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PARLIAMENT OF ZIMBABWE

THIRD SESSION – SEVENTH PARLIAMENT

FIRST REPORT

OF THE THEMATIC COMMITTEE ON HUMAN RIGHTS

ON

THE STATE OF PRISONS AND PRISONERS

Presented to Parliament in July 2011

S.C.5, 2011

ORDERED IN TERMS OF STANDING ORDER No. 153:

- 3 At the commencement of every session, there shall be as be committees designated according to such government policy areas as the Standing Rules and Orders Committee may deem fit.
- 4 It shall be the function of such committees to examine government policies which fall under or relate to the designated theme or themes, and other matters falling under their jurisdictions as the Standing Rules and Orders Committee may determine.
- 5 The members of such committees shall be appointed by the Standing Rules and Orders Committee, from the Senate and such appointments shall take into account the expressed interests or expertise of Senators and the political and gender composition of Senate.
- 6 Each select committee shall be known by the theme determined for it by the Standing Rules and Orders Committee.

(ii)

On Tuesday, 13 July 2010, the Senate President announced that the Committee on Standing Rules and Orders nominated the following members to serve on the Thematic Committee on Human Rights:-

Hon Chief Charumbira

Hon Chitsa E.

Hon Hungwe J.D

Hon Katyamaenza V.

Hon Khumalo D.

Hon Makamure E.K

Hon Makore J.

Hon Makuyana C

Hon Manyeruke J

Hon Marava M

Hon Muchenje V

Hon Chief Mtshane

Hon Mutsvangwa M

Hon Muzerengwa T.S.

Hon Chief Ntabeni

Hon Chief Nembire

Hon Rimbi J.M

Hon Sakupwanya S.U

Hon Marava to be Chairperson

EXECUTIVE SUMMARY

The Committee visited Harare Central, Chikurubi, Mutare, Mutimurefu and WhaWha Prisons at a time when living conditions of prisoners was worsening due to budgetary constraints. The Committee noted that there was an acute shortage of basic requirements needed by prisoners. Lack of toiletries, ablution facilities and the unavailability of water for a long time at some prisons were disturbing. Prisoners' diet needed to be improved so that the food is more palatable.

Zimbabwe Prison Service faced challenges in servicing the courts throughout the country because of lack of inadequate transport and fuel. The Committee noted that most of the vehicles used were aging and unreliable. Some of the stations had no vehicles at all.

Prisoners at all prisons visited were wearing tattered uniforms and this was attributed to lack of adequate funding.

ZPS was also unable to acquire the necessary drugs that were required for sick prisoners due to inadequate funding.

The Committee noted with the concern that funds were made available too late to enable ZPS to buy farming inputs. Otherwise, ZPS would be self sufficient in terms of production of maize to feed prisoners.

1. **Introduction**

1.1 As part of its oversight role, the Thematic Committee on Human Rights resolved to conduct a fact finding visit to prisons with a view to assess the condition of prisons and prisoners in order to determine whether they are in keeping with the human rights standards.

2. **Methodology**

2.1 The Committee invited the Commissioner of Prisons for oral evidence on the state of prisons and prisoners but his Deputy came in his place. The Committee also invited Zimbabwe Association of Crime Prevention and Rehabilitation (ZACRO) to brief the Committee on how the organization works with prisons. Visits to Harare Central, Chikurubi Maximum, Mutare, Mutimurefu and WhaWha prisons were conducted, where meetings were held with prisons officials and prisoners.

3. **Committee's Findings**

3.1 The Committee learnt that Zimbabwe Prison Service (ZPS) was established in terms of section 99 (2) of the Constitution of Zimbabwe. ZPS is a paramilitary organisation under the Ministry of Justice and Legal Affairs and is headed by the Commissioner of Prisons. ZPS operates in accordance with the Prison Act and other Statutory Instruments related to Prisons like Prisons General Regulations and Commissioner's Standing Orders.

3.2 Zimbabwe Prisons Service's mission statement is "to protect the society from criminal elements through the incarceration and rehabilitation of offenders for their successful reintegration into the society whilst exercising, reasonable, safe, secure and humane control". The Committee was informed that offenders come to prisons not to be punished but to be rehabilitated for their successful reintegration into society. Prisoners are human beings and should not lose their status by being in prison hence reasonable, safe, secure and human control must be exercised.

