

**THE IMPACT OF KATOMBORA REFORMATORY SCHOOL ON  
INCARCERATED JUVENILES, 1957-1990**

**BY**

**PHIRI ROSEBERY**

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**LUSAKA**

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## **APPROVAL**

This dissertation of Rosebery Phiri is approved as fulfilling the partial requirements for the award of the degree of Master of Arts in History by the University of Zambia

### **Examiner 1**

Name: ..... Signature:..... Date:.....

### **Examiner 2**

Name: ..... Signature:..... Date: .....

### **Examiner 3**

Name:..... Signature:..... Date: .....

### **Chairperson of Board of Examiners:**

Name: ..... Signature:.....Date:.....

### **Supervisor:**

Name:..... Signature..... Date:.....

## **ABSTRACT**

The scope of the study revolves around the impact of Katombora Reformatory School on incarcerated Juveniles between 1957 and 1990. Firstly, the study traced the origin of juvenile incarceration in colonial Zambia from the police force which was the first custodian of in-mates to prison service or correctional service and reformatory. The study established that incarceration as a means of punishing juvenile offenders for committing crime changed to incarceration of juveniles with the view of giving them hope to live a normal life. This was done through the provision of education for juveniles who could progress academically and skills training to those juveniles who had challenges in progressing academically. Secondly, the study assessed the effectiveness of programmes at Katombora Reformatory School, such as the after care, spiritual welfare and education, outward Bound courses to foster the spirit of reasonable optimism in the youths in order to see a brighter future ahead of them. Outward bound courses involved youths from all walks of life taking part in special physical activities. These programmes were designed to equip inmates with survival skills to depend on upon discharge. These programmes greatly benefited juveniles through interaction with the community and the environment to develop a sense of belonging. Finally, the study examined the causes of recidivism among the juvenile offenders from Katombora reformatory School. Recidivism, in this regard was the process of re-offending. The factors which facilitated for the juveniles to commit crimes after being discharged from the reformatory were examined. Most of the recidivists who went to Katombora managed to be reformed. The study concluded that the establishment of Katombora Reformatory School had a positive impact on the juveniles incarcerated there between 1957 and 1990.

## **DEDICATION**

To my Father Mr. Rolex Peter Phiri, my late mother Ms. Margret Mukuka Bwalya, my sister Gift Phiri, my brother Eric Phiri and my wife Chisha Brenda who all sacrificed a lot for my education. To my children Morris, Anny, Bwalya, Chikondi, Chimwemwe, and Chilangizo who missed me a lot during my research.

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## **LIST OF ABBREVIATION**

|        |  |
|--------|--|
| AIDS:  | Acquired Immune Deficiency Syndrome                            |
| BSAC:  | British South Africa Company                                   |
| HIV:   | Human Immunodeficiency Virus                                   |
| JUV:   | Juvenile   |
| KRS:   | Katombora Reformatory School                                   |
| MHA:   | Ministry of Home Affairs                                       |
| MLSS:  | Ministry of Labour and Social Services                         |
| NAZ:   | National Archives of Zambia                                    |
| NER:   | North-Eastern Rhodesia   |
| NWR:   | North-Western Rhodesia   |
| PDAR:  | Prison Department Annual Report                                |
| PSD:   | Prison Service Department                                      |
| RRC:   | Rural Reconstruction Centre                                    |
| SDA:   | Seventh Day Adventist  |
| SWS:   | Social Welfare Service   |
| TEVET: | Technical Education, Vocational and Entrepreneurship Training. |
| UNIP:  | United National Independence Party.                            |

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## CHAPTER ONE

### 1.1 INTRODUCTION AND HISTORICAL BACKGROUND

The factor of child neglect and poverty has been a common driver of juvenile incarceration in almost all the territories of the world. The idea of juvenile incarceration was a colonial government undertaking in Africa and Zambia in particular. From the inception of colonial towns, the colonial governments witnessed the emergence of social problems similar to those experienced in Europe in the nineteenth century. Colonial governments introduced legislation on juvenile incarceration to curb the rising challenge of public disorder and street crime perpetrated by juveniles who were believed to have migrated from the rural areas to colonial towns.<sup>1</sup> The growth of urban and industrial centres provided an opportunity for the youth to migrate to urban centres in search of wage employment. This influx precipitated the emergence of juvenile delinquency leading to incarceration.

Richard Waller notes that the older people who brought the young ones to the towns were seen to have dedicated their energies to looking for money to settle debts which they had accumulated in the rural areas at the expense of taking care of the young ones.<sup>2</sup> The young ones were left alone, engaging in various forms of misconduct ranging from pick-pocketing to petty thieving. To this effect, the colonial government viewed the major cause of juvenile misconduct as having emanated from poor parental supervision, as well as rapid urbanisation which was seen as the umbrella of delinquencies perpetrated by the children. The juveniles lost respect for the elders because they found and embraced independence of the mind which made most of them totally lose discipline.<sup>3</sup>

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<sup>1</sup> Laurent Fourchard, 'Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60', **Journal of African History**, Vol.47, No.1 (2006), p119.

<sup>2</sup> Richard Waller, 'Rebellious Youth in Colonial Africa', **Journal of African History**, Vol.47, No.1 (2006), p.78.

<sup>3</sup> Andrew Burton, 'Urchins, Loafers and the cult of the cowboy: urbanisation and delinquency in Dar-es-Salaam 1919-61', **Journal of African History**, Vol.42, No.2, (2001), p.202.

In principle, the emergence of the mining industry on the Copperbelt fostered socio-economic changes in the livelihoods of its inhabitants within Northern Rhodesia. Simaluwani observes that the discovery of copper in the 1920s increased British interest on the Copperbelt. British interest was further extended into spearheading the amalgamation of two territories namely; North- Western and North-Eastern Rhodesia. Through a successful period of treaty signing, the two territories were finally amalgamated into Northern Rhodesia in 1911. Before amalgamation, minimal criminal activities were known in the country.<sup>4</sup>

The prevailing conditions in the urban centres compelled the colonial administrators to embark on the creation of reformatory institutions separate from adult detention centres in Zambia, because initially both juveniles and adults were detained in one place. Earlier attempts by the colonial state to create reformatories had been done in line with the British penal system. Chiputa states that the Reformatories, Prisoners and Juvenile Offenders Removal Proclamation Act Number 16 of 1921 provided for the exclusive incarceration of European and coloured juvenile offenders in terms of treatment and control. He argues that this was a follow-up to the Proclamation of the 1920 agreement with the Union of South Africa to transfer juveniles to South African Reformatories. This was, to some extent based on racial grounds but it could not yield the intended goals because of logistical and financial challenges.<sup>5</sup>

Further attempts were made to set favorable conditions for juvenile incarceration. In 1933 the 'Children and Young Persons' Act which was designed for England and Wales was extended to Northern Rhodesia through the juvenile offenders Ordinance number 41 of

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<sup>4</sup> Enoch Mweetwa Sumaluwani, 'Zambia Approaches to Disposition of Juvenile Offenders', M.A Dissertation, University of Zambia ,1985, p.36.

<sup>5</sup> Euston K. Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964,' M. A Dissertation, University of Zambia, 1993, p.60.



1933. According to Chiputa, this Act was intended to protect the children from cruel, physical and moral danger.<sup>6</sup> This process did not realise the intended goals but it paved way for the establishment of the 'Ibwe Munyama' reformation centre.

The initial efforts to separate juveniles from adult detention centres led to the creation of the 'Ibwe Munyama' reformatory centre at the Chikankata Salvation Army School in Mazabuka in 1940. According to Chiputa, this centre acted as a treatment and control facility for juveniles who came into conflict with the law before the establishment of Katombora Reformatory School. He further points out that the facility enabled juveniles to be separated from adult detention centres contrary to the initial instance of combining the two distinct groups of offenders. The previous setting had paved way for undesirable psychological defects on the part of the juveniles.<sup>7</sup> This move prompted the establishment of a juvenile reformatory because it could not meet the demand of juvenile delinquency.

One of the reformatories which emerged was Katombora in 1957 which is the proposed area of this study. Chiputa argues that Katombora Reformatory was established during the British reign along the British *Borstal* lines. The term *Borstal* refers to the system which emphasises:

Keeping young offenders out of the prison system proper. It seeks to effect their reform through education, trades –training and full work programmes rather than punitive detention.<sup>8</sup>

Katombora was one such institution designed to offer such programmes in Northern Rhodesia. Sumaluwani also argues that the institution was established to rehabilitate and

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<sup>6</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964', p.61.

<sup>7</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964', p.30.

<sup>8</sup> John Warder and Rey Wilson, 'British Borstal Training System', **Journal of Criminal Law and Criminology**, Vol.64. No.1 (1973), p.118.

reform juvenile offenders who came into conflict with the law.<sup>9</sup> The institution is located in Kazungula District of Southern Province off the Livingstone- Sesheke Road.

The rehabilitation and reformation process at Katombora Reformatory was to be attained through the provision of basic education as well as trades skills such as carpentry and bricklaying. Chiputa points out that the institution was erected with no wall or fence because the reformatory was premised on providing a normal school environment.<sup>10</sup> It can also be stressed that the distance from the nearest urban centres together with huge untamed forests surrounding the institution prevented juveniles from contemplating any escape.

In addition, regarding flexible conditions of the institution in dealing with offenders, Chiputa shows that in certain instances juveniles were allowed to go home on 'leave' to visit their relatives within a prescribed number of days. After the visit, offenders were expected to return to the Reformatory.<sup>11</sup> This flexibility could have been designed to measure the level of compliance on the part of the juveniles and assess the level of rehabilitation and reformation among them.

In the rural setting of Zambia criminal activities were perceived as a menace, detrimental to the progress of society and an offence to the spirits. Harmony in traditional societies existed on the premise of moral relationships in order to preserve peace and order. Ethnic elders played the role of maintaining order and settling disputes through reconciliation among the members of the community. In cases where a particular member of the community committed an offence, the repercussion fell upon the entire family. A wrong of one person became the wrong of the entire kin.<sup>12</sup> The misconduct of the child was defined

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<sup>9</sup> Sumaluwani, 'Zambia Approaches to Disposition of Juvenile Offenders', p.38.

<sup>10</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia', p.91.

<sup>11</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia', pp.91-2.

<sup>12</sup> William Clifford, **An Introduction to African Criminology**, (Oxford: Oxford University Press, 1974), p.58.

in terms of adult misbehavior and the correction was the same. This was a totally different phenomenon from the British way of handling cases. The British believed that individuals were responsible for their own actions and had to face punishment for offences as individuals.<sup>13</sup>

Linda Chisholm, writing on South Africa, argues that before colonialism Africans used their customary laws in determining the cases of children who came into conflict with the law. Disputes and transgressions were brought before traditional courts and confining of children was not feasible. However, in the colonial era, Chisholm notes that juvenile delinquency and reformatories emerged due to late transformation to industrial capitalism. He further notes that the second half of the 19<sup>th</sup> century witnessed the establishment of Porter Reformatory in South Africa at the Cape. The reformatory housed boys whose crimes were regarded as being reformable such as property theft. This reformatory was designed on racial grounds where white boys could be subjected to industrial training while African boys were compelled to do manual work.<sup>14</sup>

In the 1970s and 1980s in apartheid South Africa, children were incarcerated for political activism. The detention centres were marred by corporal punishment instead of rehabilitation and reformation of offenders. It was estimated that over 30,000 whippings on juveniles were witnessed per year by the early 1990s that is from 1970, 1980 and 1990.<sup>15</sup>

In the case of Tanzania, Andrew Burton observes that the need to create laws and social welfare services to mitigate and control juvenile delinquency became inevitable due to rural-urban drift. Burton also states that in the early years Eurocentric writings reflected that

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<sup>13</sup> Clifford, **An introduction to African Criminology**, p.57.

<sup>14</sup> Linda Chisholm, 'The Pedagogy of Porter: The origins of the reformatory in the Cape Colony, 1882–1910'. **Journal of African History**, Vol.27 No.3 (1986), p.484.

<sup>15</sup> Ann Skelton, & Boyane Tshehla, 'Child Justice in South Africa, Institute for Security Studies Monograph 150. Pretoria: ISS, (2008), p26.

juvenile delinquency leading to incarceration was very common among the rural youths who had moved to towns.<sup>16</sup> Laurent Fourchard, writing on Nigeria, agrees with Burton that such juveniles coming from rural areas could be orphans who had lost both their biological parents in various circumstances. Others could be juveniles who voluntarily ran away from the paternal and maternal homesteads while other children were carried to the city by older people who could not assume full responsibility of such children, so they later engaged in delinquent activities, thus ending up in reformatories.<sup>17</sup>

On the global scene, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, youths in the United States of America were punished and jailed because very few options existed then. Juveniles of all ages were confined together with hardcore adult criminals in overcrowded penal institutions.<sup>18</sup> American cities were experiencing high rates of child poverty and neglect, leading to juvenile delinquent behaviour; thus becoming the basis of juvenile crime. The United States of America had marginally higher juvenile violent crime arrest levels than elsewhere in the world.<sup>19</sup>

Even during the time of the Roman Empire, reformatories existed. Within the Roman law, the use of '*doli incapax*' existed, which protected the children against prosecution because there was lack of capacity and understanding in placing juveniles under criminal offence, showing that juvenile crime was present during that period. The term '*doli incapax*' meant:

Between the ages of ten and fourteen, a young person cannot be convicted of a criminal offence unless the prosecution is able to show

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<sup>16</sup> Burton, 'Urchins, Loafers and the Cult of the cowboy: Urbanisation and delinquency in Dar-es- Salaam 1919-61', p.202.

<sup>17</sup>Fourchard, 'Lagos and the Invention of Juvenile Delinquency in Nigeria 1920-60', p.119.

<sup>18</sup> Rachelle M. Giguere, 'How Incarcerations Affects Juveniles: A Focus on the Changes in Frequency and Prevalence of Criminal Activity'. M.A Dissertation. University of Maryland College Park, 2005, p.1.

<sup>19</sup> Annie Casey, **No Place for Kids. The case for Reducing Juvenile Incarceration** (Baltimore: Casey Foundation, 2011),p.2

awareness on the actor's part that his or her conduct was seriously wrong.<sup>20</sup>

Therefore, Katombora Reformatory was established by the Northern Rhodesia Federal government in 1957 on the lines of the British/English penal system of separating juvenile offenders from adult offenders. It was intended as a mechanism to reform rather than punish juvenile offenders. Katombora Reformatory can, therefore, be said to have been established to reform and rehabilitate youth offenders with a view to reintegrating them into society not as offenders, but as young citizens useful both to themselves and to society. This study; therefore, investigates the impact of Katombora Reformatory School on juvenile incarceration between 1957 and 1990.

## **1.2 STATEMENT OF THE PROBLEM**

Katombora Reformatory School facility has been in existence since 1957 as the first juvenile male reformatory centre in Zambia, independent of adult detention centres. It housed juveniles who came into conflict with the law. Despite Katombora being in existence between 1957 and 1990, juvenile delinquency continued to be on the increase. Since Katombora Reformatory's inception, not much study has been carried out to look at the impact of Katombora Reformatory School on the juveniles incarcerated there. This study, therefore, attempts to investigate the impact of Katombora Reformatory School on the juveniles incarcerated there between 1957 and 1990.

## **1.3 OBJECTIVES OF THE STUDY**

The objectives of the study are to:

1. Trace the origin of juvenile incarceration in colonial Zambia;
2. Assess the effectiveness of the programmes at Katombora Reformatory School;

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<sup>20</sup> Tony Smith.A.H, 'Doli Incapax Under Threat', **The Cambridge Law Journal**, Vol.53, No.3, (1994), p.426.

3. Examine the causes of recidivism among juvenile offenders at Katombora Reformatory School.

#### **1.4 RATIONALE OF THE STUDY**

The significance of the study is to establish the impact of Katombora Reformatory School on incarcerated juvenile between 1957 and 1990. The study intends to trace the origins of juvenile incarceration from a historical perspective. The study expects to contribute to the existing literature on juvenile incarceration in reformatory and adult detention centres in Zambia. It is hoped this study will add new knowledge on the impact of Katombora Reformatory on the juveniles who were incarcerated there from 1957 to 1990.

#### **1.5 LITERATURE REVIEW**

Literature on the impact of Katombora Reformatory School on incarcerated juveniles from a historical perspective is quite insufficient. Most of the works which exist are from a legal perspective, while other works emanate from sociology and other works are of general nature on juvenile delinquency and on prison administration. General works do not provide direct information on the impact of Katombora Reformatory School on incarcerated juveniles, they instead lay a background to prisons where juveniles and adult offenders were confined before the establishment of juvenile reformatories in colonial Zambia.

Heather Shore, in 'Transportation, Penal Ideology and the Experience of Juvenile Offenders in England and Australia in the Early Nineteenth Century', focuses on how juveniles in Britain were ferried to Van Diemen's in the 1830s to spend time in the juvenile specific penal station, Point Puer in Australia. Upon being ferried they were subjected to a reform ideology of being colonial subjects. Moving of these boys of ages fifteen and sixteen years was regarded as one of the changes of tactics that was resorted to in unsteady advances

towards the development of a separate juvenile justice system.<sup>21</sup> The 1830s experiments of juvenile transportation led to the establishment of Parkhurst Detention centre in Newport on the Isle of Wight in Australia for juvenile offenders. This acted as a reformation centre for such juveniles.<sup>22</sup>

Shore's article focuses on the penal policy and the structure around a more punitive model in dealing with juvenile delinquency. Therefore, the transportation of the children and the youth was an extension of this model. Yet the work is of great value to the study in that it opens up the avenue to understanding that incarceration of the youths and the establishment of reformatories was a colonial undertaking. The transportation of felonious youths to British colonies was intended to be a means of colonial retraining as well as a source of advancing juvenile delinquency activities in foreign territories. Shore notes that, "those juveniles sentenced to death virtually all had their sentences reduced to transportation."<sup>23</sup> The article is also important to the study because it provides a premise on which to conceptualise the backdrop to transportation of the white juvenile delinquents from Zambia to Southern Rhodesia and beyond. One of the weaknesses of the article could be the notion of shifting a problem created within Europe to other parts of the world, because these juveniles did not easily forego their delinquent activities because of being transported.

Gillian Carol Gear's thesis on 'Industrial Schools in England, 1857-1933,' moral Hospitals' or 'Oppressive Institutions', looked at industrial certified schools in England set up to provide care and training for vagrant and destitute children. These schools existed earlier than most of the reform schools in the world. In these schools, manual work, such as

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<sup>21</sup>Heather Shore,' Transportation, Penal Ideology and the Experience of Juvenile Offenders in England and Australia in the Early Nineteenth Century', **Crime, History and Societies**, Vol.6, No.2 (2002), pp.81-83.

<sup>22</sup> Shore,' Transportation, Penal Ideology and the Experience of Juvenile Offenders in England and Australia in the Early Nineteenth Century', pp.81-83.

<sup>23</sup> Shore,' Transportation, Penal Ideology and the Experience of Juvenile Offenders in England and Australia in the Early Nineteenth Century', p.85.

spinning, knitting and weaving took up most of the day.<sup>24</sup> The article begins by looking at the first half of the nineteenth century which had witnessed hardship, social unrest, and disruption of the poorest people who lived in the country side and later moved to the city in search of work. The need to supply relief to the poor led to the introduction of the 1834 Poor Laws which aimed at regulating the so-called poor people.<sup>25</sup>

The second half of the century saw a change of attitude towards children of low classes by viewing them as victims of circumstances. The state took the responsibility of care, thus the development of Industrial Schools. This work is critical to this study because it provides a clear understanding of the emergence of Reformatory schools. The thesis informs the study by showing that the provision of care and protection is not the sole responsibility of the state alone; all stakeholders needed to come on board. The work also informs the study by providing useful information on juveniles in reformatory schools. The study was done from a Philanthropic platform.<sup>26</sup>

Rachelle Marie Giguere did a study titled 'How incarceration affects juveniles: a focus on the changes in Frequency and Prevalence of Criminal Activity'. This study was conducted in the United States of America. The article describes how labeling theory amplifies criminal activity of offenders afterwards. The researcher went on to show how the offender developed a deviant self- image due to negative reactions from people in the community, thereby causing juveniles to increasingly participate in criminal activities.<sup>27</sup> In this study, the author insisted that labeling theory affected so much first juvenile offenders compared to the second and third offenders. The study is important to the proposed study in that it

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<sup>24</sup>Gillian Carol Gear, 'Industrial Schools in England, 1857-1933,'*Oppressive Institutions*', PhD. Thesis, University of London Institute of Education (1999), p.9.

