

Zimbabwean jails in deplorable state: ZACRO
Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)
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Preamble

Largely, the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO) objectives revolve around catering for the welfare of prisoners and ex-offenders and seeking further penal reforms. The organization notes that human rights are;

- Essential to a human being without which one cannot live in dignity as a person
- Universal for they are minimum acceptable standards worldwide.
- Inalienable for they can not be separated from existence of a human being nor are they a gift from another; and
- Interdependent, indivisible and interrelated.

However, it is within the context of human rights of prisoners which are civil, economic and social natured that this paper seeks for their:

- Exploration,
- Realisation,
- Protection,
- Respect and
- Acknowledgement.

In this light ZACRO focus on the right to – life, liberty, protection from inhuman and degrading treatment, torture, protection of the law, freedom to expression, association and assembly regarding those incarcerated and released from prison. Further analysis of the plight of prisoners reveals that – economic and social rights including the right to health, education, shelter, food, adequate clean water and to a family remain crucial and need to be attended to.

The Constitution of Zimbabwe clearly underlines that prisoners possess certain fundamental rights which are necessary to preserve their dignity and humanity. On the contrary these provisions are not closely respected and protected because the constitution has not been revisited and amended in view of realizing and protecting the human rights for prisoners. Hence there is always need for ZACRO to intervene and lobby for penal reforms which suit protection of human rights for prisoners.

Situational analysis of prisons in Zimbabwe

Prisons in Zimbabwe have remained secretive and closed institutions to majority people yet real experiences in the prisons reveal numerous human rights issues around plight of inmates which demand intervention by ZACRO.

This comes in the wake that conditions of prisons have deteriorated drastically over the past few years while political will has not been responding to the challenges facing Zimbabwe's prisons. Most disturbing is that the current economic environment has seen plight of inmates plunging into deeper levels of despondency while economic problems are forcing more people to commit criminal offences.

In addition, findings reveal that with a capacity around 17 000, the country's 55 prisons including satellites are holding over 35 000 inmates seeing them marred with numerous issues affecting inmates which need urgent address.

These mainly include:

- Overcrowding,
- Unhygienic conditions,
- Lack of proper food,
- Medical care,
- Spread of diseases and
- Deaths in custody.

Many individuals are imprisoned for long periods under unacceptable conditions without legal representation. In this context, ZACRO supports imprisonment for the benefit of society through correctional means with emphasis placed on rehabilitation, integration, provision of humanitarian assistance to the inmates and advocacy for penal reform

• This intervention is in line with complementing efforts by Zimbabwe Prison Service (ZPS) which involve introduction of more professionals like social workers who are set to rehabilitate inmates while concerned with human rights for the inmates. This has become clear testimony involving shifting prisons from mere incarceration centers to correctional and rehabilitative institutions in the country. On this note - the following are descriptions of areas where human rights for prisoners which are economically and socially natured are of major concern in the country's prisons for they are mostly tampered with.

Plight of prisoners in Zimbabwe.

(1) Socio-economic rights

Overcrowding in prisons

- Many of the prisons are too small and very old with some having been converted by government from farm houses into prisons. Examples are Hurungwe and Tabudirira farm prisons. Other prisons like Mazoe Farm prison and Chikurubi female prison were made of corrugated metal structures during the colonial days while to date they need expansion and refurbishment. In these prisons – inadequate floor space in cells further results in overcrowding. Only few new prisons complexes built after independence attainment in 1980 like Hwahwa medium depict how a modern standard penal institution is supposed to be which relatively matches United Nations Standard minimum rules of treating prisoners.
- Most worrying is that overcrowding has since become one of the predisposing conditions for the spread of diseases such as HIV/AIDS and opportunistic diseases like TB, cholera and pellagra which has resulted in deaths of some inmates in the country's prisons.

Though national statistics could not be availed by time of compilation - deaths continued to be recorded at Chikurubi Maximum prison and Harare Central Prisons among other prisons.

