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Country Information and Guidance

Zimbabwe: Prison conditions

October 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Zimbabwe as well as country of origin information (COI) about Zimbabwe. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.gsi.gov.uk.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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1. Guidance

1.1. Basis of claim

- 1.1.1 Fear of being imprisoned on return to Zimbabwe and that prison conditions are so poor they amount to torture or inhuman or degrading treatment or punishment.
- 1.1.2 This guidance is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of humanitarian protection. Prison conditions which are systematically inhuman and life-threatening are always contrary to Article 3 ECHR. However, even if those conditions are not severe enough to meet that threshold automatically, Article 3 will still be engaged if, in that individual's personal circumstances, detention would amount to inhuman or degrading treatment or punishment.
- 1.1.3 If the prison sentence or the prison regime, irrespective of its severity, is discriminatory or being disproportionately applied for reasons of race, religion, nationality, membership of a particular social group or political opinion, the applicant could in fact qualify as a refugee.

See asylum instruction on [Humanitarian Protection](#)

1.2. Summary of issues

- Is the person reasonably likely to be imprisoned on return?
- Are prison conditions in Zimbabwe so severe that prisoners suffer treatment contrary to Article 3 ECHR?

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1.3. Consideration of issues

Is the person reasonably likely to be imprisoned on return?

- 1.3.1 Decision makers must establish the likelihood that the person will be imprisoned on return, including if necessary whether the alleged offence constitutes an offence under Zimbabwean law, and, if so, is one which is likely to be punishable by a term of imprisonment and whether it is discriminatory or being disproportionately applied.

See [Zimbabwe national legislation](#)

Are prison conditions in Zimbabwe so severe that prisoners suffer treatment contrary to Article 3 ECHR?

- 1.3.2 Prison conditions in Zimbabwe are in general harsh with incidences of poor levels of sanitation, overcrowding and disease; inadequate medical facilities; extensive use of lengthy pre-trial detention; deaths in detention facilities, and the use of

See country information on [Prison conditions](#)

torture and other forms of ill-treatment.

1.3.3 However prison conditions in general are not so systematically inhuman and life-threatening to meet the high threshold of Article 3. The particular circumstances of some individuals may place them at risk of suffering treatment contrary to Article 3 ECHR. Decision makers must therefore carefully consider the individual factors of each case. The relevant factors include:

- the likely length of detention,
- the likely type of detention facility; and
- the person's age, gender, socio-economic status and state of health
- Whether they have family or friends to support them and, for example, provide food, etc

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1.4. Policy summary

Prison conditions in Zimbabwe are extremely poor but in general are not so systematically inhuman and life-threatening as to meet the high threshold of Article 3. Dependant on the particular circumstances of the person concerned, prison conditions may reach the Article 3 ECHR threshold in individual cases. Each case needs to be considered on its facts.

Where in an individual case treatment does reach the Article 3 ECHR threshold, a grant of Humanitarian Protection (HP) will be normally appropriate.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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See asylum instruction on [Humanitarian Protection](#)

See asylum process guidance on [Non suspensive appeals certification under section 94 of the NIA Act 2002](#)

2. Information

2.1. Physical conditions

- 2.1.1 The 2013 US State Department Human Rights Report stated that prison conditions remain harsh, partly due to overcrowding in older urban remand facilities, although the newly renamed Zimbabwe Prison and Correctional Services (ZPCS) made some improvements during 2013. The country's new constitution changed the name of the former Zimbabwe Prison Service and shifted its focus to include rehabilitative as well as punitive measures.¹ According to Freedom House, "Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions remain harsh and sometimes life-threatening. Zimbabwe's 72 prison facilities house more than 17,500 prisoners, and overcrowding, poor sanitation, and food shortages have contributed to HIV and tuberculosis infections and other illnesses among inmates".²
- 2.1.2 There were approximately 17,500 prisoners, including approximately 500 women and 200 juveniles, spread across 46 main prisons and 26 satellite prisons. While some prisons operated below capacity, NGOs reported that overcrowding continued due to outdated infrastructure and judicial backlogs. Prison guards beat and abused prisoners.³
- 2.1.3 On 17 February 2014, President Mugabe pardoned 2,000 prisoners. While this will help ease the overcrowding in prisons, it does not address the poor living and medical conditions. The state of prisons remains a concern, with a report in December 2013 highlighting the lack of adequate food, sanitation and clean water.⁴
- 2.1.4 The US State Department also report that between January and late November 2013, over 100 prisoners died in custody due to nutrition-related illnesses induced by food shortages and other natural causes. Poor sanitary conditions contributed to disease, including diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Lighting and ventilation were inadequate. There were insufficient mattresses, warm clothing, sanitary supplies, and hygiene products. Prisoners had no access to clean water. The harvest of prison farm products provided meals for prisoners, while the sale of some high-value crops such as tobacco allowed authorities to address some supply shortages, and authorities provided each prisoner with at least one new uniform during the year.⁵

