



Australian Government
Refugee Review Tribunal

Country Advice

Zimbabwe

Zimbabwe – ZWE37065 – People with disabilities – Ethnic Indians – Support services – State protection – War veterans

6 August 2010

1. To what extent do people with a disability face societal discrimination or harm in Zimbabwe?

It was estimated by the National Association of Societies for the Care of the Handicapped (NASCOH) in 2007 that more than 1,200,000 Zimbabweans, ten percent of the population, were classified as disabled. Disabled people are reportedly among the poorest in Zimbabwean society, with between 70 and 99 percent of disabled people unemployed.¹ However, according to the most recent CIA World Factbook, unemployment in Zimbabwe was 95 percent in 2009 for all people.²

The US Department of State reports that disabled people in Zimbabwe face “harsh societal discrimination”. Disabled people in Zimbabwe are commonly believed to be cursed, with disabilities thought to be the result of witchcraft, sacrificial offerings, or punishment by angry spirits for wrongs committed by the family. Treatment of disabilities is often attempted by traditional healers. Disabled children are commonly hidden from visitors, and in extreme cases, disabled babies are killed by family members in order to remove the perceived curse. Disabled people are treated as though their disabilities are contagious and as such, are marginalised and neglected in Zimbabwean society. A recent documentary about a young disabled Zimbabwean woman, Prudence Mabhena, who “was abandoned by her family and shunned by her community” demonstrates the challenges faced by disabled people, including “stigma and discrimination, abandonment, [and] barriers to education and health care”.³

The myths and misunderstandings surrounding disabilities contribute to the exclusion of disabled people in Zimbabwe. Societal attitudes towards disabled people are reflective of the widely held perception “that people with disabilities are useless liabilities who have no role to play in society”. This perception is demonstrated in a statement by an influential leader of a women’s organisation in Zimbabwe. When invited to discuss the work of the Disabled Women Support Organisation (DWSO), she replied “We do not network with people with disabilities. What will [people] say if I am seen having a meeting with you?”

¹ UK Home Office 2009, *Country of Origin Information Report: Zimbabwe*, 23 December, p.104 – Attachment 1; Khupe, W. P. 2010, ‘Disabled People’s Rights... Where Does Zimbabwe Stand?’, *The Zimbabwean*, 12 April http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=29988:disabled-peoples-rights-where-does-zimbabwe-stand&catid=52&Itemid=32 – Accessed 2 August 2010 – Attachment 2

² Central Intelligence Agency (CIA) 2010, ‘World Factbook: Zimbabwe’, CIA website, 27 May <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html> - Accessed 29 June 2010 – Attachment 3

³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4; UK Home Office 2009, *Country of Origin Information Report: Zimbabwe*, 23 December – Attachment 1; Barriga, S. R. 2010, ‘Voices to be Heard, In Harmony’, Human Rights Watch website, source: *The Huffington Post*, 3 May <http://www.hrw.org/en/news/2010/05/03/voices-be-heard-harmony> – Accessed 27 July 2010 – Attachment 5; ‘Oscar nomination for ‘Music by Prudence’ about disabled Zimbabwean singer Prudence Mabhena’ 2010, The Zimbabwe Situation website, source: *San Francisco Bay View*, 5 March http://www.zimbabwesituation.com/mar7_2010.html – Accessed 27 July 2010 – Attachment 6

You have to stay indoors and ask the Department of Social Welfare to assist you with food.” Disabled people are thus often confined to specialised institutions and not included in wider society. As well as attitudinal barriers to social inclusion, disabled people in Zimbabwe face environmental, legal and institutional barriers to achieving equal opportunity.⁴

NASCOH considers disabled people to be “a forgotten and invisible group in society”. Disabled people “suffer from widespread violation of their fundamental freedoms and rights... face exclusion from education, employment, cultural activities, festivals, sports and social events and are especially vulnerable to poverty, physical and sexual violence, lack of access to health care, emotional abuse and neglect”. For example, disabled people are excluded from HIV/AIDS prevention programmes, and only 33 percent of disabled children have access to education, compared to more than 90 percent of the general population.⁵

