packages such as Microsoft Word, Excel and Ms Access. For this process to be a success the Department of Corrections has collaborated with concerned public agencies such as Department of Non-formal Education, Institute of Skill Development, Universities, and other organisations to ensure offering quality programs. Private sectors, particularly local agencies are encouraged to assist and participate in education and vocational courses in prisons, such as computer repair, small engine repair and others such as photographing. The sending of prisoners to work in the industrial zone by Work Release Program is also a good example of another area of cooperation of the correction department and private sector.<sup>vi</sup>

A part from these trainings the prisoners are also provided with sports and recreation facilities. Here private sector and the community play an important role. This is because professional trainers are invited to teach and train the prisoners various recreation activities such as drama, music and boxing. The department of correction organises completions for the prisoners and the winning convicts are rewarded. The community members are invited to cheer participate or judge prisoners’ competitions. This is a very healthy activity in the rehabilitation process because it makes the prisoners’ feel appreciated and part of the society.<sup>vii</sup> (Martin 2003, 25).

Specialised programmes for specific group of prisoners to enable the rehabilitation programme meet individual needs for every prisoner include programmes for violent prisoners, programmes of offenders against property, drug and sex related prisoners. They have also set up programmes for the elderly that tries to promote physical and mental health of the elderly prisoners. During the rehabilitation process family members and friends are allowed and encouraged to visit their convicts. This is a very health process in convicts' rehabilitation process as these visits acts as a sure way for the Convicts to experience the love from their friend and family members. For those prisoners that do not get people to visit them, the department of correction collects their names and organises with local charity agencies to pay them a visit and help them to become useful citizens. In prisons where there are drug-addicted prisoners, Therapeutic Community (TC) program is provided. Within this treatment procedure, family members play a very important role and are occasionally invited to take part in certain activities of the treatment program inside prisons. This makes those prisoners participating in Therapeutic Community programs receive more contact visits than the others prisoners.<sup>viii</sup>

Spiritual guidance also plays a major role in the process of rehabilitating prisoners. This is because it offers emotional and mental encouragements for inmates that enable them cope with life's experiences. Volunteers and religious organisations play an important role by offering inmates religious based programmes that are aimed in assisting the offenders' integrate into society. The spiritual support they receive from these religious programmes acts as an important aspect of offenders' psychological well-being as it gives them mental support to have a positive outlook in life<sup>ix</sup>.

The rehabilitation process is necessary because when the jail term of the imprisoned convicts elapses they are release to go and live in the society with the other members of the community. This is why the offenders are put in specialised rehabilitation programmes to help them reintegrate easily with the society once they are at liberty. Realise of convicts happen in two ways. Release without condition and release with condition. As for release with condition, the prisoners are released under good-conduct allowance system, and are subject to be supervised in the community until the termination of their sentence term. Once the prisoners are realised their supervision is transferred to be under the responsibility of department of probation, where probation officers and volunteers in corrections conduct supervision and assist the offenders to reintegrate into the society. Realise without condition occurs when offenders terminates their

jail sentence. The realised criminals are helped by the Department of Corrections with collaboration with public and private sectors through counselling about living in the community, career management, and reintegration into the society<sup>x</sup>.

Social reintegration is often understood as the support given to offenders during their re-entry into society following imprisonment. A broader definition, however, encompasses a number of interventions undertaken following an arrest to divert offenders away from the criminal justice system to an alternative measure, including a restorative justice process or suitable treatment. It includes imposing community-based sanctions rather than imprisonment in an attempt to facilitate the social reintegration of offenders within the community, rather than subjecting them to the marginalizing and harmful effects of imprisonment. For those who are sentenced to imprisonment, it includes correctional programs in prison, and aftercare interventions.<sup>xi</sup> In recent years, the post-release, community-based component of these interventions has been variously referred to as "aftercare", "transitional care", "re-entry" or "re-entry support", reintegration, or resettlement. Some post-release interventions may begin while the offender is still incarcerated with the intent of facilitating post-release adjustment.