¹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

² Freedom House <http://www.freedomhouse.org/>: Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 15 August 2014]

³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern update, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-latest-update-31-march-2014> [date accessed 15 August 2014]

⁵ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

- 2.1.5 Prisoners have access to very basic medical care, with a clinic and doctor at every facility. The ZPCS offer peer education on HIV/AIDS and test prisoners for HIV only when requested by prisoners or prison doctors. Due to outdated regulations and a lack of specialized medical personnel and medications, prisoners suffer from routine but treatable medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. There are some cases of prisoners with HIV/AIDS being denied access to antiretroviral drugs. NGOs also reported isolated cases of meningitis and pellagra.⁶
- 2.1.6 The International Committee of the Red Cross (ICRC), Annual Report 2013 stated that during 2013, the ICRC visited detainees at Zimbabwe Prison and Correctional Service (ZPCS) facilities, paying particular attention to vulnerable inmates, such as minors, the mentally ill and foreigners. It provided the ZPCS with confidential feedback and, when necessary, recommendations for improvement. Following ICRC representations, the ZPCS released some 100 mentally ill detainees and allowed them to rejoin their families. Detaining authorities built their capacities in the areas of nutrition, health care and infrastructure. The ICRC worked with the ZPCS to meet supply gaps by distributing essential items and food supplements. It provided technical advice and operational support for the ZPCS to ensure optimal use of funds; and to address management, health and infrastructural issues, it organized capacity-building workshops for ZPCS personnel.⁷
- 2.1.7 During 2013 ICRC also continued to support the ZPCS in enhancing food production and management and in performing nutritional screening/monitoring. The ZPCS took steps to make prison farms more efficient and productive, based on the recommendations of an economic study it conducted with ICRC input. Inmates at all prisons visited by the ICRC had their nutritional status checked on arrival and, afterwards, on a monthly basis. This monitoring system allowed the authorities to detect and address a slight decline in detainees' nutritional status at the end of 2013. Inmates diagnosed to be severely malnourished benefited from therapeutic food provided by the Ministry of Health and UNICEF.⁸
- 2.1.8 In November 2013 IRIN reported that the typical prison diet was a 10am breakfast of black tea and a sugarless, watery porridge and that the only other meal of the day, served at 2pm, usually consisted of a small portion of sadza - a thick maize meal porridge - served with boiled green vegetables or weevil-infested beans. Bread which had been rejected by bakeries was delivered every couple of weeks.⁹
- 2.1.9 According to a former MDC inmate the acute lack of food in prisons has spawned corruption and sexual abuse among inmates and prison wardens, with some prisoners, particularly those who have already been tried and sentenced, resorting to having sex with fellow inmates in exchange for food and cigarettes smuggled in by the wardens or

⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

⁷ International Committee of the Red Cross (ICRC) <http://www.icrc.org/>, Annual Report 2013 - Harare (regional), 14 May 2014 <http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-harare.pdf> [date accessed 15 August 2014]

⁸ International Committee of the Red Cross (ICRC) <http://www.icrc.org/>, Annual Report 2013 - Harare (regional), 14 May 2014. <http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-harare.pdf> [date accessed 15 August 2014]

