



RISKING LIVES: THE FATE OF WOMEN HUMAN RIGHTS DEFENDERS IN ZIMBABWE

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BACKGROUND

The Supreme Court of Zimbabwe, in 2004, laid out the standard treatment of people in police custody in the case of a woman human rights defender Nancy Kachingwe.¹ In that case, the Court spelled out that police holding cells should be of a reasonable size, with good ventilation, sufficient lighting, and clean and decent flushing toilets with running water.² The Court also explained that persons detained in holding cells should be given clean drinking water and wholesome food at appropriate times.³ Emphasis was placed on the need to practice good hygiene in the cells, with the Court instructing that police cells should be cleaned every day; that inmates should be given clean, decent and adequate washing facilities including soap and that women should be given sanitary wear upon request.⁴ The Court also stated that inmates should be provided with a means to rest such as a chair or bench and that if detained overnight they should be given clean mattresses and blankets.⁵

In a 2009 report⁶ by the Research and Advocacy Unit (RAU) which looked at the process of detention and its effects on women activists in Zimbabwe, the findings were clear that the conditions set out in the Kachingwe were not being observed. The women who were interviewed in the RAU research complained that women's sanitation was not being addressed.⁷ Women were not being provided with sanitary wear in police cells as well as in remand prison. Some suffered toxic shock from wearing their pads for long periods.⁸ The women also stated that the cells were dark, poorly lit, and dirty with malfunctioning sewer systems that could only be flushed from outside leaving the inmates at the mercy of individuals outside the cell to flush the toilets.⁹

The report also indicated that the bedding was dirty, lice infested, and soiled with blood, urine or human excrement.¹⁰ The cells were overcrowded with a space as small as 3x 5 metres, carrying 30 to 40 people at a time.¹¹ Food was not provided in holding cells and in remand it was of a poor quality. Women activists in police holding cells had to negotiate with prison officers to allow relatives to bring food. Those with special dietary requirements, who could not receive any food from their relatives, had no alternatives while in remand prison. The women activists did not receive proper health care. Most of them were detained and denied access to their lawyers while undergoing interrogation.

WHO ARE WOMEN HUMAN RIGHTS DEFENDERS?

A human rights defender is any person-male or female-“who promotes and strives for the protection and realisation of human rights and fundamental freedoms.”¹² In Zimbabwe, women human rights defenders (WHRDs) are fighting for the realisation of human rights be they civil,

¹ Kachingwe and Others vs. Minister of Home Affairs SC 145/04.

² Kachingwe case, (as in note 1 above).

³ Kachingwe case, (as in note 1 above).

⁴ Kachingwe case, (as in note 1 above).

⁵ Kachingwe case, (as in note 1 above).

⁶ RAU (2009) The process of detention and its effects on women activists in Zimbabwe, Research and Advocacy Unit. Harare. Zimbabwe.

⁷ RAU Report (as in note 6 above).

⁸ RAU Report (as in note 6 above).

⁹ RAU Report (as in note 6 above).

¹⁰ RAU Report (as in note 6 above).

¹¹ RAU Report (as in note 6 above).

¹² Article 1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (known as the Declaration on Human Rights Defenders).

political, social, cultural, economic or environmental rights. While some fight for gender equality in all spheres of life, others seek redress regarding equal protection before the law of all citizens despite age, colour, race, language, sexual orientation or any other differences. Some concentrate on advocating equal representation and participation in politics and decision-making.

Other WHRDs advocate equal access to resources including land where the current land tenure system allows women to access commercial and urban land on equal terms with men but in rural areas where the majority of women live, the communal system allocates land on patri-lineal grounds and hence deprives women of access to land. Other still seek the protection of women and girls from harmful cultural practices such as *kuripa ngozi/ukublanula ingozi* (spirit appeasement), *kuoodzwa/ukuzalehwa* (early forced child marriages), *kupisa guva/umbuyiso* (virginity testing), *barika/isithembo* (polygamy), and *chiramu/umlamu* (puppy-love relationships between brothers in law and their younger sisters in law), among others.¹³

Fighting their different causes, and despite their good intentions, WHRDs in Zimbabwe face a lot of risks for doing their work. Being a WHRD, next to giving birth where 11 women die in childbirth every day¹⁴ and political activism in a highly contested landscape,¹⁵ is arguably one of the riskiest things that any woman in Zimbabwe can do. WHRDs face the same kinds of threats that male HRDs face including verbal assaults, death threats, killings, arbitrary arrests, detention, abductions, enforced disappearances, criminalisation and stigmatisation. Furthermore, they are subjected to gender-specific violations such as sexual abuse, indecent assault, rape and labelling.¹⁶ WHRDs are targeted for labelling because they advocate a defiance of society's traditional understanding of women's roles in the community understood to be that of being housewives hence the adage "A woman's place is in the home."

WHRDs also face peculiar challenges in ensuring their security including;

1. Physical weakness:

Women, biologically, are physically weaker than men. They are therefore more vulnerable to physical violence as they can be easily overpowered. Women are also susceptible to rape.

2. Performance of gender roles:

Apart from being WHRDs, these women are also mothers, sisters, daughters and daughters-in-law. They are caregivers, particularly to the elderly and the young. Women often refuse to run away when their lives are threatened, and if they do decide to run away they ensure the safety of their children before their own. This makes them susceptible to attack as it slows the pace at which they can run away.¹⁷

3. Limited Physical and Digital Security:

¹³ See Dube R (2013) She probably asked for it! A preliminary Study into Zimbabwean Societal Perceptions of Rape, Research and Advocacy Unit (RAU) April 2013 p17-19.

¹⁴ Zimbabwe experiences 960 maternal deaths per 100 000 live births - three times higher than the global average See Lubombo Z 'Zimbabwe: 11 women die in childbirth everyday' AllAfrica, 31 October 2013 <http://allafrica.com/stories/201310310419.html>.

¹⁵ RAU (2010) Women, politics and the Zimbabwe Crisis A Report Produced by the Research and Advocacy Unit(RAU), Idasa and the International Centre for Transitional Justice (ICTJ) November 2010.

¹⁶ Often times, women human rights defenders are dismissed as prostitutes.

¹⁷ RAU (2010) When the going gets tough, the man gets going: Zimbabwean Women's Views on Politics, Governance, Political Violence and Transitional Justice, A Report Produced by the Research and Advocacy Unit (RAU), Idasa and the International Centre for Transitional Justice (ICTJ) November 2010.

Generally within civil society, women's organisations are less well funded than mainstream organisations. This makes them vulnerable as they have limited resources to address and strengthen security measures. Women also have technophobia,¹⁸ which means that their data and information is often vulnerable to attacks as they do not have the best protection on their machines.

Between 2011 and 2013, the arrest and subjection of WHRDs to inhumane treatment in deteriorating conditions in custody continued. This occurred despite that the new Constitution of Zimbabwe sets out a duty by the state to respect, promote and fulfil fundamental rights of every citizen. ¹⁹Section 49 further provides for the rights of every citizen not to be detained without trial and to be arbitrarily detained without due cause. The Constitution also stipulates that every arrested person has a right to be informed of the reasons for arrest, to consult with a legal practitioner, to be treated humanely, and to be detained in conditions that are consistent with human dignity.²⁰

This study focuses on documenting WHRD's experiences either in police custody, remand prison or actual prison.

OBJECTIVES

The study documents the experiences of 20 WHRDs with arrest and detention between 2011 and 2013 with the aim of publicising the treatment of these women in demanding accountability and better treatment. While some of the WHRDs were kept in police cells for a few hours, others spent months in remand prison. The study contributes to the national, regional and global knowledge base of information on WHRDs and advocates the protection of WHRDs and people held in police custody and prisons in general.

METHODOLOGY

This study is a collection of real accounts of 20 WHRDs' experiences in custody. These stories were developed out of a set of interview questions administered through a questionnaire. The women were interviewed individually and separately from each other. Some were arrested and detained in police cells while others were further detained in remand prison. The study focuses on women who experienced arrests and were detained between 2011 and 2013. It targets ordinary WHRDs whose stories have never been highly profiled. It also targets WHRDs working on a variety of issues from political freedoms, social justice, sexual and reproductive health to the right to a fair trial.

The data are summarised in the main body of the report and the 20 case studies are provided in Appendix 1.

INTRODUCTION

In March 2012, the Parliamentary Thematic Committee on Human Rights presented its report to Parliament on a fact finding mission that it had conducted to a number of prisons in Zimbabwe. Previously, the Committee had paid visits to Chikurubi Maximum Prison (Harare), Mutare Remand Prison (Mutare), Mutimurefu Prison (Masvingo) and Hwahwa Prison (Gweru) and in 2012, they visited Khami Prison (Bulawayo), Binga Prison (Binga) and Hwange Prison (Hwange). The purpose of the visits was to assess the living conditions of prisoners and to see whether

¹⁸ Msonza N (2013) ICT-Phobic? Zimbabwean Women and ICTs (Unpublished).

¹⁹ Section 44 of the Constitution of Zimbabwe Amendment (No 20) Act of 2013.

²⁰ Section 50 of the Constitution.

these conditions are in keeping with human rights standards.²¹ The Committee received oral evidence from the Deputy Commissioner of Prisons on the current state of prisons and prisoners. In that enquiry the following issues were raised by the Deputy Commissioner;

Infrastructure: The Zimbabwe Prison Services (ZPS) was failing to maintain some of its infrastructure. There were no locks on some prisons doors. Some wooden doors had been had been struck by termites and were beyond repair. Plastic and card board boxes were being used as replacements of some doors. Window panes were broken; some roof sheets had been blown away by the wind and the prisons would leak during the rainy season.