<sup>25</sup> Gear, 'Industrial Schools in England, 1857-1933, *Oppressive Institutions*', p.10.

<sup>26</sup> Gear, 'Industrial Schools in England, 1857-1933, *Oppressive Institutions*', p. 211.

<sup>27</sup> Rachelle Marie Giguere, 'How Incarceration affects Juveniles: A focus on the Changes in Frequency and Prevalence of Criminal Activity', M.A. Dissertation, 2005, University of Maryland, p.1.



begins by reviewing various writers who have debated the effects of juvenile incarceration in relation to its deterrence. Giguere's research was conducted from the legal point of view which advocates the use of sanctions as the best model to restrain an offender from future incarceration. Deterrence studies like Giguere's do not provide information on criminal offenders before incarceration. This does not provide information on how incarceration changes over time, which this study endeavours to achieve.

Herold Watts's 'Adding it Up: The Economic Impact of Incarceration of Individuals, Families and Communities', centres on the economic impact of incarceration on human capital in general and not specifically on juveniles. The study looks at the impact of incarcerating adults in American prisons. Adults who were previously employed and then got incarcerated are given audience.<sup>28</sup> This research is of great importance to the proposed study because it provides the base for analysing the economic impact of adult offenders which makes it easy to make a comparison with the economic impact of juvenile offenders. The proposed study will thus cover the socio- economic impact, which Watts's work does not include.

In, 'Effects of juvenile incarceration: Evidence from Randomly- Assigned Judges,' Anna Aizer looks at how juvenile incarceration has a causal effect on adult incarceration. The paper used randomly- assigned judges as instrumental variables to estimate causal effect. The judges' used incarceration tendency of juveniles as an instrument for adult incarceration.<sup>29</sup> This study is very important to the proposed study because it offers an opportunity to avoid relying on observable characteristics as being determinants of

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<sup>28</sup> Herold Watts 'Adding it Up: The Economic Impact of Incarceration of Individuals, Families and Communities', paper presentation, Columbia University, 1994, p.4.

<sup>29</sup> Anna Aizer, 'Effects of juvenile incarceration: Evidence from Randomly- Assigned Judges,' PhD Thesis, Brown University, 2011, p.2.

economic impact of juvenile incarceration. The observable attribute once relied upon could generate a lot of biases.

However, Aizer's study depends on the information provided by the judges as the main source of information. The study also does not provide information on the impact of reformatory schools on juveniles incarcerated which the proposed study intends to cover. It can easily be deduced that the study was done from the Economics point of view and not the historical point of view.

Concerning regional studies, Ivo Mhike in 'Deviance and Colonial power: A History of Juvenile Delinquency in colonial Zimbabwe', marked the first comprehensive study of juvenile delinquency in colonial Zimbabwe. The study considered socio-political developments in Southern Rhodesia as well as shifting notions in relation to delinquency and deviance behaviour leading incarceration. The study used juvenile delinquency as a prism to analyse the social construct of childhood as well as having a clear understanding of youth behaviour. This study is of great value because it brings out historical concepts of juvenile delinquency. It informs the study to be undertaken by revealing juvenile influence on the colonial administration. The study also provides the basis on juvenile rehabilitation as a direct influence of colonial policies.<sup>30</sup>

The work by Ivor Graham, 'A History of the Northern Rhodesia Prison Service' marks the earliest historical writing of the northern Rhodesia Prison system. Graham discusses the establishment and development of the prison service in Northern Rhodesia by giving a chronological account up to the beginning of the Federation of Rhodesia and Nyasaland in

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<sup>30</sup> Ivo Mhike, 'Deviance and Colonial Power: A History of Juvenile Delinquency in Colonial Zimbabwe, 1890-1960', PhD. Thesis, University of the Free State, 2016, pp.1-5.

1953.<sup>31</sup> Although this study gives a chronological account of the main developments in the prison service of Northern Rhodesia, it informs the study to be undertaken on how prisons were administered before the amalgamation of North-Eastern Rhodesia and North- Western Rhodesia.

William Clifford's study, 'The African View of Crime' is important to this study because it brings out the African urgency in response to crime and punishment in the colonial period. This study demonstrates the changes overtime in dealing with offenders from pre-colonial times, through colonial and post -colonial periods. Clifford, in this study concluded that Africans regarded imprisonment as a disgrace.<sup>32</sup> This study is of value to the proposed study because it portrays an African as an active participant of his own social environment.

Fergus Macpherson's, *Anatomy of a Conquest: The British Occupation of Zambia, 1884-1924*, is of value because it provides reasons for imprisonment within the years under study. Macpherson further explains the shortcomings of communal methods in punishing offenders which led to the adoption of imprisonment in dealing with tax defaulters, labour deserters and those who opposed colonial rule in general.<sup>33</sup> This study provides the basis in understanding juvenile incarceration during the proposed study.

The scholarly work entitled *The Ideas in Barotse Jurisprudence* (1965) done by Max Gluckman who looked at the wrong doings in the Lozi settings and how it was dealt with is equally valuable to the study to be undertaken. Gluckman looked at the importance of social harmony and how moral relationships maintained peace and order. He further looked at the social significance of the tribal elders in settling disputes with the view of establishing

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<sup>31</sup>Ivor Graham, 'A History of the Northern Rhodesia Prison Service', **The Northern Rhodesia Journal**, 01, (1964), p. 558.

<sup>32</sup>William Clifford, 'The African View of Crime,' **The British Journal of Criminology**, 01, No.5 (1964), p.484.

<sup>33</sup>Fergus MacPherson, **Anatomy of a Conquest: The British Occupation of Zambia, 1884-1924**, (London: Longman Group Limited, 1981), p.121.

harmony and reconciliation between the aggrieved.<sup>34</sup> Although this study was done from the sociological point of view, it gives the base in comprehending the role of tribal elders in dealing with crime in traditional Zambia.

The work by Kalombo T. Mwansa conducted within Lusaka on ‘Property Crime and the Criminal Process in Lusaka Magistrates’ Courts’ provides an example of an African City in which the rate of urbanisation and the transition from traditional to modern urban living became rapid. Kalombo covered how property crimes were being perpetrated by juveniles. He further provides information on the manner in which offenders were treated before the first prisons in North Eastern Rhodesia was established in 1909. The study reveals information on how offenders were transported to Southern Rhodesia prisons and served their sentences at a fee of 2s per prisoner for maintenance.<sup>35</sup> Mwansa’s work is very important to the proposed study because it avails information on how judges committed certain juveniles to prison sentence contrary to committing such juveniles to reformatory schools as a deterrent. Further, the work informs the proposed study on how age was used as a mitigation measure in child sentencing. Despite the study being conducted from the legal perspective, it provides social factors which led to juvenile delinquency in Lusaka and these factors are very significant to the proposed study.

The work by Euston Kasongo Chiputa titled, ‘The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964’, provides a historical background to the origin of prisons in Northern Rhodesia which is critical to the proposed study. The study highlights the challenges the colonial regime faced in reforming and rehabilitating juvenile inmates between 1907 and 1964. The study offers information concerning the earlier attempts the

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<sup>34</sup>Max Gluckman, **The Ideas in Barotse Jurisprudence**, (London: Yale University Press, 1965), p.200.

<sup>35</sup>Kalombo T. Mwansa, ‘Property Crime and the Criminal Process in Lusaka Magistrates’ Courts’, PhD. Thesis, University of London, 1992, p.92.

colonial authority embarked on to separate juveniles from adult offenders.<sup>36</sup> This study is important because it offers the foundation to the background of reformatories in Zambia. However, this work does not discuss the impact of Katombora Reformatory School on incarcerated juveniles in the post- 1964 period which the proposed study endeavours to do.

The study done by Sylvester Habeenzu, 'Property Crime and Police Efforts to Control It: The Case of Lusaka, 1932-1990', investigated police efforts to curb property crime in Lusaka during the stated period. This study was conducted from the historical perspective. The study gives clarity to what constitutes property crime. Among the property crimes dealt with were house breaking, burglary, robbery and theft of motor vehicles. The author observed that property crime had been on the increase both in the colonial and post-colonial periods. He describes how certain property crimes, notably robbery and theft of motor vehicles, had turned into violent forms after independence. The study observed escalations of property crimes in the 1980s through to 1990s which led to the shortage of manpower in the police force.<sup>37</sup> This study is of great value because it provides information on escalating juvenile delinquency rates' leading to incarceration.

Another closely related, and more recent, work from the historical perspective was done by Edwin Chilimboyi who looked at 'Prisons and Education Provision in Zambia: A Historical Perspective, 1964-2011'. This work looks at prisons in general in relation to the provision of education. The study looks at the origins and development of correctional education. Further, the study looks at the impact of correctional education on the inmates in general. This study informs the proposed study through the provision of basic information

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<sup>36</sup>Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964', p.60.

<sup>37</sup>Sylvester Habeenzu, 'Property Crime and Police efforts to Control It: The Case of Lusaka, 1932-1990.' M.A Dissertation, University of Zambia, 1993, p.1-3.

concerning the location and purpose of Katombora Reformatory School.<sup>38</sup> However, the study does not give a detailed account on the impact of Katombora Reformatory on incarcerated juveniles which the proposed study expects to show.

## **1.6 METHODOLOGY**

Literature on the impact of Katombora Reformatory School on incarcerated juveniles from a historical perspective is quite insufficient. Most of the works on juvenile delinquency and on prison administration are of a general nature. Even though general works do not provide direct information on the impact of Katombora Reformatory School on juvenile incarceration, they instead lay a background on the onset of juvenile incarceration in colonial Zambia. Initially, juvenile offenders in the colonial era were incarcerated together with adult in-mates because the goal of incarceration was to instil discipline. However, later on the desire for juvenile incarceration was to empower juveniles with academic and vocational training (skills training) to ensure that a juvenile was given an opportunity to lead a normal life upon discharge. This led to the establishment of Katombora Reformatory School in 1957 as the first juvenile male reformatory in Northern Rhodesia. The impact of the facility on the juveniles incarcerated there is revealed through the objectives set.

This study used the qualitative research method in collecting, analysing and interpreting data. Secondary and primary sources were consulted for this study. Unpublished sources such as theses, dissertations, reports done by students, and published sources such as books, articles, including available prisons annual reports within the University of Zambia main library were consulted. The theses and dissertations were consulted for information on the origin of juvenile incarceration from the colonial and post-colonial Zambia periods.

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<sup>38</sup>Edwin Chilimboyi, 'Prisons and Education Provision in Zambia: A Historical Perspective, 1964-2011', M.A Dissertation, University of Zambia, 2016.pp.42-44.

Information from books and articles was useful in providing a global picture of juvenile delinquency leading to incarceration.

The study was also conducted at the National Archives of Zambia where primary sources were consulted on the origin of incarceration, programmes offered by Katombora Reformatory School and information on juveniles incarcerated against crimes committed. The Prison Headquarters in Kabwe where primary records such as correspondence from colonial prison authorities, District Commissioners and Ministry of Home Affairs were consulted. Both colonial and post- colonial newspapers and magazines were also consulted. The Friends and Encounter Zambia (FENZA) Library in Bauleni, Lusaka, was consulted for both primary and secondary sources, especially on the role of the church in the penal reform process. However, information found at FENZA stressed the experiences of catholic priests in Northern Zambia and Eastern province. These experiences were based on how the catholic priests lived with the people of both in Northern Zambia and Eastern province.

Nevertheless the information at FENZA gave a foundation to look at the role of the Salvation Army who were based in Southern Province in relation to Chikankata mission. Interviews were conducted with key informants, of Katombora Reformatory School. Thus, former prison officers, as well as former and present juvenile inmates of Katombora Reformatory School were interviewed. Visits were also made to selected prison (correctional) facilities namely Mukobeko Maximum Security, Kamwala Remand and particularly Katombora Reformatory in Kazungula district of Southern Province. The visits to Mukobeko Maximum Security, Kamwala Remand were conducted to appreciate the levels of compliance in separating juvenile offenders from adult in-mates.

## **CHAPTER TWO**

### **ORIGIN OF JUVENILE INCARCERATION IN COLONIAL ZAMBIA**

#### **2.1 Introduction**

The foundation of juvenile incarceration in Africa was a colonial undertaking initiated by the colonial government to curb the rising crimes committed by the juveniles within the colonial states. In tracing fully the beginning of juvenile incarceration, the history of prisons and the development of a juvenile criminal justice system cannot be divorced from such a discussion. The establishment of prisons had a great bearing on the onset of juvenile incarceration in colonial Zambia. Therefore, in the discussion, prisons will be discussed in line with juvenile incarceration before the establishment and after the establishment of a juvenile reformatory system because prisons continued to house juveniles.<sup>1</sup> This chapter endeavours to trace the origin of juvenile incarceration in colonial Zambia.

#### **2.2 The Emergency of Prisons in Colonial Zambia in 1924**

The origin of juvenile incarceration in colonial Zambia could be traced back to the arrival of the British and emergence of prisons in colonial Zambia which began as part of the colonial police constabulary. For most of the 1924-57 period, juvenile offenders were incarcerated in the same prisons that held adult offenders upon conviction by the juvenile courts.<sup>2</sup> Up to 1957 when Katombora Reformatory School was established, Livingstone Central Prison was the only facility with some limited structures for the detention of juvenile offenders. This means that until 1957, no proper Reformatory for Juveniles at the level of Katombora Reformatory School ever existed in colonial Zambia. Chiputa argues that back in the 1920s only the treatment and control of Europeans and coloureds who committed

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<sup>1</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963.

<sup>2</sup> NAZ/SEC 1/1155, Re-organisation of Prison System in Northern Rhodesia, 1948.



crime had been addressed by the colonial government. This was through the 'Reformatories, Prisoners Juvenile Offenders Removal Proclamation' Number 16 of 1921. According to Chiputa, this had formalised the 1920 agreement with the Union of South Africa for the transfer of convicted juveniles to South Africa's reformatories. Two categories of juveniles were transported; namely coloureds and whites. The coloureds were sent to Deipkloof Reformatory School, while European juveniles were sent to Hontproot Reformatory School in Natal, South Africa. However, the logistical and financial implications of the scheme made it difficult for the agreement to be fully utilised for the Europeans and coloureds. It became very expensive to transport both convicts and their escorts.<sup>3</sup>

Earlier attempts to resolve the dilemma faced by the juveniles in colonial Zambia led to the establishment of the Ibwe Munyama School for the natives. Ibwe Munyama was a juvenile offenders and delinquent school at the Chikankata Salvation Army Mission Station in Mazabuka in 1940. The establishment of Ibwe Munyama failed to resolve the dilemma of juvenile offenders. Chiputa argues that "the School was totally unsuitable for the purpose".<sup>4</sup> As a result, juvenile offenders who could not be reformed at Chikankata were often recommitted to prisons.<sup>5</sup> This was a proper way of dealing with juvenile offenders because they were subjected to similar treatment imposed on the adult offenders since juveniles were also kept with adult prisoners. Katombora Reformatory School became the first ever Reformatory in colonial Zambia to specifically deal with juvenile offenders independent of adult offenders' influence. It was opened in 1957, six years before the end of the Federal

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<sup>3</sup> Chiputa 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964.' M.A Dissertation, University of Zambia, 1993, p.60.

<sup>4</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964.' M.A Dissertation, University of Zambia, 1993, p.60.

<sup>5</sup> NAZ/SEC 1/1155, 'Re-organisation of Prison System in Northern Rhodesia, 1948'.

period. From 1957, juvenile offenders began to be incarcerated at Katombora Reformatory School and ordered to undergo reformatory training there.

Historically, the prison system within which Katombora Reformatory School was set up had been established by the British South Africa Company (BSAC) which ruled North-Eastern and North- Western Rhodesia. The purpose of the establishment was to curb the challenge of rising crime. The onset of prison service in charge of prisons had a bearing on the concession which was signed in Lealui, the traditional capital of Barotseland between King Lubosi Lewanika and Frank Lockner on 27th June, 1890 which led to the creation of North-Western Rhodesia (N.W.R) under the British South African Company. Two years later in 1899, the North-Western Rhodesia Order-in-Council was issued by the British government which gave administrative powers to the company to preside over North-Western Rhodesia. Through the Order-in-Council proclamation, authority was granted to establish the Barotse Native Police, while in North-Eastern Rhodesia (N.E.R), a police force was formed which became known as North-Eastern Rhodesia Constabulary. Through the establishment of the police, officers were given powers for the safe-keeping as well as transportation of prisoners.<sup>6</sup> This marked the initial stage of incarceration in colonial Zambia. Thus, colonial Zambia's prison service can be said to have come into existence through the police force.

Mumbuwa argued that, "both Barotse Native Police and North-Eastern Rhodesia Constabulary were responsible for Prison duties in the Northern Rhodesia."<sup>7</sup> This suggests that the police force in colonial Zambia was in-charge of Prison service. Mumbuwa further argues that:

The first established Police stations for North-Western Rhodesia in 1899 were; Mongu, Victoria Falls, Kalomo, Fort Monze, Kazungula and

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<sup>6</sup> Jethro K. Mumbuwa, **The Historical Profile of Zambia Prisons Service**, (Lusaka: Government Printers, 1974), p.1.

<sup>7</sup> Mumbuwa, **The Historical Profile of Zambia Prisons Service**, p.15.

Sesheke. As for the North-Eastern Rhodesia were; Ikawa in Chambeshi District, Abercon in Tanganyika District, Rhodesia (Kalungwishi) in Mwense District, Forty Rosebury in Luapula District and Fort Jameson... these police stations served as Prisons since both the Barotse Native Police and North—Eastern Rhodesia were respectively responsible for the safe custody and conveyance of all prisoners.<sup>8</sup>

The British spearheaded the amalgamation process through treaty signing to ensure that Northern Rhodesia was governed as one territory, through a successful period of treaty signing; the two territories namely North-Eastern Rhodesia and North-Western Rhodesia were finally amalgamated into Northern Rhodesia in 1911. Before amalgamation, minimal criminal activities were known in the country.<sup>9</sup> To this effect, Northern Rhodesia came into effect as one territory. So, the idea of incarceration could be traced from the beginning of the colonial system.

During the time of the Federation, Section 2 of Chapter 8 of the Juvenile Ordinance which dealt with the incarceration of juveniles provided the division of responsibility in the definition of “minister”. The minister responsible for Juveniles was the Federal Minister of Home Affairs, while the Federal Minister of Law was responsible for Prisons. It was the responsibility of the Federal Minister of Law who was also responsible for the administration of the provisions of the Ordinance in relation to Reformatories outside Northern Rhodesia to deal with the removal of persons ordered to be detained outside Northern Rhodesia. Even, on the dissolution of the Federation, despite the Juvenile Ordinance being amended by Ordinance No.53 of 1963 the previous division of responsibility between the two Ministers was not changed. The reason for this change was

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<sup>8</sup> Mumbuwa, **The Historical Profile of Zambia Prisons Service**, p.15.