In Canada, the expression offender "reintegration" generally refers to "re-entry" or "resettlement". In this review, these terms interchangeably to designate interventions, programs and services designed to assist prisoners to live law-abiding lives in the community following their release. However, the reader is cautioned against using the term "reintegration" too literally, as it should be obvious that, in many instances, the offenders were not prior to their incarceration, successfully integrated into the community, were typically marginalized, and often had failed to acquire the attitudes and behaviours that result in most people functioning productively in society.

In recent years, more emphasis has been placed on designing comprehensive interventions, based on a continuity of care, to provide consistent assistance to offenders within and beyond prison. There is a recognition that preparation for reintegration should commence before the offenders' release. After their release, interventions should support their immediate transition from the prison to the community and reinforce the gains achieved through in prison treatment and continue until a successful reintegration is completed<sup>xii</sup>. This approach is often referred to as "through care", a system-wide mode of intervention<sup>xiii</sup>. All interventions, regardless of their

method, are best delivered as part of an integrated program designed to address an individual offender's specific issues and challenges. And, renewed attention has been given to "strength-based" approaches to make use of personal and community assets in order to help released offenders face their challenges and successfully reintegrate the community.<sup>xiv</sup>

Key international standards for the rehabilitation and reintegration of detainees have been put in place to wit: the 1966 International Covenant on Civil and Political Rights; the United Nations Standard Minimum Rules for the Treatment of Prisoners 1955; the United Nations Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules, 2010).

Several regional instruments deal with the rehabilitation and reintegration of prisoners. The Kampala Declaration on Prison Conditions in Africa, adopted in 1996, is the primary document outlining rights for prisoners in Africa. Instead of listing ambitious goals for prisoner rehabilitation, the Declaration set a more realistic agenda for African states facing the high levels of overcrowding and under resourcing prevalent on the continent. The Kampala Declaration made several recommendations, which include the following: that the detrimental effects of imprisonment should be minimised so that prisoners do not lose their self-respect and sense of personal responsibility; that prisoners should be given the opportunity to maintain and develop links with their families and the outside world, and that prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release.

Despite the fact that situations in prisons had seen little improvement by the time of the next pan-African seminar held in Burkina Faso, in 2002, the Ouagadougou Declaration on Accelerating Penal and Prison Reform in Africa<sup>2</sup> made more specific reference to rehabilitation in prisons. The Ouagadougou Declaration recommended promoting the reintegration of offenders into society. In doing so, it proposed that states should make greater efforts to use the period of imprisonment, or other sanctions, to develop the potential of offenders and to empower them to lead a crime-free life in the future. This, it stipulated, should include rehabilitative programmes focusing on the reintegration of offenders and contributing to their individual and social development. The Plan of Action accompanying the

Ouagadougou Declaration is addressed to governments and criminal justice agencies as well as to NGOs and associations, and it is meant to serve as an inspiration for concrete action. In particular, the Plan outlines the following strategies to promote rehabilitation: promoting rehabilitation and development programmes during the period of imprisonment or non-custodial sentence schemes; ensuring that unsentenced prisoners have access to these programmes; emphasising literacy and skills training linked to employment opportunities; promoting vocational training programmes certificated to national standards; emphasising the development of existing skills; providing civic and social education; providing social and psychological support with adequate professionals; promoting contact with the family and community; sensitising families and communities in preparation for the reintegration of the person into society and involving them in rehabilitation and development programmes; developing halfway houses and other pre-release schemes, and extending the use of open prisons under appropriate circumstances.

### **3. NGOs and their responsibility in rehabilitation and Reintegration**

Organizations cooperating in the resocialization activities of penitentiary institutions, represent and lend credibility to the requirements and moral demands that provide the basis of coexistence between the individuals of a free society. Resocialization commences in the penitentiary institution and is continued after discharge. Without this process, there is a great chance that instead of social integration, resocialization focuses on prisonization, which refers to the “process wherein people incarcerated tend to take the elements of culture that are part-and-parcel to the institution (e.g. values, norms, beliefs) rather than the broader society<sup>xv</sup>.” There is a strong correlation between the tasks of the inmate related to the specific world of the penitentiary system, its system of values and norms, and less to the civilian world “outside.”<sup>xvi</sup>