3.3 **State of prisons throughout the country**

3.3.1 The Deputy Commissioner of Prisons informed the Committee that the (ZPS) had a challenge in servicing the courts throughout the country because of lack of adequate resources. He told the Committee that some prisoners had stayed in prison for over twelve months without appearing before either a magistrate or the High Court judge for the simple reason that ZPS was unable to ferry them to court because of lack transport.

3.3.2 He said that ZPS was unable to acquire the necessary drugs that were required for sick prisoners

due to inadequate funding.

- 3.3.3 The Deputy Commissioner also informed the Committee that there were twenty six prison farms throughout the country and ZPS' biggest challenge was the acquisition of inputs. The Committee was told that funds were not made available in time to enable ZPS to buy farming inputs otherwise prisons would be self sufficient in terms of production of maize to feed prisoners.

3.4 **Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)**

- 3.4.1 The Committee was informed that ZACRO's aims and objectives were to advocate for justice as well as respect and protection of the prisoners' rights in Zimbabwe and to facilitate re-integration of prisoners back into the society. ZACRO therefore visits prisons to monitor the treatment and conditions of prisoners and advocates for prisoners' rights.
- 3.4.2 The Committee was told that ZACRO facilitated legal assistance and representation to inmates who had been on remand for long periods and assisted in the payment of bail for those remand inmates who would have failed to raise the money and would have stayed in prison for longer periods.
- 3.4.3 The Committee was also informed that ZACRO offered rehabilitation programs such as small projects and educational assistance to prisoners.

3.5 **Harare Central Prison**

- 3.5.1 Harare Central Prison has a holding capacity of 1470 inmates. The prison had at the time of the Committee's visit 1221 inmates, which indicated that accommodation was adequate for prisoners. The Officer in Charge informed the Committee that the prison population was below the holding capacity at the time of the Committee's visit.
- 3.5.2 The Committee was informed that Zimbabwe Prison Service (ZPS) was unable to supply uniforms to prisoners since 2009 due to budgetary constraints. The Committee noted that some prisoners had tattered uniforms and a few were practically half naked and this affects the operations of the ZPS since there are female officers. The Committee was told that the uniforms that prisoners were wearing had been donated by the International Committee of the Red Cross (ICRC). The donated uniforms were enough to allocate one pair per prisoner but the minimum requirement is three pairs of uniforms per prisoner.
- 3.5.3 The Committee was informed that according to the rules and regulations, a prisoner is supposed

to be issued a minimum of three blankets, one mat and one pillow. At the time prisoners were being issued with one blanket, most of which were torn. This was said to be out of conformity with the minimum standard rules for the treatment of prisoners. It was submitted that the United Nations Convention on the prevention of crime and the treatment of offenders provides that “every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health and such clothing shall in no manner be degrading or humiliating”. Prisoners also complained that one blanket was not enough to keep them warm during the nights, particularly in winter.

- 3.5.4 The Committee was informed that ZPS was only providing mealie meal. Other foodstuffs, such as cooking oil, salt and beans, were being donated by ICRC and churches. Prisoners requested an improvement on the diet because they are only fed sadza and cabbage or beans and no meat. They complained that the food is not adequate and the diet is not balanced. This compromised the health of prisoners, particularly those inmates with HIV and Aids. Prisoners further complained that the food was not palatable saying that the relish had no salt to make it tasty. The Committee was informed that with the government failing to provide adequate food to prisoners, conditions relating to visits had been relaxed to allow relatives and friends who could afford to bring food to prisoners on a daily basis.
- 3.5.5 Officials informed the Committee that there was a critical shortage of essential drugs. The Committee toured the prison’s clinics and interviewed some very sick inmates. Sick prisoners were treated in the prisons’ hospital and clinic but those with complications were referred to general hospitals. The Committee was concerned to learn that there was only one ambulance that serves Harare Central, Chikurubi and Kentucky Satellite prisons. The Committee was also informed that Harare Central had no vehicle for administrative duties.
- 3.5.6 Also of concern to prisoners and prison officials was the state of cells that do not meet the minimum requirements. The ablution facilities were not functioning. At the time of the Committee’s visit, the prison was experiencing water problems thereby exacerbating the chances of disease outbreaks.
- 3.5.7 The Committee was informed that prisoners are allowed, under necessary supervision, to communicate with their families and friends at regular intervals, through correspondence and by receiving visits. Prisoners were kept informed regularly of the more important items of news by reading newspapers brought in by relatives and friends, through wireless transmission radios and any information that the Officer-in-Charge considers necessary for prisoners.