⁹ IRIN <http://www.irinnews.org/>, Zimbabwe inmates cheer for rotten bread, 11 October 2013 <http://www.irinnews.org/report/98925/zimbabwe-inmates-cheer-for-rotten-bread> [date accessed 15 August 2014]

relatives.¹⁰ The same source described the prisons as “death traps”, claiming he had seen many inmates die of disease and malnutrition and also reported that cells were overpopulated and often contaminated with sewage, and inmates suffering from communicable diseases were kept together with those who were healthy.¹¹

- 2.1.10 A February 2014 study by the Zimbabwe Lawyers for Human Rights and the Law Society of Zimbabwe on pre-trial detention in Zimbabwe notes in regard to sanitation that “Owing to the overcrowding, and restrictive space in the prisons, there were serious concerns about the spread of diseases due to undisposed sewage. It was reported that inmates often had to resort to buckets due to the absence of adequate toilet facilities in most cells. In cells that had toilets, the facilities were overburdened and also considered dehumanizing as they were not secluded so there was no privacy. Furthermore, the flushing system for most of the toilets would regularly break down (but the toilets would continue to be used nevertheless) thereby exposing inmates to disease”.¹²
- 2.1.11 In May 2014, Aggrey Machingauta, the ZPCS Deputy Commissioner in charge of administration disclosed before a parliamentary tribunal that the organisation was saddled with multifaceted problems that were inhibiting it from providing basic needs for prisoners including food, water, clothing.¹³
- 2.1.12 In August 2014, giving evidence before a Senate Thematic Committee on Human Rights, Edson Chiota, chief executive of the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender reported that inmates in Zimbabwe’s Prison and Correctional Services facilities are forced to stay naked owing to inadequate supply of uniforms. Chiota stated the situation was more dire in remotely located prisons.¹⁴
- 2.1.13 The Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO), is the primary independent organization monitoring prison conditions from within Zimbabwe. ZACRO produces regular “Field reports” of visits made to various prisons in Zimbabwe during which Prison officers with different portfolios are met at each prison as well as interactions with inmates to assess the conditions under which they were living in. Copies of these reports are available at <http://www.zacro.org.zw/>.
- 2.1.14 Additionally, in March 2012 ZACRO published a report entitled “An Analysis of Prisoners’ Rights in Zimbabwe” published by ZACRO in conjunction with the Zimbabwe Human Rights NGO Forum, and available from <http://www.hrforumzim.org/publications/monthly-human-rights-bulletin/prisoners-rights/>. This report considers the actual conditions in Zimbabwean prisons in direct relation to the UN Basic Principles for the Treatment of Prisoners.

¹⁰ IRIN <http://www.irinnews.org/>, Zimbabwe inmates cheer for rotten bread, 11 October 2013 <http://www.irinnews.org/report/98925/zimbabwe-inmates-cheer-for-rotten-bread> [date accessed 15 August 2014]

¹¹ IRIN <http://www.irinnews.org/>, Zimbabwe inmates cheer for rotten bread, 11 October 2013 <http://www.irinnews.org/report/98925/zimbabwe-inmates-cheer-for-rotten-bread> [date accessed 15 August 2014]

¹² Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe’s prisons <http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf> [date accessed 15 August 2014]

¹³ Radio Vop <http://www.radiovop.com/> Zim Prisons Boss Opens Up On Worsening Prison Horror, 28 May 2014 <http://www.radiovop.com/index.php/national-news/10877-zim-prisons-boss-opens-up-on-worsening-prison-horror.html> [date accessed 15 August 2014]

¹⁴ The Herald, <http://www.herald.co.zw/> ‘Scarce resources force prisoners to go naked’, 7 August 2014 <http://www.herald.co.zw/scarce-resources-force-prisoners-to-go-naked/> [date accessed 15 August 2014]