Ablution: Some prisons had no functional ablution systems. There was no adequate water to flush the system. The toilet systems seemed as if they had been made for men, and were not user-friendly for the female inmates.

Bedding: Inmates were entitled to 3 blankets each but not all of them had enough. Some prisoners were sleeping on the floor because the system could not provide them with beds.

Clothing: The ZPS did not have adequate uniforms for both the inmates and prison officials

Funds: The ZPS complained that they were not being given enough funds to carry out all the work that needed to be carried out.

Assistance: Prisons were receiving assistance in the form of plates, uniforms, prisoners' rations from a number of non-government organisations (NGOs) such as the International Committee of the Red Cross (ICRC) rather than from government.

Children in custody: Some prisons had children in custody. These children were in need of playing facilities, bedding, soap, Vaseline and clothing. They were also in need of food because prison rules dictate that only the parent (adult) gets food. The child is not budgeted for and has to feed off the parents' rations.

Food: Food was being provided 3 times a day but it was not of good quality. In some cases prisoners were being served supper at 1400 hours meaning that they would sleep hungry.

Health care: Some prisons did not have critical medical equipment such as x-ray machines and CD4 count machines. This forced the prison services to take prisoners off the prison grounds, compromising security.

Communication: There were no postage stamps to allow prisoners to communicate with their families although the ICRC was assisting by providing these.

Rehabilitation: There were some rehabilitation programs available such as gardening, sculpturing and fence making.

Overcrowding: The prisons were housing more people in a cell than they ought to because some cells were dysfunctional and because the justice system was perpetually remanding offenders in custody.

Professionalism: The Committee observed some lack of professionalism in some officers. For instance at Binga Prison, the Committee observed a prison official who addressed prisoners while dressed in party regalia.

The Committee made the following recommendations:

²¹ The Hansard, Vol 21 No 25 Parliament of Zimbabwe.

- That foreign nationalities serving sentences in Zimbabwe should be deported to their countries to avoid straining our own system;
- That the ZPS should be given enough bedding and clothes both for prisoners and prison officers;
- That government should make available adequate funds for maintenance and repairs of prisons;
- That the ZPS should use professional services of inmates to improve prison conditions;
- That prison officials should conduct themselves in a professional manner;
- That prisons should serve supper for inmates from 1900 onwards;
- That children in prisons should be left in the care of trained caregivers and not in the care of other prisoners who could possibly harm the children. If such caregivers are not available then children must be released to willing relatives.

PROTECTION MECHANISMS

The findings of the Portfolio Committee, above, reflect the state of the majority of detention facilities in Zimbabwe. These are the same facilities to which all offenders are taken, including WHRDs who are arrested and detained in the course of doing their work. Ironically, the treatment of WHRDs occurs against a backdrop of a plethora of protection mechanisms that are available and under which the Zimbabwean government has obligations. These mechanisms are discussed at length in Appendix 2 to this report.

Findings of the Study

The study showed that the women HRDs work on community mobilisation, holding meetings, campaigns, workshops and trainings, as well as community empowerment. The WHRDs are subjected to arrest and detention by the state for merely doing their work. Most women are not told the reason for their arrest at the time of arrest. Upon arrival at police stations most of them are told that they are being charged either under the Public Order and Security Act²² or the Criminal Law Codification and Reform Act²³ or both. None of the women's arrest and detention has led to a successful conviction.

Cells

The conditions in detention facilities remain a cause for concern. Cells both at police stations and in remand prison are small, poorly lit and dirty with poor ablution facilities.

Food

The food in prison is also of a very poor quality consisting mainly of *sadzwa* and dried *kapenta* or beans or spinach. Most of the women HRDs explained that they would eat food brought by their families from home. The only water available to drink was tap water, which is generally not safe to drink.

²² [Chapter 11:17].

²³ [Chapter 9:23].

Sanitation

The toilets in the cells were dirty. Most of them had no running water and could only be flushed from outside. The police and the prison officials did not provide toilet paper nor did they provide sanitary wear to the majority of the WHRDs. These were brought by visiting relatives and friends.

Clothes and Bedding

In police custody, the women were not given a change of clothes. They had to wear the clothes they were arrested in for the duration of their stay. If these were not warm enough, they remained cold for the duration of their stay. In remand however, the women reported that they had adequate blankets. The Zimbabwe Revenue Authority (ZIMRA) donated new warm blankets to the remand prisons. Of concern, however, is the fact that some prison cells do not have enough beds corresponding to the number of inmates detained and some inmates have to sleep on the floor.

Religion and education in remand

Most of the WHRDs are Christians. They were however not given bibles while in police custody or in remand prison. A few said they were given material to read but this was censored for political content; therefore no newspapers.

Assault/torture in the police cell

The majority of the WHRDs reported that they were not tortured while in the police cells and in remand prison. However many of them were assaulted and slapped by police officers in police uniforms. Some were also continuously insulted and verbally accused of trying to overthrow the government. Some of the women also reported that they were forced to do body count numerous times during the night, depriving them of sleep.

The women themselves made a number of recommendations which, if implemented, will improve the lives of persons held in police custody. These were;

- The cells need to have better toilets. The current ones are dirty and unhygienic as one has to sit on them when using them.
- The police need to treat the detainees with respect, bearing in mind that the detainees are innocent until proven guilty.
- The detainees in the police cells must be allowed to rest instead of being counted numerous times at night. This was said to be tortuous.
- Police cells must have running water to enable the cells to be sanitary and safeguard the health of detainees;
- The food that is provided to the detainees should be of good quality and varied.
- The detainees should be allowed to bath. Provisions should be made for soap and water.
- Cases of prisoners on remand should be dealt with expeditiously.
- Detainees should be provided with adequate blankets.
- Mattresses should be provided for the detainees to sleep on.
- The cells need to be fumigated as they have lice.
- The cells need to be cleaned regularly.
- The number of people in each cell needs to be regulated to a maximum of 4.

- The detainees should be told who has brought them food if it has been brought in by family members.
- The detainees should be given adequate toiletries or permitted to use their own toiletries.
- Adequate and decent clothing needs to be provided at all times and not just when going to court.
- Persons who have not been tried must be kept apart from convicted persons.
- Rehabilitation needs to be holistic, allowing detainees to re-integrate in society.
- The prisoners must be notified of their rights and the reasons for arrest.

What can be done to improve WHRDs' security?

- Put an end to impunity and hold all those responsible for creating this insecurity responsible.
- Increase the participation of women at decision-making levels and ensure a gender component in peace building processes.
- Respect of international laws regarding the rights and protection of women and girls.
- Increase funds for better and more efficient security measures for women human rights defenders.

Appendix 1 CASE STUDIES

The case studies below are the accounts of the experiences of the 20 women interviewed in their own words. Although some of the women did not mind having their real names published, all their names have been kept anonymous to protect others with whom they had similar experiences and were detained with.

AA's story

This is the story of AA, a 30 year old woman, an administrator by profession but who is currently unemployed. AA is finding it difficult to secure a job since her arrest. She has been involved in social justice activism for more than a decade and she has participated in civic education, demonstrations, petition deliveries, and community mobilisation, as well as workshops and trainings. On 31st May 2011, AA was arrested by the police. The police had embarked on an indiscriminate clampdown on residents in the suburb where AA lives, following the assault and murder of Inspector Petros Mutedza.²⁴ AA was charged with the murder of the police officer under the Criminal Law Code, as well as for public violence under the Public Order and Security Act (POSA). She was held at Southerton Police Station for three days before being moved to Chikurubi Maximum Prison on remand on 2nd June 2011. This was to be her home for the next 27 months. She was kept separately from convicted prisoners during the day, even though at night they would be put together in the same cell.

While in custody, AA was assaulted with baton sticks and open palms. Although she could not remember the names of the people who assaulted her, she remembered how they treated her. They forced her to strip naked, and kept her in solitary confinement for a month and three days. Fortunately, AA was allowed visitors at both times when she was detained in the police cells, as well as in remand prison. Her legal counsel was allowed to see her at any time while family was restricted to three times a day. While in police custody, the cell in which AA was incarcerated, in her words was '*a quarter of a room,*' measuring about two metres in width and four metres in length with no windows but a meshed door which would let in a little light during the day but bring in a draught during the night.²⁵ The cell had a sleeping area, taking on the form of a bed, built from cement. There was a toilet at the head of the bed. The cell at Chikurubi Remand Prison was not very different from the one in police custody except that the toilet was outside the cell.

AA was given four thin blankets which were not enough to keep her warm throughout the night. When they were given to her, the blankets were dirty, but, because she had her own soap, she managed to get them washed. Generally extra blankets were available but one needed to be in good books with the laundry department which was managed by fellow prisoners to get them. AA was one of those fortunate individuals who were in good books with the laundry department, and, as such, she was given extra blankets. "*Zvangu zvaifaya*" "*All was well for me*, she said.²⁶ At the end of 2012, AA was still detained in remand and the Prison Services received a donation of 2-in-1 blankets²⁷ from the Zimbabwe Revenue Authority (ZIMRA). She stated that

²⁴ Police officer Petros Mutedza died after violence broke out at a beer hall in the Glen View area of Harare. The police claimed that he was killed by MDC activists who were holding a meeting at the venue. AA says that there was a t-shirt visibility day on that day and that members of the MDC party were meant to wear their t-shirts to show allegiance to their party. She says she was not there on the day but that the police came to arrest her at her house anyway.

²⁵ She described the door to be similar to the doors made of wire commonly found on animal and bird cages on farms.

²⁶ Slang for "all was well for me."

²⁷ The name given to thick blankets imported into Zimbabwe from South Africa and made in China.

these blankets were warmer; however, the prison officers took some for themselves so the distribution of the blankets to the prisoners was limited.