<sup>9</sup> Enoch Mweetwa Sumaluwani, ‘Zambia Approaches to Disposition of Juvenile Offenders’, M.A Dissertation, University of Zambia, 1985, p.36.

that, the term “Minister” was simply the member of the Executive Council entrusted by the Governor with the administration of the Ordinance.<sup>10</sup>

Upon its establishment, Katombora Reformatory School came under the charge of the Federal Minister of Law. During this period, the reformatory was considered both as a reformatory and a prison, but the latter outweighed the former in terms of operations. Under the prisons system operations were as defined by the prisons Act while under the reformatory system, operations were defined by the Juveniles Ordinance. However, after 1st December 1963; the functions of the Federal Minister were taken over by the Minister of Labour and Mines.<sup>11</sup> In the same vein, the Commissioner of Prisons took over the functions of the Federal Director of Prisons. On the same date, the Minister of Local Government and Social Welfare assumed the responsibility for the reformatories under the Juvenile Amendment Bill of 1963. This also later saw the Commissioner of Prisons become the Inspector on Reformatories.<sup>12</sup> The Commissioner had the mandate to ensure that reformatories were well managed in accordance with the premise of their establishment.

The period covered by this study (under review) faced a number of challenges, first because the Commissioner of Prisons operated under the policy directives of the Ministry of Local government and Social Welfare as well as the Ministry of Home Affairs. On top of that, the powers and duties of the prison officers under the Act could not coincide with those of the reformatory officers under the ordinance. To this effect, from 14th July, 1964, the Minister of Home Affairs together with the Chief Inspector of Reformatories who was also the Commissioner of Prisons made plans to ensure that Katombora Reformatory School was run according to the purpose of its establishment.<sup>13</sup> This move was arrived at upon the

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<sup>10</sup> NAZ/MHA 1/2/45, Juveniles Ordinance, Cap.8, 1964.

<sup>11</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963.

<sup>12</sup> NAZ/MHA 1/2/39, Subsidiary Legislation, Juveniles Ordinance, 1964.

<sup>13</sup> NAZ/MHA 1/2/41, Building Development Katombora Reformatory, 1964.

realisation that Katombora was supposed to be a place of reformation and not retribution, because retribution could not enable the young offenders to be trained for freedom with the ability to work hard as citizens of Colonial Zambia. An extract from **Nshila, a local language newspaper** dated July 28th, 1964 notes that:

In brief the objectives are to ensure that the institution (Katombora) is not a kind of young prisoner's prison but an institution with a positive system which will provide delinquent youth with the training which will fit him to take his place in ordinary life and become a good citizen.<sup>14</sup>

This type of training could be said to have been based on progressive trust that demanded effective personal decision after self-conviction of each and every respective juvenile, as responsibility and self-control were regarded as basic tenets of reformation. The Minister of Home Affairs had the responsibility to administer the provisions of the Juvenile Ordinance in relation to reformatories and reformatory orders because:

Sections 89 to 105 of the Ordinance deal specifically with reformatories and give the Minister responsible certain powers including those providing for the appointment of Reformatory Board Members and the variation of Reformatory Orders.<sup>15</sup>

From the inception of colonialism, most of the crimes leading to incarceration were committed by the white juveniles. However, later, African juveniles also began to engage in similar crimes due to poor parental supervision, gang activities, purposeless offences, acts of vandalism as well as rapid urbanisation.<sup>16</sup> This situation did not depict that African juveniles were passive recipients of white domination for the purpose of committing crime; instead African youths should be seen as active agents in adapting to youthful demands of town life in contrast to village life.

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<sup>14</sup> 'Nshila' newspaper, July 28th, 1964 in NAZ, MHA 1/2/41, Building Developments Katombora Reformatory, 1964.

<sup>15</sup> NAZ/MHA 1/2/45, Juvenile Ordinance Cap.8, 1964.

<sup>16</sup> NAZ/JUS/D/3/1, Prisons: Juvenile Offenders, 1958.

Juveniles committed a number of crimes in urban centres which landed them into incarceration. Among the crimes which juveniles committed were “robbery, house-breaking, theft and other crimes usually found to be committed by adults.”<sup>17</sup> However, these were not the only crimes committed by the juveniles because crimes could change overtime depending on the advancement in the way of life of the people. The table below indicates the types of crimes which juveniles committed between 1957 and 1968.

**Table 1: Types of Offences Committed by Juveniles incarcerated at KRS, 1957-68**

| NO. | TYPE OF CASES                     | NUMBBER OF CASES |
|-----|-----------------------------------|------------------|
| 1   | Theft                             | Eight (8)        |
| 2   | Burglary                          | One (1)          |
| 3   | House Breaking and Theft          | Five (5)         |
| 4   | Burglary and Theft                | One (1)          |
| 5   | House Breaking                    | One (1)          |
| 6   | Indecent Assault                  | Two (2)          |
| 7   | Drive car without owner’s consent | One (1)          |
|     | <b>TOTAL</b>                      | <b>19</b>        |

**Source:** NAZ, MHA 2/4/1 Punishment – Juveniles, 1964-68.

The table above reveals the types of offences juveniles incarcerated at KRS committed. This could have resulted from the previous history of incarceration involving adult juveniles who were above the age of 16years who had an influence on the young juveniles who were below the age of 16years. During this period, young juveniles below the age of 16 years and adult juveniles above the age 16 years were incarcerated together. This enabled the two groups to constantly interact within Katombora Reformatory School.

The most favourable treatment of offenders in the reformatory was classification based on the educational standard previously attained by the inmate in question, the mental state of

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<sup>17</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963.

the inmate to be admitted, the physical stature of a particular inmate, the previous criminal record in the case of those remanded before as well as the age and upbringing. These aspects were carefully scrutinised in order to give administrators of the reformatories the starting point for constructive training programme in order to yield a well rehabilitated in-mate as the end product after undergoing reformation.<sup>18</sup>

## **2.2 Relationship between Katombora and Juvenile Courts**

There was a strong relationship between Katombora Reformatory School and the juvenile courts. The establishment of Katombora Reformatory School paved the way for the juvenile courts to begin ordering some juvenile offenders to undergo reformatory training. The Inspector of Reformatories in 1957 stated that:

Reformatory school implies an institution set up by the government for the purpose of reforming the lives of young citizens who in the early years of their lives, through no fault of their own, have fallen into bad habits of committing crimes of all kinds.<sup>19</sup>

The juveniles sent to Katombora were to serve for period of four years. The earliest release of juveniles was to be ordered by the Chief Inspector of Reformatories after serving at least nine months at any time. The premise for release was the juveniles' conduct, behaviour and progress during training. The juvenile court could order any juvenile under the age of 14 years to undergo reformatory training. If the court was satisfied that the child could not be dealt with in any other manner then he was ordered to go to Katombora Reformatory School at such a tender age.<sup>20</sup> The table below shows the numbers of juvenile offenders sentenced to reformation between 1968 and 1969.

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<sup>18</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963, Zambia Prison Service (reformatories), 1963, p175.

<sup>19</sup>NAZ/MHA 1/2/34, Katombora Reformatory General, 1963, Letter from the Inspector of Reformatories, 5/11/63.

<sup>20</sup> Northern Rhodesia, **Prison Service Annual Report**, (Lusaka: Government Printers,1954),p.16

**Table 2: Juveniles Sentenced to Reformation, 1968-69**

| AGES           | OFFENCE  | NUMBER OF JUVENILES | DENOMINATION   |
|----------------|--|---------------------|--|
| 11 years       | Theft  | Six (6)             | Free Church(2)<br>Salvation Army(1)<br>Pagan(1)<br>Apostolic church(2)                         |
| 12 years       | Theft,<br>Stock Theft  | Six (6)             | Roman Catholic Church(3)<br>Watch Tower(2)<br>Baptist church(1)                                |
| 13 years       | Forgery and Uttering,<br>Receiving Stolen Property                     | Five (5)            | Dutch Reformed Church(1)<br>Free church(1)<br>Roman Catholic church(2)<br>Church of England(1) |
| 14 years       | Breaking and Entering  | Four (4)            | Watch Tower(3)<br>Dutch Reformed Church(1)   |
| 15 years       | Burglary,<br>Store Breaking and Theft                                  | Six (6)             | Roman Catholic Church(5)<br>Dutch Reformed Church(1)   |
| 16 to 18 years | Malicious Damage,<br>Indecent Assault,<br>Mutilation of Railway Ticket | Seven (7)           | London Mission society(2)<br>Methodist(2)<br>SDA(3)  |
| <b>TOTAL</b>   |  | <b>THIRTY (34)</b>  |  |

**Source:** Northern Rhodesia, Prisons Department Report, 1968-1969.

This table shows that the need to send juveniles to a reformatory was inevitable because the numbers of juveniles committing crime kept on rising. This was made possible when the court was satisfied that the juvenile below the age of 14 years could not be dealt with in any other manner. The juvenile was ordered to go to Reformatory School to undergo reformation. The table above represents statistics of juveniles who were ordered to undergo reformatory training between the ages of 11 years and 18 years between 1968 and 1969. Juveniles aged 14 years and below represented 62% of the crimes committed while those aged 15 years and 18 years represented 38% of the offences. It can be argued that the crime pattern began to increase in the juveniles under the age of 18 years from this period. In order for the reformatory order to be imposed on such juveniles, they had proved to the courts of being perpetual offenders in their respective offence categories.<sup>21</sup> Additionally, the table

<sup>21</sup> Northern Rhodesia, **Prisons Service Annual Report**, ((Lusaka: Government Printers), 1954, p.16.



reveals that juveniles below the age of 14 years had proven beyond reasonable doubt to the court that they needed to undergo reformatory training at a tender age.

The table also reveals that the juveniles had religious inclinations. Religious inclination did not deter juveniles from engaging into criminal activities. Despite juveniles having religious orientation at a tender age, they were capable of committing crime. From the 34 boys ordered to undergo reformatory training, boys from Roman Catholic Church were more compared to boys from other religious denominations. The reason behind the high number of Roman Catholic juveniles incarcerated could be attributed to high number of Roman Catholic followers in Northern Rhodesia and that juveniles under Roman Catholic were the most exposed compared to other denominations.<sup>22</sup> Despite juveniles being adherents of different religious beliefs their incarceration was under one umbrella in a reformatory. Upon entry into the reformatory, juveniles were classified according to their religious inclinations and attended religious sermons in their respective denominational sects.

### **2.3 Incarceration as a colonial legacy**

It can be argued that the idea of incarceration in prisons for wrong doers within colonial Zambia was a legacy of colonialism. Prison institutions were not indigenous to pre-colonial Zambia as places of incarceration. Incarceration was one way of exercising an upper hand by the Europeans over the indigenous majority. Incarceration became known in colonial Zambia when the British established penal systems which included the establishment of prisons. Europeans designed prisons in order to isolate and punish political opponents. It was also a means of trying to restrain man from acting contrary to dictates of the penal

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<sup>22</sup>Northern Rhodesia, **Prison Service Annual Report**, (Lusaka: Government Printers), 1954, p.27

system. The British used incarceration as a means to restrain political activists from agitating against foreign rule.<sup>23</sup>

Incarceration was also used as a means of making an offender reflect on the damage caused to society. In this case, incarceration was used as a means to punish wrong doing. Incarceration was used as the best weapon to punish juveniles who committed crime. Incarceration was meant to induce pain in the juveniles so that they not engage themselves in committing crimes.<sup>24</sup>

However, this does mean that wrong doing was unheard of in pre-colonial Zambia. What differed was the manner in which wrong doers were dealt with. The goal within centralised societies for punishing wrong doing was to secure compensation contrary to punishing wrong doing by incarceration as promoted by the Europeans. What existed in traditional settings similar to incarceration was total seclusion from the community. This was regarded as the last resort for offenders who repeatedly engaged in unpalatable vices which posed a risk to the community. Most of the people who became victims of such punishment were witches and youths who caused harm to people within the community.<sup>25</sup> To a great extent, traditional settings were tolerant of anti-social behaviour up to a moderate level; more room was provided for a juvenile to restrain from anti-social behaviour in the community. The situation changed after the arrival of the Europeans, who introduced incarceration of the offender away from the community.<sup>26</sup>

In essence, every community in the pre-colonial era had laws which differentiated between the law breakers and the innocent. Also, the persistence in offending had a definite end

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<sup>23</sup> E. L. Chimfumpa, Zambia Prison Service Magazine 1st issue, October, 1974, p.11

<sup>24</sup> Chimfumpa, **Zambia Prison Service Magazine** 1st issue, October, 1974, p.11.

<sup>25</sup> Clifford, W. 'Zambia'. In: Milner, A. (ed.). **African Penal Systems**. London: Routledge & Kegan Paul, 1969, p. 241–242.

<sup>26</sup> Clifford, W. 'Zambia'. In: Milner, A (ed.). **African Penal Systems**, pp.241-242.

which comprised seclusion from the community. Once an individual was found tangled in roots of social, economic or educational insufficiency or family maladjustment. The community immediate measures involved, subjecting the offender to intense guidance and counselling provided by respected members of the community who were vested with experience. These respected members were to try and re-orient the individual into a responsible character. The community strongly believed in aligning an offender within the traditional setting as opposed to detaching them completely from the normal community setup. The authority of the local elders tasked to re-orient individuals into responsible characters was highly respected by all the members of that particular community.<sup>27</sup> This meant that even the decisions arrived at by the elders were binding on all the members of the community. The elders within the community received due respect from all members of that particular community. This clearly indicates that offences by juveniles did not begin with the coming of the Europeans, but what differed was the manner in which juveniles were treated after offending. As discussed below, various factors led juveniles to be incarcerated mostly in urban areas.

## **2.4 Recognition of Juveniles under 21years**

After 1964, the Zambian government recognised the need to train young offenders or young adult offenders under the age of twenty one years, whom it thought needed special attention and were more ready to be trained unlike the adult offenders stationed in prison establishments. The new system embarked on by the government was based on developing the character, through the realisation of capabilities within a particular offender; as well as instilling a sense of responsibility in an offender coupled with self-control. These initiatives were contrary to the time when Katombora Reformatory School operated under the relevant

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<sup>27</sup> Juvenile's welfare in the colonies .draft report of the juvenile Delinquency Sub-committee on the **Colonial Penal Administration Committee**, 8th October, 1960, p.3.

sections of the Juvenile Ordinance of 1956 which was mainly concerned with punitive discipline.

The Juvenile Ordinance before independence did not cover the whole system of training and preparation for discharge of juveniles having successfully undergone Reformatory training.<sup>28</sup> After independence a new form of juvenile incarceration was adopted and involved the transformation of a juvenile in all aspects of life. The prime object of a reformatory was to reform a juvenile as well as make him suitable for employment after being discharged with the view of making an offender to live a normal way of life.<sup>29</sup>

## **2.5 Factors for the increase in Juvenile Incarceration**

There were a lot of factors which led to the increase in juvenile incarceration. The following were some of the factors; Industrialisation and Urbanisation, Exposure to cinematography, Failure of deterrent measures, Loss of respect for parents and Introduction of the money economy.

### **2.5.1 Industrialisation and Urbanisation**

The onset of industrialisation and urbanisation saw a number of indigenous youths migrating from rural areas where they had not experienced institutional incarceration from traditional leaders to urban areas designed by the British regime. The migration of the youths from rural areas to urban centres in Northern Rhodesia had great restrictions but African youths still migrated.<sup>30</sup> Even though the majority of the Native Authorities had orders to prevent youths under what was considered as taxable age to migrate to towns, by requesting passes from juveniles if unaccompanied by parents or guardians, the enforcement of this authority

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<sup>28</sup> Mumbuwa, **The Historical Profile of Zambia Prison Service**, p.23

<sup>29</sup> NAZ/MHA 1/18/7 Reformatory Board, 1964.

<sup>30</sup> NAZ/ MHA 1/31 Crime and Punishment, 1969.

was far from being perfect because some of the youths faked the authority by aligning themselves with purported guardians and eventually found themselves in urban centres.<sup>31</sup>

These youths had various reasons for traveling from their well-defined rural settings.

Some of the youths who accompanied guardians opted to migrate to urban areas to have accesses to education which was introduced in most towns for youths from ages of 12 -16 years along the line of rail which was not a privilege in rural settings then. Therefore, native youths saw this as one of the means through which to acquire western education. This was adopted by the colonial government after the failure of the repatriation process of native children between the ages of 8 and 16 years living in towns without parents or lawful guardians.<sup>32</sup> The introduction of compulsory education was seen as an important step to ensure discipline among the youths in towns who were gradually revealing tendencies of hooliganism once they did not acquire this compulsory education, and could not reverse the situation of juvenile crime. In such decisions, youths revealed the urgency to change their destiny unlike being passive recipients of change.<sup>33</sup>

On the other hand, the emergence of colonial industries facilitated the establishment of courts, where young offenders within colonial Zambia were compelled to appear after coming into conflict with the law which was European designed. It was the exposure to courts which facilitated the young offenders' incarceration in legal institutions such as prisons since the early years of colonialism. Youths within the towns did not purposely seek incarceration or desire to commit crime, but it was a way of trying to survive and be independent in life due to the demands of urbanisation and technological revolutions upon

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<sup>31</sup> NAZ/SEC2/295, Juvenile Welfare, 1949, Extract from Hansard No.49.

<sup>32</sup> NAZ/SEC2/295, Juvenile Welfare, 1949, Extract from Hansard no. 49.

<sup>33</sup> NAZ/ SEC2/295, Juvenile Welfare, 1949, Extract from Hansard no. 49.

the quality of life in human environment.<sup>34</sup> In other words, juveniles engaged in criminal activities in order to cope up with the demands of town life.

During the process of industrialisation and urbanisation in the early years of colonial penetration in Zambia, reformatory institutions within colonial Zambia to house juvenile offenders never existed in a well-established manner. Instead, juvenile offenders were confined together with the adult offenders in prisons particularly the natives; this had socio-economic repercussions upon the juveniles who were incarcerated with the adults.<sup>35</sup> Such incarceration modes had devastating effects on the youths seeking a brighter future because other juveniles ended up becoming recidivists without proper means of reconciling themselves with the communities.

### **2.5.2 Exposure to cinematography**

The exposure of juveniles to cinema, particularly those of European descent contributed to the rise in juvenile crimes leading to incarceration. Juveniles began to model their behaviour on what they saw being exhibited on the screen. They formed gangs in line with the heroes seen in the serials shown at the local cinema. For instance, in 1958, a film known as “Black Commando” rocked most of the cinema houses on the Copperbelt. It depicted characters dressed in all black tight fitting suits and had their faces covered. This movie influenced European boys to secure similar types of suits by breaking through clothing stores and head out to robe unsuspecting members of the public.<sup>36</sup> However, this trend was not tolerated by all the parents in the community but caused great disturbance among the juveniles and the adults who became victims. Although some of the victims were merely threatened with

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<sup>34</sup> NAZ/MHA 2/18/9, Official Publications, 1964.

<sup>35</sup> Juvenile’s welfare in the colonies .Draft report of the juvenile Delinquency Sub-committee on **the Colonial Penal Administration Committee**, 8th October, 1960, p.4.

<sup>36</sup> NAZ/SEC1/1145, Prisons: Juvenile Offender, 1958.

no physical injuries or harm caused on them, the threats left a long-term emotional impact upon the victims.<sup>37</sup>

These films greatly contributed to children falling prey to crime leading them into incarceration. Parents of children who became victims of attacks spoke strongly against the influence of films on juveniles. Mr. A. Stevens, Secretary of the Mufulira Branch of the Mine Workers Union, in 1958 complained that “certain films shown to European juveniles are unsuitable and leave a bad impression on their minds”.<sup>38</sup> This factor of cinema to the greatest extent contributed to juvenile crime leading to incarceration. Though these films did not mark the origin of incarceration per-se, they contributed greatly to the emergence of delinquent behaviour among the youths leading to incarceration. Despite the negative picture portrayed through the characters emulated in the films, juveniles could be said to have developed the art of being creative by manipulating available resources in nature. Films also made natives to begin dispelling certain myths they had embraced about the white man, like the myth of a white man being immortal. They dispelled the immortality notion of the white man when they saw him being killed in the films.<sup>39</sup>

### **2.5.3 Failure of Deterrent Measures**

The failure of deterrent measures contributed to juvenile crime leading to incarceration. Before the introduction of incarceration in reformatory institutions, whipping was used as a deterrent measure to crimes perpetrated by the juveniles. However, this measure later proved unproductive because offenders subjected to whipping were perceived to have become hardened by a whip and some offenders were not physically fit to undergo such corporal

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<sup>37</sup> Draft report of the juvenile Delinquency Sub-committee on the **Colonial Penal Administration Committee**, 8th October, 1960, p.4

<sup>38</sup> NAZ/SEC1/1145, Prisons: Juvenile Offenders, 1958.