2.2. Remand prisoners

- 2.2.1 According to the ZPCS, remand prisons were overcrowded, and conditions were, by design, harsher than in newer facilities. Authorities often held pretrial detainees with convicted prisoners until their bail hearings.¹⁵
- 2.2.2 Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police stations for days, weeks, or months while their court dates or bail hearings were pending.¹⁶
- 2.2.3 Prolonged pretrial detention is a problem, and some detainees are incarcerated for several months before trial or sentencing due to a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and political reasons. For example, as of October [2013], four of 29 MDC-T activists arrested in May 2011 (Glenview 29) had been denied bail on six occasions and had remained in custody for 29 months. Rebecca Mafikeni, MDC-T Youth Assembly deputy organizing secretary, died of illness in August while in detention.¹⁷
- 2.2.4 As an extreme example, in February 2013, it was reported that one man has spent 15 years on remand awaiting trial, having purchased a stolen car in 1998.¹⁸ The same article cites then Zimbabwe Prison Service (ZPS) Commissioner General Paradzai Zimondi as stating that they are overwhelmed by overcrowding in the country's remand prisons.¹⁹
- 2.2.5 According to the U.S. State Department, other prisoners remain in prison because they cannot afford to pay bail, which is exorbitant given economic conditions in the country. Magistrates rarely exercise the "free bail option" in which they have discretion to waive bail for destitute prisoners.²⁰

¹⁵ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁷ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1d. Arrest Procedures and Treatment of Detainees. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁸ Daily News <http://www.dailynews.co.zw/>, Man spends 15 years in remand prison, 3 February 2013 <http://www.dailynews.co.zw/articles/2013/02/03/man-spends-15-years-in-remand-prison> [date accessed 15 August 2014]

¹⁹ Daily News <http://www.dailynews.co.zw/>, Man spends 15 years in remand prison, 3 February 2013 <http://www.dailynews.co.zw/articles/2013/02/03/man-spends-15-years-in-remand-prison> [date accessed 15 August 2014]

²⁰ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1. Arrest Procedures and Treatment of Detainees. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

- 2.2.6 The February 2014 study by the Zimbabwe Lawyers for Human Rights and the Law Society of Zimbabwe on pre-trial detention in Zimbabwe found that “The number of pre-trial detainees was found to be high – approximately 30 percent of the total prison population – due to inefficiencies in the country’s justice delivery system. [...] Severe underfunding, capacity constraints and poor conditions of service among institutions within the justice delivery system have also contributed to increasing inefficiency in caseload management, which has resulted in unnecessarily prolonged stays for many PTDs [pre-trial detainees]. This excessive detention undoubtedly violates inmates’ rights to freedom, dignity and a fair and speedy trial as enshrined in the constitution as well as in other national, regional and international statutes. The situation of human rights defenders and detainees held for political reasons was found to be worse, with political vendettas seemingly taking pre-eminence over the execution of justice. The conditions in pre-trial detention were found to be despicable and inhumane, and amounted to violations of the detainees’ rights”.²¹
- 2.2.7 The same source reported that “Some of the inmates had been detained for more than a year on remand due to delays in the completion of their cases. Indeed, there were some cases of prisoners remaining in prison for more than twelve months without appearing before a magistrate or the High Court because of the lack of any transport to ferry them to the courts. [...] An organisation that works to improve conditions for prison inmates also pointed out during an interview that the majority of Zimbabwean prisoners were very poor and could not afford legal representation. This meant that they had to wait their turn for legal aid, which can result in them having to stay in jail for close to two years as the need for legal representation is overwhelming”.²²
- 2.2.8 In May 2014, ZPCS Deputy Commissioner Aggrey Machingauta told the Senate Thematic Committee on Human Rights that although inmates are entitled to answer to their charges in courts without delay, this was not happening owing to chronic fuel shortages and a depleted vehicle fleet.²³

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2.3. Female prisons

- 2.3.1 The 2013 US State Department Human Rights Report recorded that:

‘NGOs reported that female prisoners generally fared better than men. They were held in separate prison wings and were guarded by female officers. Prison officials also appeared to have prioritized food distribution to women; moreover, women generally received more food from their families than male prisoners. The several dozen children under the age of three living with their incarcerated mothers, however, were required to share their mothers’ food allocation. NGOs were unaware of women inmates reporting rapes or physical abuse, which were more common among the male inmate population.