A 2007 report on people with disabilities in Zimbabwe similarly argues that a significant number of disabled children do not attend school, in some cases due to the belief that they are incapable of learning. Negative attitudes of family members, prioritisation of household chores, and high levels of poverty all contribute to the lack of education among disabled people. Furthermore, even though educational policies do not specifically discriminate against disabled people, a lack of understanding among school authorities, teachers and other employees in the education sector results in low enrolment levels and inadequate school facilities for disabled children. In addition, disabled people face discrimination in employment and access to job opportunities, due in part to a lack of qualifications resulting from limited access to education. Employers cite costly measures required to accommodate disabled workers as a significant deterrent from hiring disabled people. Discrimination within the workplace includes a lack of appropriate facilities, limited opportunities for promotion, and verbal abuse and marginalisation by co-workers.⁶

It is widely reported that negative attitudes and societal discrimination expose people with disabilities to a greater risk of sexual abuse and contracting HIV. Cultural beliefs that sex with a disabled child, or a virgin, can cure HIV have led to an increase in rape and sexual abuse of disabled children and adults, as they are assumed to be virgins.⁷ A 2004 study by Save the Children “found that 87.4 percent of girls with disabilities were reported to have been sexually abused. Approximately 48 percent of these girls were mentally challenged, 15.7 percent had hearing impairments and between 12-25.3 percent had visible physical disabilities. Out of the 87.4 percent who had been sexually abused, 52.4 percent tested HIV positive”. The increased risks of HIV for people with disabilities are compounded by limited access to testing and counselling facilities, due to negative attitudes of staff towards disabled people, inappropriate building access for disabled people and a lack of resources, such as information in Braille or staff trained in sign language.⁸

⁴ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, *Progressio*, January, pp.8, 12 – Attachment 7; Charowa, G. 2005, ‘Layers of discrimination: disabled women in Zimbabwe’, *Afrol News*, 9 December – Attachment 8

⁵ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4; ‘Disability in Zimbabwe’ (undated), NASCOH website <http://www.nascoh.org.zw/disabsinzim.php> – Accessed 2 August 2010 – Attachment 9

⁶ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, *Progressio*, January, pp.17-18 – Attachment 7

⁷ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, *Progressio*, January, p.15 – Attachment 7

⁸ Charowa, G. 2005, ‘Layers of discrimination: disabled women in Zimbabwe’, *Afrol News*, 9 December – Attachment 8; Behling, L. L. 2006, ‘Politics and the Pandemic: HIV/AIDS, Africa, and the Discourse of Disability’, *The Review of Disability Studies*, Volume II, Issue 3, p.105

<http://www.rds.hawaii.edu/downloads/issues/pdf/RDS02032006.pdf> – Accessed 28 July 2010 – Attachment 10

Disabled people also suffer from a lack of access to general health care for similar reasons to those outlined above. These include poverty, a lack of trained staff in rural areas, underfunded and ill-equipped health care centres, physical inaccessibility of buildings that do not provide for people in wheelchairs, communication problems with staff who are not trained in sign language and centres that do not offer information in Braille, as well as negative attitudes of health care staff towards disabled people, and stigmatisation of disabled people by staff who are insufficiently trained about disabilities.⁹ Furthermore, members of Disabled People's Organisations (DPOs) in Zimbabwe have complained that young disabled girls were being forcibly sterilised, some having their uterus removed, in order to prevent them from having children. Parents of these girls justified forcing such surgeries on their daughters by claiming to relieve them of the burden and pain associated with pregnancy and childbirth, particularly as it is believed that disabled girls are unlikely to get married.¹⁰