3.6 **Chikurubi Maximum Prison**

- 3.6.1 Chikurubi Maximum Prison had 1551 inmates against a holding capacity of 1913 at the time of the Committee's visit. The Officer-in Charge informed the Committee that during 2008 and 2009, the prison lost 839 prisoners due to suspected pellagra. ZPS was failing to feed prisoners as required due to inadequate funding thereby making it very difficult to maintain basic human standards. This has resulted in prisoners suffering from malnutrition disease such as pellagra. The Committee was disturbed to learn that prisoners are fed porridge without sugar.
- 3.6.2 The Committee was informed that Chikurubi Maximum Prison had been without tap water since 2006. The prison has been relying on boreholes but the boreholes were not capable of providing adequate water for the whole complex.
- 3.6.3 Prisoners complained that government did not declare the death of many prisoners during the 2008 and 2009 as a national disaster. They argued that many lives were lost but government did not do anything. They said if it was a bus accident that had killed people, the government would have rushed to declare the accident a national disaster. They asked if they were no longer human beings and if by being prisoners they had ceased to have the rights that other citizens enjoy.
- 3.6.4 Prisoners requested government to abide by the rules and regulations that provide that "every prisoner shall be provided by the administration with food of nutritional value adequate for health and well prepared and served".
- 3.6.5 Prisoners complained that they were not given stationery to write letters to their relatives. However, ZPS said there were no resources to buy the requisite stationery due to financial constraints.
- 3.6.6 Prisoners also complained about the state of cells. They said the sewage pipes were very old and leaked. Prisoners informed the Committee that the smell would spread even to dining halls. The walls of cells were said to be infected with bed bugs and lice. The Committee noted that the cells were filthy and not suitable for human habitation. The cells had no lights and ventilation was not adequate. Prison officials requested for detergents and gloves to use when cleaning both toilets and cells.
- 3.6.7 The Committee was told that the toilets were not functioning and water to flush the toilets and for bathing was inadequate. The D Class (the most dangerous) prisoners complained that there were no ablution facilities in the cells. They spent only one hour outside the cells and use containers to relieve themselves. They said they were not given enough water and soap to clean the containers they use to relieve themselves. The result is that the cells always smelled

because the containers were emptied once a day during the one-hour they were supposed to be out.

- 3.6.8 The Officer-in-Charge told the Committee that the health delivery system was improving although Chikurubi Maximum Prison was experiencing a number of challenges such as shortages of essential drugs and medical equipment.
- 3.6.9 Both prisoners and ZPS officials said that prisoners were sometimes unable to appear before courts because of fuel shortages and the court truck that constantly broke down.
- 3.6.10 ZPS officials said that the effort to empower prisoners educationally was being hampered by shortage of reading material and stationery. In addition not much was happening in terms of rehabilitation due to lack of funding.
- 3.6.11 Prisoners requested for amendments to the prisons regulations citing that some sections, for example, which provide that prisoners should be searched naked twice a day, are inappropriate. Prisoners also complained that the sentences they were given were too long and they had no hope of leaving prison. They appealed to the judiciary to pass lighter sentences that allow convicts to be reformed and then integrated back into society. They also requested government to consider repealing the death sentence. Prisoners said it was very traumatic to live expecting to be hanged any day.

3.7 **Mutare Prison**

- 3.7.1 The Officer in Charge for Mutare Prison said Zimbabwe Prisons had Rehabilitation Sections among other sections that sought to address the social welfare and humanitarian needs of inmates, officers and their dependents. The Officer in Charge said rehabilitation in the prison context means restoring or helping an individual or a group of offenders socially, physically and psychologically by molding them to abide with socially acceptable norms and ethics. He also said that rehabilitation is a process of systematically equipping inmates with skills and knowledge to aid them live independent of crime. This ensures that offenders conform to the norms and expectations of the society thereby providing a long term protection to society.
- 6.7.2 The Officer in Charge informed the Committee that ZPS was aware that prisoners are human beings and have the rights to decent accommodation, right to personal hygiene, clothing and bedding, good food, exercise and sport, medical service, education, religion, appeal against sentence, relative affiliation, make requests and complaints, and to appear before the courts of law among others. In as much as Zimbabwe Prison Service was mandated to accomplish its mission statement and uphold human rights, there were certain challenges that were proving

hard to overcome.