The prison diet consisted of porridge in the morning, sadza in the afternoon and evening, with a relish of either dried *kapenta*, spinach, or sugar beans. AA stated that the Zimbabwe Prison Services only provided meat once in almost two to three months. The food was only hot in the afternoon. In the evening, it would be cold because the sadza served both in the afternoon and the evening was prepared at once. AA was fortunate in that friends and relatives brought her food from home in all the days that she was in remand prison. The only time that they were not allowed to bring her food was when there was a typhoid and cholera outbreak, and it was considered unsafe for food to be brought into the prisons from untrusted sources. During this period, AA had to eat the food provided by the prisons. She does not eat *kapenta* because she is allergic to fish, and, whenever the prisons served *kapenta*, she was given either beans or spinach as an alternative.

While in the police cells, AA only wore the clothes which she was wearing when she got arrested. She was not given a change of clothes for the three days that she was detained. However, when she was sent to remand prison she had to surrender her clothes and was given the uniform provided by the Zimbabwe Prison Services. The clothes provided were clean. However, when they got dirty she had to provide her own soap as the Prison did not provide soap. AA noticed that soap was a currency in prison, used for barter trading with many services, including hot water, blankets, and properly cooked sadza. Those prisoners who had no soap would have to do other prisoners' laundry in exchange for soap. However, AA did not have to do this since she always had soap brought from home.

In terms of sanitation, the toilet in remand prison was clean at all times as the inmates would clean the toilets themselves. AA was provided with sanitary wear by the Zimbabwe Prison Services although her lawyer also brought her more. Toothbrushes were available, and, if an inmate needed one, they would ask and be given. AA had her own toothbrush. In the 27 months that AA was in remand prison, no medical check-up was ever done on her. AA is a Christian. She was allowed access to religious material so that she could observe and practice her religion. She also attended church services. She asked for reading material while in Prison and was given access to such material although these were extremely old magazines and some Christian literature. AA did not do much work besides keeping her environment clean while in remand prison. The prison officers were afraid that if the prisoners were forced to do more manual work, they would tell their lawyers and the prison officer would get into trouble.

The remand prison had a rehabilitation centre which gave out clothes, conducted inter-denominational church services, and provided counselling services. AA however felt that the rehabilitation officers were not doing much as they would spend the day milling around, away from their offices where they were needed. AA also alleged that the Prison officials were not professional. She stated that most people did not bother to go for counselling services because they would pour out their troubles to the rehabilitation officers thinking that they were doing so in confidence but then they would hear their stories being spoken about by other people and this was very discouraging.

AA made a number of recommendations that she believed if implemented would significantly improve the lives of prisoners and people held in police custody:

- *Prison infrastructure should be improved in-order to avoid overcrowding-some cells had 30-40 people, which is not normal;*

- *The Prison Services should provide bursaries for education. Some convicts will spend 13 years in prison-a whole lifetime- and should be allowed to get an education;*
- *The Prison Services should improve the basic skills that they offer through their rehabilitation services to include baking apart from those skills currently on offer, namely poultry and gardening. Also, at Chikurubi at the time that AA was detained, only two people were allowed into the sewing department, a decision that she failed to understand.*

BB's story

BB is a single, 25 year old engineer who is passionate about her advocacy work for the rights of sexual minorities. BB has been involved in this work for eight years now. She has participated in meetings, demonstrations, petition deliveries, and community mobilisation, as well as campaigns, workshops and trainings.

In September 2013, BB was arrested. She was accused of lesbianism. Communication had been intercepted at her work-place, in which communication an unknown woman was proposing love to another woman. BB was targeted as the prime suspect because of her masculine physiology and boyish tendencies. She was arrested and taken to Harare Central Police Station where she was interrogated by four plain clothes officers. She had no idea what her actual charges were or the specific piece of legislation that was being used to justify her arrest. For the 10 hours that she was detained, BB had no access to her lawyer or her family. None of her family members knew that she was detained and she was not told that she could access a lawyer. When the interrogation was done, BB was taken to a cell with three other inmates. On her way to the cell, BB was assaulted using open palms. She does not know the individuals who assaulted her. She was also sexually harassed by the prison officers who made a lot of snide remarks about her sexuality, and also about her physical appearance.

The cell was medium sized with two small windows and very poor lighting. There was no toilet in the cell; it was outside the cell and BB was allowed to go to the toilet. The toilet was dirty, but BB had to make do with what was available. BB was not given any food to eat for the whole period that she was detained. Since her family did not know that she had been arrested, she did not get any food from them. She was, however, given water when she asked for it, and she drank it even though she was not sure it was clean. BB was allowed to keep her clothes on, but she was not given any blankets. Fortunately for her, the clothes she had when she was arrested were enough to keep her out of misery in the fairly cold weather.

BB recommended that there should be no torture or assault of individuals for their human rights work. She also recommended that all the people held in police custody should not be tortured or assaulted, as this could result in some people confessing to things that they did not do. She however explained that the incident has not deterred her from her work, and she will continue to be involved in fighting for the rights of sexual minorities, especially women.

CC's story

CC is a student at a tertiary institution in Zimbabwe and an activist. She is 20 years old and identifies herself as a lesbian. She is affiliated to two organisations that seek to interrogate social values and norms around sex and sexuality, with a view to promoting societal acceptance of sexual diversity. She has been doing this work for three years and has participated in meetings as well as workshops and trainings related to the area of interest.

On 10th August 2012, CC was at a party hosted by one of the organisations to which she is affiliated when suddenly the police interrupted the party. The police alleged that there was

pornographic material at the party. CC, along with 40 other people, was arrested. She did not know what law the police used to arrest her except that the police kept on saying she was a homosexual. CC was detained at Harare Central Police Station for 18 hours.

CC was not interrogated nor was she questioned regarding her arrest. The police just assaulted her with baton sticks and open palms. She was also sexually harassed and verbally abused; one police officer even said, “*senge uyo ngaanyu kuno ndimukwire izvezvi anotobuda ava right*” [“Especially that one (pointing at CC) you should bring her to me so I can have sex with her, that way by the time she leaves she will no longer be a lesbian.”].

CC was not allowed contact with her family or her lawyer. She was taken into a police cell where she was kept with 12 other people who had also been at the party. The cell was small and had no windows. She was not given any food to eat.

CC was not allowed to go to the toilet as a form of punishment. She was also not in need of sanitary wear but one young woman had her menstrual period that night even though she had specifically requested for the pads from the prison officers. CC suffers from epilepsy, and was fortunate not to have an attack while in detention. In the prison cell, CC was allowed to keep her clothes on. These were adequate and warm. She was not given any blankets, and neither were the other people in the holding cells.

CC was nervous during the interview, fearing that the police would interrupt the interview. She said that she did not want to make her parents suffer as they had already suffered enough with knowing that she is a lesbian, as the police had made it a point to tell her parents. She said she hoped that the government would let gays and lesbians live without harassment. CC also recommended that:

- *At the very least people should be given water whilst in police custody.*
- *The Prison Services should make sure that the toilets are clean.*
- *The prison cells should be cleaned at all times.*

DD’s story

DD is a 26 year old woman. She is divorced and has no children. She studied up to Secondary level but is currently unemployed. She has been involved in human rights activism and has worked in the field of social justice for close to five years. Her work involved participating in meetings, demonstrations, campaigns, delivering petitions, mobilising the community through dramas and speeches as well as attending workshops and trainings. She has been arrested more than five times in the course of her work, but shared details of her most recent arrest in this story.

DD was arrested in September 2010 by the police for participating in what the police called “an illegal demonstration” in town. The police who arrested her and her colleagues were the ordinary policemen seen on the streets every day in grey and blue uniforms. DD was beaten with baton sticks by the police during arrest. She was taken to Harare Central Police Station where she was charged under the Criminal Law Codification and Reform Act (Criminal Law Code) and the Public Order and Security Act (POSA).

DD was detained for three more days. DD was never denied access to her lawyer. Colleagues brought her food and clean drinking water three times each day. DD was put in a small and dirty cell of about 10x1 metres together with 50 – 60 other people that she had been arrested with. The cell it was poorly lit, with tiny windows that could not be opened. It had a terrible stench

which made DD feel like throwing up. She could not breathe properly due to the stench. She was not allowed to talk to the people she was detained with and neither could they talk to her. The police forbade them to speak, telling them that they were making noise.

As indicated above, DD received food from her colleagues, but the police did not provide her with food. Sometimes she and her colleagues would be denied food or forced to eat in filthy cells. Ordinarily, inmates are not allowed to bring food into the cells, but, because the cells had a terrible stench, the police would force them to eat in there as punishment.

The cell that DD was detained in had a toilet basin inside the cell. The toilet however could only be flushed from the outside and it was dirty all the time. The police did not provide toilet paper nor did they provide sanitary wear. DD fell sick whilst in custody but did not receive any medical care. She only had access to the services of a medical practitioner after she was released from custody. Although she did not ask for medical care, the police knew she was not well. DD was allowed to keep her own clothes on. The clothes were not adequate and warm because jerseys were not allowed. There were no blankets as well. The blankets that were available were either wet or lice infested. The floors were cold and DD had no option but to sit on the floor.