<sup>39</sup> Narrated by E.L. Chimfumpa, former Superintendent of Prisons in Zambia, **Prisons Service Magazine** 1st Issue, October 1974, and p.11.

punishment. Certain crimes did not warrant merely whipping because it proved as a nonsufficient punishment. This measure made the offenders to be more resistant to committing future crimes. Most of those convicted to whipping were often seen reverting to committing similar or more severe crimes. Thus, failure of the above mentioned deterrent measure paved way for probationary and reformatory treatment for the juveniles of less than sixteen (16) years of age. Probationary measure meant placing a juvenile in need under the supervision of the probation officer upon release from a reformatory in order to regulate the behaviour of the juveniles. Reformatory order meant placing a juvenile under reformatory training for possible rehabilitation and reformation.<sup>40</sup>

The table below reveals a good number of juvenile offenders between 16 years, 18 years and so on sentenced to incarceration. The table also reveals that the number of juveniles under 16 years of age who were incarcerated was more than the number of juveniles aged 18 years and over but below the age of twenty one.

**Table 3: Increase in crimes committed by Juveniles aged 16 to 20 Years, 1964-1977**

| AGE            | YEARS     |           |           |           |           |           |           |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                | 1964-1965 | 1966-1967 | 1968-1969 | 1970-1971 | 1972-1973 | 1974-1975 | 1976-1977 |
| Under 16yrs.   | 39        | 20        | 11        | 17        | 26        | 30        | 28        |
| 16yrs to 18yrs | 74        | 51        | 23        | 50        | 59        | 75        | 63        |
| 18yrs to 20yrs | 27        | 14        | 4         | 12        | 10        | 27        | 8         |
| 20yrs & over   | NIL       | NIL       | NIL       | NIL       | NIL       | NIL       | NIL       |
| TOTAL          | 140       | 84        | 38        | 69        | 95        | 132       | 99        |

**Source:** Ministry of Home Affairs, Prisons Department Annual Reports, 1964-1977.

From 1964, the number of juvenile offenders between 16 years and 18 years began to show a marginal increase in terms of incarceration at Katombora Reformatory School. Juveniles between the age of 16 and 18 years in 1964-65 committed many crimes as compared to other years. From 1966-71 there was a reduction in the number of crimes committed by the

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<sup>40</sup>NAZ/SEC1/1145, Prisons: Juvenile Offenders, 1958.



juveniles. However, from 1972 the number of juveniles committing crimes began to show an increase. The reason for this increase was that no juvenile during this period who committed crime was sentenced to imprisonment in adult prisons. Even though the above table does not show any juveniles who were 20 years and over regarded as young offenders or adult juvenile offenders, the later year to come began to record young offenders sent to Katombora from 1984 to 1990. Despite the numbers being very small of 1 to 3, it revealed the need to include juveniles at 21 years in Katombora Reformatory School.<sup>41</sup>

In the Prisons Annual Report of 1964, proposals to adopt the inclusion of the young offenders under the age of 21 years were recognised because such offenders were considered as having special needs and were likely to be more educable than adult offenders. Thus, they were recommended for training at Katombora Reformatory School. The 1965 Prison Annual Report defined a juvenile and young offender as, “a person under the apparent age of nineteen years is a juvenile, a young offender means a person under the apparent age of twenty years.”<sup>42</sup> To this effect young offenders were included in the definition of juveniles in the Juvenile Act. The number of such juveniles being subjected to incarceration continued to increase towards 1990, just as the category of juveniles between the ages of 16 years and 18 years. The table below depicts this.

**Table 4: Increase in Incarceration Rates, 1986-1990**

| AGE                         | NUMBER OF JUVENILES |
|-----------------------------|---------------------|
| Under 16 years              | 14                  |
| 16 years and under 18 years | 40                  |
| 18 years and under 20 years | 16                  |
| 20 years and Over.          | 1                   |
| <b>Total</b>                | <b>71</b>           |

**Source:** Ministry of Home Affairs, Prisons Department Annual Report, 1987, p.6.

<sup>41</sup> Ministry of Home Affairs, **Prisons Department Annual Report**, 1991, p.6.

<sup>42</sup> Republic of Zambia, Ministry of Home Affairs, **Prisons Department Annual Report**. (Lusaka: Government Printers, 1965). p.6.

From 1977 to 1987 no juveniles were convicted or sentenced to various types of imprisonment in the main established prisons. All the juveniles convicted during this period were ordered to undergo reformatory training. Even though the number of juveniles between the ages of 16 and 18 years, who committed offences, showed an increase, the offenders did not undergo corporal punishment which was common in prisons once a juvenile was sentenced to imprisonment. This state of affairs vividly indicates that corporal punishment was sparingly awarded in most cases and was slowly on the verge of disappearing.<sup>43</sup> Katombora Reformatory School continued to play its role in the training of juveniles.

#### **2.5.4 Loss of Respect for Parents**

Incarceration was seen as the alternative solution to juveniles who lost dread of their parents and where corporal punishment which involved caning more than six strokes and not more than twelve strokes could not yield any positive results.<sup>44</sup> Parents were perceived as initial disciplinarians because discipline started from home. A home was seen as the first embodiment of discipline instituted by parents on their children. Certain parents or guardians began to show negligence to children under their custody. In addition to negligence, the increasing seriousness and proportion of the problem of crime which came as a result of inadequacies in the attention paid to the quality of life during the process of development of a child.<sup>45</sup> As a result of this negligence and inadequacies, certain juveniles lost respect and regard for their immediate guardians and resorted to living unrestrained and unruly lifestyles, compelling them to engage in crime notably in the first established towns in Zambia. The Northern Rhodesia Department of Native Affairs in 1958 recorded that:

The majority of the juvenile offenders are either natives who have been brought from their homes in out-districts to the railway centres by

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<sup>43</sup>Ministry of Home Affairs, **Prison Department Annual Report**, 1987.

<sup>44</sup>NAZ/MHA 2/4/1, Punishment –Juvenile, 1963.

<sup>45</sup>NAZ/MHA 2/18/9, Official Publications, 1964.

‘askari’, ‘Kapitaos’, houseboys and such like persons as servants when very young, or are the children of the natives whose employment keeps them away from home all day. Such children have lived uncontrolled and undisciplined lives and have acquired bad habits from older companions in village compounds, and commence stealing at a tender age. Places such as Ndola, Lusaka, Livingstone and Broken Hill presented youths who were quite beyond control of their parents or guardians and no good purpose could be served by deporting them to their homes where they could continue to steal and engage into other criminal activities until people could drive them away back to European centres.<sup>46</sup>

The statement above describes how the indigenous fell into the trap of committing crime.

The fact that some of the parents stayed long hours at their work places paved way for their children to mingle with the adults where they learnt bad habits. Within the compounds there were youths who had lost respect of their parents who later influenced those who had respect for their parents. In the end, they started to involve themselves in criminal activities at the expense of parental authority. It was noted that even in an event that such youths would be deported to their home villages, they could continue engaging in their criminal activities.<sup>47</sup>

The deportation of these youths to villages made the authorities to think that such youths would be rejected and sent back to towns by village authorities. What was not put into consideration was that village settings were well-organised such that youths rarely found themselves in stealing habits and if they did punishment was not done in the manner the British penal justice system did. The major element in the traditional setting was to promote reconciliation between the family of the victim and the offender. The victim was compensated through the contributions organised by the offenders’ family so that harmony could be restored between the two families.<sup>48</sup>

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<sup>46</sup>NAZ/SEC1/1145. Prisons: Juvenile Offenders, 1958. Extract from Northern Rhodesia Department of Native Affairs.

<sup>47</sup> William Clifford, **An Introduction to African Criminology**, (Oxford: Oxford University Press, 1974), p.58

<sup>48</sup> Clifford, **An Introduction to African Criminology**, (Oxford: Oxford University Press, 1974), p.58.

### **2.5.5 Introduction of the Money Economy**

The introduction of the money economy that replaced the exchange of goods for goods or barter economy came with a lot of demands which contributed to juvenile engagement in crime and later being incarcerated. This was one of the economic reasons advanced for juveniles' leaving rural areas to urban set-ups. Those who could not compete favourably in agricultural production justified their movement on lack of progressive agricultural schemes. Despite land being in abundance in rural areas, some youths complained of shortage of land as an economic reason for migrating to urban centres.<sup>49</sup> However, it was just another way of the African youths trying to prove that they were agents of change of their own socio-economic ways of life, as opposed to being passive recipients of the change.

Leaving their home land was not a bad decision altogether because it was a way of proving to the older generation that the youths had come into contact with enlightenment; as perceived by themselves. They wanted to prove that they had become agents of their own destiny. This was a clear depiction of African agency at play. The youths were justifying that traditional incentives were no longer tenable as the only incentives available in life. The desire to go for adventure was stimulated by the middle-aged men who left the villages in response to social changes, and the juveniles followed.<sup>50</sup> The migration of the juveniles away from their home villages did not mean that their villages had become completely depopulated and irrelevant; some remained home and continued doing fine in their own ways of life.

Failure by some of the youths to market their produce or failure to successfully transport their produce to market areas were also used as reasons for leaving the rural areas which

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<sup>49</sup>NAZ/MHA 2/8/3 Juveniles- Release on Licence, 1971.

<sup>50</sup>Juvenile Welfare in the Colonies. Draft Report of The Juvenile Delinquency Sub-committee on the Colonial Penal Administration Committee, 8th October, 1960, p.6.

had free abundant resources at their disposal. They opted to believe the rumours of high wages on the Copperbelt which could enable them to purchase the goods that had become of value. Little did they realise that the money economy they perceived could eventually land them into a community of fluctuating population, which spoke many languages coupled with unorganised form of local grouping or leadership.<sup>51</sup>

This was the complete opposite to emerging from a well organised community with stable moral codes, designed simply by public opinion and authority of the elders. Entering a situation of various conflicting standards, coming into contact with statutory regulations, with completely unique categories of offences which were unfamiliar to the youth landed many into incarceration upon contravening the law.<sup>52</sup> It should be stated that the African youths were not the only ones who became victims of incarceration upon moving to towns, as literature shows that even coloured and European youths also became victims of incarceration upon breaking the law, but they were not incarcerated in local reformatory institutions until 1964.

## **2.6 Conclusion**

In concluding this chapter, it can be argued that juvenile incarceration in colonial Zambia started after the arrival of the British colonial state. Juvenile incarceration in colonial Zambia was an offshoot of the emergence of the prison system. Prisons began hosting juveniles in colonial Zambia as first institutions before the introduction of juvenile reformatories. The emergence of industrialisation and urbanisation in colonial towns set a tone for African juveniles who had to migrate from rural areas to urban centres for adventure, monetary gain faced incarceration upon being found wanting. Among the factors

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<sup>51</sup> Juvenile Welfare in the Colonies. Draft Report of The Juvenile Delinquency Sub-committee on the Colonial Penal Administration Committee, 8th October, 1960, p.6.

<sup>52</sup> Juvenile Welfare in the Colonies. Draft Report of the Juvenile Delinquency Sub-committee on the Colonial Penal Administration Committee, 8th October, 1960, p.6.

which led to incarceration of the juveniles were Industrialisation and urbanisation, exposure to cinematography, failure of deterrent measures, and loss of respect for parents and introduction of the money economy.

To a greatest extent juvenile incarceration in colonial Zambia for juveniles was segregative, despite committing similar offences, white and coloured juveniles had a better way of receiving their sentences in the colonial period which included federal period. The whites and coloureds were transported to Southern Rhodesia and South Africa reformatory institutions. Juvenile incarceration originated from the development of prisons, because these were the first institutions to have housed juveniles who came into conflict with the law.

Initially when juveniles were held in prisons, the purpose was not to rehabilitate and reform them, but to instil discipline through corporal punishment. It was a way of trying to make mostly the indigenous to observe colonial imposition without necessarily questioning it. What was not clear in the British concentration was that the two sets of individuals namely whites/coloureds and Africans had advanced in their own way, the coming or the meeting point inevitably brought a lot of misunderstanding. Africans were coming from a society which had no established courts for juveniles where their cases could be heard, but they had their own traditionally designed sessions to hear out complainants and pass judgments' of restitution to victims. Yet, in the colonial setting courts could decide the punitive action to befall an offending juvenile.

The establishment of Katombora Reformatory School came with a different approach in dealing with juvenile offenders. Juveniles sent to Katombora were ordered to undergo rehabilitation and reformation as opposed to the punitive actions juveniles had been subjected to in the prisons. For instance, between 1977 and 1990 no juvenile was sentenced

to imprisonment upon committing a crime as they were either sent to Katombora Reformatory or put on probation. Therefore, the origins of juvenile incarceration in colonial Zambia are traceable to the early days of the British South African Company Police and the prison system and eventually from 1957, the reformation through Katombora Reformatory School.

## **CHAPTER THREE**

### **EFFECTIVENESS OF THE PROGRAMMES AT KATOMBORA REFORMATORY SCHOOL**

#### **3.1 Introduction**

Katombora Reformatory School was established under Statutory Instrument number 91 of the Juvenile Act of 1957 with the capacity to accommodate 120 male juveniles only. Later the demand of juveniles requiring reformatory training increased, thus changing the normal enrolling capacity. Despite these changes in enrolment, the infrastructure remained the same and by 1990 there were 172 inmates.<sup>1</sup> Katombora Reformatory School was established to serve as rehabilitation and reformation training facility for juvenile offenders who had been found guilty of various offences and ordered by the courts that they be placed in a reformatory. The Act under Statutory Instrument 94 of 1957 demanded that the Magistrate Court should issue a reformatory order which was to be confirmed by the High Court. The Commissioner of Prisons supervised and controlled Katombora Reformatory as Chief Inspector of Reformatories.<sup>2</sup> In order to assess the effectiveness of the programmes at Katombora Reformatory School, this chapter identified some of the programmes embarked on from 1957 to 1990. Thereafter, this chapter described the effectiveness of each programme in the rehabilitation and reformation of juveniles.

The programmes initiated at Katombora Reformatory School were designed to prepare inmates for freedom by increasing trust and responsibility amongst themselves. The training facilitated through these programmes was meant to enable an inmate to lead a good and useful life upon release. This was made possible by ensuring that juveniles were developed

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<sup>1</sup>Interview with Alex Chibale Principal Katombora Reformatory School, Friday, July, 19, 2019.

<sup>2</sup> Zambia Prisons Service, Prisons Service Reform Programme (project Proposal). Kabwe: Office of the Commissioner of Prisons, 1990, p.29.



in character, as well as in various capabilities.<sup>3</sup> And these programmes were run together with co-operating partners such as Social Welfare Services, the Police Service as well as other willing stakeholders. The Social Welfare Department and the Police had been partners of the Prison Service Department (PSD) since the inception of Prison Service.<sup>4</sup>

### **3.2 Skills Training and Recreation**

Katombora Reformatory School was a centre which offered skills training and recreation activities as part of training programmes for juveniles. The most prominent skills programmes offered at Katombora Reformatory School, from inception, included carpentry, tailoring, building and bricklaying, plumbing and general agriculture. The skills acquired under carpentry involved table making, desk making, stool making, furniture designing or making and basketry design. Tailoring provided skills to juveniles of designing clothes and patching up individual uniforms. In building and bricklaying, basic skills of brick making were acquired. Juveniles could design simple pyramids within the workshop to show their expertise in building. Brick makers, brick-layers had one of first workshops at the reformatory, these practiced hands on skills of making and laying of bricks. Though the workshop faced a number of shortcomings, it was able to record 100% completion rates. This programme had a huge number of graduate inmates at Katombora Reformatory School.<sup>5</sup>

Plumbing involved making simple drainages in piggeries by inserting pipes for easy flow of water. Inmates were also made to repair discharge pipes from their dormitories as a way of improving their skills. In general agriculture, the juveniles were taught to tender grains, and to identify seasons of planting grains. They were equally equipped with the skills of

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<sup>3</sup>NAZ/MLSS 1/38/6, Reformatories General, 1956.

<sup>4</sup>Zambia Prisons Service, **Prisons Service Reform Programme** (project Proposal). Kabwe: Office of the Commissioner of Prisons, 1990, p.31.

<sup>5</sup> NAZ/MHA 2/8/2, Juveniles- release, 1964 Letter written by the Reformatory Superintendent.

determining soils favourable for specific grains. These were the programmes, which attracted 98% to 100% pass rate. From these programmes, juveniles were able to secure employment or work independently to support themselves and families after discharge.<sup>6</sup>

In the 1964-65 year, the Probation Officer provided evidence of Kabwe Chanda who after being released secured employment within Livingstone at Esben Clothing Factory after proving to be a successful tailor during training. The training in tailoring and designing facilitated for the juvenile to enter in gainful employment. The other former in-mate, Mukuka Bwembya was released after having successfully learnt basketry and was placed under the care and protection of relatives on the Copperbelt. This juvenile was reported to have benefited from the training acquired from Katombora to secure employment through the help of the Probation Officer on the Copperbelt.<sup>7</sup>

Equally, after being trained in the carpentry section at Katombora Reformatory School for almost two years, Mambepa Mulubwa proved useful upon returning to his village and where he offered his services to the community by making wooden beds, stools and tables. This showed that the training provided at Katombora Reformatory School was all encompassing and was not just meant to provide the inmates with white collar survival strategies. And finally but not the least, Kelvin Banda who was a reputable member of the Scout troop and was regarded as having a very strong character, was released during the same period. He became a very influential Scout Instructor on the Copperbelt. Equally, most of the sports boys from Katombora Reformatory School were released after successfully completing their reformatory orders.<sup>8</sup>

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<sup>6</sup> Correspondence from Katombora Reformatory Board, 15th September, 1964 in NAZ/MHA 2/8/2, Juveniles- release, 1964.

<sup>7</sup> Report from the Probation Officer Copperbelt to the Superintendent Katombora Reformatory, 22nd March, 1964 in NAZ/MHA 2/8/2, Juveniles- release, 1964

<sup>8</sup> NAZ/MHA 2/8/2, Juveniles- release, 1964. Report from the Probation Officer, Copperbelt to the Superintendent Katombora Reformatory, 22nd March, 1964

Some juveniles desired to be trained despite the institution not having a trained instructor in 1965. Such juveniles were grouped by the institutional typist and given basic skills which they later used in the community. Drivers of tractors acquired the skills from field instructors. Juveniles who became interested in driving were given basic skills during cultivation time. Juveniles who acquired skills in this category were released from Katombora Reformatory School and were reported to be doing fine; Nathan Mwape was such an example. Gardeners proved useful to providing a healthy diet to their families.<sup>9</sup> These were trained on the Katombora farm in tending vegetables, despite the farm having challenges of lack of capital and low rainfall pattern. Neither “land nor labour placed limitations upon the effectiveness of the farm plan of practising animal husbandry, poultry and crop production.”<sup>10</sup>

Mechanics were also trained at Katombora Reformatory School despite the school not having a well-established garage to train juveniles. Some juveniles developed interest merely by assisting the officers to repair institutional vehicles. The skill was acquired simply by providing spanners when officers were repairing; thus they ended up being good hands-on mechanics. Similarly, those who became water pump repairers did not have a well-established workshop to conduct their practical skills; juveniles merely acquired the skill just like those who became mechanics, through imitation and observation.<sup>11</sup> Through hands-on training, they became good pump menders. Upon release, those who had difficulties in tracing relatives found willing guardians who were interested in the skills they acquired at Katombora Reformatory School although statistics in actual numbers of juveniles who

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<sup>9</sup> NAZ/MHA 2/13/1, Katombora Reformatory Farm, 1964. Correspondence from Superintendent to Chief Inspector Reformatories, 24th September 1964.