Non-governmental organizations, churches, and helpers work to help prisoners cope with these problems. The activities deployed by the institutions are closely related to those associated with everyday routines, with the goal of resolving tensions, developing character and self-knowledge, in addition to mitigating the prison’s incarcerating and isolating effect. “Their influence helps lower tensions within the institution and mitigate the prisonization impact, and a more direct and active relationship with the outside world promotes a more fruitful integration

after discharge...”<sup>xvii</sup>. Re-entry into society can be achieved if the inmate’s personality undergoes positive change, that is, during the term of the incarceration and punishment they develop an awareness of social usefulness, a feeling of responsibility for taking control of their own fate, they voluntarily and actively cooperate in shaping their life, and their independence increases. For this it is inevitable that the prisoner’s mental and physical condition as well as their general and professional knowledge are maintained and developed<sup>xviii</sup>.

#### **4. Practice of Rehabilitation and Reintegration in Cameroon Prisons**

Because of the need to instil inmates with skills and entrepreneurial capacities aimed at facilitating their re-insertion into the society, the correctional institutions moved away from a punitive approach to rehabilitation.

##### **Vocational training skills**

Vocational training refers to instructional programs or courses that focus on the skills required for a particular job function or trade. In vocational training, education prepares students for specific careers, disregarding traditional, unrelated academic subjects.

Vocational training can be offered by trade schools, community colleges, or employers, and can lead to certification, diploma, or associate's degree. Vocational training can help students prepare for the job market, increase their earning potential, and advance their careers in various industries. Vocational training has evolved over time to include more fields and options, such as health care, hospitality, IT, and business administration. Section 1(2) of the 2018 law<sup>xix</sup> governing vocational training in Cameroon provides that vocational training shall comprise all post-basic education training provided either by government or private institutions approved by the State. It shall be aimed at impacting to trainees and apprentices the knowledge, skills and competences required to practice a trade and or gain access to a job. Section 2 of the law expressly provides that vocational training remains a national priority of the State. Ironically, one of the places that should enjoy priority of place in terms of vocational training are the prisons that are almost forgotten by the same State. It is noteworthy that, private sector or civil society organizations are at the forefront of providing vocational training services to



detainees in Cameroon in the fields of information and communication technology, sewing, tailoring as the case at the Buea Central Prison.

### **Religious services**

According to Article 41 of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the 1992 decree on prison administration and reforms in Cameroon<sup>xx</sup>, prisoners have the right to freedom of religion and belief. Accordingly, access to a qualified representative of any religion shall not be refused to any prisoner; every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.<sup>xxi</sup>

In this regard, there are several religious bodies making significant inroads in the prison sector in Cameroon. The Protestants and Roman Catholic are regular religious institutions with well-established worship halls in the Douala central prison as well as the Bamenda central prison. Nevertheless, Pentecostal churches form part of this prison ministry. Clergymen from these religious groups come from outside the prison to preach on specific days. On other days, lay preachers from amongst prisoners themselves are allowed to preach. Detainees of all the central prisons under study attest that there is no problem in all prisons pertaining to religious practice.

In this regard, prison reports confirmed that detainees' right of freedom of religion and belief is respected. The right of detainees to pursue their own religion individually is fully respected but places of worship have not been allocated in other detention centers, though, we have been able to observe that places of worship have been allocated, especially for Orthodox Christians, Muslims and Protestants.

With regard to religion, the researcher discovered that there is no interference by officials or by other detainees on the course of exercising these rights. However, religious satisfaction is one of the grounds to facilitate rehabilitation of an offender. To this end, the prison authorities owe a positive obligation as well to facilitate the provision of religious practices and premises, qualified preachers, representatives and books depending on the number of followers of a given religion. By any means there must be a place to pray. Again, the prison authorities have more

obligations to assume in favour of the detained persons as provided under Article 41 of the United Nations Standard of Minimum Rules for the Treatment of Prisoners<sup>xxii</sup>.

### **Contact with the outside world**

Contact with the outside world is vital for eventual reintegration of prisoners back into their communities. However, it becomes a challenge when correspondences and right to privacy of prisoners are interfered with by prison authorities and is a violation of their right to privacy. In *Hallaçoğlu And Others v. Türkiye*<sup>xxiii</sup>, The applicants complained that their right to respect for private life and correspondence was violated by the prison administration that recorded and stored their correspondence on the National Judicial Network Server (*Ulusal Yargı Ağı Bilişim Sistemi – “UYAP”*). One of the applicants alleged that his correspondence with an attorney was also monitored through the UYAP system.