DD is a Christian. Although she requested a Bible while she was detained, she never received it and she was not given any reasons for such refusal. She made a number of recommendations that she believed if implemented would significantly improve the lives of prisoners and people held in police custody; namely that:

- *Cells should be clean all the time and food and clean blankets must be provided;*
- *Prisoners should be given books to read and allowed to exercise and refresh;*
- *There should be bathing facilities for prisoners and warm clothing should be provided or permitted to be worn;*
- *Prisoners should be treated with respect;*
- *If a prisoner is not feeling well, the prison services should permit the prisoner to access the services of a medical doctor.*

EE's story

EE is a 58 year old married woman with five children. She studied up to Standard 6 and is currently unemployed. She was once a cross border trader, but she has not continued since she has not received her passport back after being acquitted. EE has been a human rights activist for more than 10 years. Her involvement has included attending meetings and demonstrations as well as campaigning for human rights.

In September 2011, EE was arrested by the Zimbabwe Republic Police. The police came to EE's house at 2 o'clock in the morning. At that time, EE's husband was ill and she was worried about his recovery. The police banged so hard against the gate at EE's house that she was forced awake to check what was happening. At first, the police took her to Glen Norah Police station then later transferred her to Harare Central Police station. Her co-accused persons had been arrested in May and she had been evading the police since then. Before taking her to Harare Central, the police also picked up another woman from Highfield who was accused of committing the same crime. EE then learnt that she was being accused of killing a police officer. When she arrived at the police station she was charged under the Criminal Law Codification and Reform Act (Criminal Law Code).

EE remembers that one of the police officers at Glen Norah Police station said to her “why did you plan to kill a police officer? You should know that we have everything that can be used to kill a human being in this office and we can even kill you.” These words had a chilling effect on her. She was later taken to Harare Central Police station where statements were recorded.

At Harare Central Police Station, EE was detained for two days having spent a day at Glen Norah Police station. Fortunately for her, EE was never denied access to both her lawyer and visitors. Her lawyer came to Glen Norah Police station and followed the police to Harare Central Police station. “*This made it difficult for the police officers to assault me*” she said. Visitors were allowed to come once a day. Although she had no recollection of the size of the cell, EE remembered that it had windows with burglar bars and the windows could open slightly.

She never got any food from the police. Her family would bring her food and drinking water every day.

The toilet in the police cell was a small basin and it was dirty from the day that EE got to the police cells. The police did not provide toilet paper nor did they provide sanitary wear. “*At Harare Central Police station, I saw this woman who had soiled her dress with menstrual blood. It was really embarrassing and the police did not do anything to help her. Even the female police officers would ignore her,*” EE said.

In the police cells, EE was allowed to keep her own clothes on. These were however not adequate and warm. The police however did provide her with one blanket. The blanket was new but could not keep her warm throughout the night. She requested for more blankets and the police told her that they did not have any extra blankets.

In October 2011, EE was moved to Chikurubi Female Remand prison. She did not stay for long and she was granted bail. However, she was taken back to remand prison in March 2012 for her indictment. She recalled, “*this was the worst time of my life. I had a sick husband at home and I was always worried about him. My children would come to visit every day but there were times that they would fail to come. This would make me think that my husband had passed away and I would worry constantly. I thought the indictment would be done within three days and I would go back home. Little did I know that this was going to last forever!*”

The cell in remand was quite big, and EE estimated that it could carry up to 30 people. The figure would rise to 48 whenever alleged sex workers were brought in on remand. The problem was that all those on remand would be put in this cell, causing it, at times, to be overpopulated.

EE was allowed to receive visitors between 9:00am and 3:00 pm every day. They would bring her food to eat. The food was always well-cooked and edible as compared to the sadza with beans or spinach or kapenta that the prison services provided. The spinach would be cooked in peanut butter. For breakfast, porridge was served but it would be tasteless; without sugar or salt. “*I would vomit and suffer from stomach aches whenever I ate the food. I ended up not eating it and relying on food from home but we would sleep at 4pm. I would be hungry before midnight and I ended up smuggling food into the cell,*” EE said.

While in remand, EE was never assaulted nor physically tortured. However, the thought of her ailing husband at home always troubled her. She also became restless as she was not used to being idle. “*We would spend the day sitting. We were not even allowed to play games. It was very difficult for me*” she stated. The only time that she managed to relax was when she would attend church services conducted by the prisoners themselves.

The toilet in the prison cell was dirty and no toilet paper was provided. The toilet was in the cell but it had to be manually flushed by pouring a bucket of water. “*This made the cell inhabitable at*

times if someone had a running stomach in the evening. We would be trapped in that room for the whole night and it was bad.” Sanitary wear was however provided. EE fell sick so many times during her stay in remand prison but the prison guards would never take anyone to hospital. *“They would just give you pills and follow up on how you were feeling but no one would be taken to hospital”* she stated. EE suffers from hypertension and the prison officials would provide her with the pills sometimes. She had to ask her children to buy the pills for her. Fortunately, the guards allowed her to receive these. In remand prison, EE had to give up her clothes and change into the uniform provided by the prison services. There were many new 2-in-1²⁸ blankets available and these were adequate. EE never did any work while in remand, but some of the prisoners were required to sweep the floors and weed the gardens. The prison guards would not ask her to perform any duties because of her age.

EE admitted that being detained was probably the most difficult time of her life. She suffered psychological trauma and continues to have nightmares. She is now afraid of police officers, and, although counselling was offered by some non-governmental organisations, she has not been able to get over this experience. She has struggled to put her life back on track and would require financial assistance to start a business. She asked the government to consider changing a number of things to improve the lives of prisoners and people held in police custody, namely that:

- *Food should be adequate, nutritious and well cooked;*
- *Convicted prisoners should be allowed to receive food from their relatives on any day and this should not be limited to public holidays only;*
- *Prisoners from foreign countries should be taken back to their countries.*

FF’s story

“The arrests have toughened me and I am keener to fight for justice. I am now a rebel and will not stop fighting for justice.”

These were the remarks of FF, a 22 year old student and gender activist, studying for a degree in Development Studies. FF has been doing human rights work for 3 years and has held leadership positions in student representative councils. She has also developed a platform that supports abused young women with the objective of boosting their morale and repairing their damaged self-esteem. She has organised meetings and demonstrations, delivered petitions, mobilised students, campaigned for students’ welfare and protection, and has also conducted workshops and trainings.

FF has been arrested three times in the course of doing her work. She narrated the experience she had when she was last arrested. This happened in May 2012 when she, together with six other male activists, confronted the Riot Police at Rotten Row Magistrates’ court. The police were trying to prevent the crowds from accessing the courts during the trial of Munyaradzi Gwisai. FF and her colleagues were taken to Harare Central Police Station where they were charged under the Criminal Law Codification and Reform Act (Criminal Law Code) and the Public Order and Security Act (POSA) with disorderly conduct.

For the first four hours, after her arrest, FF was kept in solitary confinement. *“The police wanted to know who we were and who had sent us. They wanted me to confess, which I never did.”* The cell was dark and it measured about 2x1 metres in size. It had no windows. FF was scared because she did not know what the police would do to her, since she was all alone at their mercy. She was later

²⁸ This is a special type of blanket that is quite expensive to buy and is very warm.

moved to the holding cells where she shared with other women prisoners, and remained in detention for seven days.

FF was never denied access to her lawyer. Visitors were allowed three times a day and they would bring her food but she would never get to see them. The visitors would leave the food and she would be given the food by the police officers on duty after the visitors had left.

She was also never assaulted. However, one police officer caused her unbearable emotional and psychological trauma. His workmates called him “Peacemaker.” This police officer would threaten to throw her into dark, underground cells that stretch from Harare Central Police Station to Fourth Street bus terminus. He used to tell her that all the people who had been taken there did not survive. “Peacemaker” also asked FF to remove her socks and jacket even though she had sought permission from the senior officer to keep these on because of her medical condition; she suffers from anaemia and is also asthmatic. FF felt that her rights had been violated. She told her male counterparts about this incident the next morning and they in turn confronted one of the senior police officers about the incident. This led to her being detained for two more days without being taken to court. The police told her that they were investigating her case and could not release her until the investigations had been completed. EE thought, however, that she was being punished for having complained that a police officer had harassed her.

EE was never given any food to eat by the police. She would rely on the food brought by visitors. Her colleagues brought her well-cooked food every day. They also brought her clean and safe water to drink. She would be called downstairs to eat the food since no food was allowed in the cells. However, the police failed to understand that because she is anaemic, she is required to take lots of fluids and could not allow her to take bottles of water to her cell. She ended up smuggling the water. She stated that she never drank the water from the tap in the cell as the tap was near the toilet basin. The basin was filthy from the day that FF got to the police cells. The police did not provide toilet paper nor did they provide sanitary wear. FF was menstruating when she was arrested and she did not have any extra sanitary wear. She asked some of the female police officers at Harare Central Police Station for assistance, but they told her that they could not assist her and that she should have stayed out of trouble. She kept the same sanitary pad on for the seven days that she was in custody, and, as a result, developed vaginal thrush.

In the cell, FF was allowed to keep her own clothes on, and, with the exception of “Peacemaker,” all the other officers allowed her to wear her socks and jacket. Her clothes were however not warm enough. The two, thin blankets provided were lice infested, dirty and soiled with blood. They also had to be shared among the six people in the cell. FF asked for more blankets and one police officer actually said to her, *“Is that the reason why you were arrested; so that you would ask for more blankets?”*

FF had assignments that were due at the time when she was arrested. She requested the police to allow her friends to bring her books and other reading material, but the police refused and told her that she should have stayed out of trouble if she knew that she had assignments to submit.

On her last day in custody, FF suffered a severe asthma attack. The police refused to get her to see a medical doctor unless she paid an admission of guilt fine. She did not want to pay the fine because she insisted that she had not done anything wrong. In the end FF, was left with no option but to pay the admission of guilt fine as her health condition was deteriorating. Her lawyer paid the fine and only then did the police release her to be attended to by a doctor.