<sup>10</sup> Correspondence from Superintendent to Chief Inspector Reformatories, 24th September 1964 in NAZ/MHA 2/13/1, Katombora Reformatory Farm, 1964.

<sup>11</sup> Report from the Superintendent to Prison Headquarters, 10th November, 1964 in NAZ/ MHA 2/8/2, Juveniles- release, 1964.

found willing guardians were not provided in the juvenile release file.<sup>12</sup> The training, clearly indicates that the institution worked with the view to produce juveniles equipped with skills upon release although not all who were ordered to reformatory training came out with skills as expected. The skills attained by responsible juveniles were used to cope with the demands in different communities in which they found themselves.

The other effective aspect of training offered by Katombora Reformatory School was through the certification of the successful inmates in various programmes. In 1967, the School boasted of carpentry and tailoring as the main industrial and vocational courses offered through the certification of the inmates. Certificates were not only awarded for carpentry and tailoring as the main industrial and vocational courses but were also awarded to inmates who received training in building trades. It was in the same year that juveniles in building trades completed the construction of ten (10) staff houses to cushion the challenge of staff accommodation. In addition, a clinic was under construction by the same inmates with building skills. This was intended to cushion the challenge of distance to the medical care facility, which was in Livingstone, 25 kilometres away from Katombora Reformatory School.<sup>13</sup> Additionally, juveniles in these and other fields were trade tested and were certified at the end. For instance, in 1976, twenty-four were trade tested in carpentry, bricklaying, plumbing, and mechanics and tailoring. Eighteen passed the trade tests, six failed the tests.<sup>14</sup>

These inmates were, in the same year trade-tested and presented with certificates of great aptitude in building before leaving the institution. One of the inmates, Chiluba Nkandu, who successfully completed the course in building, was certified and continued living a very

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<sup>12</sup>REF: 2/KAT/79 in NAZ, MHA 2/8/2, Juveniles- release, 1964-65. Actual figures were not shown in the Juvenile release file.

<sup>13</sup> Republic of Zambia, MHA, **PDAR**, (Lusaka: Government Printers, 1968), p.6.

<sup>14</sup> Prison Service, Annual Report for the year ending 31<sup>st</sup> December, 1976.

comfortable lifestyle within Lusaka.<sup>15</sup> Certification made the juveniles to feel qualified in offering their services and also gave the inmate impetus to perform their duties effectively. These skills were not only provided to benefit the juveniles within the reformatory. The skills acquired by in-mates also benefited the community members through the services provided by the juveniles such as the construction of the clinic within katombora.<sup>16</sup>

Arguments present above show that: skills training programmes at Katombora Reformatory School were effective on the juveniles incarcerated there. Skills training programmes enabled juveniles to put what they acquired to practice. It was a great achievement to the juveniles themselves, their families, the institution and the nation at large because their hard work went into helping the general citizenry. The training was designed to cater for the socio-economic needs of the citizens. The training was designed in such a way that apart from looking at the psycho-social needs of the juvenile during incarceration, the needs of the families and community at large were put into consideration, thus having a link with the social adjustment which would be needed when the juvenile offender was released in the community to render his services.<sup>17</sup>

### **3.3 After-Care Programmes**

This was one of the old programmes initiated at Katombora Reformatory School from inception of the institution. The programme was designed to ensure that special attention was paid to maintaining the relationship between the inmate and the family outside.<sup>18</sup> The after-care programme was designed to ensure that juveniles incarcerated received attention from the responsible officers even after being discharged. The programme did not run in isolation, a committee existed known as the After-Care Committee which monitored the

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<sup>15</sup> Interview with Chibale, Principal Katombora Reformatory School, Friday, July. 19,2019.

<sup>16</sup> Republic of Zambia, MHA, **PDAR**, Lusaka: Government Printers, 1968, p.6.

<sup>17</sup> RE/OCMS/4/13/1 in NAZ/MLSS1/38/29, Katombora Reformatory Approved Schools and Remand,1971.

<sup>18</sup> NAZ/SEC 104/42/3 Katombora Reformatory, 1963.

successful rehabilitation of the inmate who underwent reformatory training. This meant that the committee kept track of every juvenile released.<sup>19</sup>

The After-Care Committee also made follow-ups to ensure that such juveniles operated within the discharge orders. The Committee kept track of the juveniles' record during training. In 1969, minutes produced by Katombora Reformatory Board revealed that:

There were six grades; Brown I, II and III and Blue I, II and III. A boy remained four months in each...when he reached Blue III he was ready for After-care Committee stage....Several juveniles had been released to local employment and these were doing very well.<sup>20</sup>

The committee entrusted with After-care ensured that the money allocated for the rehabilitation of the juveniles was put to good use, by checking that no misapplication of funds meant for rehabilitation was entertained.<sup>21</sup>

The committee also acted as an advisory board to the Katombora Reformatory Superintendent in connection with the progress of the juveniles discharged. It provided information concerning the whereabouts of the juvenile and how that particular juvenile was coping with the post incarceration situation. Further, the committee had the mandate to advise the superintendent concerning the juveniles to be released on licence. The advice was based on the behavioural progress of the juvenile and exemplary performance on assigned tasks. Being released on licence acted as a great privilege to juveniles. The committee also provided information on each and every juvenile incarcerated at Katombora Reformatory School and made recommendations to the Inspector of Reformatories for juveniles to be granted licences to go on leave.<sup>22</sup>

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<sup>19</sup> NAZ/SEC 104/42/3 Katombora Reformatory, 1963.

<sup>20</sup> Minutes of Katombora Reformatory Board 1969, in NAZ/MLSS1/38/29, Katombora Reformatory Approved Schools and Remand, 1971.

<sup>21</sup> Minutes of Katombora Reformatory Board 1969, in NAZ/MLSS1/38/29, Katombora Reformatory Approved Schools and Remand, 1971

<sup>22</sup> Katombora Reformatory 451/com./1A, in NAZ/MHA, 1/18/7, Reformatory Board, 1964.

The licences of juveniles were not only granted to juveniles to leave the institution to go and live with relatives, but the licences were also issued when juveniles were sent to participate in performances outside Katombora Reformatory School to entertain the public. The outside performances attracted incentives in form of money for profit or personal gain of an inmate.<sup>23</sup> This programme had been effective in linking the juveniles with the outside world, where they were expected to contribute as useful citizenry.

### **3.4 Role of Social Welfare in After-Care**

The officers from the Social Welfare Department were also assigned to operate with the After-Care Committee. The basic role of the Social Welfare Officers was to provide material aid and seek employment for juveniles on release. The officers looked for employment for the ex-offenders through making a number of recommendations to stakeholders. It was the aim of the officers from Social Welfare Department to ensure that the satisfactory re-integration of a juvenile into society was achieved. This was made possible by providing support, encouragement as well as advice to the juvenile during the first few months of release. This period after release was regarded as the most crucial part of the juveniles' life.<sup>24</sup> The provision of support and encouragement to the juveniles was one of the roles of the Social Welfare Department. Social welfare was regarded as a crucial vehicle for any country's progress, it had the mandate also of offering protection to those juvenile under incarceration.<sup>25</sup>

Through the After-Care programme, juveniles were made to feel part and parcel of the community they once lived in. The guidance juveniles received from the Social Welfare

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<sup>23</sup>The Livingstone Mail, "Juvenile need Licence to participate in entertainment for profit", Tuesday, January 26, 1954, p.1.

<sup>24</sup> Report from the Reformatory Board to the Superintendent of Reformatories in NAZ/MHA 1/18/7, Reformatory Board, 1964.

<sup>25</sup>Noyoo Ndangwa, Social Welfare in Zambia, **The search for a Transformative Agenda**, London: Adonis and Abbey Publishers Ltd, 2013, p.99.

Officers helped them avoid going astray from the social norms within their communities. It can be argued that “an effective after-care service is a vital adjunct to a reformatory training system.”<sup>26</sup> The After-Care programme was vital such that it closely linked the juvenile to the community. It also ensured that the money allocated to the reformatory was utilised for the intended purpose. The money allocated for the training was routinely delivered and was not supposed to be wasted in other avenues.<sup>27</sup>

The After-care programme also made the juvenile feel part and parcel of the community, through the assistance of the Officer-in-Charge. Juveniles were encouraged and assisted to maintain or establish relations with individuals or agencies outside the Katombora Reformatory School to the best interest of the family and social rehabilitation. The Officer-in-Charge through After-Care facilitated for constant interaction between the juvenile and the outside community. This interaction provided by the Officer-in-Charge enhanced smooth communication to the juvenile, his family and friends.<sup>28</sup>

The communication made by the Officer in Charge concerned important information such as the juvenile’s removal. This meant the day and date the juvenile was expected to be released from the institution so that necessary arrangements could be made by the guardians to receive their child. Even in cases of a juvenile being seriously ill or certified as insane or involved in serious accident, the Officer in Charge made such information available.<sup>29</sup> This programme to a greatest extent sought to keep the juvenile in constant touch with the relations outside the institution. The responsible officers under the same programme were

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<sup>26</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964.

<sup>27</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964.

<sup>28</sup> Ndangwa, Social Welfare in Zambia, **The search for a Transformative Agenda**, p.99.

<sup>29</sup> NAZ/MLSS 1/38/6, Reformatory General, 1956-61.



able to orient guardians on the significance of rehabilitation of juveniles who, unknowingly or knowingly came into conflict with the law and were made to undergo reformation.

### **3.5 Outward bound courses**

The initiative for the inclusion of juvenile in outward bound courses was taken up by the Chief Inspector of Reformatories in 1967. The purpose of outward bound was to maintain the association between juveniles and youths from all walks of life. This was made possible through youth or juveniles taking part in a special curriculum of training under the guidance of full time experts specifically recruited for the purpose of the outward bound training. The training offered was intended to play a very valuable role to the After-Care committee, or compliment the After-Care Committee for the reintegration of the offender.<sup>30</sup>

The outward bound training was designed to equip juveniles with abilities totally independent from academic excellence, meaning it was a programme whose training did not depend on excellent academic performance of a juvenile. The reason behind this was that not all juveniles excelled academically. This type of training involved exposing juveniles to the outside community by competing with the outside community youths in various activities such as athletics, football, and volleyball. It was designed to make inmates to feel part and parcel of the community as well as appreciating their social responsibility outside their reformatory order. The outward bound training did not make juvenile offenders feel so much detached from their own community.<sup>31</sup>

Earlier in 1963, twenty four boys were selected to undergo Outward bound course and did that successfully, the training was all encompassing and inclusive. Interesting enough, despite these juveniles being selected from different stages at the reformatory, they were all

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<sup>30</sup> NAZ/MHA SEC 104/42/3, Katombora Reformatory, 1963.

<sup>31</sup>NAZ/MHA 1/2/59 Katombora Reformatory Policy, 1967. Letter addressed to Katombora Reformatory School by the Chief Inspector of Reformatories, 10th January, 1967.

a representation of the northern part of Zambia. This situation suggested that there were more culprits of theft during the period under review from Northern Province, as compared to other parts of the country, or possibly the physical appearance of juveniles from the northern part of Zambia gave them a comparative advantage compared to others bearing in mind the nature of athletes:

24 boys selected on their athletic ability and fitness and not on good conduct completed the course. Two were first year juveniles, ten second year and twelve were completing their final year at the Reformatory.<sup>32</sup>

Among the boys who were trained, 80% of the juveniles were from the Bemba ethnic group meaning different groups with links to the Bemba tribe, hopefully, this did not suggest that the Bemba were more in the Reformatory as compared to ethnic groups from other regions of Zambia. While the balance of the number was Bemba speaking meaning they were not necessarily Bemba by tribe but their familiar language was Bemba. These had their origin which can be traced from the Northern part of Zambia because they were incarcerated on the Copperbelt. All the boys who were involved in this training were connected with theft offence under the Reformatory Order. These were agents of the rural urban young migrants.<sup>33</sup>

### **3.6 Aim of Outward Bound course**

The basic aim of the outward bound course was to initiate the spirit of self-discipline, self-reliance as well as integrity in juveniles. In order to accomplish this basic aim, working as a team was encouraged where boys began to embrace the value of working as a team by using various concepts ranging from respect of opinions of others different from their own. Such a spirit enabled the boys to consider other people as important as themselves. This

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<sup>32</sup>NAZ/MHA Sec 104/42/3, Katombora Reformatory, 1963. Letter from Training Officer to Officer in Charge, 28th August, 1963.

<sup>33</sup> NAZ/ MHA SEC 104/42/3, Katombora Reformatory, 1963.

purpose, in the end would foster the spirit of reasonable optimism for the future benefit of the individual and the country at large. Such activities could show greater contributions uneducated young offenders would make towards the growth of the country through the taking up of rural industries with the assurance of a gainful future rarely possible in urban areas.<sup>34</sup> Through such training, the individual juvenile promoted self-respect by revealing his value to the community and realising his potential through his performance. Evidently, this was a way of trying to channel the spirit of adventure and energy which the juveniles were purportedly to have come with from the villages into the most profitable avenues, because most of the boys attributed their involvement into crime to “boredom” rather than need.<sup>35</sup>

### **3.7 Moral Development and Education**

The procedure upon entry of a juvenile into Katombora Reformatory School was to ascertain the religious denomination of that particular juvenile clearly. This procedure helped because moral development through religious belonging was given paramount importance. After ascertaining the religious denomination, the juveniles were then treated in accordance with the requirements of the religious followers of that particular denomination. Juveniles were even placed on the programme for that particular religious denomination being members of that denomination. Almost all denominations were represented within the institution. The institution had a Chaplaincy Committee which looked into the moral development of every juvenile.<sup>36</sup>

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<sup>34</sup> NAZ/MHA SEC 104/42/3, Katombora Reformatory, 1963. Letter from Training Officer to Officer in Charge, 28th August, 1963.

<sup>35</sup> NAZ/MHA SEC 104/42/3, Katombora Reformatory, 1963.

<sup>36</sup> NAZ/MHA 1/2/59, Katombora Reformatory Policy, 1967, Correspondence to the Officer in charge, 15th October 1967

The Chaplaincy ensured that devotions were conducted at the institution for all juveniles according to the institutional timetable. The devotion conducted in the morning did not provide for the separation of juveniles into their respective religious denomination. Instead, the devotion was done in a large group. The picture below shows juveniles attending their morning devotion:

**Figure 1: Juveniles attending morning Devotion at Katombora Reformatory School, 1990.**



**Source:** Katombora Reformatory School Profile from 1988-1990

The Minister of religion and other religious leaders were accorded the opportunity to visit Katombora Reformatory School with the authority of the chief inspector to help the juveniles in developing morally. The juveniles were provided with scriptures and religious books to enrich their faith, and for easier reflection on their misdeed; such literature was provided with the approval of the Chief Inspector. In order for the religious minister to conduct interviews and visits to the sick juveniles, their permission was controlled and arranged by the Officer in Charge.<sup>37</sup> Through this programme some juveniles were able to develop morally and take up leading roles of spreading Biblical messages within the institution, and to society after discharge. Katombora Reformatory School had a bill board

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<sup>37</sup> NAZ/MLSS 1/38/6, Reformatories General, 1956-61.

to help juveniles constantly reflect on God for sustenance within the institution. The bill board also helped the juveniles to look to God for help.

**Figure 2: Poster bearing the message of hope to juveniles at Katombora Reformatory School, 1990**



**Source:** Katombora Reformatory School Profile from 1988-1990

The bill board above at Katombora Reformatory School which stands out so vividly shows the strong relationship between inmates and God in their moral development. The bill board represents the motto, “with the help of God I shall Rise Again”.<sup>38</sup> This bill board gave the juveniles an opportunity to look to God for help during their stay at the reformatory and used the hope to rise into responsible individuals. All the juveniles, upon arrival were taken to the bill board to read the statement on the bill board. They were made to read out following instructions and interpreted to them by the responsible officer. This gave an assurance to the juveniles that they had not come to be punished, but to be reformed and rehabilitated into useful citizens who could contribute effectively to the country through academic as well as vocational pathways.

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<sup>38</sup>Interview with Haabasende, Charles (63years), Ex-Juvenile, Katombora Reformatory, 21/07/19.

### 3.8 Educational Programmes

The educational programmes for juveniles provided at Katombora Reformatory School consisted of academic literacy lessons only for those juveniles who could not progress academically. While for those who progressed academically attended full time classes. Initial formal education was offered through compulsory literacy teaching done within Katombora Reformatory School, while full time class learning was offered at the Katombora Basic School and Kazungula Secondary School for those juveniles who proceeded to senior level of education. Literacy Class teaching was for all juveniles and depended on the juveniles' previous literacy level before incarceration. Literacy lessons were expected to teach juveniles the basics of reading and writing. Each and every juvenile was expected to take part in the educational activities every week outside the skill acquisition programme.<sup>39</sup>

The hours for working were strictly regarded as working hours independent from class unless for those juveniles who were full time learners at Katombora Basic School and Kazungula Secondary School respectively. Those juveniles who did not attend full time classes due to low literacy levels were occupied with skills training of their interest.<sup>40</sup>

The Chief Inspector, in exceptional cases, used his jurisdiction to allow juveniles lagging behind to have extra lessons. The chief inspector also determined whether the juvenile should be allowed to have access to the Library books and to exchange as often as possible books from the library. The chief inspector further determined whether the juvenile should receive books or periodicals from outside.<sup>41</sup> These books or periodicals could either be provided by well-wishers or organisations working hand in hand with the reformatory

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<sup>39</sup> Republic of Zambia, Ministry of Home Affairs, **Prisons Department Annual Report**. (Lusaka: Government Printers, 1988).p.7

<sup>40</sup>NAZ/MLSS 1/38/6, Reformatories General,1956-61, 21<sup>st</sup> October,1961. Correspondence from the Reformatory Superintendent to the Chief Inspector of Reformatories.

<sup>41</sup>NAZ/MLSS 1/38/6, Reformatories General, 1956-61.

school for the benefit of juveniles. In the case of juveniles who had excelled in education to reach grades not provided for at Katombora Basic School, the Principal who was the in-charge of Katombora Reformatory provided temporary leave to allow such juveniles to have access to education at Kazungula Secondary School during their time of the reformatory order. If the juvenile served his order and was allowed to leave Katombora Reformatory School, a transfer letter was provided to which ever school the juvenile intended to go and continued with his education.<sup>42</sup> This situation promoted effective continuity of the juvenile in the education journey.

However, continuity of the juveniles in the education journey did not mean that all the juveniles assumed full responsibility of their actions at Katombora Basic and Kazungula Secondary. Those who failed to cooperate with the School rules or were found to be unacceptable even by their fellow learners were subjected to a special grade. These special grades were usually lower than their expected grades. The reasons for doing this was to make such juveniles learn how to be responsible and embrace a duty to the community which would eventually help to govern themselves. To avoid being placed in special grades, most of the boys strived to prove themselves suitable through their work at school, conduct and progress to become eligible for privileges which came with hard work such as being considered for going on leave or assuming privileges of becoming prefects as well as meeting the requirements of being considered for discharge.<sup>43</sup> Thus, education acted as a training mechanism for leadership qualities to be used by the juveniles in their respective communities. Education also helped juveniles realise that they were expected to perform different civic duties after incarceration. Thus, education moulded juveniles with a self-responsibility spirit.

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<sup>42</sup> Interview with Alex Chibale Katombora Reformatory Principal, Friday, 19 July, 2019.

<sup>43</sup> NAZ/MHA 1/2/41, Building Developments Katombora Reformatory, 1964.

