



PARLIAMENT OF MALAWI



NATIONAL ASSEMBLY

49TH SESSION

**REPORT OF THE
PARLIAMENTARY COMMITTEE ON
SOCIAL AND COMMUNITY AFFAIRS ON THE
FOOD CRISIS IN PRISONS IN MALAWI**

NOVEMBER, 2022

ADOPTED BY THE COMMITTEE ON 25TH NOVEMBER, 2022

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REPORT NO. 2

November, 2022

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AND COMMUNITY AFFAIRS ON THE FOOD CRISIS IN PRISONS IN MALAWI**

This is a report of the Social and Community Affairs Committee on the Committee's findings following a field visit to Zomba Maximum Prison and consultative meetings with various stakeholders.

I, Savel Kafwafwa, MP, Chairperson of the Social and Community Affairs Committee, on behalf of the Committee and pursuant to Standing Order 185, present this Report to the House for consideration and adoption.

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish on the right side.

Hon. Savel Kafwafwa, MP

**CHAIRPERSON OF THE PARLIAMENTARY COMMITTEE
ON SOCIAL AND COMMUNITY AFFAIRS**

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ACKNOWLEDGEMENT

The Committee would like to express its sincere and profound appreciation to the Right Honourable Catherine Gotani Hara, MP, Speaker of the Parliament of Malawi for her untiring support towards the oversight work of the Committee on Social and Community Affairs. The Committee would also like to express its gratitude to the Clerk of Parliament for all the Logistical and technical support rendered during these field visit and consultative meetings.

Furthermore, the Committee would like to thank the Ministry of Finance and Economic Affairs, Ministry of Homeland Security, Malawi Prison Service, Malawi Human Rights Commission, Centre for Human Rights Education, Advice and Assistance (CHREAA) and Southern African Litigation Centre for their support and cooperation during the field visits. These stakeholders provided support and insightful information that assisted the Committee to make the recommendations contained in this Report. The information provided greatly benefitted the Committee to develop this Report.

COMMITTEE MEMBERSHIP AS AT NOVEMBER, 2022

1. Hon. Savel Kafwafwa, MP
2. Hon. Benard Kondwani Chitekwe, MP
3. Hon. Daud Chida, MP
4. Hon. Chifundo Makande, MP
5. Hon. Mungasulwa Mwambande, MP
6. Hon. Overstone Kondowe, MP
7. Hon. Ramuzani J. Mahomed, MP
8. Hon. Peter Mazizi, MP
9. Hon. Henry B. Shaba, MP
10. Hon. Lyana L. Tambala, MP
11. Hon. Naomi Phiri, MP
12. Hon. Gladys Ganda, MP
13. Hon. Fyness Magonjwa, MP
14. Hon. Olipa Chimangeni, MP

Secretariat

- | | | |
|-----------------------------|---|-----------------|
| 1. Ms. Judith Sikaloka | - | Committee Clerk |
| 2. Mr. Raphael Kalapalamula | - | Committee Clerk |

TERMS OF REFERENCE

The stated functions of the Parliamentary Committee on Social and Community Affairs in Standing Order 150 are as follows:

- 1) A Committee shall perform such functions as is conferred on it by the Constitution, an Act of Parliament, a resolution or Rules of the Assembly.
- 2) Notwithstanding sub-rule 1) a Committee may examine such matter within its remit (referred to as “competent matters”) as it may determine appropriate or as may be referred to it by the Assembly on any such matter.

Furthermore, the stated powers of the Parliamentary Committee on Social and Community Affairs in Standing Order 151 are as follows:

- 1) The powers of every Committee shall include:
 - a) Summoning or subpoenaing any person to attend and give evidence before a Committee at a stated time and place;
 - b) Requiring any person to disclose and produce to the Committee any papers and records in that person’s control, possession and custody relevant to the Committee’s proceedings;
 - c) Creating sub Committees of its members for specific task;
 - d) delegating to its subcommittees all its powers except the power to report to the Assembly;
- 2) If any person summoned to attend before a Committee or to produce papers and records does not comply with the summons, the Committee may report this fact to the Assembly which may invoke the provisions of the National Assembly (Powers and Privileges Act).