FF felt that conditions in prison would significantly improve if:

- *Police officers treated all those arrested with respect;*
- *The police provided sanitary wear*
- *Ablution facilities in place for the prisoners were clean and safe; and Individuals were not detained for more than the required legal limit of 48 hours without any reasons given.*

GG's story

GG, 46 years old, is a cross border trader. She has been doing human rights activism and working in the field of social justice for more than 10 years. Her work mainly involved campaigning and attending meetings. On 29 March 2013, whilst campaigning for the improvement of social economic conditions, among these power and water supplies, GG was arrested in Glenview Harare. GG was assaulted by the police and was also forced to roll over in muddy water on the streets.

She was taken to Glenview Police Station where she was detained for a few hours before being moved to Harare Central Police Station where she spent an additional two days. She was told she was being arrested for disrupting the flow of and obstructing motor vehicles on the roads. She was not allowed to receive any visitors except her lawyer. GG was given clothes to wear, but the clothes were not clean. She was not given blankets and was told by the police that this was the normal process of detention, that no one ever received blankets in the police cells.

The police cell in which GG was kept was very small, about 3x2 meters. She was detained together with 27 other people. The cell had no windows. There was a toilet in the cell, but the toilet was not clean. It had human excrement and urine on the floor. Some people with whom GG was detained fell sick, but they were only attended to by a doctor after they were released. She was also insulted repeatedly by the police. Although the other detainees were forced to walk barefoot in these filthy cells, GG was spared this humiliation because the police officers at Harare Central Police Station said she was elderly.

GG went hungry for the two days that she spent in custody. The police did not provide and food, and, since family members were not allowed to visit, they could not bring food. After two days, she was released without charge.

GG recommended that:

- *Cells must be kept clean;*
- *Female prisoners must be given privacy and requested to undress before female and not male wardens;*
- *The government must put measures to stop sexual abuse and harassment of women human rights defenders;*
- *Women in custody must be provided with sanitary wear;*
- *Women must be allowed to wear their panties whilst in custody.*

HH's story

HH is a 32 year old activist and Christian trader who fellowships at the Methodist Church. She is a single lady who was educated up to secondary level. She has been arrested four times in her life during the course of her activism. On 6 September 2011, HH was arrested for allegedly organising a “demonstration” which led to the death of the Glenview Police officer, Inspector Petros Mutedza. Upon arrest, HH was taken to Machipisa Police Station where she was

interrogated for several hours before being moved to Harare Central Police Station. At Harare Central Police Station, HH was detained for 4 days.

At Machipisa, since HH was still reeling from the shock of her arrest, she has no recollection of what the cells looked like. At Harare Central Police, she was put in a cell with 20 other people. The cell measured about 3x3m and it had no windows, causing it to be poorly lit. HH said it was unfit for human habitation, with human excrement and urine on the floor. The toilets were not clean and rundown. She was not given any blankets or extra clothing upon request. HH and other inmates did not get clothes or bedding in the Police cells. She was also not given any food by the police while in the police cells. Fortunately she received food from her family and friends 3 times a day. They also brought her clean and safe water to drink.

After 4 days in the Police cell, HH was moved to Chikurubi female prison where she spent the next 16 months on remand. The cell in remand prison was small, but HH was relieved that there were only eight inmates. She was allowed to receive visitors three times a day. Family and friends would bring food and supplies. Legal counsel would also visit and consult with her as and when it was necessary to do so without any restrictions.

HH had to give up her clothes and was given prison uniforms. She was also given five new blankets. These blankets were quite clean and warm. She was allowed to wash them when they got dirty and the prison provided soap for this; however washing was subject to availability of water. The cell itself was not clean. It had human excrement on the floor and on the wall; and some people had written vulgar words on the walls. The cell had no toilet. The inmates would be ordered back inside the cells at 4pm and then they would be forced to use empty containers as toilet facilities. HH stated that after a couple days one would forget the terrible smell of human excrement having smelled nothing else for days.

HH received 3 meals a day from the Prisons Services. The food was cold and not well cooked most of the time. There was no room to be given special meals or diets hence if one did not eat what was served, one would starve until the next meal was served. Most of the inmates survived on the food they received from home. The water was so dirty and would at times contain algae.

Throughout her 16 month incarceration, HH did not receive any educational or religious material. She asked for a Bible since she is a Christian, but her requests were ignored. HH and other remand inmates were not allowed to work. They spent the day seated in the court yard under the supervision of a prison guard. All they did was bath, eat, sit and sleep. HH found this idleness boring and tiring. The only exercise she got was when they went for sports. However this was also tough territory. The convicted prisoners claimed the sporting grounds as “their space”, and so the inmates on remand were barred from participating since there was a possibility that they would be released. The Prison Services never intervened.

HH considers her experience to be one of the most painful experiences she has ever had. She made some recommendations on how situations such as hers could alleviate the suffering of citizens.

- *She felt strongly that a timetable needed to be introduced for the administration of medication because most inmates with conditions that required them to take medication at certain times would estimate the time because they did not have clocks;*
- *She also recommended that people in remand should be allowed to exercise or take part in sporting activities since they are still innocent until proven guilty;*
- *She urged the development of a code of conduct for inmates; and*
- *She urged the state to desist from unlawfully arresting citizens for doing activism work.*

II's story

II is a 29 year old, single, young media professional and media-freedom activist, with a Master's Degree in International Relations, and an undergraduate degree in Media and Society Studies. She has been doing human rights activism and working in the field of social justice for close to 3 years. Her work involves civic education, community empowerment, campaigns, workshops, and conducting training on the subjects of freedom of expression, access to information, and the safety of journalists. Early morning, on 5th December 2011, while conducting a workshop as part of her duties, II, together with 3 other colleagues- one woman and two men - were arrested by the Zimbabwe Republic Police. They were taken to Gwanda Central Police where they were charged under the Criminal Law Codification and Reform Act (Criminal Law Code), the Public Order and Security Act (POSA), and the Access to Information and Protection of Privacy Act (AIPPA). Their crime was apparently that of "holding a meeting without police clearance", as well as "insulting and undermining the authority of the President." The second charge arose out of the fact that II and her colleagues had produced and distributed an informative documentary in which curtailment of media freedoms was criticised.

At Gwanda Police station, II was interrogated for close to an hour. *"I was not scared. I really thought they would release us the next morning. We had not done anything wrong and so I had no reason to be afraid,"* she stated, despite the fact that one of the interrogating officers grabbed her by the collar of her jacket wanting her to answer the questions being asked. Little did she know that this was only the beginning of a terrible experience? She was to be detained at Gwanda Central Police Station for two days from the 5th December 2011 to the 6th December 2011, and further in remand prison.

For 8 hours after her arrest, II was denied access to both her lawyer and visitors. The lawyer came to the police station promptly but was given the run around by the police. At 4p.m, on the 5th December, II was finally allowed counsel with her lawyer.

II was kept in a police cell with the female colleague with whom she had been arrested. The cell was very small, about 1x1.5 metres in size. It had one very small window, which did not let in any light, and thus was poorly lit. The toilet in the police cell was a pit latrine that was filthy from the day II got to the police cells. The police did not provide toilet paper nor did they provide sanitary wear. II had these provided by her own lawyer.

In the time that her whereabouts remained a mystery, II was not given any food to eat. After visitors were allowed to come in, she never wanted for food. Her family and colleagues, including her lawyer and workmates, constantly brought her well-cooked, hot and edible food. They also brought her clean and safe water to drink. In the Prison cell, II was allowed to keep her own clothes on. These were adequate and warm. The police also provided her with clean blankets to keep her warm at night.

On the 7th December 2011, II was moved to Gwanda remand prison. This was to become her home for the next 10 days. The cell in which she was kept was even smaller than the one in the police cells, although the window was slightly bigger. II said it looked like an office that had been converted into a cell. The cell was poorly lit and it was not secure. The door was always unlocked, and, as it was in the same section as the male inmates, the fear of being attacked or sexually molested was always close. The remand prison guards warned II and her colleagues that they should stay in their cell at all times, and that should the male inmates pounce on them, it would not be the prison's responsibility. The cell was supposed to house five inmates, but at times there would be seven or nine of them all at once. Fortunately, inmates were coming and going hence the numbers constantly shifted.

II continued to receive visitors between 10:00am and 04:00 pm. For the first four days, she was allowed an unlimited number of visitors, but, afterwards, the guards were given a directive [by an unspecified authority] to limit the number of visitors she got. The prison guards would always stand close by and listen in on II's conversations with her visitors. She also observed one gentleman, in plain clothes who was always present when she was speaking with her lawyer and other visitors. She suspects that he was an Intelligence Operative.

Although she was never assaulted nor physically tortured, II was traumatised by the beatings that the prison officers meted out on other prisoners. Most of these prisoners had been arrested for crimes such as pickpocketing or petty theft. II was also traumatised by the roll calls. She forced to run around during the roll call at midnight, a requirement that she thought was humiliating and degrading.

II also continued to receive food from her family and colleagues. The food was always well-cooked, hot and edible. She also had clean and safe water to drink brought to her. The prison guards were very friendly and would allow II to keep her water and other juices brought by her visitors in their refrigerator. The food served by the prisons services was hardly edible. They always served sadza²⁹ and beans or spinach. The food would be dripping in water and would sometimes not have any salt.

The toilet in the prison cell was a dirty pit latrine that had no toilet paper. II never used it and to relieve herself, she used an empty Lyons Cascade bottle,³⁰ into which she urinated then threw the urine out of the window. She was never given tissues or sanitary wear by the prison services, but had these provided by her own lawyer. The toilet was in the same space as the sleeping space and so the cell had a lingering foul smell. The cell was also infested with cockroaches.