### 3.9 HIV and AIDS Programmes

HIV and AIDS programmes had been part of the work place policy of the Prisons Service in the 1980s, and Katombora Reformatory School had taken this programme seriously. The institution organised various activities in trying to disseminate information concerning the deadly disease to the juveniles. Initially, before the establishment of Katombora Reformatory School, most of the juvenile boys were detained together with the adult offenders in prisons and were accommodated in an environment which exposed them to a high risk of contracting HIV/AIDS, sexually transmitted Diseases (STDs), and Tuberculosis and other transmittable diseases.<sup>44</sup>

To this effect, there was need for community-based options of remanding the juveniles who came into conflict with the law. Some earliest centres existed before the establishment of Katombora Reformatory School to keep some juveniles away from adult influence. The Salvation Army in Southern Province was running one home where they kept juveniles away from adults in prisons in the 1950s. There was no post of Government warden which existed at the institution since staffing was left in the hands of the Salvation Army and thus the salary to be paid was supposed to be covered by the Salvation Army. Remand and probation homes also existed in Ndola which was designed for Africans only. These homes in Ndola saved some juveniles from being remanded in prisons and provided a safe place for urban offenders.<sup>45</sup>

Even the homestead in Ndola was managed by the Salvation Army but at Government expense at the beginning. Later, a warden for the homestead in Ndola was appointed on Government payroll and took over the responsibility of running the homestead from the

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<sup>44</sup> Mumbuwa, **The Historical Profile of Zambia Prisons Service**, p.48

<sup>45</sup>NAZ/ MLSS 1/38/009, Social Welfare Children Homes, The Homestead, 1956.14th August, 1956. Extract from Hansard: no.88v,



Salvation Army. However, the Ndola homestead was totally different from the Children's Home of Ndola which was run purely by the Salvation Army and a distance between the two was three miles. Katombora on the other hand, despite being a place of children's safety and provided for the reformation and rehabilitation training of juveniles, had taken on the issue of sensitising the juveniles on the dangers of sexually transmitted diseases.<sup>46</sup>

The institution had a member of staff who coordinated HIV/AIDS programme within the institution to make the juveniles aware of the vice before them. The officer did not operate alone or in isolation; officers from Community Development and Social Welfare Services complemented the efforts to ensure that juveniles were safe and informed. Talks about the dangers of the vice were brought to the attention of the juveniles. These officers also engaged in constant communication with officers responsible for disposing off cases by giving reformatory orders to juveniles on time to avoid such juveniles to come into contact with the disease during their transit from courts to the centre.<sup>47</sup>

The health personnel located within the Reformatory School helped in controlling and mitigating the spread of the deadly disease by making routine visits to the facility and encouraging juveniles to seek medical attention whenever they felt unwell. Through the help of the health centre which existed within Katombora Reformatory School, the reformatory had managed to come up with the Anti-AIDS club; this club was often invited to participate in activities in line with HIV and AIDS within and outside the community.<sup>48</sup> This interaction through such participation enabled the juveniles to feel part and parcel of the

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<sup>46</sup>NAZ/MLSS 1/38/009, Social Welfare Children Homes, The Homestead,1956. 1956. 14<sup>th</sup> August, 1956. Extract from Hansard: no.88v.

<sup>47</sup> Interview with Alex Chibale, Principal Katombora Reformatory School, Friday, July 19, 2019.

<sup>48</sup> Interview with Alex Chibale, Principal Katombora Reformatory School, Friday, July 19, 2019.

wider community. Juveniles became conscious of the deadly disease by realising that they could become equally victims of the disease.

### **3.10 Guidance and Counselling**

Guidance and Counselling was done for both individuals and groups at the helm of Katombora Reformatory School. This programme had existed at Katombora Reformatory School since the inception of the facility. This programme was designed to provide hope to the juveniles by assuring them that they still had a chance to live a decent and normal lifestyle after incarceration. The programme encouraged the juvenile to avoid individual condemnation because it was a negative attitude to self-development. The programme was conducted by officers from the Correctional Service through the assistance of officers from Social Welfare Services (SWS) who were usually stationed at the same facility. This programme provided direction and assistance to the juvenile to lead an expected life within the institution and outside the institution when they were discharged.<sup>49</sup>

Individual guidance and counselling was scheduled for those juveniles who showed the need to undergo such. It was usually organised in a private setting by the responsible officers. Then, individual juveniles were summoned to attend one by one depending on their number. Individual guidance and Counselling was conducted every day. Individual guidance and Counselling fell on those juveniles, who despite undergoing reformation would engage in petty thieving either at Katombora Basic School or within Katombora compound. Such juveniles were guided and counselled on the repercussions of being involved in such petty

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<sup>49</sup>Interview with Duncan Shambulo Community Development Assistant, Katombora Reformatory School, Monday 21 July, 2019

vices, and were advised to refrain. After constant talks about such bad vices, juveniles could be seen getting back to expected standards of behaviour considered as normal behaviour.<sup>50</sup>

Group guidance and counselling on the hand was conducted for all juveniles in groups. Usually, the guidance and Counselling co-ordinator would take advantage of the morning devotion gathering to offer guidance. The co-ordinator would advise juveniles in their general expectation at the institution. Common shortcomings from juveniles were brought to the floor during such Counselling sessions. The ‘dos’ and ‘do not’s’ for all inmates were equally brought out during such sessions. The Principal of the Reformatory attended every session of such guidance and counselling sessions and had an opportunity to interact with the offenders in a general manner. During such sessions, juveniles had an opportunity to present their dissatisfactions, suggestions with consideration and the general living conditions which demanded the attention of the Inspector of Reformatories. Juveniles exhibiting change in their behaviour to conform to the expected behaviour were openly commended during such sessions and such juveniles would leave the session very excited. Equally, those juveniles who showed signs of deviant behaviour were openly reprimanded and asked to change for the good of themselves and the school.<sup>51</sup>

### **3.11 Conclusion**

The chapter has argued that the programmes offered at Katombora Reformatory School had a positive impact on the juveniles incarcerated there. The effectiveness of the programmes could be drawn from socio-economic benefits of the programmes themselves. The effectiveness of the programmes attested to the reasons for the establishment of the Reformatory School. This was to equip inmates with formal and informal education. Formal

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<sup>50</sup> Interview with Duncan, Shambulo, Community Development Assistant, Katombora Reformatory School, Monday 21 July, 2019.

<sup>51</sup> Interview in Peter Bwalya (53years), Ex- Juvenile, Katombora Reformatory School, 22/06/19.

education through literacy training was compulsory and was offered to all juveniles without exception. Formal education was realised by providing juveniles interested in school with primary education at Katombora Basic and in Secondary education, at Kazungula Secondary School. Informal education on the other hand, was provided to juveniles who did not have basic education of any kind but could acquire skills of their own interest through instructions, imitation and observation. Katombora Reformatory School offered a number of programmes whose effectiveness could be observed in the results as well as practice. Skills training programmes were offered in the following categories Carpentry, Brick Making and Bricklaying, Plumbing, Mechanics, General Agriculture, Tailoring, Typing, Driving. These skills recorded 98% to 100% in acquisition of the skills trained either through hands on from the beginning or through observation, imitation and finally hands on. Evidence of awarding certification of excellence in building was evident. Additionally, juveniles managed to construct staff houses and community clinic using the acquired skills.

After-Care programmes were also facilitated for the juveniles who were discharged either permanently or on leave. Through After-Care Katombora Reformatory School was able to keep record of juveniles who had been released and were using the acquired skills effectively. The other important role of the After-Care programme was to create a link between the family and the juvenile before and after release. Evidence of the After-Care in facilitating employment for the juveniles are equally evident in the manner the programme was executed. Out bound courses programme proved how effective it was able to link the juveniles with the youths outside the reformatory order. These programmes revealed how it promoted the interaction between the inmates and the youths outside the Reformatory School. The programme also disclosed how juveniles were able to develop a sense of belonging to one another despite coming from different environments. The outward bound programme was able to link the incarcerated juveniles closely with the outside community.

Moral development was put at the centre of juvenile reformation. Katombora Reformatory School managed to show the importance of moral education through the erection of the billboard that gave hope to juveniles to trust in God and rise again. The School also had the School Chaplaincy to look into the spiritual and moral aspects of the juveniles. The School, through the Chaplaincy was able to place each juvenile according to his religious orientation. For those who were pagans, the institution was able to accommodate them in public devotions during morning assembly. Educational programmes as earlier alluded to, entailed that the institution was able to provide literacy lessons to all the juveniles according to their literacy level. Secondly, those had had previous education in primary School were made to attend classes at Katombora Primary School. Thirdly, those who had secondary level of education before incarceration were assessed and moved to Kazungula Secondary School. In an event that a juvenile was released before the expiry of the reformatory order that is four years, the Officer in Charge requested a transfer for such a juvenile so that he could continue learning.

HIV/AIDS, Guidance and Counselling, programmes were of great importance to Katombora Reformatory School. Committees at the institution existed which looked into the plight of the juveniles in line with these two programmes. The Institution also had a well-established HIV/AIDS club to provide sensitisation and awareness messages. Guidance and Counselling was provided in groups as well as at individual level. All these programmes at Katombora Reformatory School worked to enhance the effective formation of a juvenile. The programmes complemented one another in reforming an inmate although the programmes often operated independently. All in all, the programmes were designed to effectively equip the juvenile with the purpose to live a purposeful life even after release from incarceration.

## **CHAPTER FOUR**

### **CAUSES OF RECIDIVISM AMONG JUVENILE OFFENDERS AT KATOMBORA REFORMATORY SCHOOL**

#### **4.1 Introduction**

Katombora Reformatory School offered training which was different from that received by ordinary inmates in prisons. The training was a two-tier system, that is, academic and vocational. The facility had clearly guided reformatory school rules, which included inmates acquiring skills or attending formal education for at least 40 hours a week which was translated into 7 hours a day. Saturdays and Sundays were reserved for laundry and church activities. Despite these rules, some of the boys became incapable of obeying for one reason or another as they underwent their training and this became the basis for recidivism.<sup>1</sup> This chapter examines the causes of recidivism among juvenile offenders at Katombora Reformatory School.

#### **4.2 Lack of Education**

Some of the juveniles who were taken to Katombora Reformatory School were not worth being sent there because of their low literacy level. Their low literacy levels made them to be considered as being ignorant. A good number of the juveniles sent to Katombora were completely illiterate as they did not know how to read and write. This made it difficult for them to comprehend fully and appreciate the literacy programmes offered by the institution. Despite providing them with a chance to acquire skills, the boys had difficulties in acquiring any skills due to lack of the basic literacy skills. Consequently, they found difficulties in finding employment upon release. In addition, most of the prospective employers expressed

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<sup>1</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963-67. Correspondence of the Officer in Charge 27th June, 1963.

reservations in employing ex- inmates. As a result, the boys tended to reoffend.<sup>2</sup> One of the senior Magistrates at Lusaka in 1959 argued that:

Certain Juveniles are not supposed to be sent to reformatory schools, but Approved Schools because many of the offenders are completely ignorant and without any of the education whatsoever and ignorance makes it difficult for probation and welfare officers to find suitable employment for them although valuable training is given at Katombora Reformatory.<sup>3</sup>

The Magistrate's statement shows that despite Katombora Reformatory School providing necessary training in form of literacy and skills for rehabilitation, it lacked, from the beginning, training which could be compared to the one provided by Approved Schools. For Approved Schools, like Nakambala Approved School, it was purely designed to offer literacy education. However, the Magistrate based the ignorance of the inmates on the lack of acquisition of western education. Western education robbed, particularly the African inmates of their indigenous education which was the centre of every community in traditional settings.<sup>4</sup>

In the African setting, all youths received indigenous education. Indigenous education was all-encompassing because it included all aspects of life. In tradition, education through skills development was of paramount importance in African societies. Western education, on the other hand, which juveniles were expected to receive as pre-requisite education, concentrated so much on the academic achievements, neglecting the skills development of the juvenile. Further, the two institutions namely Approved School and Reformatory School had different programmes for the juveniles. Approved Schools concentrated so much on the academic achievement of the juvenile neglecting the skills development part. Not all the

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<sup>2</sup> Interview with Godfrey Malembeka (54 years), PRISCCA Non-Governmental Organisation, Lusaka, Monday, June, 24th, 2019.

<sup>3</sup> "A school for Delinquents is required in Northern Rhodesia", The Livingstone Mail, Friday, July 10, 1959, p.1.

<sup>4</sup> Report from Social welfare 27th August, 1957 in **Social Welfare Juveniles (Amend) Ordinance**, 1957.

juveniles required academic achievements to make it in life; some juveniles completely showed no progress in academics.<sup>5</sup> Katombora Reformatory School, on the other hand offered both academic and basic skills of survival, which was the main reason for having a skills training reformatory school. For instance, Chilimboyi argues that “in 1967 a correspondence report indicated that vocational education at Katombora enabled inmates to develop the spirit of self-discipline and integrity.”<sup>6</sup> It can further be argued that lack of education based on failure to obtain western education was harmonised at Katombora Reformatory School with traditional education which native juveniles were oriented to from the time they were born.<sup>7</sup>

Lack of education implied failure to have sufficient information regarding lawful and unlawful behaviour in line with the penal system. The majority of the juveniles who come into conflict with the law claimed that they were ignorant of the requirements of the law.<sup>8</sup> They claimed that the law was being used to trap unaware or unsuspecting juveniles, without necessarily guiding them through community sensitisation messages on the demands of the law. Consequently, juveniles found themselves contravening the law without necessarily intending to commit a crime.<sup>9</sup>

One juvenile (JUV/12/70) confessed that the time he was arrested after coming into conflict with the law from the village, he was aged 14 and was unable to distinguish what was right from what was wrong. He disclosed that in the traditional setting where he grew up, it was all right for an individual to get another person's item which he lacked and once caught

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<sup>5</sup> "A school for Delinquents is required in Northern Rhodesia", The Livingstone Mail Friday, July 10, 1959, p.1.

<sup>6</sup> Edwin Chilimboyi, 'Prisons and Education Provision in Zambia: A Historical Perspective, 1964-2011', M.A Dissertation, University of Zambia, 2016, Pp.72-73.

<sup>7</sup> Interview with Alex Chibale, Principal Katombora Reformatory School, July 19, 2019.

<sup>8</sup> Interview with Katwishi Kangwa (60years), Ex Juvenile inmate, Katombora Area, April, 20, 2019.

<sup>9</sup> Kangwa, Katombora area, April, 20, 2019.



more of such would be given to the offender. He moved to the urban centre with such ideas without realising that the traditional setting and urban had different norms and values. Lacking information landed him at Katombora Reformatory School after being a perpetual offender in 1970.<sup>10</sup> It took him being in and out of Katombora Reformatory School for him to realise that he was reoffending. This is a typical case of juvenile recidivism.

Similarly, Kangwa upon establishing his carpentry workshop employed his colleagues he had once been incarcerated with at Katombora Reformatory School. Kangwa's friends had narrated to him that they had come into conflict with the law due to ignorance.<sup>11</sup> Kangwa related that most of his colleagues had confessed being ignorant of the demands of the law which they had contravened. Kangwa claimed that Western Education was a basic requirement to effectively interpret the demands of the law by the juveniles. Even though those juveniles who came into conflict with the law were represented in the courts by Legal Aid personnel, they claimed ignorance was the major reason they re-offended.<sup>12</sup>

#### **4.3 Isolation of Katombora Reformatory School**

Katombora Reformatory School is located in the interior woodlands of Kazungula, 7 km off the Livingstone- Sesheke road. Natural forest which consists of thickets of thorns stretch from the Livingstone–Sesheke road up to Katombora Reformatory School. The presence of these untamed forests provided the best hiding place for juveniles contemplating escape. Chilimboyi argues that a friendly environment was needed for a reformatory school where juveniles could associate themselves with community members. He further argues that a non- isolated environment would help inmates learn and change their criminal behaviour.<sup>13</sup> The situation had been worse before villages were built around the institution to provide

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<sup>10</sup> Interview with Charles Haabasende (63 years), Ex Juvenile inmate, Kafue Gorge, Monday, July, 21, 2019.

<sup>11</sup> Interview with Kangwa, Katombora Area, April, 20, 2019.

<sup>12</sup> Interview with Haabasende, Kafue Gorge, Monday, July, 21, 2019.

<sup>13</sup> Chilimboyi, 'Prisons and Education Provision in Zambia: A Historical Perspective, 1964-2011', Pp.44-45.

interaction. The isolation of the School provided an opportunity for Juveniles to escape. The Livingstone mail reported that “two Africans Juveniles escaped from Katombora Reformatory on Monday upon arrival at the facility”.<sup>14</sup> This happened barely two years after the establishment of the facility. The escape of the two juveniles was gauged from the newspaper heading ‘More Africans Escape from Katombora’.<sup>15</sup> This newspaper statement implies that other juveniles might have escaped earlier. Escaping from Katombora in relation to juvenile recidivism in the 1960s became a serious problem before villages were built around Katombora Reformatory School. A Visiting Justice once noted that:

Approximately 50 per cent of the lads discharged can be expected to fall foul of the law within 12 months of release. This clearly reflects largely on the boys in their isolation at Katombora Reformatory School, being denied sufficient contact with outside bodies – thus many of them through lack of social contacts, think and talk of the criminal world they will face on release as settling down to normal trends of citizenship.<sup>16</sup>

Although the distance to Katombora Reformatory School was long, contact with the outside world was provided by the surrounding villages after 1964. Juveniles were able to interact with the surrounding community at different levels, be it at school for those who attended normal classes at the basic school and through social football for others. Yet, this interaction did not prevent them from escaping and committing further crime. The Community Development Assistant of Katombora Reformatory School, in an interview revealed how one of the juveniles took advantage of the forest and escaped with one of the community members’ six year old daughter, but was later apprehended.<sup>17</sup>

These escapes were believed to have been instigated by the discussions which went on within the juvenile dormitories during their lockups. Most of their discussions were centred

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<sup>14</sup> “More Africans Escape from Katombora”, The Livingstone Mail, Friday, January 30, 1959, p.7.

<sup>15</sup> “More Africans Escape From Katombora”, The Livingstone Mail, Friday, January 30, 1959, p.7.

<sup>16</sup> VIS/2/KAT/39 in NAZ/MHA 2/11/1, Katombora Visiting Justices, 1963.

<sup>17</sup> Interview with Duncan Shambulo, Community Development Assistant, Friday, July, 19, 2019.

on the criminal world they would face after discharge unlike discussing how successfully they would utilise their acquired skills. Even though the discussions of the criminal world among the juveniles had no evidence of being recorded by responsible officers to refer to except through oral interviews, they remained a very significant cause of juvenile recidivism at Katombora Reformatory School.<sup>18</sup>

#### **4.4 Ill-treatment at Katombora Reformatory School**

In 1965, Katombora Reformatory School witnessed ill-treatment of new-comers perpetrated by the old-comers. The boys who came from different parts of Zambia were lumped together at Katombora Reformatory School. There was a situation where the new comers were made to dig and pull stumps of trees from the ground. This activity was demanding in nature and very few inmates could cope. As a result, some contemplated escape. Escaping from lawful custody was regarded as a very serious offence which attracted double punishment once an offender was rearrested. Escaping from lawful custody also provided a double charge on the third or fourth escape and such, an escapee could no longer have an opportunity to return to the same institution for fear that they could be a bad influence on the younger juveniles. This disadvantaged them from accessing full benefits of the reformatory order.<sup>19</sup>

However, escapes from Katombora did not go unnoticed. In a Press Release in 1966, the Minister of Home Affairs, Mr. Mainza Chona, warned youths at Katombora Reformatory School to behave appropriately or risk the closure of the school. He further warned the juveniles that they risked being transferred to prisons. The Minister expressed disappointment by stating that the President was disgusted with the frequent outbreaks of disorderly behaviour at Katombora. He based his dismay on the reports he had received

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<sup>18</sup> Interview with Peter Bwalya (53years) Ex-Juvenile, Katombora Area, Saturday, June, 22, 2019.