1.0 INTRODUCTION

The Parliamentary Committee on Social and Community Affairs pursuant to its mandate established under Standing Order 150 carried out a field visit to Zomba Maximum Prison on 26th October, 2022 and consultative meetings with an objective of appreciating the reasons for and the extent of the food crisis with officials from Ministry of Homeland Security and Malawi Prison Service (MPS) on 21st November, 2022 and officials from the Ministry of Finance and Economic Planning, represented by the Secretary to the Treasury on 23rd November, 2022.

The field visit and consultative meetings were undertaken following news of an alleged food crisis in Prisons across Malawi in October, 2022 that severe food shortage had rocked the country's 31 prisons, with reports that prisoners in some prisons had gone up to 3 days without food. The Committee, therefore embarked on a pursuit to appreciate reasons for and the extent of the food crisis in the prisons. The Committee visited Zomba Maximum Prison and thereafter held consultative meetings with officials from the Ministry of Homeland Security, Malawi Prison Service and Ministry of Finance and Economic Planning to find out ways of managing the crisis.

2.0 METHODOLOGY

The Committee visited Zomba Maximum Prison to appreciate reasons for and the extent of the food crisis. The Committee toured the prison premises and held round table discussions with officials from the Malawi Prison Service, Malawi Human Rights Commission and CHREAA. The Committee then held consultative meetings with officials from the Ministry of Homeland Security, Malawi Prison Service and Ministry of Finance to find out ways of managing the crisis. Thereafter, the Committee set to discuss the findings and generate recommendations for further improvement of the institutions.

3.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

Following the field visits, the Committee made a number of findings, observations and recommendations which are hereby being presented in this report for consideration by the House.

4.0 OBSERVATIONS FROM VISITS TO ZOMBA MAXIMUM PRISON

4.1 The Committee found out that for the past five financial years, the funding for Malawi Prison Services was as follows:

FOOD RATION FUNDING TREND ANALYSIS FOR MALAWI PRISON SERVICE PER FINANCIAL YEAR

FINANCIAL YEAR	AVERAGE PRISON POPULATION	REQUIRED RATION BUDGET (MK)	APPROVED RATION BUDGET (MK)	DEFICIT (MK)
2018/2019	13,934	2,139,241,000.00	1,403,172,329.00	736,068,671.00
2019/2020	14,275	2,189,000,000.00	1,952,392,500.00	236,607,500.00
2020/2021	14,594	2,673,074,250.00	1,566,750,000.00	1,106,324,250.00
2021/2022	15,650	2,644,083,750.00	1,052,784,375.00	1,591,299,375.00
2022/2023	16,600	2,882,051,288.00	1,317,051,979.00	1,564,999,309.00

FOOD RATION FUNDING TREND ANALYSIS PER PRISONER PER DAY

FINANCIAL YEAR	REQUIRED RATION ALLOCATION PER PRISONER PER DAY (MK)	APPROVED RATION BUDGET PER PRISONER PER DAY (MK)	DEFICIT PER PRISONER PER DAY (MK)
2018/2019	420.62	275.89	144.73
2019/2020	420.12	374.71	45.41
2020/2021	501.82	294.13	207.69
2021/2022	462.88	184.30	278.58
2022/2023	475.66	217.37	258.29

- 4.2 The Committee noted that the ideal allocation on food rations per prisoner is K479;
- 4.3 The Committee learnt that shortage of food in all prisons in Malawi, including Zomba Maximum Prison had come due to the following reasons: the withdrawal of the supplier from supplying maize because of unwillingness for reasons related to the increased maize market price in comparison to the approved bid price; the internal payment system as MPS was unable to process payments for its suppliers in time because of challenges related to IFMIS; and inadequate funds allocated to MPS to cover food rations required by all the prisons;
- 4.4 As a mitigating measure, the Malawi Prisons Services had used the harvest from its farms and shared it amongst the prisons. However, the yield in the previous year was low;
- 4.5 Malawi Prisons Service engaged ADMARC through Ministry of Homeland Security which had agreed to provide 25,000 50 kilogram bags of maize instead of the required 33,000 50 kilogram bags of maize;
- 4.6 The Committee proposed that Malawi Prisons Service consider establishing megafarms in order to be food self-sufficient, the Malawi Prisons Services reported that it had been allocated some land for the undertaking. This project was being implemented in all the prisons. It was however being delayed due to slow payments on IFMIS; additionally
- 4.7 The Malawi Prisons Service requested for funding to venture into farming in its already procured farms of more than 1,000 hectares in Zomba and 500 hectares in Kasungu;
- 4.8 The Committee learnt that in other countries in the region, the Prisons Services was provided with equipment and it was doing well in farming. However, prisons in Malawi receive very little funds for production that only allow it to purchase fertiliser and not venture into large scale farming;
- 4.9 The Committee also learnt that the Malawi Prisons Services was working on revising the Malawi Prisons Service Act to include generating income through providing services to the private sector;
- 4.10 The Committee was concerned as to whether the AIP farm inputs allocated to prisons were being managed efficiently and being put to good use and learnt that the MPS had an Institutional Integrity Committee that is responsible for overseeing corruption and monitoring the farm inputs programme in prisons;
- 4.11 The Committee expressed concerns that there was corruption in the supply of food and rations at the prisons even though MPS informed the Committee that it is audited annually;
- 4.12 The Committee noted that there was a Pardoning Initiative Committee that was chaired by the Ministry of Justice and the Ministry of Homeland Security was part of the committee. This committee recommended names to be considered for pardon during holidays to decongest prisons;