When she was sent to remand prison, II had to give up her clothes and change into the uniform provided by the prison services. She was given two uniforms, but one would at times be taken away if another inmate was brought in and there was no available uniform for her. The cell had only five jerseys while at times there would be seven or more inmates. This meant that others had to do without jerseys. II was however allowed to have underwear, tights, socks, jerseys, slippers and morning shoes brought to her from home. There were also many 2-in-1³¹ blankets available. The prison services also provided adequate soap for laundry.

One of the experiences that also touched her was of a pregnant woman who was brought into prison and had nothing for her baby. The prison officers had to put together baby clothes for her, out of their own goodwill, and not in their official capacity. The Prisons Services had nothing to offer her.

II is a Christian. When she was sent to remand prison, she requested for a Bible but was not given; in fact there were no Bibles available for inmates. There was no church service except for the Seventh Day Adventist church members who would come once a week for two hours to sing and pray with the inmates. This prayer session was compulsory for all inmates whatever their religious beliefs. II asked for material to read and was given some by the prison officers. However, none of the reading material was a newspaper with the most current news. Prisoners were given a South African Christian newsletter. There was no television or radio. All the material that the inmates received was censored for “pornographic content.” Magazines had sections cut out of them to comply with this requirement.

²⁹ Zimbabwe's staple food.

³⁰ Lyons Cascade is a drink made by Lyons Maid Ltd Zimbabwe. The bottles can carry up to 500 millilitres of liquid at a time.

³¹ This is a special type of blanket that is quite expensive to buy and is very warm.

II, like all the other prisoners was expected to carry out physical chores. This included cleaning the offices, applying floor polish, and cleaning cooking utensils. However, beyond this official duty, II performed menial work for the prison guards in their personal capacity. This included doing laundry for the female prison officers and dressing chickens. These chickens belonged to some of the prison officers. II was never paid for doing this work, but would be rewarded with offals and feet to cook for a job well done.

“My experience made me realise a number of things:

First; the justice delivery system in Zimbabwe needs reform. The system needs to recover its independence and impartiality because most times the police, prosecutors and magistrates seemed as if they were receiving directives form somewhere. I had three different prosecutors for my case.

Second; the security sector needs reform. They are currently undergoing indoctrination to think that anyone who criticises government is an enemy of the state. They victimise citizens instead of protecting them.

Third; citizens need to realise that they have rights and stand up for them. We have been victimised into thinking Constitutional rights are favours that government can choose to give or take away.

Fourth; our government needs to change. There are other ways of showing power than to victimise the people whom you govern.”

II also made a number of recommendations that she believed if implemented would significantly improve the lives of prisoners and people held in police custody:

- *Police cells should be cleaned frequently;*
- *There should be less people held in once cell, at most five. People should not be squashed in a single cell like animals;*
- *Police cells and remand prisons must have running water to enable the cells to be sanitary and safeguard the health of inmates;*
- *Prisons should provide decent food to inmates. The food should be warm, well cooked and edible;*
- *The prison services should provide underwear as well as sanitary wear to female inmates, particularly those with no family, no money and would never get any visitors;*
- *The prison services should improve the conditions for expectant mothers including providing the necessary preparatory clothing for these expectant mothers;*
- *The prison services should create separate holding facilities for nursing mothers.*

JJ's story

JJ is a human rights defender who has been actively engaged in community mobilisation, campaigns, workshops, trainings, meetings, demonstrations, petition delivery, staging dramas, and handing out fliers for over five years. 37 years old, and surviving on cross border trade, she fights for social justice to improve her social and economic welfare and that of the rest of Zimbabwe. She has been arrested 12 times for her human rights work, the last time of which was on 14 February 2012, when she participated in a peaceful demonstration.

While arresting her, the Riot Police assaulted her using baton sticks. She believes the police could do this to her because they always got away with it. She recollected a previous occasion of her arrest, when the driver of a police van badly assaulted her, yet she often saw him walking freely around town, and he continues to work at Harare Central Police Station.

The police took JJ to Harare Central Police Station, where she was detained for two full days before being taken to remand prison. Her lawyer was allowed access to her as many times as

necessary. She was, however, not allowed any visits from family and friends. The police cell in which JJ was kept was small and she had to share a bed with three other people. She described the beds as built in concrete slabs. The cell had six slabs, but there were more than 15 people in it. It had tiny windows that looked like air vents. One could not see what was outside through these tiny vents. There were no lights in the police cell.

There was a toilet in the holding cell but it was dirty. It had no running water. JJ was not given any toilet paper or sanitary wear but her relatives were allowed to bring her some and leave it with the police. JJ was allowed to keep her own clothes on. These were, however, not enough to keep her warm. She was not given any blankets and when she requested for some.

JJ was sometimes not given any food to eat. She relied on food from her relatives who were allowed to bring her food up to three times a day. Her relatives and colleagues also brought her water to drink because she was not given any water to drink while in the cells.

After two days, JJ was taken to remand prison. There were no lights in the cell where she was housed and the cell had no windows. She was not allowed visitors except her lawyer while she was in Remand Prison, and no reasons were given for this arbitrary and unlawful decision. JJ would get food and water to drink because the food in prison was not nutritious and it was served cold. She did not know who brought her the food as she was not allowed to talk to visitors. The food however came three times a day.

The prison cell did not have a toilet and JJ and the other inmates had to use tins as ablution facilities. These could only be emptied out once a day. In remand prison, three sanitary pads were provided a day for those who were menstruating. JJ was allowed to use her own toothbrush which had been brought by colleagues. The remand prison also had a clinic for those who fell ill while in prison.

JJ was given one pair of khaki uniforms to wear in remand prison. They were torn and she had to do her own laundry. New uniforms and jerseys were provided only when the inmates went for court appearances. JJ and the other inmates were given plenty of blankets, and, upon request, she was given more. The blankets were clean.

JJ is a Christian, and, while in remand prison, she was not given a Bible even though she asked. The church service on Sundays was, however, compulsory for all inmates.

JJ was disturbed by the impunity with which the police harassed human rights defenders because she was eventually released having been denied her freedom without reason. She also that life for prisoners could improve if;

- *the detainees were allowed to bath and provided with soap;*
- *cases of prisoners on remand were dealt with expeditiously;*
- *detainees were provided with blankets;*
- *detainees were provided with hot and edible food;*
- *mattresses were provided for the detainees to sleep on;*
- *cells were fumigated to kill the lice;*
- *cells were cleaned;*
- *the number of people in each cell was strictly monitored ;*
- *the detainees were told who brought them food;*
- *the prison diet improved, for instance to include sugar and fruits;*
- *jerseys were provided for all inmates;*
- *persons awaiting trial were kept apart from convicted persons;*

- *prisoners were notified of their rights.*

KK's story

KK is a young financial professional with tertiary education who has been engaging in activism around the recognition and respect of Lesbian, Gay, Bisexual, Transsexual and Intersex rights (LGBTI) for close to five years. Her work includes petition delivery, community mobilisation, campaigns, workshops, press releases, and engaging policy makers. Sometime in October 2012, KK was arrested by members of the Zimbabwe Republic Police at the premises of one of the organisations that conducts work on LGBTI rights. She was taken to Harare Central Police Station where she was accused of conniving to overthrow the government, although no formal charges were made. She was detained in a police cell for eight hours, during which she was denied access to both her lawyer and family and friends. Those who came to try and see her were sent back. Uniformed Police officers assaulted her, kicking and slapping her many times. As they did so, they repeatedly insulted her, belittling her for being a *ngochani*³² She was also not given any food to eat as a form of torture.

The cell into which KK was thrown after being assaulted was small, about 3x3metres in size, but it became even smaller because many of them were thrown in there together, almost 40 of them. KK could not recall if it had any windows, but just that it was very dark inside and one could not tell if it was daylight or evening. There was a toilet in the police cell, which was dirty and could not be flushed inside the cell. There was no toilet paper. After the eight hours of detention, KK was released without charge. She said she suffered psychological trauma and had to receive counselling services after she was released.

KK made the following recommendation regarding the treatment of women human rights defender;

- *Citizens should be informed of the charge they are being held in custody for;*
- *Citizens should have access to their lawyers;*
- *The state should provide better holding cells;*
- *The state should assign a particular officer to a particular case rather than send 8 different officers to take statements;*
- *The Police should not assault people and if they do they should be held accountable for it.*

LL's story

LL is a 32 year old married woman. She has been advocating for social justice for close to 3 years. Her work involved community mobilisation, campaigns, workshops and trainings, and petition delivery. Although she has never been arrested, LL expressed her fear of arrest because of the horrific stories she has heard of life in police cells and in remand prison by her colleagues who have been to prison. She hoped that the state would work to improve the health delivery system in prisons. She explained that this would avoid unnecessary deaths of individuals who die because of failure to receive medical attention whilst in prison. She also hoped that police cells would have running water to safeguard the health of inmates. She could not understand why prisons do not supply sanitary wear to women detained, and stressed that sanitary wear should be made available to every woman who is in custody, whether she needs it or not. Having to ask for it is humiliating as it is as basic as food.

³²A derogatory term for LGBTIs in Zimbabwe.

MM's story

MM, a single young woman, has been doing human rights activism and working in the field of social justice for close to 5 years. Her work involves campaigns, community empowerment, demonstrations, and conducting meetings.

In March 2013, MM and a group of other women were intercepted by the Zimbabwe Republic Police as they were having a peace march to encourage peaceful voting during the referendum in the Central Business District of Harare. They were first assaulted using baton sticks, then taken to Harare Central Police Station where they were charged under the Public Order and Security Act (POSA) for holding a procession without notifying the police. During interrogation, the police kept asking her why she was demonstrating and what the demonstration was meant to achieve.