- 6.7.3 One of the major challenges was that some of the prisons were built during the colonial era when prisons were meant to be harsh and punitive. The Committee was informed that Mutare Prison was built in 1910 and the infrastructure was dilapidated. Therefore, prisoners' human rights were being impinged. In order to fulfill the incarceration principle inmates are locked up in these substandard structures. The Officer in Charge said that refurbishment of these prisons was not possible taking into account financial constraints.
- 6.7.4 The Officer in Charge told the Committee that ZPS was supposed to provide a pair of tennis shoes and socks to inmates but this was now a thing of the past. The ZPS was not able to issue two pairs of uniforms and inmates were walking half naked. Remand inmates are entitled to put on khakhi uniforms, but ZPS was failing to provide these.
- 6.7.5 The Committee learnt that while every prisoner has a right to food of nutritional value, adequate for health and strength, of wholesome quality, well prepared and served, access to safe and clean water for drinking Mutare Prison was not able to do so. Inmates at Mutare Prison, like other prisons were served prisoners porridge for breakfast, sadza with either beans or vegetables for lunch and supper. According to the prison dietary scale, prisoners should have meat four times a week and tea with bread, but the prison was failing to provide these.
- 6.7.6 Mutare Prison had a major challenge of shortage of transport and inadequate supply of fuel. The monthly fuel requirement was 5350 litres but the prison usually receives around 2320 litres which they said fell far short of the required amount. Prisoners have rights to appear before the court of law. Manicaland Prison Service received three trucks in 2010 for Marondera, Chipinge and Mutare Remand Prisons but was still failing to service all the courts.
- 6.7.7 Manicaland region had no ambulance to ferry patients to and from hospital when inmates and Officers are referred to Mutare Provincial Hospital. The Committee was told that there was a challenge with mental health patients who were supposed to be seen by two doctors but there was only one doctor for the whole region. The doctors also fail to attend to patients timeously due to shortage of fuel.
- 6.7.8 The Committee was informed that prisoners were allowed to communicate with their families and friends through letters and visits. They were allowed to listen to radios and watch television. Due to budgetary constraints ZPS was unable to provide stamps, envelopes and also such gadgets as radios and televisions thereby denying prisoners of their rights.
- 6.7.9 Prisoners are supposed to engage in sports, but the Committee was told that there was shortage of sports kits like volleyballs nets, net balls, tennis balls and rackets, footballs and sports wear.

- 6.7.10 The Committee was also informed that prison labour was not supposed to be of an afflictive nature because the standard minimum rules for the treatment of prisoners stipulates that all prisoners serving prison terms are required to work subject to their physical and mental fitness as determined by the medical officer. The Officer in Charge said that rehabilitation through imparting skill on farming was perceived as punishment due to lack of farming machinery. Lack of machinery makes farming hard and this cannot be avoided since these farming projects provided food required by inmates thereby reducing dependence on the fiscal budget. It was also submitted that in other countries inmates earn a living through employment. The Standard Minimum rules for the Treatment of Prisoners, Basic Principle 8, which states that “conditions shall be created enabling prisoners to undertake meaningful remuneration employment which facilitate their integration into the country's labour market and permit them to contribute to their own financial support and to that of their families” was quoted. The Officer in Charge said there was therefore a great need for the Prison Act to be amended to include this principle.
- 6.7.11 The Committee was told that Manicaland Region had qualified teachers and artisans who taught both academics and vocational courses to inmates. The major challenge was the shortage of textbooks, exercise books, ball pens, pencils and tools. The ZPS was unable to pay for trade test fees and examination fees to ensure that prisoners obtain academic certificates and journey man cards which could help them to look for jobs upon release. There were no libraries to enhance a culture of reading among inmates. There was also shortage of sewing and knitting machines to cater for those inmates with special interest in tailoring and knitting. Lack of raw materials and tools for those in carpentry and in tailoring and knitting was said to be a hindrance in capacity building of inmates. Protective clothing was a requirement for those in motor mechanics and construction but ZPS was unable to provide these.