When reviewing both the admissibility and the merits of the case, the Court referred to the leading case *Nuh Uzun and Others v. Türkiye*.<sup>xxiv</sup> In particular, the Court recalled that in *Nuh Uzun and Others* it concluded that there had been a violation of Article 8 as he recording and retention on the UYAP system of the applicants’ correspondence, both sent and received, constituted an encroachment on their right to privacy and confidentiality, and could not be considered as having been carried out “in accordance with the law”. The Court saw no reason to depart from this conclusion.

As to the complaints regarding monitoring of correspondence with the lawyer of one of the applicants, the Government has referred to two circulars of the Ministry of Justice as being an additional legal basis for the recording of such correspondence. Nevertheless, the Court has taken note that the national authorities did not make any reference to those circulars while deciding on the contested measure. Specifically, the Court observed that the circulars did not include any guidance concerning the registration of inmates’ communication with their legal representatives on the UYAP system.

Similarly, in *Deltuva v. Lithuania*<sup>xxv</sup> relating to the *restriction of remand prisoner's family visits with wife and ten-year-old daughter during first nine months of detention based on unsubstantiated risk of interference with ongoing investigation was a violation of article 8 of the European Charter on Human rights. The court held that the restriction on the applicant receiving family visits during the first nine months of his detention on remand had constituted an interference with his right to respect for his family life. The restriction had been in accordance with the law and had pursued the legitimate aim of prevention of disorder or crime. The Court, however, considered it had not been necessary in a democratic society for the following reasons.*

Certain restrictions on the applicant's contact with the outside world had been reasonably necessary in view of the organised nature of the crimes of which he had been suspected, the fact not all the suspects had yet been identified and various investigative measures were still being carried out during the time he had been detained. However, States were required to consider the interests of the prisoner and his or her family members and to evaluate them not in terms of broad generalities but in relation to the specific situation.

The decisions to grant the applicant one visit from his wife and daughter and subsequently two family visits per month had been taken after an individualised assessment of his situation. However, during the remainder of his detention on remand, the authorities' refusals to grant the applicant visits from his wife and daughter had been based essentially on the argument that he might seek to interfere with the investigation by using them. The domestic authorities had failed to substantiate why they had considered such a risk to be present in their particular circumstances. The applicant's wife and daughter had not been suspects or witnesses to the criminal proceedings, the authorities had not challenged the applicant's assertion that they had not had any connection to the other suspects and had not been familiar with the criminal case or alleged that they had attempted in any way to interfere with the investigation.

The authorities had accorded significant weight when refusing the applicant family visits on the fact that, on two occasions, he had unlawfully obtained a mobile phone while in detention without it having been established that he had used it in ways which could have undermined the success of the investigation. There had also been no indication that the authorities had properly considered the applicant's proposals that family visits could have taken place in the

presence of his lawyer or an investigating officer. At the material time, the domestic law had provided for contactless visits in the presence of a representative of the detention facility, and visits could be terminated for breaches of visiting rules. Accordingly, the domestic authorities had failed to demonstrate that allowing the applicant to meet with his wife and daughter under special visiting arrangements would have jeopardised the investigation.

Furthermore, at the material time, the applicant's daughter had been ten years old. The Court took note of the relevant international material regarding the importance for children of maintaining a bond with their incarcerated parents. Indeed, the distress that had been suffered by the applicant's daughter because of the inability to see her father had been established by a psychologist and acknowledged by the domestic authorities on the one occasion when a family visit had been granted. Although the authorities had appeared to question the closeness of the applicant's relationship with his daughter, the Court found it difficult to accept that their subjective assessment questioning the strength of a detainee's family bonds could be decisive for refusing family visits. Lastly, the domestic authorities had not provided any explanation of how a visit from a ten-year-old child could have affected the success of the criminal proceedings. Thus a violation of article 8 of the European Charter on Human Rights 1955.

It should be underscored that the practice of incommunicado detention in prisons around the country no matter the justification or rationale is a stumbling block to the eventual reintegration and rehabilitation of prisoners back into the societies or communities.