Fortunately for MM, she was detained at Harare Central Police Station for less than an hour. In that time, she did not get a lawyer to represent her. She was detained in a tiny small with close to 60 other people. The cell was poorly lit with tiny windows. There was no toilet in the police cell. Those who needed to relieve themselves were escorted to a toilet. MM recommended that women human rights defenders should not be arrested for what they do. She also stated that women should be provided with sanitary wear whenever they are in custody as some women go on their period when they are excited or stressed.

NN's story

NN is a 36 year old woman who fights for human rights, and participates in different activities including demonstrations, petition delivery, campaigns, and community mobilisation. In March 2013, NN was arrested while participating in a march advocating the inclusion of women's rights in the Constitution. The arrests were indiscriminate, with the police arresting everyone within the vicinity of those who were marching, including bystanders and passersby. NN was not informed of the reason for her arrest, but was just forced into a police van with the other women who were part of the procession. She was then taken to Harare Central Police station where she was interrogated by the police officers for a few minutes. The police wanted to know what the purpose of the march was and who had given permission for the march to be conducted. NN was subsequently released after an hour, although some of her colleagues remained in police custody. NN recommended that:

- *An independent body must be set up in Zimbabwe to deal with past cases of human rights abuses;*
- *Citizens should be allowed to exercise their freedom of expression as provided for in the Constitution.*

OO's story

OO is a human rights defender of almost 3 years, who has been involved in meetings, demonstrations, petition deliveries, workshops and training, theatre, and campaigns to increase awareness on women's rights as well as sexual and reproductive right. OO has been arrested three times on charges of loitering for the purposes of prostitution³³ while walking in the

³³ A crime provided for under the Criminal Law Codification and Reform Act, but which many women's rights have castigated for being discriminatory as it targets women, and increases their insecurity.

Avenues.³⁴ With the first arrest, OO was walking from a restaurant to her house, the second from the shopping complex to her house, and the third time from a bar to her house. All three facilities are within walking distance of her house and so she saw no reason to take a taxi or drive. The first time she was arrested, OO was detained at Fife Avenue Satellite Police Station, and the other times she was sent to Harare Central Police Station.

At the police stations, OO was never put in cells, but was interrogated at the reception in a manner that she felt was humiliating and degrading, as the police were trying to make it seem as if she is a prostitute for merely walking on the streets at night. In total, OO has been detained for seven and half hours; the first time two hours, the second-four hours, and the third time one and half hours, during which time she denied having been loitering for purposes of prostitution. On all three occasions, OO was forced to pay admission of guilt fines in order to be released although she had not committed the crime.

The toilets at Harare Police Station were dirty, with urine on the floors and a strong lingering stench. OO was never given food to eat nor was water to drink at all times that she arrested.

OO strongly recommended that:

- *The Police should identify themselves when arresting people;*
- *The Police should explain the reasons for the arrest at the time of the arrest and not after the person;*
- *The Police should not intimidate citizens for displaying their knowledge of the law and their rights;*
- *The Police should desist from conducting indiscriminate arrests of women as prostitutes for merely walking alone at night.*

PP's story

PP is a 29 year old human rights lawyer, with a Bachelor of Laws Honours Degree. She has been engaged in human rights activism and working in the field of social justice for close to 3 years. Her work involves community mobilisation, the holding of meetings, campaigns, workshops and trainings, as well as legal representation in the courts of Zimbabwe.

In December 2012, PP was arrested, together with some of her colleagues, for contravening the Public Order and Security Act (POSA). They were holding a private meeting and briefing around the same time that the ZANU PF annual congress was being held in Gweru. PP was taken to Gweru Central Police Station where she was detained for 4 days and 3 nights. She was never formally charged in court, and was released with a warning never to hold such a meeting again.

Upon her arrest, PP was granted access to her lawyer. Her family was also allowed to visit her twice every day, in the morning and in the afternoon. She was detained in the only police cell with three of her colleagues. The cell had no windows and the lights in the cell were only turned on at midnight until 2a.m. when the detainees were woken up for a compulsory body count. The police would also insult PP for 'trying to overthrow the government.'

The toilet in the police cell was filthy and there was no toilet seat, making it unfriendly for female users. There was no water in the cell and the toilet could only be flushed from outside. The police did not provide toilet paper, and PP only had toilet paper which her family had brought and given to her. The police also did not provide sanitary wear. In the police cell, PP was not

³⁴ The residential area in the capital city of Harare close to the Central Business District.

given a change of clothes. She had to wear the clothes she was arrested in for the duration of her stay. There was no bed and PP had to sleep on the floor. Fortunately, the weather was not too cold and the blankets were enough.

The Police provided mealie-meal and dried kapenta and the prisoners were expected to cook for themselves. They took turns to cook in a common area on an electric stove which they shared with the male detainees. The food was never enough, but, fortunately for PP, her family was allowed to bring her food to eat up to 3 times a day. The only source of water was the tap outside the cell and close to the toilet hence at night, there was no water to drink.

“The conditions of detention really need to be improved because when one is arrested, he/she is innocent until proven guilty. The police should treat the detainees with more respect and the detained must not be woken up continuously to be counted throughout the night. The conditions of detention must also be sanitary. Further, the Magistrate must be impartial and remember that the arrested persons are innocent until proven guilty. In our case, we were not even charged and the magistrate just dismissed us with a warning not to ‘do it again,’ whatever that is. No apology was issued for our wrongful arrest. Surely we have rights too,” PP said.

PP had a lot to say concerning the conditions of detention and the treatment of women activists in custody, namely that;

- *Police cells should always be clean and hygienic;*
- *The police need to treat detainees with respect, bearing in mind that the detainees are innocent until proven guilty;*
- *Detainees in the police cells must be allowed to rest instead of being counted numerous times at night and this was tortuous;*
- *Police cells must have running water to enable the cells to be sanitary and safeguard the health of detainees; and*
- *The food that is provided to the detainees should be varied.*

QQ’s story

QQ is a 43 year old housewife and human rights activist. She ended her education in form 3 and has been carrying out social justice work for over 5 years. Her work involved civic education, demonstrations, petition delivery, community mobilisation, campaigns and workshops and trainings.

On 14 February 2013, QQ was arrested in Harare while participating in a peaceful demonstration. She was subsequently charged with contravening the Public Order and Security Act (POSA). This was not the first time that she had been arrested for violating POSA. In fact, she could not, at the time of the interview, recall the numerous times that she had been arrested. On this occasion, QQ was detained at Harare Central Police Station for about 3 hours. She was allowed to talk to her lawyer. She was put in a cell with close to 56 other people. The cell had no lighting, with tiny windows with bars on them on one side of the wall. She could not see anything through these tiny windows.

QQ was assaulted while in the police cells by one Sergeant Chani, whom she says has since been arrested for the murder of a prisoner. Members of the Criminal Investigation Department (CID) also threatened her for participating in the protest. While in custody, the amount of food which QQ was given depended on the police officer who was on duty. The meals were varied and the detainees got sadza, rice and drinks. The food was, however, served cold. Her family was not

allowed to bring her food and water while she was in custody. Her only source of water was from the tap outside where the detainees washed their hands before meals. QQ was given food 3 times a day.

The toilet was inside the cell where QQ was held. It was not clean and could not be flushed from inside. The police did not provide either toilet paper or sanitary wear QQ fell ill while in the cells but she was not allowed to see a doctor. She is HIV positive and her condition requires her to take medication frequently. Without it, she was not well and when she informed the police they simply ignored her. While in custody, QQ was not given a change of clothes. She was also not given any blankets. Even when she asked for blankets she was informed by the police that there were no blankets for detained persons despite the bitter cold weather in June.

QQ made the following recommendations that she believed if implemented could significantly improve the lives of people held in police custody namely that:

- *toilets should be cleaned and flushed frequently;*
- *detainees must not be starved and that if the prisons will not supply food then relatives must be allowed to bring them food;*
- *detainees should be allowed to see their family and relatives;*
- *detainees must not be beaten.*

RR's story

RR is a 28 year old mother of one, married and earns a living as a vendor. RR was not fortunate enough to further her education and only studied up to Ordinary level. RR has been a human rights activist for close to 10 years. RR has been arrested five times, the last of which happened in 2012. On this last arrest, RR was participating in demonstrating when the Riot Squad of the Zimbabwe Republic Police rounded her and her colleagues up for arrest. The Riot Police beat them up, using baton sticks indiscriminately hitting on any part of the body. The police threw RR and he colleagues into a police van and took them to Harare Central Police Station where they were charged under the Criminal Law Codification and Reform Act (Criminal Law Code) and the Public Order and Security Act (POSA) for disorderly conduct and detained for a further five hours.

While the leaders of the demonstration were being interrogated, RR was put in a small cell, measuring about 3x5 metres in size, together with 15 other people. It had tiny windows that could not be opened and was poorly lit. The toilet was in the cell and it could only be flushed from outside. Consequently the toilet was always dirty, giving the cell a terrible stench, and making it impossible to breathe. The police did not provide toilet paper. They also did not provide sanitary wear.

While detained, a female police officer from the Law and Order section came and sat in a chair and opened her legs wide asking RR her colleagues to tell her what they could see. This experience was very humiliating for RR. Further distress came from the fact that RR kept the clothes which she wore when she was arrested the whole time she was detained. The clothes were not warm. The police provided blankets but these were dirty, lice infested and not warm enough. RR did not eat any of the food provided in the holding cells but relied on food brought in by her family. The police would offer sadza³⁵ and boiled kapenta³⁶ terribly prepared. Although

³⁵ Zimbabwe's staple food.