<sup>19</sup>NAZ/MHA 2/8/3, Juveniles- Release on Licence, 1971.

where inmates presented their demands and grievances in a haphazard manner. The Minister noted that:

You cannot, and you are not expected to dictate to the Government and authorities here at Katombora. If such lawlessness continues, I have the powers to close down Katombora and have all of you transferred to major prisons. This, I would not like to do but I can be forced into it.<sup>20</sup>

In the same line, regarding self-responsibility, the Minister reminded the juveniles of meriting release through accepting self-responsibility of living a good, hardworking and descent life. He further cautioned them that failure to accept the condition of self-responsibility he was in a position to order that the remainder of the four years of the reformatory order be served in prison. The Minister expressed regret that this would rob the inmates of a good training programme offered at Katombora Reformatory School. He warned the juveniles that the law must be obeyed, because failure to obey it would lead to force being applied to ensure that the inmates obeyed it in prison.<sup>21</sup> The officers at Katombora were compelled to wear ordinary clothes as a way of portraying friendliness. This was a practice experienced elsewhere in the world where warders at Reformatory schools did not wear any kind of uniform.<sup>22</sup> This system of wearing ordinary clothes by officers provided an environment where juveniles considered themselves as not being under incarceration.

#### **4.5 Lack of Comfort/Protection**

Another activity which forced juveniles to fall victim of escape was spending more time looking after cattle and pigs at the expense of the education taking place inside the school. This defeated the purpose for the establishment of KRS; to train and change the character

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<sup>20</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963-67 Press Release No. 1154/66.

<sup>21</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963-67 Press Release No. 1154/66.

<sup>22</sup> NAZ/MHA 1/2/34, Katombora Reformatory General, 1963-67 Press Release No. 1154/66.

of boys through the provision of literacy lessons. During the period of monitoring pigs and cattle, most of the boys ran away from the facility because they considered themselves as being outcasts. Other juveniles took advantage of the monitoring process to survey the routes to use when escaping. Juveniles, on feeding cattle errands plotted their way out in the thick forests easily.<sup>23</sup>

Other juveniles became recidivists due to lack of protection by the wardens after lockup. During the period of lockup, the older juveniles influenced the younger in singing insulting songs, after being given marijuana.<sup>24</sup> The leader of the inside groups would later order his friends to inflict pain on some unsuspecting juveniles, particularly those he had had differences with during the day. This situation paved way for fist fighting within the dormitories; the strongest always emerged victorious. The juveniles within their dormitories had formulated simple rules of ensuring that whatever happened within their confinement remained there. This rule was expected to be honoured by all members of a particular dormitory. Disclosure of internal matters was punishable amongst inmates. The victims of night time abuse were compelled to escape during day time activities. Other juveniles were just coerced by their friends to escape.<sup>25</sup>

In line with the above argument, inner grouping (peer groups) within the dormitories became a source of bullying and other unwanted behaviour, because stronger groups felt that they possessed increased authority over the weaker groups. Thus, the stronger groups became very dangerous to others. Katombora Reformatory School, being an open area with no wall or wire enclosure for juveniles, had its security compromised. Some of the boys sent to Katombora Reformatory School behaved beyond their normal age and the crimes

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<sup>23</sup> NAZ/MHA 1/2/34, Katombora General, 1963.

<sup>24</sup> Interview with Kangwa, Katombora Area, April, 20,2019.

<sup>25</sup> NAZ/MHA 2/4/1, Punishment-Juveniles, 1963. Complaint letter of juveniles to the Superintendent 15th September, 1963.

convicted on were more serious than being kept in an open surrounding. To this effect, those boys who felt that they did not get adequate protection for their safety contemplated escape, so that they could secure protection outside the Reformatory.<sup>26</sup>

Kangwa stressed that some of the boys at Katombora Reformatory School behaved beyond their normal age and were not fit for such type of reformatory because their behaviour was above ordinary juveniles. Further, the weakness of lack of enclosure was strengthened in the development of the “blue boys” and “brown boys” with various grades of seniority which created an inevitable opportunity for the emergence of a special in-group feeling. The “blue” and “brown boys” were juveniles within the institution who had acquired leadership roles. These boys presided over their fellow inmates and were regarded as a special group by their colleagues. These boys had reached the position of release or were ready to be placed under the After- Care committee stage. The emergence of this group feeling gave impetus to group leaders to feel as though they were “above the law”. The “blue boys” or “brown boys” system provided a training ground for gang leadership upon discharge, thus making the possibility of juvenile recidivism inevitable.<sup>27</sup>

The punishment of solitary confinement at Katombora Reformatory School made juveniles feel unprotected and dehumanised. The inhumane punishment was observed by E.M. Ngulune, Acting Chief Education Officer, Southern Region in 1968 when he stated that:

I saw one building with three such cells. The building is too old though kept reasonably clean. One cell was occupied by one inmate who had previously misconducted himself. He was stark-naked in a room void of any furniture. I was told that stripping off clothes was part of the punishment. I was most embarrassed and felt this type of punishment was rather inhuman. I fail to see how keeping a person naked could be called a corrective measure.<sup>28</sup>

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<sup>26</sup>Interview with Kangwa, Katombora Area, April, 20, 2019.

<sup>27</sup> Interview with Kangwa, Katombora Area, April, 20, 2019.

<sup>28</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964-68. Ref 4569/AB/16.

The Chief Inspector of Reformatories in 1968 justified the punishment of juveniles through stripping by stating that it was done to prevent suicidal tendencies. He noted that it was permissible for the juveniles to be left naked in order to prevent them from taking their own lives. He stressed that there were records in the institution which showed that certain boys had attempted to strangle themselves in these segregation blocks, but had been prevented by the initiatives of the staff. In his view, this practice was in no way a punishment but a deep humanitarian tendency to safeguard the lives of the juveniles.<sup>29</sup> In addition, 1968 recorded a total of 58 boys admitted at Katombora Reformatory School among whom 21 boys escaped the same year.<sup>30</sup>

It can be argued that the above practice had a practical disadvantage in that if it was applied to the senior boys, that is, between the ages of 18 years and above it was likely to produce recrudescence of the 'slaves in bondage' mentality. Recrudescence of the slave in bondage mentality had led to the 1966 Katombora Reformatory School breakout. If it was applied to the junior boys, that is, between the ages of 16 years and below, it was likely to provide a channel for sadistic homosexual feelings about whose prevalence in Katombora Reformatory School was at one time a concern.<sup>31</sup> Resorting to 'slaves in bondage' mentality and sadistic homosexual feelings were serious basis for juvenile recidivism.<sup>32</sup>

#### **4.6 Mental Health Disorder**

Juveniles with mental problems, throughout the colonial period were detained in prisons. The mental annex at the African Hospital in Lusaka operated as an observation centre. It did not offer treatment to the inmates with mental problems. The mental annex in Ndola had limited capacity to accommodate all juvenile mental cases that were in prisons. Therefore,

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<sup>29</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964-68. Ref/12/PHQ/117.

<sup>30</sup> Prisons Department, Annual Report, 1969, p.6.

<sup>31</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964-68. Ref/12/PHQ/117.

<sup>32</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964-68. Ref/12/PHQ/117.

it could not be relied upon in handling mental health problems. The mental hospital at Chainama in Lusaka was expected to be operational in 1964, but became fully operational only in 1966. The operationalisation of the mental hospital witnessed the first set of mental patients' transferred from Livingstone Central Prison.<sup>33</sup>

The failure to effectively handle mental health disorder was a very serious cause of juvenile recidivism. Juveniles who fell under this category were supposed to be diagnosed by a qualified medical practitioner and necessary intervention where then supposed to follow. However, this was not the case because the Prison Service lacked trained staff in this area. As late as 1964, the Prisons Service lacked trained man-power in the field of mental treatment. Chiputa quotes the Commissioner of Prisons who in 1964 complained that:

It is regretted that it is the practice to commit persons to prison for mental observation. Such persons, whether or not they have committed criminal offences, should be treated as mental patients and not be the responsibility of this department. Prisons are not equipped for the custody of the insane and prison officers are not trained in their treatment.<sup>34</sup>

Therefore, this was a similar case for juveniles who were sent to Katombora Reformatory School. Mental health disordered inmates were simply incarcerated without being treated. The Reformatory Board complained that “inmates with serious psychiatric problems do not have their problems solved and their mental illness cured simply by being incarcerated for four years”.<sup>35</sup> The crimes perpetually committed by juveniles under this category varied from time to time. The common crimes included assault by causing physical injury, stock theft, incest and others. These crimes required thorough therapeutical administration.<sup>36</sup> Incarceration did not deal with the root cause of re-offending among such juveniles. As a

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<sup>33</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964, 1993, p.97.

<sup>34</sup> Chiputa, 'The Theory and Practice of Imprisonment in Northern Rhodesia, 1907-1964', 1993, p.97.

<sup>35</sup> NAZ/MHA 1/18/7, Reformatory Board Annual Report, 1964-68. Ref/12/PHQ.

<sup>36</sup> NAZ/MHA 1/3/1, Crime and Punishment Statistics, 1969.



result, upon being released the juvenile re-offended. This defeated the purpose of preventing crime as stated below:

The most fruitful way of preventing future crimes, and in ensuring that the young offender remains that, and does not become an habitual criminal, is to provide for a system of rehabilitation and correction for those who have shown themselves most vulnerable to a criminal life.<sup>37</sup>

Juveniles with mental health disorders required specialised control and treatment of the disorder, unlike mere incarceration. The chances of juveniles under this condition reoffending were very high, since the basis of reoffending leading to incarceration could not adequately be dealt with.<sup>38</sup>

#### **4.7 Lack of Adherence to Licence Orders**

Licence Order was a privilege to every juvenile who exhibited exemplary behaviour either in indoor activities or outdoor activities to be granted permission in form of Leave, after recommendation. The Chief Inspector of Reformatories had the powers conferred upon him in Section 101 of the Juveniles Ordinance, Cap.8 of 1966 of the Laws to release an inmate on Leave from Katombora Reformatory School.<sup>39</sup> This Leave was given to boys who responded to training and proved themselves suitable throughout their work. This was coupled with conduct as well as progress at school studies once recommendations were made by the Reformatory Board or the After-Care Committee.<sup>40</sup>

Granting of Leave did not only reward the juveniles for their hard work, but it allowed the juveniles to get in contact with their families. Getting in touch with families was done so that juveniles could make final arrangements for their return home upon being released. However, at times some juveniles found themselves in bad association with old criminals

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<sup>37</sup> NAZ/MHA 1/18/7, Reformatory Board, 1964-68. Ref/12/PHQ/117.

<sup>38</sup> NAZ/MHA 1/3/1, Crime and Punishment Statistics, 1969.

<sup>39</sup> NAZ/MHA 2/3/3, Juveniles- Release on Licence, 1971.

<sup>40</sup> NAZ/MHA 2/3/3, Juveniles- Release on Licence, 1971

whilst on Leave, which eventually led them into committing other offences. They ended up serving additional reformatory orders to the one they were already serving.<sup>41</sup>

Once the information of recidivism reached the Chief Inspector of Reformatories through the respective probation officers, such offending juveniles were ordered to be apprehended and returned to Katombora Reformatory School to be detained according to the Juvenile Ordinance.<sup>42</sup> It can be argued that Katombora Reformatory School had a very serious undertaking in ensuring that juveniles brought under the custody of the institution received the required training. The training received at Katombora Reformatory School was to make juveniles fit into society they once belonged to and yet to belong to. Katombora Reformatory School ensured that a Juvenile who reoffended was detained in accordance with the provisions of the Juvenile Ordinance. The following was a clear case of juvenile recidivism:

JUV/4/68 was released from Katombora Reformatory School on 26th February, 1972 on Supervision which would expire on 13th January, 1973. The inmate was on 29th February, 1972 convicted to 4 months for theft, by Resident Magistrate, Livingstone, and transferred to Katombora Reformatory.<sup>43</sup>

JUV/4/68 was treated in this manner because up to 1977 juveniles who reoffended whilst on leave, were committed to ordinary imprisonment. Once a juvenile was regarded as an adult, the court was compelled to sentence that juvenile to imprisonment upon being convicted. The reason behind this sentence was that the training offered at Katombora Reformatory School had been considered as not serving any purpose for such an inmate. On the other hand, after 1977 if the juvenile committed an offence while on licence before the expiry of the Reformatory Order, such a juvenile was sent back after apprehension to the reformatory school to complete the initial order concurrently with the new case.<sup>44</sup> For

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<sup>41</sup> Interview with Akapelwa Pumulo (56years), EX- Juvenile Recidivist, Dambwa North, Livingstone, April, 20, 2019.

<sup>42</sup> NAZ/MHA2/8/3 Juveniles –Release on Licence, 1971.

<sup>43</sup> NAZ/MHA2/8/3, Juveniles –Release on Licence, 1971-76. REF/7/KAT/166.

<sup>44</sup> NAZ/MHA2/8/3, Juveniles –Release on Licence, 1971-76. REF/7/KAT/166.

instance, in 1978 twenty-six juveniles absconded from the institution after being granted Leave, fifteen of whom were recaptured and eleven juveniles were still at large.<sup>45</sup> Similarly, in 1986 a total of twenty-three juveniles absconded from Katombora Reformatory School. Five of these were apprehended while eighteen remained at large.<sup>46</sup>

#### **4.8 Unfavourable Home Conditions**

Unfavourable home conditions were a serious cause of Juvenile recidivism. These conditions could have surfaced as a result of family background. This background could be a result of broken families, which led to single parents because of divorce or other circumstances. In such instances, mothers became market vendors while fathers became self-employed hawkers with no time to monitor their child under the licence order. Most of the time juveniles in such situations found themselves in the wrong company. In an event that they accompanied their guardians on daily work, they ended up eluding their parents' attention and would move aimlessly on the streets with wrong the company.<sup>47</sup>

In other instances, children who upon discharge were left under the wings of brothers or sisters with unstable employment, most of the time ended up frequenting drinking places and being in the company of serious substance abusers. The juveniles released on licence to such premises ended up resorting to anti-social tendencies which later landed them into trouble again. Such home conditions had adverse effects on the licences and could not enable a juvenile to re-adjust by refraining from anti-social tendencies. Such conditions made juveniles come into conflict also with assigned supervisors because their social behaviour landed them in problems more often.<sup>48</sup>

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<sup>45</sup> Prisons Department Annual Report Year Ending 31<sup>st</sup> December, 1979.

<sup>46</sup> Prisons Department Annual Report year ending 31<sup>st</sup> December, 1986.

<sup>47</sup> NAZ/MHA/2/8/3, Juveniles-Release on Licence, 1971-76. REF/6/JUV/KAT/168.

<sup>48</sup> NAZ/MHA 2/8/3, Juveniles –Release on Licence, 1971.REF/2/KAT/2/66.

Other unfavourable home conditions involved those juveniles who were released and placed under the care of their grandmothers. The Principal for KRS related that since grandmothers had soft ways of handling such juveniles in terms of *dos* and *don'ts*, most of the juveniles under the umbrella of their grandmothers were found reoffending. Other juveniles under the guidance of their grandmothers claimed that they became bread winners in most cases. In an event that such a juvenile could not get a decent job to earn a decent salary, they resorted to criminal activities. These eventualities made some juveniles become recidivists.<sup>49</sup>

The unfavourable conditions also came in the form of failing by some guardians to effectively provide for the children. Samson Mpundu, a juvenile inmate, narrated that together with his friends when they found themselves in such homes ended up scavenging for food. In situations where the juvenile failed to secure part-time employment, they ended up returning to their old ways of surviving through stealing. Other juveniles found themselves in large families where eating basic food was a challenge. These were families where they could not have a decent meal per day or where they could eat once in a day. Such juveniles looked for alternatives of sourcing the missing meals. Thus, they ended up re-offending in their search for food and livelihood.<sup>50</sup>

#### **4.9 Failure to Trace or being Accepted by Guardians**

The failure by responsible officers to trace some parents or close relatives of the juveniles due for release intensified the levels of recidivism in the juveniles. Those juveniles whose parents or guardians could not accept them eventually developed a sense of rejection and lost the sense of being useful citizenry. Equally, the refusal by some parents or close

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<sup>49</sup> Interview with Alex Chibale, Principal KRS, Friday, July 19th, 2019.

<sup>50</sup> Interview with Samson Mpundu (16years), Juvenile Inmate, Katombora Reformatory School, July, 19th, 2019.

relatives to accept the boys due for release posed a great challenge to the reformatory as well as the surrounding community. This was very common among juveniles who could have committed crimes such as incest, defilement which made family members to always live at loggerheads. Since such boys could not be released and welcomed by their families, they became a great nuisance at Katombora Reformatory.<sup>51</sup>

Failure to trace guardians or to be accepted by guardians made some juveniles become malcontents who developed ill feeling as well as dissatisfaction among themselves and thus terrorised the surrounding community. Even though some of those boys had a possibility of being accommodated at homes managed by the Department of Social Welfare and the Zambia Youth Service, there was always reluctance on the part of the Department of Social Welfare and the Director of Zambia Youth Service to accept any more boys from Katombora. This became a source of increased recidivism and criminal behaviour among the boys.<sup>52</sup> The reason for rejecting the boys was based on the overcrowding in their small facilities.

#### **4.10 Peer Influence**

Peer pressure had a very big bearing on juveniles who were released from Katombora Reformatory School. Some juveniles upon release found their friends already engaging in criminal activities outside. Some of the juveniles, despite obtaining minimal skills at Katombora Reformatory School, could not find employment particularly in the early 1970s when the unemployment level among the youths was steadily rising, especially in the large centres such as Lusaka, Ndola and Kitwe.<sup>53</sup> The end result was to find themselves in the market places or in back streets which became a source of crime. This period recorded

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<sup>51</sup>Interview with Alex Chibale, Principal KRS, Friday, July 19th, 2019.

<sup>52</sup>NAZ/ MHA 2/8/2, Juveniles-Release, 1964.

<sup>53</sup> Simaluwani, "Zambian Approaches to Disposition of Juvenile Offenders ", p.60.

equally high numbers of juvenile recidivists across the country. The number of juveniles admitted to Katombora Reformatory School equally showed a marginal increase as compared to the two previous years; 1968 recorded 27 admissions and 10 were recidivists, 1969 recorded 24 admissions and 9 were recidivists while 1970 recorded 36 admissions and 12 were recidivists.<sup>54</sup> The economic challenges to facilitate individual survival became very demanding around this period.<sup>55</sup>

Recidivism perpetrated by the juveniles was instilled in them while serving their reformatory orders. For the first three months after being brought to the reformatory, juveniles were monitored in their respective groups known as peer groups by the teachers and peer pressure was developed from that stage. They moved in groups referred to as ‘Ba Kembo’ meaning new comers. During this period, whatever activity to be performed was done in a group. After finishing the assigned tasks, the boys were made to sit under a tree as a group. It was at this stage when they began to identify themselves and to reveal what they could manage to do within and outside the reformatory. Those who had nothing to share could easily get influenced by others.<sup>56</sup> The reception groups became the basis for juvenile recidivism at Katombora Reformatory School. When the juveniles were released after serving their reformatory orders successfully, reunions with their initial reformatory friends were inevitable in certain instances.<sup>57</sup>

During the second stage, after three months at KRS the new boys at the Reformatory became ‘Special Kembo’, enrolled in general agriculture where they were given an opportunity to sit for Technical Education, Vocational and Entrepreneurship Training (TEVET)

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<sup>54</sup> Annual Report ending 31<sup>st</sup> December, 1971.

<sup>55</sup> NAZ/MHA 1/3/1, Crime and Punishment Statistics, 1969.

<sup>56</sup> Interview with Akapelwa, Pumulo (56years), Ex-Juvenile Recidivist, Dambwa North, Livingstone, 20th April, 2019, 12:10.

<sup>57</sup> Interview with Alex Chibale, Principal KRS, Friday, July 19, 2019.

examinations. After another three months, they were allowed to enroll in trades skills of their choice. In the fourth stage, they continued with their programmes of interest. The fifth stage was referred to as 'Ba Jala' which was pre-release stage. Throughout these stages, there was a process of creating friends and formulation of strong bonds. These bonds were usually based on the abilities and capabilities of the boys. These bonds remained intact till the time of release. In cases where such juveniles who had created bonds were released at different times which was usually the order, they would have arranged to meet outside the reformatory to continue with their mission made during the time of incarceration.<sup>58</sup> Those released earlier, waited for their friends in the surrounding villages.