3.8 Mutimurefu Prison

- 3.8.1 At the time of the Committee's visit Mutimurefu Prison had 570 inmates against a holding capacity of 800 also signifying that the prison was not overcrowded.
- 3.8.2 Prisoners' uniforms were a challenge since each prisoner is supposed to have two pairs of uniforms but had only one pair. The Committee was informed that both prison officers and the inmates needed uniforms as a matter of urgency.
- 3.8.3 The prisoners were being served three meals a day. Prisoners were fed on sadza and vegetables or beans and no meat. ICRC donated beans, groundnuts and cooking oil. The prison was only able to buy beans, sugar and salt as prisoners' ration.

- 3.8.4 The Officer in Charge told the Committee that all convicted prisoners were engaged in various activities as a form of rehabilitation. There were two workshops in the region, one at Mutimurefu and the other at Whawha Prisons. The main activities at the workshops include motor mechanics, carpentry, building, welding and fence making. The Prisoners can go through trade tests and be issued with classes relevant to their level of attainment. The major challenge was lack of equipment (machines and tools) in the workshops. There was poetry, drama groups and a music band. These groups had been assisted to compose and release songs by various NGOs.
- 3.8.5 The prison clinic had enough nurses but lack doctors, pharmacist, essential medical drugs and ambulances. ICRC and MSF had also come to the rescue by supplying some essential medical drugs. The absence of a resident doctor was a challenge because Mutimurefu Prison did not have an ambulance to ferry sick prisoners that would have been referred to hospital by nurses. There was only one ambulance stationed at Whawha Complex. Ordering and supplying of drugs was taking a long time because there was no Pharmacist at Mutimurefu and the National Pharmacy at Chikurumbi Maximum Prison sent drugs to Whawha Prison and then to Mutimurefu Prison through the use of the ambulance which has to distribute the drugs to 12 prison stations in the region.
- 3.8.6 The region received two security vehicles and a lorry which are based at Whawha Complex, Masvingo Remand and the Regional Headquarters. The number of vehicles fell short of the requirement as big institutions such as Mutimurefu, Chiredzi and Gokwe need security vehicles to take prisoners to court. Fuel allocations to all Prisons in the region is not enough to ferry prisoners to court and usually last for only two weeks per month.

3.9 **WhaWha Medium Prison**

- 3.9.1 WhaWha Medium Prison was opened on the 15th of January 1982. The Prison has an official carrying capacity of 1345 and there were 929 inmates during the Committee's visit which signifies that Whawha Medium Prison was not also overcrowded. The convicted prisoners were 690 and the unconvicted prisoners were 239. Whawha Medium Prison is a grade 3 prison which houses all classes of prisoners.
- 3.9.2 Whawha Young Offenders Prison is a grade 3 prison which houses young male convicted prisoners. The holding capacity of this prison is 450 prisoners and there were 206 prisoners which signify that it was not overcrowded. The prison was converted from adult to young offenders prison on the 12th of May 2005. The prison caters for young inmates of up to 20 years.

The youngest inmates are 15 years old. The most common offenses these juveniles are convicted of are rape, robbery, stock theft and theft.