Disabled people are also discriminated against in voting procedures. Amendments to electoral laws in February 2008 provided that "only the Presiding Officer and two other Electoral Officers or employees of the Commission will assist any voter who requests to be assisted". These changes were met with criticism from rights groups who argued that they violated the rights of disabled people "to cast their votes in secret". During the 2008 elections, many reports suggested "that ZANU-PF militias and war veterans instructed voters to claim blindness at the polling place in order to be assisted to vote for Mugabe".¹¹

Tsvarai Mungoni, a blind Zimbabwean, explains that he has never voted because he feels disenfranchised by the electoral system; "I am visually impaired and willing to exercise what, in theory, is my inalienable right to vote, but I am incapacitated. Our voting system does not guarantee us exercising that right freely and democratically because it does not provide for Braille ballot papers. In fact, right from political campaigns to the day of voting there is absolutely no literature in Braille". The absence of Braille ballot papers means that blind voters must be assisted by electoral officers, "in the presence of a police officer and agents of contesting political parties", which Mr Mungoni sees as degrading and in violation of his right to a secret ballot. Furthermore, he argues that there is no point in voting when he cannot be sure that the officers have completed the ballot paper according to his preferences. Director of NASCOH, Farai Mukuta, explains that deaf people and those in wheelchairs are also discriminated against by the electoral system. Officers at polling stations rarely are able to use sign language, while physically challenged citizens are often unable to travel long distances to attend polling booths which do not have disabled access.¹²

Furthermore, Operation Murambatsvina, "a programme of mass forced evictions and demolitions of homes and informal businesses" carried out by the Zimbabwean government in 2005, was particularly damaging to disabled people. Discriminatory attitudes and the stigma of disability resulted in disabled people having significant trouble finding accommodation in the post-Murambatsvina period. One mother was denied rental accommodation in her landlord's main house due to disability of one of her children.¹³

⁹ Choruma, T. 2007, 'The Forgotten Tribe: People with Disabilities in Zimbabwe', *Progressio*, January, p.14 – Attachment 7

¹⁰ Khupe, W. 2010, 'Disabled used as guinea pigs', *The Zimbabwean*, 2 July http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=32301:disabled-used-as-guinea-pigs&catid=52&Itemid=32 – Accessed 27 July 2010 – Attachment 11

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4

¹² Mpofu, T. 2009, 'Zimbabwe's disabled battle to vote', *The National*, 7 June <http://www.thenational.ae/article/20090608/FOREIGN/706079839/1017/ART> – Accessed 27 July 2010 – Attachment 12

¹³ Amnesty International 2006, 'No justice for the victims of forced eviction', 8 September – Attachment 13

According to the United Nations, during Operation Murambatsvina “the government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population”.¹⁴

2. To what extent does the Zimbabwean state provide protection to people with a disability who face discrimination or harm?

Zimbabwe’s constitution and Disabled Persons Act (DPA) (1992) “prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services”. However, there is no clause that makes the ill-treatment or harm of disabled people a criminal offence. Zimbabwe has also ratified the UN Standard Rules on the Equalization of Opportunities for people with disabilities, “a ground-breaking treaty that targets the creation of opportunities through which people with disabilities are empowered to ensure their active participation in political, economic, social and cultural life”. The government also broadcasts a prime-time state radio program on a regular basis which promotes awareness of disabled people’s rights.¹⁵

However, despite these initiatives, the protection and promotion of disabled people’s rights is severely limited by the “lack of mechanisms for implementing and enforcing disability policies, lack of dedicated funding and lingering negative beliefs about disability”.¹⁶ For example, the ability of disabled people to compete for jobs is significantly limited by the lack of resources provided for training and education. In addition, implementation of disabled access to government buildings is slow. The government has indicated that both the constitution and the DPA will be reviewed in order to align them with the Convention on the Rights of People with Disabilities; however, this has not yet been completed.¹⁷