Not only were these peer groups formed at Katombora Reformatory School, but also in their respective home places. Some juveniles upon release stayed briefly with their relatives then left the homestead of their relatives to live with friends. During such a period, they engaged into criminal activities done usually in gangs. One of the juveniles who had reoffended confessed that when incarcerated at a tender age, it was difficult for him to clearly understand the reasons for which he was subjected to a reformatory order. So, everything he did at the reformatory was done under the "play" method, without taking the skills offered and education provided seriously. The aim of most juveniles at that stage was to interact with fellow juveniles from other areas and to share ways of evading the law in future. The planning to reoffend for some started outside the institution while for others; they got influenced by fellow inmates.<sup>59</sup>

Those juveniles who were influenced felt left out from the activities of their friends once they did not participate. As a result, they planned to engage in such activities upon completion of the reformatory order. Despite being arrested once, they felt that the

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<sup>58</sup> Interview with Chibale, Friday, July 19, 2019.

<sup>59</sup> Interview with Kuda Banda (20years), Juvenile inmate, KRS, Tuesday, July, 22, 2019.

incarceration process at KRS was not so stiff for them to restrain from engaging into future crimes. They did not realise that the reformatory had merely been instituted to provide rehabilitation and reformation through skills training and education. The influence juveniles received from their peers made most of them to reoffend.<sup>60</sup>

#### **4.11 Criminal Family History**

Criminal family history had a very big impact on juvenile recidivism. Some of the juveniles came from families which consisted of perpetual lawbreakers. One of the juveniles at Katombora Reformatory serving a reformatory order after reoffending confessed that his father had been a perpetual criminal, who had spent his entire life stealing. Siwakwe Richard narrated that his father had oriented him into stealing at the age of 12 years. He explained that his father confidently told him that he was a young person who could not be sentenced to imprisonment with hard labour but instead would be taken to Katombora Reformatory School for reformation and rehabilitation if caught. This juvenile harboured this notion whenever he was engaged in stealing; he could be used by the gang of adults to enter a shop through a small opening to steal and passover items through that small opening. This trend would go on in several locations wherever an opportunity to commit such a crime was available.<sup>61</sup>

Eventually, Siwakwe had been arrested at the age of fourteen and taken to KRS where he successfully completed his order. When he was released he joined his elder brother on the Copperbelt who equally depended on stealing, passed on by their father. He was once again arrested for aggravated robbery and taken to Katombora Reformatory School. At the time of the interview, Siwakwe was serving his last years as a juvenile at Katombora Reformatory

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<sup>60</sup> Interview with Katwishi Kangwa (60years), Ex- Juvenile inmate, Katombora Area, April, 20,2019. 10:30.

<sup>61</sup> Interview with Richard Siwakwe (21years), juvenile inmate Recidivist, KRS, Tuesday, July, 22, 2019. 10:30



School because he had reached 21 years.<sup>62</sup> He promised to take carpentry and joinery seriously in order to earn a living from such, for fear of being sentenced to prison because he would soon be an adult.<sup>63</sup>

#### **4.12 Out of Home Placement**

A home was regarded as the most favourable place where a child first came into contact with the world during the early years of child growth. It provided conducive factors for effective growth of the child in all aspects of life, be it physical, spiritual, intellectual or moral. The child began to appreciate the surroundings at the home as the home formed a basic unit for comprehensive child development. A home was a safe environment for child upbringing. In the mid-1970s, the United National Independence Party (UNIP) government tried to embark on the 'Back –to-the Land' campaign through the establishment of the Rural Reconstruction Centre (RRC) programme as a step in trying to curb the migration of youths to the cities and towns.<sup>64</sup> This programme aimed at recruiting unemployed youths and engaging them into agricultural production instead of leaving them to loiter in the streets. This policy was aimed at reducing juvenile crime in urban areas as well as preventing juveniles from migrating to urban areas in search of financial incentives. However, this move did not prove fruitful as most of the youths had already been influenced by the white-collar job culture. As Kaunda noted:

Colonial brain-wash has fed our youths with the idea of life under the bright lights of cities and white-collar jobs as the only avenue to a decent future.<sup>65</sup>

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<sup>62</sup> Interview with Siwakwe, at KRS, Tuesday, July, 22, 2019. 10:30.

<sup>63</sup> Interview with Siwakwe, KRS, Tuesday, July, 22, 2019.

<sup>64</sup> Simaluwani, 'Zambian Approaches to Disposition of Juvenile Offenders', p.69.

<sup>65</sup> Kenneth, D. Kaunda, "Address to the Eighth National Council Meeting of UNIP on 27th April, 1976." **Times of Zambia**, 28th April, 1976, p.3.

Kaunda's main argument in spearheading the RRC was based on the notion that the abundant land in Zambia had a lot of opportunities for the people of Zambia, and the youths in particular. However, the out of home placement youths could not see the opportunity of cultivating the land as being worthwhile. Juveniles interpreted their attachment to the streets as a better option in their own sense than being relocated to the land in rural Zambia. In 1983-84, some of the juveniles resorted to criminal activities and eventually to being perpetual recidivists because of the out of home placement. Out of this, some children found themselves on the streets.<sup>66</sup>

Some boys became known as "Mishanga" boys (cigarette sellers). They went round selling loose cigarettes to those who could not afford to buy packets.<sup>67</sup> They could not find formal employment. As a result, the majority of them became criminals and engaged in various crimes. Cigarette selling at a tender age which exposed juveniles to street life, had a strong bearing on juvenile crime leading to incarceration. It was one of the activities in the 1980s to 1990s that landed some of the juveniles into incarceration and later becoming recidivists. Recidivism as a result of selling cigarettes became common among juveniles upon being released because the business was lucrative, to venture in. On top of being lucrative, minimal capital was required for the boys to begin this type of business.<sup>68</sup>

#### **4.13 Conclusion**

This chapter has examined the causes of recidivism among the juvenile offenders at Katombora Reformatory School. The chapter has revealed that different factors were at play for juveniles to resort to re-offending. These factors included lack of education, isolation of Katombora Reformatory School, ill-treatment at Katombora Reformatory School, lack of

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<sup>66</sup>Simaluwani, 'Zambian Approaches to Disposition of Juvenile Offenders', p.61.

<sup>67</sup> Simaluwani, 'Zambian Approaches to Disposition of Juvenile Offenders', p.61.

<sup>68</sup> Simaluwani, 'Zambian Approaches to Disposition of Juvenile Offenders', p.62.

comfort/ protection, mental health disorder, lack of adherence to Licence order and unfavourable home conditions. Other factors were failure to trace or being accepted by guardians, peer pressure, criminal family history and out of home placement. It has also been concluded that some juveniles who became perpetual recidivists ended up in prison after their reformatory order came to an end while those who did not become recidivists managed to acquire survival skills and began to lead a good life away from the reformatory. Some recidivists reoffended more than twice but the majority only went up to two times. Those who did not offend after reoffending twice claimed they had been young in their initial offence thus the second chance was for them to concentrate on skills acquisition and progress in their academic journey. Recidivism for some juveniles worked positively because they were able to learn from their previous experiences while for other juveniles it worked negatively because it made them end up as adult criminals who frequented prisons.

## **CHAPTER FIVE**

### **5.1 CONCLUSION**

This study has looked at the impact of Katombora Reformatory School on juvenile incarceration, from 1957 to 1990. It has traced the origins of juvenile incarceration from the colonial period to 1990. The study has also assessed the effectiveness of the programmes at Katombora Reformatory School. It has identified programmes offered by the School to the inmates and then considered their effectiveness. Finally but not the least, the study has examined the causes of recidivism among juveniles at Katombora Reformatory School from 1957 to 1990.

A number of conclusions have emerged from this study. The factor of child neglect and poverty was a common driver of juvenile incarceration in almost all the territories of the world. The idea of juvenile incarceration was a colonial government undertaking in Africa and Zambia in particular. The British established industrial centres along the line of rail which attracted rural-urban migrations. These migrations were embarked on by the juveniles with the view to securing employment in the industrial towns. Those who could not manage to find work started to roam the streets which later led to a rise in crime. The rise in crime led to the need for places of punishing offenders, thus the origin of prisons. It was the rise in crime which facilitated the need for juvenile incarceration. To this effect, it has been concluded that juvenile incarceration was introduced in order to curb the rising challenge of public disorder and street crime believed to have been committed by juveniles who migrated from rural areas to colonial towns. It has equally been noted that the growth of urban and industrial centres such as the Copperbelt enhanced the movement of the youths to seek employment in the growing towns.

The origin of juvenile incarceration was traceable to the arrival of the British, and emergence of prisons in colonial Zambia which began as part of the colonial police constabulary in the 1920s. The mining industry on the Copperbelt fostered socio-economic changes in the livelihood of the inhabitants of Northern Rhodesia. While native juveniles were initially incarcerated together with the adult offenders when they came into conflict with the law, the European and Coloured juveniles were transported to South Africa which had good reformatories for juveniles. However, this system of sending Europeans and Coloureds to South Africa later became too expensive and was stopped in the 1920s.

It has also been observed that in order to separate the juvenile offenders from the adult offenders, 'Ibwe Munyama' was inaugurated at the Chikankata Salvation Army School in Mazabuka as one of the earliest centres in 1940. The purpose for this centre was to act as a treatment and control facility for juveniles who had come into conflict with the law. The other purpose for 'Ibwe Munyama' was to mitigate the psychological challenges which came as a result of confining both adults and juveniles in one place. This centre later proved to be unsuitable in resolving issues of juvenile offenders because it lacked trained staff. This paved way for the establishment of Katombora Reformatory School in 1957. It can also be concluded that until 1957, no reformatory at the level of Katombora Reformatory ever existed in colonial Zambia.

Another conclusion is that the establishment of Katombora Reformatory School led to change of the purpose of juvenile incarceration from being discipline oriented to being academic and vocational oriented. This meant that juveniles were no longer incarcerated as punishment to instil discipline but incarceration worked as a measure to equip juveniles with education and skills training. Equipping juveniles with education and skills was viewed as the better way of empowering juveniles who were seen to have engaged in crime. Among the crimes juveniles committed were theft, burglary, house breaking, indecent assault and

other crimes usually found to be committed by adults. Before the coming of the British in pre-colonial Zambia, juvenile incarceration was unheard of; juveniles who offended in traditional settings were made to compensate the victim, the offender managed to compensate through the help of his family members. That is, a wrong of one family member was a wrong of the entire family.

The study has also revealed that prisons emerged as part of the colonial police force. Both juveniles and adult offenders were incarcerated together before the establishment of reformatories for juveniles. The study equally revealed a number of factors that contributed to juvenile incarceration which included: incarceration as colonial legacy that is incarceration became known in colonial Zambia when the British established penal systems which included the establishment of prisons. The initial reason for juvenile incarceration was to punish an offender, unlike restitution which was practiced in traditional settings.

The onset of urbanisation and industrialisation enticed the Africans to migrate to urban centres. The emergence of industries paved way for the establishment of courts which young offenders were subjected to upon coming into conflict with the law. It was in these courts where juveniles were ordered to undergo reformation.

Recognition of juveniles under 21 years was another factor for the establishment of reformatories. This spared juveniles under 21 years from being imprisoned with adult offenders. After 1964, the government recognised the need to train young adult offenders under the age of twenty one years. This category was seen to be more ready to be trained unlike adult offenders stationed in established prisons. This new system developed the character of and instilled a sense of responsibility in an offender.

Exposure to cinematography allowed juveniles to model their behaviour on what they saw on the screen. The films contributed to making children victims of crime, because they

endeavoured to put into practice what they saw on the screen. These films greatly contributed to children falling prey to crime leading them into incarceration. Though films did not mark the origin of incarceration, they contributed greatly to the emergence of delinquent behaviour among the youths. Films made African juveniles to dispel the notion of the white man as being immortal.

Failure of deterrent measures contributed to juvenile crime leading to incarceration. Whipping which was used as a deterrent measure on juveniles who committed crime became unproductive. Certain crimes did not warrant merely whipping because it proved as nonsufficient punishment. Some offenders subjected to a whip were perceived to have become hardened while others were weakened. The failure of whipping as a deterrent measure paved way for reformatory treatment for the juveniles. This meant placing juveniles under the reformatory training for possible rehabilitation and reformation.

Loss of dread of parents saw most of the juveniles fall prey to criminal activities. Some juveniles lost fear of their parents' rebuke; thus they involved themselves in criminal activities. Parents were perceived as initial disciplinarians because discipline started from home. Certain juveniles lost respect and regard for their immediate guardians and resorted to living unrestrained and unruly lifestyles, compelling them to engage in crime notably in the first established towns in Zambia.

Introduction of the money economy which replaced the exchange of goods for goods came with a lot of demands which contributed to juvenile engagement in crime. Juveniles advanced this factor as being the main economic reason of leaving rural areas to urban set-ups. However, it was another way by African youths to prove that they were agents of change in their own socio-economic way of life as opposed to being passive recipients of the change.

The study also shows that the impact of Katombora Reformatory School on juvenile incarceration was visible in the effective programmes initiated at the school to ensure that juveniles were rehabilitated and reformed according to the aim of the school. The programmes revealed both a positive and negative impact on the juveniles. However, the positive impact outweighed the negative. The positive impact was revealed through those juveniles who acquired skills and were able to make a living out of those very skills upon discharge. The negative impact was seen in those juveniles who could not acquire skills during their first incarceration and became recidivists until they ended up in adult prisons.

After incarceration, juveniles were able to earn a living from the programmes which were provided in the form of skills training and academic achievement. The study also shows that Katombora Reformatory School became the first institution in Zambia to run a two-tier system of learning, namely academic and vocational. The programmes were run effectively even in situations where the institution had no trained staff to offer certain programmes. Juveniles were able to acquire skills like typing and driving of tractors. They acquired the skills of driving tractors through observation and imitation. Thus, the juveniles became skillful in hands-on practical activities. They exhibited these skills whenever an opportunity was availed to them to do so.

It is argued, in this study that in 1967 skills such as carpentry and tailoring were the main industrial and vocational courses offered through the certification of the inmates. Juveniles who were engaged to acquire skills in the named fields did it to the best of their abilities. In the same year, through bricklaying and building, juveniles managed to construct staff houses which lessened the accommodation challenge Katombora Reformatory School was facing. Additionally, juveniles managed to construct a clinic which lessened the challenges of people living within Katombora Reformatory travelling long distances to access medical services. Additionally, juveniles in these and other fields were trade tested and were certified



at the end. For instance, in 1976, twenty-four were trade tested in carpentry, bricklaying, plumbing, and mechanics and tailoring. Eighteen passed the trade tests, six failed the tests.

The study has also shown that juveniles received After-Care Service; a service which gave inmates an opportunity to make contacts with their family members before official release. After-Care was provided through responsible officers who were able to secure employment for the juveniles who had successfully completed their reformatory order. To this effect, those juveniles who benefited were able to lead a responsible lifestyle after discharge.

In addition to the programmes KRS conducted were Outward Bound courses. These courses maintained associations between juveniles under incarceration and the youths outside the reformatory system. The Outward Bound courses gave opportunities to juveniles who were not good academically to prove themselves through other activities such as athletics, football and volleyball. The spirit of self-discipline and integrity in the juveniles was initiated through Outward Bound courses. In addition, moral development was at the centre of the institutional religious policy. Through moral development some of the juveniles ended up becoming religious leaders and pastors of various churches in their respective communities.

Regarding educational programmes, KRS offered literacy, primary and secondary education to inmates. This allowed inmates who had been in school before incarceration to continue with school. Equally juveniles who had not been in school before incarceration were given an opportunity to learn. Also juveniles learned the importance of campaigning against the deadly virus and disease through their Anti-AIDS club. Juveniles became advocates against HIV and AIDS even in the surrounding community during community awareness days. And finally but not the least, guidance and counselling enabled juveniles to reshape their

behaviour. Guidance and counselling proved so useful to the juveniles because it made them aware of themselves, others and the importance of school.

In this study, it has also been argued that some juveniles did not necessarily become recidivists by choice. Various factors prompted such juveniles towards recidivism. There was lack of education which was based on the premise that some of the juveniles had low literacy levels. A good number of juveniles sent to Katombora were completely illiterate, they did not know how to read and write. This made it difficult for them to appreciate the programmes offered by the school. Hence, once they had no job after release they reoffended. Western education robbed the African inmate of their indigenous education which was the centre of every community in traditional settings. Indigenous education was all-encompassing because it included all aspects of life.

The isolation of Katombora Reformatory School due to its physical location and remoteness made it difficult to provide hope for another life to some juveniles. The school was located in the thick forests of Kazungula district about 7 kilometres away from the Livingstone-Sesheke road. Most of the juveniles became victims of escape because of the location. Yet some of them, after reoffending, became useful citizenry upon discharge.

Ill-treatment at Katombora Reformatory School was rampant in 1965. The year recorded the worst ill-treatment by the old-comers over the new-comers which became fuel for the 1966 breakout. This situation became a source of escape. Escaping provided a double charge on the third or fourth escape; this made the escapee lose the benefits of the reformatory order. Similarly, some of the juveniles resorted to reoffending due to lack of protection after lock-up. This equally became a source of escape.

Mental Health disorder was another factor which, without having a well-defined institution coupled with lack of trained staff, made the mentally challenged individuals fail to

appreciate the reason for incarceration. Thus, they resorted to recidivism. Further, no proper therapeutic administration existed to curb crimes committed by mentally challenged juveniles. So the mentally challenged juveniles could not be dealt with effectively.

Due to lack of adherence to Licence orders, some juveniles, upon being discharged on licence, found themselves with bad associations. Others ended up in the company of older criminals which made them fall into the trap of committing crimes whilst on licence. Through thorough guidance and counselling at Katombora Reformatory School, such juveniles saw the light of a brighter future at the end of their second reformatory order.

This study has shown that unfavourable home conditions were a serious cause of juvenile recidivism. The conditions emerged due to the background of broken families leading to single parents. In such families juveniles released either on licence or discharged were found reoffending more often because they ended up joining wrong company of friends. Similarly, juveniles released to join their brothers or sisters with unstable employment became victims of recidivism. Juveniles released to such families were easily influenced by their peers to join gangs which eventually led them into criminal activities.

Failure to trace guardians or being accepted by guardians was another factor for juvenile recidivism. Those juveniles whose parents or guardians could not accept them eventually developed a sense of rejection and lost the sense of being useful citizenry. Equally, the refusal by some parents or close relatives to accept the boys due for release posed a great challenge to Katombora Reformatory School as well as the surrounding community. It was also established that there was reluctance on the part of the Department of Social Welfare and the Director of Zambia Youth Service to accept boys from Katombora; this became a source of increased recidivism and criminal behaviour among the boys.

Peer influence was another factor which had a very big bearing on juveniles who were released from Katombora Reformatory School. Some juveniles upon release found their friends already engaging in criminal activities. Large towns such as Lusaka, Ndola and Kitwe in the early 1970s witnessed steadily rising unemployment levels which made most of the youths find themselves in the market places or back streets which became sources of juvenile crime. The influence juveniles received from their peers made most of them reoffend and end up in Katombora upon conviction.

Another factor which contributed to juvenile recidivism was family criminal history; some families consisted of perpetual lawbreakers. Some parents compelled their children to commit crime knowing that their children were too young to be imprisoned. Juveniles in such homes were used in various criminal activities organised by elders. It became very difficult for such juveniles not to engage in crime time and again. These usually became victims of recidivism. Some homes were not conducive places for positive child growth. If a child did not have a well-established home placement with favourable conditions for normal growing, the chances of falling into undesirable behaviour were extremely high.

Therefore, the impact of Katombora Reformatory School on juvenile incarceration from 1957 to 1990 can best be seen from the origins of juvenile incarceration which led to the establishment of Katombora Reformatory School, the effectiveness of the programmes offered at KRS as well as examining the causes of juvenile recidivism. All in all, the establishment of Katombora Reformatory School had a positive impact on the juveniles incarcerated there between 1957 and 1990.

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