- 3.9.3 The Young Offenders Prison was involved in numerous rehabilitation programmes. It is the only prison in the country which caters for juveniles inmates hence its establishment as an institution of learning. The Committee was told that rehabilitation programmes that were on full swing included academic education from grade one to seven and O' levels and A' levels. There was one inmate who was due to write part C of the Chartered Institute of Secretaries and Administration (CIS). There was a workshop where some of the inmates undergo training in various fields such as carpentry, welding, upholstery, motor mechanics, panel beating among others. These various courses equip the inmates with technical skills that will play a pivotal role in rehabilitating the inmates after completion of various sentences. The major challenge lies with shortage of safety clothing, overalls, gloves, and gumboots. The workshop was also still in its infancy and needs machinery.
- 3.9.4 The young prisoners were also engaged in recreational activities such as choral groups and a band. ZPS was facing a challenge in acquiring modern technology to make this project a success. Inmates were using home made box guitars and use tins as drums. There was need for government to assist ZPS with funds to acquire a microphone, guitars and drums.
- 3.9.5 Young offenders were offered the opportunity to participate in sporting activities such as soccer, volleyball, tug of war among others. They were also offered the opportunity to compete with prison officers. The setback was lack of balls, nets and other materials needed by inmates to fully participate in these sporting events.
- 3.9.6 The education department was manned by 3 qualified teachers. There were 180 inmates pursuing their academic qualifications was from grade one to 'A' Level, 20 were pursuing technical skills at Whawha workshop. 50 inmates were sitting for 2011 'O' Level and 'A' Level November Examination. Despite all these efforts the department was facing financial problems to pay examination fees for inmates and quite a number failed to register for June 2011 examination. There was also shortage of teaching materials such as textbooks, pens, exercise books and furniture for both inmates and teachers. The classrooms used were not conducive for both teaching and learning environment since cells were used as classrooms.
- 3.9.7 The Officer in Charge said inmates at WhaWha Young Offenders Prison were disciplined as most of them show genuine desire to reform and eager to learn. Counseling services restore hope and confidence among inmates. He also said the morale of inmates was very good as they seem to enjoy their stay at the institution except for very few who feel that they were far from

relatives.

4. Issues raised by Prisoners

- 4.1 Prisoners complained about the lack of adequate uniforms arguing that some of the clothes they put on when going to courts give the image that they are mentally challenged hence the magistrates do not give serious consideration to their cases. The prisoners said they exchange uniforms when going to courts which was a big challenge because of communicable diseases.
- 4.2 There were foreign prisoners at Mutare Prison who accused the Immigration Department of dumping them at the Remand Prison and never turned to explain to them their position. Most of these foreigners were from Liberia, Guinea Bissau, DRC, Ivory Coast, Somalia and Mozambique among others. The Committee is of the opinion that their continual existence strain the ZPS's already inadequate budget and recommends that these prisoners should be deported back to their countries.
- 4.3 Prisoners requested government to provide them with basic necessities such as clothing, toothbrushes and toothpaste, blankets, towels, bathing and washing soaps, Vaseline and a balanced diet among other things.
- 4.4 They requested for adequate food. Inmates who were HIV positive said they required balanced diet that is critical to boost their immunity. HIV positive inmates got the same rations as those that are negative and they are the most affected. Their health is curtailed by lack of ARVs. Female prisoners requested to be supplied with sanitary pads.
- 4.5 Prisoners requested the repeal of the law that stipulates that ex convicts must not be employed by the government. The prisoners argued that the skills and expertise they acquire while serving their sentences will be of no use since the prisoners are only limited to the private sector.
- 4.6 Juveniles at Whawha prison requested government to avail adequate funds for examination fees. Most of the young offenders were forced to sit for more than four times for the O' level examination due to inadequate examination fees. They also requested for textbooks, exercise books, pencils, ballpoints and other materials necessary for their education.
- 4.7 Prisoners complained bitterly that amnesty should not be discriminatory and should be enjoyed by every prisoner despite the nature of his/her crime.
- 4.8 Prisoners on remand submitted that the amounts of money for bail were too high and most of the inmates cannot afford to pay. The prisoners also complained that they were continuously remanded to a later date to the extent that they spent more than four years on remand. They also said failure by witnesses to come to court contributes to the long period on remand.