- 4.13 The Malawi Prisons Service informed the Committee that at the time of the meeting, it had been provided with 25, 000 bags of 50 kilogram maize;
- 4.14 The Committee noted that with support from CHREAA and Deutscher Volkshochschul Verbande (DVD) International, Malawi Prisons Services was implementing a project that provided the prisoners with various vocational trainings for instance carpentry, tailoring and barber skills among others. It was however noted that the project was unsustainable considering it is donor funded as such there is need for MPS to also partner with TEVETA to formalise the vocational training and to certify the programmes;
- 4.15 For the Zomba Maximum Prison, the Committee found out that for five days in the month of October 2022, they did not cook food for prisoners and had relied on well-wishers who provided food to the prisoners;
- 4.16 The Committee noted that MPS had only managed to secure maize and there was no indication of legumes to go with it. It reported that they had bought 270 50 kilogram bags of pigeon peas each weighing 50 kilograms that would last it till December, 2022.

5.0 OBSERVATIONS AND FINDINGS FROM THE ROUND TABLE MEETING WITH MINISTRY OF HOMELAND SECURITY AND MALAWI PRISONS SERVICE

- 5.1 The Committee learned that the required allocation for prisoners' rations from the ORT is Mk2,882,051,288. Implying that on a monthly basis the department requires Mk240,170,940 for prisoners' ration which translates to MK14,381 required per prisoner per month and K479 per prisoner per day. However, prisoners had been allocated MK217 each per day for food rations covering maize, beans with meat or fish in between, salt, and firewood in the 2022/2023 Financial Year;
- 5.2 The Committee noted that the MPS required and approved budget is heavily affecting service delivery and as of November, 2022, Malawi Prisons Service was remaining with K100 million in its budget line for food rations for the remainder of the financial year;
- 5.3 The Committee noted with concern that food suppliers to MPS were selling the maize at almost twice the market price;
- 5.4 The Committee learnt that at the time of the meeting, the Ministry of Finance had paid ADMARC to provide the Malawi Prisons Service maize. However, the maize was only enough for prisons across the country to use up to January, 2023 which meant that the food crisis in prisons would resurface if there was no other supply towards the prisons to cover February and March, 2023 which would be the period before the 2023/2024 budget is passed to allocate resources to Malawi Prison Service;

- 5.5 The Committee also learnt that even though the Malawi Prisons Service had received some maize from ADMARC did not have funds to buy relish and firewood such that the prisoners were eating nsima without relish with some of them adding sugar or salt to give it some taste; and
- 5.6 The Committee found out that the MPS was facing persistent water disconnections in major prisons due to accumulated arrears hence posing a health risk to inmates;