²¹ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, Executive Summary <http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf> [date accessed 15 August 2014]

²² Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe’s prisons <http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf> [date accessed 15 August 2014]

²³ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/>, Incarcerated with their mothers: The case of Zimbabwe child prisoners, 29 May 2014 <http://www.kubatana.net/2014/05/29/1782/incarcerated-mothers-case-zimbabwe-child-prisoners/> [date accessed 15 August 2014]

NGOs suggested that female guards may have been more diligent about protecting female prisoners from abuse or that female prisoners may not have reported abuse. Prisons, with support from NGOs, provided sanitary supplies for women. Officials did not provide pregnant and nursing mothers with additional care or food rations, but the ZPCS solicited donations from NGOs and donors for additional provisions.²⁴

See also: [Country information and Guidance. Zimbabwe - Women](#)

- 2.3.2 A February 2014 study by the Zimbabwe Lawyers for Human Rights and the Law Society of Zimbabwe on pre-trial detention in Zimbabwe reports that “Mlondolozi, Shurugwi and Chikurubi are the only fully fledged female prisons in Zimbabwe. All the other prisons have a section that has been set aside for women and the conditions are not favourable to female inmates. In particular, pregnant inmates are treated like any other female prisoner, without due recognition of their needs. After giving birth at public health facilities, they are returned to jail with their newly born babies – sometimes as young as a day or two old. Unfortunately, prison facilities are not designed to support the post-natal care of either the mothers or the babies. The plight of older children incarcerated alongside their mothers is also serious since there are no proper facilities to cater for their early childhood development needs because the ZPS does not have a budget line for such support”.²⁵ It further reports that “As it is a challenge to access toiletries within most of the prisons, inmates were reportedly resorting to using pieces of blankets as toilet paper or sanitary pads, which they would then throw into the toilets, thus causing blockages.”²⁶
- 2.3.3 In May 2014, ZPCS Deputy Commissioner Aggrey Machingauta told the Senate Thematic Committee on Human Rights that “29 babies are sharing prison cells in some of Zimbabwe’s 46 prisons with their mothers who are awaiting trial or are serving sentences for committing various offences”.²⁷

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2.4. Juvenile prisons

- 2.4.1 There is one juvenile prison in Zimbabwe. Juveniles are also held in adult prisons throughout the country while in remand, or when older juveniles would benefit from remaining closer to their families. Officials generally try to place younger juvenile inmates in separate cells. Juveniles are generally sent to prison instead of to reformatory homes,

²⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2012 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

²⁵ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe’s prisons <http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf> [date accessed 15 August 2014]

²⁶ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe’s prisons <http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf> [date accessed 15 August 2014]

²⁷ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/>, Incarcerated with their mothers: The case of Zimbabwe child prisoners, 29 May 2014 <http://www.kubatana.net/2014/05/29/1782/incarcerated-mothers-case-zimbabwe-child-prisoners/> [date accessed 15 August 2014]

as stipulated in the Children's Act. Juveniles are particularly vulnerable to abuse by prison officials and other prisoners.²⁸

- 2.4.2 Lawyers reported that juveniles usually spent more time in pretrial detention than adults because they could not attend court unless a parent or guardian accompanied them. Authorities occasionally did not notify parents of a juvenile's arrest or the closest kin of an adult detainee's arrest.²⁹
- 2.4.3 The February 2014 study by the Zimbabwe Lawyers for Human Rights and the Law Society of Zimbabwe on pre-trial detention in Zimbabwe reports that Hwahwa Province is only prison for young offenders and "not all young offenders can be accommodated there so some have to be imprisoned with adults, which increases the risk of them experiencing both physical and sexual abuse".³⁰ Furthermore "challenges such as poor basic services, poor access to water and sanitation facilities, and poor nutrition that were prevalent in adult facilities were also prevalent in juvenile facilities. In addition the psycho-social needs of young offenders were reportedly not being fully met [...] the legal system usually did not provide free legal services to those juveniles whose parents or guardians could not afford a lawyer, which put them at a severe disadvantage".³¹

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2.5. Death penalty

- 2.5.1 Amnesty International in their report "Death sentences and executions in 2013" recorded:

'Sixteen new death sentences were imposed in Zimbabwe [during 2013]. At the end of the year, two women and 89 men were on death row. Earlier in the year, a new hangman had been appointed, filling a post that had been vacant since 2005 when the last execution took place. However, prison service officials stated that there were no plans to carry out executions.