Hygiene and sanitation

- Poor hygiene and sanitation have become major concern in the prisons.

Water cuts are frequent, thus seeing sanitation consisting of one bucket in the corner of a multi-occupied cell, with water for washing and drinking being provided in another bucket. Most cells in the country's prisons with toilets are not flushing due to unavailability of water and malfunctions, thus health hazards were increasing in the prisons. At times some of the ill inmates with communicable diseases are not separated – a situation likely to see those affected by opportunistic diseases such as TB affecting others. Let alone, many of the prisons mainly female ones do not have cleaning facilities such as detergents, brooms and protective cloths when cleaning their cells and toilets. Also due to lack of sanitary facilities – inmates end up tearing their ragged blankets when relieving themselves in the

toilets which have always seen the toilets blocking. Most disturbing is that some cells do not have a toilet which is most common with female prisons in the country. Inmates in cells without toilets end up using a bucket for relieving themselves. The health hazards associated with this practice remains major worry to the inmates who mostly do not have soap to wash their hands, bodies or uniforms.

Uniform and bedding needs

- There is great need for adequate bedding and uniform requirements in the country's prisons. In fact shortage of uniforms is major cause of concern in prisons. Many times prisoners are seen wearing tattered and torn uniforms. There have been reports of prisoners going almost naked while they have the right to proper clothing like other human beings. In fact most inmates were found to be having one pair of shorts and shirts apparently tattered and rarely washed due to inadequacy of water and soap. Where there is severe overcrowding, prisoners may sleep on the floor while blankets are inadequate. Disadvantaged group of prisoners that include women and their innocent children in prisons are also severely affected in this regard.

Diet, food and other needs

- Food was available in some prisons with farms. Those without farms were facing acute shortage of food. At times food provided is not properly prepared and is mostly of inadequate nutritional value. Just as the whole country was affected by hyperinflation among economic problems – shortage of basic needs like cooking oil and sugar has continued to affect operations of prisons and welfare of inmates. The budgetary allocations to the prisons are also very low. In fact the general prisoners' requirements prescribed in statutory instrument 1 of 1996 are falling far short in the prisons.

- Prisoners are supposed to be given bread, tea, margarine or jam, milk, sugar among basic needs but these are not available. They are taken for leisure items as one inmate related. Mostly they are given sadza (starch alone) and vegetables and not much exposed to a full diet. This has seen some of them suffering from pellagra which has to date contributed to high death rates in the prisons. Most worrying is that children living with their incarcerated mothers in prisons are not allocated their own rations and have to share rations for their jailed mothers. This has seen the children having inadequate food and likely exposed to diseases like kwashiorkor in the prisons. This calls for stepping up intervention involving rendering humanitarian assistance to the prisons.

Medical and drug supplies

- Predisposing conditions like overcrowding, poor sanitation, poor food preparation and inadequate washing facilities render prisoners extremely vulnerable to some diseases. Common diseases continuously affecting inmates include diarrhea, cholera, malaria, TB and HIV / AIDS. However what has been noted is that medicines and medical equipment are inadequate in most prisons in Zimbabwe. Prisoners are therefore obliged to buy their own medicines through their families. But the obvious truth is that only those with money can afford the much needed drugs.

- On the other hand a high proportion of the general population in the prisons is affected with HIV/AIDS which calls for the corporate world, civic organizations including ZACRO to step up interventions towards fight against HIV/AIDS in prisons. Most appreciated is that – though in Zimbabwe Anti – Retroviral Tablets (ARVs) are expensive these are available in prisons. The main problem is that nutritious food is not available which is necessary to boost immunity of inmates affected by the pandemic. The shortage of food in most prisons remains a scenario undermining disease mitigation programs in the prisons

Educational needs

- ZACRO is involved in channeling educational assistance to inmates which include sourcing and distributing relevant books to the prison library for use by inmates as well as paying for their examination and trade tests fees. This is in line with Article 26 of the Universal Declaration of Human Rights, which states that, “everyone (including prisoners) has the right to education. Although this universally acknowledged right is supposed to be enjoyed by everybody regardless of social status, many prisoners are unable to pursue education in prisons. This is due to break down of social relations and support hence they lack resources to fully pursue education in the prisons. This has seen ZACRO

intervening towards boosting educational needs and development for prisoners in the country. On the other hand there are no check and balances on educational development in the prisons. The ZPS education department was not doing justice to this cause by not channeling committed prison officials who are teachers to teach the inmates. In fact prisoners were teaching themselves.