### **Literacy training and education**

Education involves the transfer of knowledge and skills through the process of learning. Whether education is vocational or liberal in nature,<sup>xxvi</sup> being educated is a positive and vital aspect of life, which ultimately aims to make people 'better'.<sup>xxvii</sup> The importance of education is reflected in the Universal Declaration of Human Rights, which states that all people have a right to education. Article 26(2) further states:

*Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental*

*freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups...*<sup>xxviii</sup>

This right is reflected in the preamble of the 1996 constitution of Cameroon as amended in 2008 as well as article 62 of the Cameroon Prison Convention. It is perhaps the concept of freedom that most clearly demonstrates the rift between the ideals of education and imprisonment. A sense of freedom can be achieved through the process of becoming educated and as a result, gaining knowledge that enables people to make the choices that direct their lives. On the contrary, prison is one of the few places in society that intends to deprive individuals of their liberty and autonomy.

Although prison and education serve as contradictions in their ideals, it is the dual purpose of contemporary imprisonment that reveals their commonalities and thus presents justifications for the education of serving prisoners. The function of the prison is to punish and rehabilitate offenders. The aim in doing this is to make prisoners better (law abiding) citizens and fit to rejoin society and, in theory, make some form of contribution<sup>xxix</sup>. As such, both prison and education involve social control, institutional practices, instruction, discipline and personal transformation. They are both practices that involve investment in people for the benefit of individuals and wider society.

Whether or not the separate ideals of prison and education contradict one another, they have been brought together in offender learning practice through the need to rehabilitate offenders.<sup>xxx</sup> Although prisoners experience the deprivations of liberty and autonomy (amongst others), their right to be educated remains intact and education has had a place in the prison regime since the 18<sup>th</sup> century<sup>xxxi</sup>.

The pursuit for education in prisons must be mainstreamed to the policies and strategies designed by the different Ministries in charge of Education. Education in all prisons of Cameroon is informal. There is no formal curriculum that fits the reality in prisons. Article 77(2) of UN Standard Minimum Rules on the Treatment of Prisoners provides:

So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Based on the above provision, field observation and interview of detainees and prison staff indicated; while at the Buea Central prison, detainees preparing for Public examinations like the Cameroon General Certificate of Education Board exams enjoy their right to education; meanwhile primary education is still to start. At the Yaounde and Bamenda Central Prison, there are effective classes for primary and secondary education but they are completely absent in the Douala Central Prison. Nevertheless, informal education is being provided in all the four prisons.<sup>xxxii</sup>

In this regard, in the United States of America, regional states budget for prison education programs comes out of different agencies, for example, the state education department, the state department of corrections, local school districts, local or country governments, and special districts. Similarly in England prison education is delivered in close cooperation with local education system. Accordingly, a system must be created in Cameroon so that the Ministry of Basic Education (why not secondary and tertiary education inclusive) can take the education of detainees in prisons.

Education and training are one of the rehabilitative mechanisms to bring about changes in the attitude, personality and health of inmates.<sup>xxxiii</sup> According to research this intervention makes offenders law abiding persons.<sup>xxxiv</sup> Moreover, researchers argue that spending time in prison actually decreases one's ability to cope in the community and maintain employment and the study also found that inmates who enrolled in these programs while incarcerated are more likely to maintain employment than those who do not attend the programs.<sup>xxxv</sup> For this reason the idea of rehabilitation of inmates is integrated to correctional policy of many states. Article 77(1) of the UN Standard Minimum Rules for Treatment of Detainees provides that detainees shall have access to academic education, vocational training and social work services to facilitate their post-release rehabilitation. It further states that the education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration. Who then is an illiterate as contemplated by the UNSMR? Is it a detainee who cannot speak or understand good English or French as the case in Cameroon or one who cannot write or read any of the languages? Or is it anybody who has not attended primary education? This gap in article 77(1) reveals the lapses in international norms and standards in relation to detainees and definitely leaves the state parties to the treaty to determine who an illiterate is.

