

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/zimbabwe-the-promise-of-the-community-service-order-is-forestalled-by-court-congestion-and-political-crisis>

Public Facing Advocacy Writing

In the face of bloated prison populations and shrinking budgets, the call for more alternatives to incarceration has become increasingly common. One such alternative the community service order first took root in Africa nearly two decades ago in what may seem an unlikely place: Zimbabwe. Admittedly, Zimbabwe is not a place people think of when discussing innovations in justice delivery. Over the last decade, Zimbabwe has been engulfed in political and economic crisis, [characterized by the deterioration in the rule of law and a significant degradation of the justice system](#). But this hasn't always been the case. Prior to the current crisis, which began in 2000, Zimbabwe had an independent and efficient judiciary that was both open to and encouraged reforms such as the community service order. However, in the face of continuing political instability and economic uncertainty, the fate of this innovation hangs perilously in the balance.

In 1992, with little or no resources, Penal Reform International (PRI) introduced a community service sentencing program in Zimbabwe. The rationale for a community service program was simple: prisons were significantly overcrowded. In 1992 there were approximately 26,000 inmates despite a system only designed to hold 17,000 people. A study conducted by PRI found that more than 60 percent of inmates were convicted for minor non-violent offenses and sentenced to terms of three months or less. The vast majority of these were offered fines as an alternative to incarceration, but many were forced to choose prison because of their inability to pay a fine. This suggested that the large majority of persons in prison at that time were non-serious offenders, most of whom should never have been sent to prison in the first place, and would not have been if they had not been poor.

As a result, it was reasoned that these [offenders could be more appropriately sanctioned in the community while at the same time contributing to it](#). Since its inception in 1994, the use of community service sentences has grown under the meticulous stewardship of High Court Justices David Bartlett and Paddington Garwe: by 2009, [more than 123,000 offenders had avoided prison](#) and successfully completed community service. Because of its success, it is now widely considered a best-practice model for dealing with low-level offenders and has been replicated in various other African countries, including Malawi and Uganda. Following the international conference held in Kadoma, Zimbabwe in 1997, 12 more African countries introduced community service into their criminal justice systems.

While this innovation has successfully diverted a significant number of prison-bound offenders, Zimbabwean prisons remain overcrowded, holding a current population of 35,000 people. The increase may be a result of significant delays in court processing a worsening problem in recent years, and itself [a symptom of economic decline](#). The lack of human and financial resources contributes to the problem of delays. This has resulted in [an explosion in the detained population awaiting trial](#). Little has been explicitly done to alleviate this problem. Worse, delays have been exacerbated by [a recent nation-wide strike of magistrates protesting poor remuneration](#).

The surge in the unsentenced population highlights that discrete experiments in justice innovation that address prison overcrowding at one point of the criminal justice system however successful will come under strain if there is no simultaneous engagement with other system blockages. If the community service program is not partnered with a parallel attempt to resolve crippling delays caused by court congestion, the programs full potential will remain forestalled until the courts are able to process individuals through the criminal justice system without unreasonable delay. It remains an open question, however, whether this is possible in light of Zimbabwe's current economic woes and political situation.

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