Treatment of prisoners and work

- Compared to colonial regime days prison management involving ill-treatment of prisoners is gradually going away owing to training of prison officials being orientated to realise and respect prisoners' rights in the country's penal institutions. However at times work on the prisons farms by the inmates is compulsory rather than this taken for a rehabilitation exercise. After all prisoners have always complained that the forced labor is strenuous. Some of the inmates are found doing work for prison officers even though this does not tally with prison rules. Many times the prisoners polish shoes for the prison officers while kneeling down which further degrades the offender. Reports that some top government officials hire labor from prisons without paying for labor rendered is something yet to be fully investigated. This deprives ZPS of its labor benefit which if paid can cushion some needs in maintenance and upkeep of inmates.

(2) Civil liberties

In the light on human rights for prisoners – ZACRO further focus on the right to –

- life,
- liberty,
- protection from inhuman and degrading treatment and torture,
- protection of the law,
- freedom to expression,
- association and assembly.

More attention is placed on plight of political prisoners whose number has increased over the past years owing to political instability in the country. ZACRO encourages prison visits by relatives of those incarcerated for at times relatives may not know that their relative is in prison more so after one has been imprisoned in a far away penal institution. In fact prisons visits have proved to be an eye opener to the situation around prisoners which needs to be valued by relatives of those imprisoned. Information about arrests and imprisonment of inmates is not communicated to relatives in time hence some inmates end up having no people visiting them.

Death penalty practice

The death penalty is not rehabilitative exercise. Since 1980 about 78 death row inmates have been executed and still others are on the death row awaiting execution. This is despite that capital punishment is dehumanizing, cruel, tortuous, degrading and inhumane. Most worrying is that one may go for five years awaiting execution. This period of waiting execution is dehumanizing, inhumane and psychologically tortuous while hanging which is Zimbabwe's execution method is just cruel and immoral. Hence ZACRO's intervention towards total abolition of the death penalty in the country is of paramount importance and cannot be underestimated.

Legal representation

- ZACRO notes with concern that the majority of prisoners in Zimbabwe are relatively poor people. These often lack resources or funds to cater for legal representation. Some of the people sent to prison committed minor crimes but can not be released. This is because they do not have lawyers who can represent them. Inmates on remand could spend over two years without trial.

Prisons visits and their importance

During the course of our visits ZACRO noted that the legal fraternity ie lawyers – prosecutors, judges, magistrates are not visiting prisons as follow up exercises to monitor and assess the offenders.

- It is on this note that ZACRO urges the legal fraternity to avail lawyers to prisons and cover those in need of assistance. Many need legal representation – in particular those who are remanded and others seeking appeal against their cases.
- The same is said of judiciary staff. Magistrates are urged to make follow ups with prisons and see for themselves – issues affecting those whom they tried and send to prison. Problems associated with overcrowding can be resolved if the magistrates have fair view of what affects the inmates. Where overcrowding is in place magistrates can always consider befitting non-custodial sentences like community service. Another main problem and worry involves reports of magistrates being absent in the courts on regular basis. Offenders facing trial were not tried in time owing to shortage of magistrates which is a problem that needs urgent redress. Such a stance has always seen some inmates spending long periods like two years before trial leading to a backlog of cases not tried by our courts which seeks urgent redress by the judiciary. In fact all explains why ZACRO is determined to articulate human rights programming in all its interventions and redress problems around human rights for prisoners in Zimbabwe.