The Council of Europe on the importance of education in prison stated:

*Prison by its very nature is abnormal, and destructive of the personality in a number of ways. Education has, among other elements in the prison system, the capacity to render this situation less abnormal, to limit somewhat that damage done to men and women through imprisonment.*<sup>xxxvi</sup>

The limitation of inmates' right to adequate reading material and their right to basic education should comply with the provision of the preamble of the Cameroon constitution because unlike other socio-economic rights, these rights are not subject to any limitation clauses. However, the Western Cape High Court in *Western Cape Forum for Intellectual Disability v. Government of the Republic of South Africa*<sup>xxxvii</sup> interpreted the right to basic education as though it has internal limitation clauses (reasonableness, progressive realization and available resources). However, this approach is criticized as it "...conceptually restricts the possibility of enriching the norms for socio-economic rights compliance in the light of the value of substantive equality".<sup>xxxviii</sup>

The limitation of inmates' right to further education should take into account its internal limitation clause.<sup>xxxix</sup> According to Veriava and Coomans: the standard of review with regards to the right to further education is likely to be whether the measures taken to make further education available and accessible are reasonable.<sup>xl</sup> They further argue that the sufficiency of funding available for the policy or programme's implementation, over and above the criteria for assessing its reasonableness, is also crucial in determining whether the state has violated this right.<sup>xli</sup>

Relating to the provision of legal aid to detainees, the Centre for Human Rights and Democracy in Africa (CHRDA) as a rehabilitative and reintegration mechanism worked to provide legal documents such as birth certificates and court judgments to detainees of the Buea, Bamenda and Yaounde central prisons from March 2021 to December 2022. It should be noted that the non-possession of Identity cards have contributed to the detention of several persons within the crisis affected regions of Cameroon for over five years. These documents has helped in the establishment of birth certificates and Identity cards and facilitated the reintegration of all those detained as a result of lack of Identity cards.



## **5. Socio-legal Implications of Rehabilitation and Reintegration in communities and prisons**

Inmates can mainly find employment in the labour market after being released if they participated in vocational training programmes,<sup>xlii</sup> found that “...educational programs coupled with employment assistance led to a higher rate of post release employment and a lower rate of recidivism.” “Work in prison, training and support services may simultaneously improve convicts’ employability...”<sup>xliii</sup>. With reference to the vocational training of inmates, the legal authority prescribes organizing training primarily in a specific circle of vocations. Therefore, from the perspective of productivity, those trainings are preferred which ensure the activities of convicts in the penitentiary institution or their employment after their release.

According to critics, work facilitating the social integration and developing the mental hygiene of persons sentenced to penitentiary time is not of uniform quality in Hungary. Some civil organizations struggle heroically but there is no real tradition of cooperation between civil communities and state bodies. Social involvement in critical questions such as criminality, prisons and criminals is low. Deep prejudice and intolerance may increase after release, and it is difficult for society to accept those having done their time. When looking for jobs, ex-inmates meet prejudices that make it near impossible for them to successfully reintegrate. Most people keep their distance from ex-felons, and this lack of trust derives primarily from the lack of knowledge. Therefore, the reintegration of those discharged is necessary, and their treatment must be facilitated through the state, church and the civil social institutional network. In this, a highly important role is played by socio-educational instructors as experts of social education, teaching, personality development, and recreational management.

The third main focus of NGOs is the prevention of the infringement of prisoners’ human rights. Some civil organizations (e.g. Amnesty International, Helsinki Committees for Human Rights) take steps against torture inside prisons or against cruel, inhuman or humiliating treatment. Some NGOs take legal action on a national or international level in defence of prisoners’ human rights.

The successful practice of reintegration cannot happen without the involvement of those organizations which are present, active, and effective representatives of social control. The representatives of social control denominate social organizations that perform their activities



by practically representing society and undertaking its controlling function<sup>xliv</sup>. “Social organizations’ is an umbrella term including NGOs (also an umbrella term in its own right), meaning classic civil organizations, private foundations, associations, various federations such as trade unions, professional employers’ organizations, as well as public foundations and non-profit business entities. But in a broader sense the term social organizations also include churches, prison missions, church and legal entities, subsidizers and political parties. “From the perspective of their role in penitentiary activity, the most relevant are the organizations of social control, churches, trade unions, and classic NGOs...”