5. Committee's Observations

- 5.1 In light of the foregoing, the Committee observed that prisoners' living conditions left a lot to be desired mainly due to budgetary constraints. Inadequate funding made it difficult for the ZPS to operate effectively and prisoners found the life in prison hazardous, as they had to make do without most of life's basic necessities.
- 5.2 The Committee noted that prisoners' diet, uniforms, bedding, transport to take them to referral hospitals and courts, constant supply of medication especially ARVs and ablution facilities were critical for the health of the prisoners while they serve their sentences.
- 5.3 Mutare Remand Prison Complex was in a dilapidated state and needed refurbishment as a matter of urgency as it is longer fit for human habitation. There was need for urgent maintenance to avoid eruption of diseases and other communicable infections. The complex was built with punitive intentions during the colonial period and should be renovated to suit a Rehabilitation Center.
- 5.4 The Committee observed that nursing mothers in prisons fed their children from the rations they received. Children were being forced to survive on sadza served with beans and or vegetables. Lack of balance diet affects the growth of these children. There were no crèches/pre schools for these children and this affects their rights to basic education. The Committee welcomed the efforts by Mutare Border Timbers for providing work to inmates with children as this had assisted them in buying essentials for their children such as clothes, porridge among others.
- 5.5 The Committee noted with concern that most of the prisons, if not all do not have information dissemination equipment such as radios and televisions. Inmates were forced to rely on censored newspapers for information. Information equipments should also provide entertainment.
- 5.6 The Committee noted with great concern the length of time the prisoners stay on remand especially those convicted of murder, stock theft, robbery and rape. Some had gone for more than 6 years without trial. This was also curtailed by several industrial actions by Magistrates. Prisoners have a right to fair hearing and the delay in appearing before the courts is violation of their rights.
- 5.7 The committee observed that the duplication of trials, whereby prisoners after being convicted at courts and are also convicted by the traditional leaders through the primary courts in their absence was not fair. If a person is found guilty in his/her absence at these traditional courts he/she is forced to pay fines. This means that a person appears before two courts of law for the same crime. The other court sentences that person to a prison term with hard labour and the

other one fines the same person by paying with his/her wealth such as cattle, goats and sheep.

- 5.8 The Committee was also worried that young offenders are affected by lack of transport to transport them to Whawha Young Offenders Prison and young offenders sometimes stay in Remand Prisons for more than 3 years. There are no facilities at the Remand prison to protect young offenders from being sexual molested by adults and the continual mix with elders is a step back in their rehabilitation. This also denies the young offenders the opportunity to pursue their education and other rehabilitation programmes that are enjoyed at Whawha Young Offenders Prison.
- 5.9 Lack of Balance Diet is another critical issue that was raised by inmates. The Committee noted that although the inmates receive three meals a day, the meals lack balanced diet. The meals are usually sadza that is served with either beans or vegetables. A number of inmates showed signs of malnutrition. This implies that in case of a disease outbreak, inmates can be easily attacked due to poor immune system and malnutrition.
- 5.10 The Committee was concerned that Whawha Young Offenders do not have Birth Certificates and National identity cards. Relatives have been reluctant to help these young inmates obtain these important documents as most of them no longer have parents.
- 5.11 The Committee observed that it was critical for government to avail adequate funds for bus fares for prisoners upon release because the current situation is that prisoners walk more than two hundred kilometers home because of lack of bus fares. The pass letters that used to be afforded to inmates to use for traveling are no longer accepted by transport operators.
- 5.12 The Committee noted lack to representation for most of the prisoners. Most of the prisoners said that they do not afford lawyers and they had lost their cases even if they were innocent because they will be competing with those that are fortunate enough to have representation. The right to representation for those that are poor is eventually non existent and the government should ensure that everyone is represented in any case.

6.0 RECOMMENDATIONS

- 6.1 The Committee notes that problems relating to prisoners' uniforms and bedding, toiletries, adequate food, shortage of fuel, transport, medical drugs and malfunctioning of ablution facilities have their root in budgetary constraints faced by ZPS. The Committee, therefore, recommends a substantial increase in the budgetary allocation for the Prison Service.
- 6.2 The problem of food shortages could also be alleviated by increasing productivity on prison farms to enable prisons to be self sufficient in food supplies. In this respect, crop farming in prisons farms should no longer be rain-fed, but be supplemented by irrigation schemes.
- 6.3 The Committee also recommends that government supplies prison farms with adequate farming inputs and also recommends that a variety of livestock be kept at the prison farms in order to improve prisoners' diet.
- 6.4 The Ministry of Justice and Legal Affairs should make adequate resources for the supply of utilities such as electricity and water to ensure that the prisons have continuous supply of these for security and health reasons respectively within the limitations of the economic situations.
- 6.5 There is need to ensure adequate supplies of ARVs for prisoners taking such medication as ARVs has to be taken regularly to avoid prisoners developing resistance to drugs due to irregular supply.
- 6.6 Prisons kitchens should be upgraded to meet international standards as most of them use firewood as most steam pots are not working.
- 6.7 Adequate and relevant facilities for both rehabilitation and recreation activities should be availed to prisons workshops.
- 6.8 Medical doctors and Pharmacists should be recruited for each prison complex as a matter of urgency.
- 6.9 Procurement of drugs and other critical items should be decentralised and adequate funds be availed.