6.0 OBSERVATIONS AND FINDINGS FROM THE ROUND TABLE MEETING WITH MINISTRY OF FINANCE

- 6.1 The Committee learnt that one of the reasons why the MPS was facing challenges in the implementation of the programs as per allocations in the 2022/2023 Financial Year included devaluation of the kwacha in May, 2022 which led to an increase in commodity prices which did not tally with allocated resources;
- 6.2 The Committee was pleased to note that as a long-term solution, the Ministry of Finance and Economic Planning had accepted the proposal to support the Malawi Prisons Service with seed money in the establishment of megafarms for prisons to be able to produce maize on its own and to possibly find markets to sell excess produce. At the time of the meeting, the Ministry of Finance and Economic Planning committed to consider allocating K200 million as a start-up package towards the establishment of megafarms for the Malawi Prisons Service;
- 6.3 The Committee was of the view that this would complement the budgetary allocation towards Malawi Prisons Service as such prisons would only depend on the Ministry of Finance for funding for procurement of relish;
- 6.4 The Committee found out that at the time of the meeting, the Ministry of Finance and Economic Planning was aware that Malawi Prisons Service had arrears accumulated from bills from various water boards and Electricity Supply Cooperation of Malawi (ESCOM). At the time of the meeting, the Ministry had held meetings with water boards and ESCOM in order to be briefed on outstanding bills it had with all Ministries, Departments and Agencies of Government (MDAs). Following the compilation of the bills, the Ministry of Finance and Economic Planning committed to issue promissory notes to ESCOM and Water boards as an immediate solution to clear the arrears. However, as a long-term solution, the Ministry of Finance had agreed with the service providers to install prepaid water and electricity meters to control abuse of water and electricity which at times happens in government institutions and to avoid accumulation of arrears; and
- 6.5 The Committee was delighted to note that the Ministry of Finance would consider allocating K802 million towards food rations for Malawi Prisons Service to bail it out of the food crisis as an immediate remedy.

7.0 DISCUSSION AND RECOMMENDATIONS

7.1. Control of Water and Electricity Bills

The Committee noted that at times, government institutions abuse resources such as water and electricity and at times, there is water and electricity loss because of broken down supply systems and these lead to government having huge bill arrears to settle.

The Committee urges all government institutions, and in particular, the Malawi Prisons Service to ensure that it recruits plumbers and electricians in all its prisons to ensure that water spillages and electricity faults are rectified soon enough.

The Committee also urges Waterboards and ESCOM to consider installing prepaid meters in government institutions to control bills and avoid accumulation of arrears from government institutions.

7.2 Use of Firewood

The Committee noted that the Malawi Prisons Service was using firewood for cooking in all its prison, which was not environmentally friendly because it was depleting forests and expensive.

The Committee therefore recommends that the MPS should switch to the use of alternative energy sources which are environmentally friendly.

7.3 Income Generation

The Committee noted from its discussions that the Malawi Prisons Service was facing various challenges, the most serious being the food crisis. The Committee noted that, regardless of these challenges being attributed to inadequate funding, governments resource envelop is limited as such the Malawi Prisons Service should consider exploring other means of generating income to complement the budgetary resources it receives.

The Committee therefore recommends that the Malawi Prison Service should seriously consider operationalizing megafarms as soon as may be permissible.

The Committee also encourages the Malawi Prisons Service to consider working with TEVETA to formalise the vocational skills programmes it is offering to prisoners in order for TEVETA to certify the vocational skills programme in prisons.

7.4 Amendment of the Malawi Prisons Service Act

The Committee noted that Prisoners provide labour to the government through various ways such as assisting the city council in city sweeping exercises, however this labour is free.

The Committee recommends that the Malawi Prisons Service should consider amending the Malawi Prisons Service Act in order to charge government institutions for the labour it provides considering that the Act does not provide for charged labour at the moment.

7.5 Capital Investment

The Committee noted that even though MPS had been allocated megafarms, it did not have resources to operationalise them.

The Committee recommends that the Ministry of Finance should allocate at least k3 billion as a capital investment for the operationalization of megafarms in order for MPS to be able to produce maize and other food items and stop depending on the Ministry of Finance entirely for food rations

8.0 CONCLUSION

As a Committee with an interest in the welfare of vulnerable and marginalised groups, prisoners inclusive, it remains committed to work with the government and all stakeholders in order to provide a good living environment for prisoners considering that being a prisoner is already a punishment and that prisoners should not further be punished with starvation. Additionally, there are prisoners who are on various treatment who cannot take their medication without food and starving them would be giving them a death sentence. The Committee, therefore, pledges to continuously monitor the welfare of prisoners across the country and ensure that prisoners are treated with dignity. The Committee therefore, presents this Report for serious consideration by the various stakeholders mentioned herein. The Committee further calls for adoption of this Report and quick implementation of the recommendations presented in it.