## **6. Conclusion and Recommendations**

It is interesting to note that most African countries focus on vocational training, education and spiritual development rather than on the psychosocial aspects and behavioural aspects of rehabilitation, which may be linked to the lack of professional staff in many of these countries. Even in cases such as Tanzania, where rehabilitation is understood to include the correction of offending behaviour, human development and the promotion of social responsibilities and values, opportunities are limited to vocational and occupational training, with limited educational opportunities for young prisoners. The degree of emphasis on rehabilitation also varies according to country but may, perhaps, be measured according to prisoner involvement in relevant activities. According to a senior prison staff at the Buea Central prisons, 30 per cent of convicted prisoners are engaged in rehabilitation activities that include only literacy classes, skills training, and church services and counselling.

Even when countries aspire to bring about the rehabilitation or development of prisoners, the realities facing the prison system often make any attempt extremely difficult. Cameroon being the focus of this paper is subject to high levels of overcrowding and inadequate resources and facilities. Extreme conditions of overcrowding, resulting in inadequate sleeping space, a lack of proper sleeping mats or beds, a lack of ventilation and lighting, and limited time out of the cell, were some of the factors mentioned in many of the reports of the African Commission’s Special Rapporteur on Prisons and Conditions of Detention in Africa. Concerns were also raised about excessive and inappropriate discipline and punishment, forced and hard labour, and paltry access to medical treatment. Another problem often mentioned is that the prison

systems fail to separate prisoners sentenced for serious crimes from those convicted of less serious offences.<sup>xlv</sup> These factors have an impact on the mental and physical health of a prisoner and fail to create an environment conducive to rehabilitation.

In recommendation, rehabilitation and reintegration interventions should be informed by relevant and appropriate theoretical frameworks and supported by institutional arrangements in the prison. Equally, civil society initiatives tend to focus on the psychosocial aspects of rehabilitation, while state initiatives are more rooted in vocational and educational development. It is time that government and civil society joined hands in developing an effective and sustainable solution to the problem of reoffending.

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<sup>i</sup> Ivy Panda. (2021, August 25). *Rehabilitation and Reintegration of Offenders*. <https://ivypanda.com/essays/rehabilitation-and-reintegration-of-offenders/>. Accessed 11/02/2023

<sup>ii</sup> Cullen and Gendreau, *Assessing Correctional Rehabilitation: Policy, Practice , and Prospects*. 2000

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- vi Lofton, L. (2004). Offenders Rehabilitation and Reintegration Process. Oxford University: London Pgs 123-237:126
- vii Martin (2003). How Sports and Spiritual Guidance assists in Offenders Rehabilitation and Reintegration. Oxford University: London pgs 23-25
- viii Lofton, (2004) 125, op cit
- ix Martin, op cit
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- xvii Visher and Travis, Transitions from prison to Community: Understanding Individual Pathways, *Law Review of Sociology*. 2003, p. 89
- xviii Ruzsonyi, The Role of Education and NGO in Reintegration of Inmates, 2008
- xix Look at Law No. 2018/010 of 11 July 2018 governing vocational training in Cameroon
- xx Article 42 of the 1992 Decree on Penitentiary Administration and Reform in Cameroon
- xxi The importance of religion is strengthened by the fact that article 4 of the International Covenant on Civil and Political Rights, provides that religion, the rights to life and recognition as a person before the law, the freedoms of thought, conscience and the prohibition on torture, slavery, retroactivity of criminal legislation and imprisonment on grounds solely of inability to fulfil a contractual obligation are non-derogable. Such non-derogable rights clearly are regarded as possessing a special place in the hierarchy of rights. In addition, it must be noted, many rights are subject to a limitation or clawback clause, whereby the absolute right provided for will not operate in certain situations. Those rights therefore that are not so limited may be regarded as of particular value.
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<sup>xxii</sup>The right to freedom of religious belief and to observe the requirements of that religion is a universal human right and applies to all prisoners as well as to free persons. Prison regulations should include the right of qualified religious representatives to visit prisons regularly to meet prisoners. Facilities should be provided to all prisoners who wish to observe their religious duties. This may include the right to pray in private at specified times of the day or night, to carry out various washing practices or to wear particular items of clothing; see also article 18 UDHR and article 18(1) ICCPR.

<sup>xxiii</sup> ECHR, Application NO. 6239/19 & 2 Ors.