A new Constitution was adopted in May containing restrictions on the death penalty but not full abolition. Section 48 of the new Constitution allows – but does not prescribe – the death penalty for "murder committed in aggravating circumstances" but prohibits its imposition on women, and on men under 21 years at the time of the commission of the crime, or aged over 70. It also stipulates that the death penalty may not be imposed as a mandatory punishment, and that convicted persons have a right to seek clemency from the President.

²⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2012 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

²⁹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1d. Arrest Procedures and Treatment of Detainees. 27 February 2014.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176>
[date accessed 15 August 2014]

³⁰ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe's prisons
<http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf>
[date accessed 15 August 2014]

³¹ Zimbabwe Lawyers for Human Rights <http://www.zlhr.org.zw/> Pre-Trial Detention in Zimbabwe, 1 March 2014, 6. Research on conditions of detention in Zimbabwe's prisons
<http://reliefweb.int/sites/reliefweb.int/files/resources/Pre-Trial-Detention-In-Zimbabwe-ZLHR-Publication.pdf>
[date accessed 15 August 2014]

The new Constitution reduces the number of capital crimes from three to one by excluding mutiny and treason. In November [2013] a man convicted of a murder committed when he was aged 20 was sentenced to imprisonment rather than death, with the High Court judge reportedly referring to the rules of the new Constitution.

At an event in Harare on 10 October [2013], the Minister of Justice, Legal and Parliamentary Affairs, Emmerson Mnangagwa condemned the death penalty in strong terms and set out his commitment to abolition: "As someone who has been on death row myself and only saved by an 'age technicality', I believe that our justice delivery system must rid itself of this odious and obnoxious provision."³²

2.6. Torture and mistreatment of suspects in custody

- 2.6.1 The FCO noted in its report covering 2012 that there is currently no specific crime of torture defined in Zimbabwean law. Allegations of torture are regularly made against police for their interrogation practices, and the security sector allegedly continues to use torture during politically motivated interrogations. Many human rights defenders claim to have experienced torture by members of the police force.³³ In its report for 2013 it notes that, despite the government's commitment to ratify the UN Convention against Torture, "the UN Special Rapporteur on Torture has not been extended an invitation since being refused entry to Zimbabwe in 2009. Human Rights Defenders continue to raise allegations of torture against police for their interrogation practices".³⁴
- 2.6.2 Freedom House's Freedom in the World 2014 report also recorded that security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the incidence of torture and mistreatment of suspects in custody.³⁵
- 2.6.3 Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police stations for days, weeks, or months while their court dates or bail hearings were pending.³⁶
- 2.6.4 The US State Department report covering 2013 noted that although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and

³² Amnesty International <http://www.amnesty.org/>, Death sentences and executions in 2013, 27 March 2014, ACT 50/001/2014 <http://www.amnesty.org/en/library/asset/ACT50/001/2014/en/652ac5b3-3979-43e2-b1a1-6c4919e7a518/act500012014en.pdf> [date accessed 15 August 2014]

³³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>, Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Zimbabwe, 15 April 2013 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/186688/Cm_8593_Accessible_comp_lete.pdf [date accessed 15 August 2014]

³⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>, Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern> [date accessed 15 August 2014]

³⁵ Freedom House <http://www.freedomhouse.org/>, Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 15 August 2014]

³⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Prison and Detention Center Conditions. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence.³⁷

See also: [Zimbabwe – Political Opposition to ZANU-PF](#)

- 2.6.5 Human rights groups reported that physical and psychological torture perpetrated by security agents and ZANU-PF supporters continued. In the pre-election climate, especially in the first quarter of the year [2013], politically motivated violence was widespread, particularly by ZANU-PF youth supporters. Torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.³⁸
- 2.6.6 Human rights organisations in Zimbabwe marked the 26 June 2014 UN Day in Support of Victims of Torture with a “fighting impunity” event in Harare. Civil society called upon the government of Zimbabwe to uphold the constitution, which prohibits torture, and to honour its 2012 commitment under the UN Universal Periodic Review to ratify the UN Convention Against Torture.³⁹

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³⁷ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, 27 February 2014

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176>
[date accessed 15 August 2014]

³⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.C. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

³⁹ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern update, June 2014
<https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-update-30-june-2014> [date accessed 15 August 2014]

Change Record

Version	Date	Change References
1.0	14/10/2014	First version of updated country information and guidance.
2.0		

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