³⁶ Very small fish.

the visitors would bring in food three times a day, RR and her colleagues would only be given this food, once in the evening. The food would be cold, yet when it came in it was hot.

RR stated that her experience in police custody was one of the most terrible experiences she has had. It however did not discourage her from doing her work as a human rights activist. She urged that;

- *Police officers should treat prisoners with respect;*
- *Police should provide the detainees with clean water for drinking as well as bathing;*
- *Police cells should be fumigated so as to get rid of the lice;*
- *Food should be given on time and it should be well cooked and nutritious;*
- *Visitors should be welcomed and allowed to talk to the prisoners;*
- *Police officers should not beat up or torture those held in custody.*

SS's story

SS is a single young woman who went to school up to secondary level. She is 24 years old. SS is currently unemployed although she is interested in modelling. At 18, SS joined a movement fighting for the right of LGBTIs. She was involved in meetings, petition delivery, as well as workshops and trainings.

On 10 August 2012, SS was arrested at a party hosted at the offices of one of the partners in the struggle for LGBTI rights together with more than 30 other people. SS and the people she was arrested with were taken to Harare Central Police Station where she was detained for two days. SS was not given an opportunity to see her parents or consult with a lawyer. However the police informed her that a lawyer had come to the police station representing her and all the other people with whom she had been arrested. SS was not given food to eat by the police for the duration of her detention.

The cell in which SS was kept was small and overcrowded. There were so many of them in the same cell she could not place a number on them. The police heavily assaulted SS with sjamboks, fists and open palms. She was also sexually harassed and insulted for being a “ngochani”³⁷ and a male Police officer, grabbed her buttocks.

The cell was also dirty and dark, with a toilet inside the cell. SS remembers the putrid smell in the cell and the urine on the floor. The smell was so strong that when she was released all her clothes smelled like the cell. She was not given a toothbrush or sanitary wear.

In the prison cell SS was allowed to keep her clothes on. These were adequate and warm. She was however not provided with blankets for the night. SS is Catholic and while in the police cells, she asked for a Bible but the police refused to give her saying “zve hungochani hazvimo mubhaibheri” (homosexuality is not permitted in the Bible).

Following her incarceration, the police visited SS at her parent's house saying that they were looking for a “ngochani.” SS had not “come out”³⁸ and so this is how her parents became aware of her sexuality. This distressed her parents and has affected relations with her family. The whole experience traumatised her and for a long time after the incarceration she would have

³⁷ A derogatory term used against gays and lesbians in Zimbabwe.

³⁸ The term used to describe the process by which individuals disclose their sexual orientation to their loved ones and the world.

nightmares. She wished the police would not harass citizens and that they would at the very least improve the sanitation and ablution in police cells where they detain accused persons.

TT's story

TT is a 28 year old, single mother of one son. She is employed and has been doing human rights activism for four years. Her work seeks to mobilise and empower communities to demand their rights. In May 2011, TT and four other colleagues were arrested for the murder of a police officer. They were first taken to Mbare Police Station where they were interrogated in detention for two days. They were moved to Harare Central Police Station where they spent a further two nights in police custody under intense interrogation. The police also assaulted her using baton sticks all over her body. After two days, TT and her colleagues were taken to Chikurubi female and Maximum Security Prison where they were placed on remand. They were charged under the Public Order and Security Act (POSA) and the Criminal Law Codification and Reform Act. Their crimes were holding a meeting without first clearing with the police and the murder of the Glenview police officer.

The police cells at Mbare and Harare Central police stations were both poorly lit although they were of an average size. They also had toilets whose flushing systems were faulty and were always filthy. The police did not provide toilet paper nor did they provide sanitary wear. TT had these provided for by her family. In the first 96 hours of her detention, TT was denied access to both her lawyer and visitors. The lawyer was sent on a wild goose chase. TT was also denied food, and only after the four days of incommunicado detention, she was finally allowed to receive visitors who brought her well-cooked and hot food as well as clean and safe water to drink.

After 4 days TT was moved to Chikurubi maximum prison where she spent nine months under the most terrible conditions imaginable. For the first month, she was kept in solitary confinement in the Chikurubi Maximum prison, with intermittent interrogation sessions to break the monotony of her days. These were the worst days of her life as she feared for her life and did not know what else her interrogators were going to do to her.

After a month, she was moved to the female section of the prison into a cell with 11 other people. This cell was much better than the police cells. It was clean and had five big windows that allowed light inside. Conditions also improved as TT was now allowed visitors three times a day. Prison guards were however always present whenever she had a visitor and they would listen in to her conversations. The food served by the prison services was terrible and was hardly edible. Porridge was served without sugar or salt and sadza was always served with vegetables without any salt or cooking oil. TT survived on food brought by her family.

The toilet was outside the cell. In the evenings TT would use an empty Mazoe³⁹ container to relieve herself then throw the urine out of the window. She was never given sanitary wear, soap for laundry or tissue paper by the prison services; she got these from her family and colleagues. She had two prison uniforms, a jersey and four blankets. She was also allowed to have slippers and panties brought from home

One of the most traumatising experiences in the nine months was when TT witnessed a foreign woman who had been pregnant when she went to prison give birth to her baby and the baby died. The prison guards ignored the woman and the baby died choked by the umbilical cord which was wrapped around its neck. TT was never given a Bible despite her numerous requests and no reasons were given for the refusal. She was however expected to attend church services.

³⁹ A brand for a local Zimbabwean juice made from oranges.

She also asked for reading material but was denied. TT and her fellow inmates were expected to carry out chores. This included cleaning offices, cutting vegetables and washing cooking utensils. TT felt that her experience would not have been as terrible as it was if only;

- *There were clean toilets in every prison cell The Prison diet was well balanced*
- *Prison officers would have allowed her to have access to meaningful reading material and study as was the case during the years before independence where individuals like the President attained degrees while in prison*
- *Strict security measures were taken against prison guards who steal sanitary wear and soap designated for prisoners*
- *She had been kept separately from convicted prisoners In maximum prison she had been allowed the decency of a few hours outside the cell*

Appendix 2

International obligations towards women

There are a variety of regional and international mechanisms that seek to protect women HRDs in the performance of their roles. They include the United Nations Declaration on Human Rights Defenders,⁴⁰ the United Nations Special Rapporteur on the situation of Human Rights Defenders;⁴¹ the Special Rapporteur on Human Rights Defenders in Africa;⁴² the Special Rapporteur on the Rights of Women in Africa;⁴³ the Special Rapporteur on Torture; the Special Rapporteur on Violence Against Women, its Causes and Consequences;⁴⁴ the UN Committee on the Elimination of All Forms of Discrimination against Women;⁴⁵ the Working Group on Arbitrary Detention; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

The Declaration on Human Rights Defenders gives human rights defenders the rights to:⁴⁶

- Seek the protection and realisation of human rights at the national and international levels;
- Conduct human rights work individually and in association with others;
- form associations and non-governmental organizations;
- Meet or assemble peacefully;
- Seek, obtain, receive and hold information relating to human rights;
- Develop and discuss new human rights ideas and principles and to advocate their acceptance;
- Submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realisation of human rights;
- Make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- Offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- Attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- Unhindered access to and communication with non-governmental and intergovernmental organisations;
- Benefit from an effective remedy;
- Lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilise resources for the purpose of protecting human rights (including the receipt of funds from abroad).

⁴⁰ <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

⁴¹ <http://www2.ohchr.org/english/issues/defenders/mandate.htm>.

⁴² <http://www.achpr.org/mechanisms/human-rights-defenders/>.

⁴³ <http://www.achpr.org/mechanisms/rights-of-women/>.

⁴⁴ <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>.

⁴⁵ <http://www.un.org/womenwatch/daw/cedaw/committee.htm>.

⁴⁶ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>.

The Declaration also sets corresponding responsibilities on the state to:⁴⁷

- Protect, promote and implement all human rights;
- Ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- Adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- Provide an effective remedy for persons who claim to have been victims of a human rights violation;
- Conduct prompt and impartial investigations of alleged violations of human rights;
- Take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- Promote public understanding of civil, political, economic, social and cultural rights;
- Ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions;
- Promote and facilitate the teaching of human rights at all levels of formal education and professional training.

How effective are these mechanisms?

Mechanisms such as urgent appeals by special mechanisms of treaty bodies, legal representation, calls for solidarity, provision of shelter in safe houses, enhancing the physical and digital security as well as the creation of support groups of women HRDs contribute towards improving the security of women HRDs. Previously, such mechanisms have assisted in alleviating the suffering of women HRDs. For instance the solidarity campaign and call for action for the release and notification of the whereabouts of Jestina Mukoko of the Zimbabwe Peace Project when she was abducted in 2009 led to her release into police custody where she had previously been held incommunicado.⁴⁸ However, women HRDs are best protected when legislation, state apparatus and policy are aligned to guarantee their protection. Where there is impunity for crimes that the police, army or other state sponsored agents commit against HRDs, the same crimes are repeated and societal attitudes and stereotypes are not adequately addressed. Furthermore, there are arguments explaining that some mechanisms may work for one group of women HRDs but not for all.

Elite vs. Community Argument

Women's organisations in the cities are often better secured than women activists at grassroots levels. At the grassroots the women are more vulnerable as they live with perpetrators, away from the eyes and ears of the media meaning that should anything happen to them it will take a while before they receive help

The political and contentious vs. the general

Women who raise difficult questions of governance such as politically motivated rape, torture, or whose work challenges the legitimacy and efficacy of government often face greater risk than those who raise non-contentious issues hence some mechanisms work better for some women but not for others.

⁴⁷ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>.

⁴⁸ Detention in an unknown place outside the legal parameters allowing for the detention of individuals.

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