<sup>xxiv</sup> Application No. 49341/18 and 13 others, 29 March 2022

<sup>xxv</sup> Application No. 38144/20

<sup>xxvi</sup> The Liberal model of education is to develop critical thought and imagination. Education can as well be humanistic in nature. That is, to engage the ‘whole person’ intellectually and emotionally. It can also be vocational. That is, equip individuals with skills for working life. These represent the 3 models of education.

<sup>xxvii</sup> C. Winch and J. Gingell., *Philosophy of Education: The Key Concepts* (2<sup>nd</sup> Edition) (London: Routledge, 2008)

<sup>xxviii</sup> UN General Assembly, 1948

<sup>xxix</sup>G. Robinson and I. Crow. *Offender Rehabilitation: Theory, Research and Practice*. (London: SAGE, 2009).

<sup>xxx</sup> S. Duguid and R. Pawson. “Education, Change and Transformation”. *The Prison Experience. Evaluation Review*, (1998) 22(4): 470-489: 485.

<sup>xxxi</sup> M. Foucault., *Discipline and Punish: The Birth of the Prison* (London: Penguin Books Ltd, 1977).

<sup>xxxii</sup> Researcher fieldwork in prisons under study in December 2018 and January 2019.

<sup>xxxiii</sup> A. Dissel, *Rehabilitation and Reintegration in African Prisons* in J. Sarkin (ed.), *Human Rights in African Prisons* (Cape Town: HRSC, 2008),p.156.

<sup>xxxiv</sup> Ibid

<sup>xxxv</sup>J. Contardo and M. Tolbert., *Prison Postsecondary Education: Bridging Learning from Incarceration to the Community* ([http://www.urban.org/projects/reentry-roundtable/upload/Contardo .pdf](http://www.urban.org/projects/reentry-roundtable/upload/Contardo.pdf) ) visited on 21 November, 2018.

<sup>xxxvi</sup>Council of Europe. *Prison Education and Training in Europe Current State-Of-Play and Challenges*.(European Commission, 1990).

<sup>xxxvii</sup>*Western Cape Forum for intellectual Disability v. Government of the Republic of South Africa And Another* (2011 (5) SA 87 (WCC) [2010] ZAWCHC 544; 18678/2007 (11 November 2010) at para 6.

<sup>xxxviii</sup>C. Ngwenya and L. Pretorius, “Substantive equality for disabled learners in state provision of basic education: a commentary on Western Cape Forum for Intellectual Disability v. Government of the Republic of South Africa”, *South African Journal on Human Rights*, 2012, 28-96.

<sup>xxxix</sup>The preamble of the Cameroon Constitution imposes an obligation on the state to make it progressively available and accessible by taking reasonable measures.

<sup>xl</sup> F. Veriava and F. Coomans., ‘The Right to Education’, in D. Brand and C. Heyns (eds), *Socio -Economic Rights in South Africa*, 2005, CH 2, 74-75.

<sup>xli</sup> Although the phrase ‘within its available resources’ does not appear in the preamble of the constitution of Cameroon, genuine and substantiated resources constraints are implicit in an evaluation of the reasonableness of the state’s acts or omissions.

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<sup>xlii</sup> Brosens, D., De Donder, L., Dury, S., & Dominique, V. (2015). Barriers to participation in vocational orientation programmes among prisoners. *Journal of Prison Education and Re-entry*, 2(2), 8–23. doi:10.15845/jper.v2i2.817; Lawrence, S., Mears, D. P., Dubin, G., & Travis, J. (2002). *The practice and promise of prison programming*. Washington, D.C.: Urban Institute: Justice Policy Center. doi:10.1037/e720872011-001

<sup>xliii</sup> Czafit, B., & Köllö, J. (2015). Employment and Wages Before and After Incarceration – Evidence from Hungary. *IZA Journal of European Labor Studies*. Retrieved from <https://link.springer.com/article/10.1186/s40174-015-0044-z>

<sup>xliv</sup> Crewe, B. (2012). *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford: Oxford University Press.

<sup>xlv</sup> See the reports of the Special Rapporteur on Prisons and Conditions of Detention in Africa for Benin, The Gambia, Mali, Cameroon, Namibia, South Africa and Ethiopia, available at <<http://www.penalreform.org/>>.