A recent report suggests that Zimbabwe was once known as “one of the most disability-accessible countries in Africa”, due to its disability friendly legislation, government disability allowance and free public transport. However, in recent years, social welfare has been declining as the welfare department becomes impoverished and demoralised. The previous monthly allowance provided for disabled children has ceased, and services for disabled children are becoming more limited.¹⁸

A 2007 report on people with disabilities in Zimbabwe argues that over the previous ten years, the government has been focused on addressing HIV/AIDS. Limited funds and services have been directed towards fighting the disease, neglecting other social issues such as disability. The report argues that “the disability sector was greatly overlooked and

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4

¹⁵ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4; ‘Disability in Zimbabwe’ (undated), NASCOH website <http://www.nascoh.org.zw/disabsinzim.php> – Accessed 2 August 2010 – Attachment 9; Chifamba, O. 2010, ‘Zimbabwe: Enshrine Disabled People’s Rights in New Constitution’, *The Herald*, 25 March <http://allafrica.com/stories/201003250246.html> – Accessed 2 August 2010 – Attachment 14

¹⁶ ‘Disability in Zimbabwe’ (undated), NASCOH website <http://www.nascoh.org.zw/disabsinzim.php> – Accessed 2 August 2010 – Attachment 9

¹⁷ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4; ‘Keynote address by the Honourable Vice President of the Republic of Zimbabwe, Cde J. L. Nkomo, at a Disabled Persons Meeting convened by the Zimbabwe National League of the Blind, Bulawayo’ 2010, NASCOH website, 20 February <http://www.nascoh.org.zw/speech%20by%20vice%20president%20Nkomo.pdf> – Accessed 2 August 2010 – Attachment 15

¹⁸ Kubatana 2010, ‘Plight of the disabled needs attention in Zimbabwe’, *Global Post*, 27 July <http://www.globalpost.com/webblog/zimbabwe/plight-the-disabled-needs-attention-zimbabwe> – Accessed 2 August 2010 – Attachment 16

it became almost non-existent”, evident in “the lack of information about disabilities in Zimbabwe, the outdated disability policies that are in place, the underfunded and largely invisible national body of people with disabilities, the dysfunctional and fragmented disability sector, and the failure to address the growing needs of people with disabilities”.¹⁹

Disabled Persons Act (1992)

The Disabled Persons Act of 1992 is the only disability-specific legislation in Zimbabwe. There is currently no disability policy in place. Although the DPA has received praise for enabling disabled people to access education, it has been criticised for being too general, allowing most institutions the freedom to disregard its provisions. In particular, the Act does not provide for positive discrimination or affirmative action for people with disabilities, or the wider participation of disabled people in policy and decision making and implementation. The Act also fails to provide “strategies for ensuring conformity and compliance by stakeholders” and, as such, has been described as an ‘unenforceable tool’.²⁰

A recent news report argues that the lack of implementation of the Act is a result of the government’s lack of political will. As a result, the majority of disabled Zimbabweans consider the DPA to be “one of the [most] useless pieces of legislation ever enacted by the country’s parliament”, unable to make a significant change to their lives.²¹ Furthermore, the Disability Board created by the DPA is “invisible and inaccessible to people with disabilities”.²²

Constitution

The provision of the constitution relating to the rights of disabled people has also been criticised for being too general. Section 23 of Zimbabwe’s constitution protects against discrimination on the grounds of physical disability; however, for the provisions of the constitution to be effective they must be supported by adequate disability-specific laws and policies. There is no clause in Zimbabwean law specifically criminalising the ill-treatment or harm of disabled people. The experience of Prudence Mabhena, the subject of the documentary described in response to question one, highlights the abuse and suffering experienced by disabled children who are not protected by a specific clause against such harm.²³

A new constitution is currently being developed as per the Global Political Agreement signed by Zimbabwe’s rival political parties and future unity government in 2008, and is expected to be introduced in 2010. Advocates for disabled people’s rights are campaigning for greater recognition and inclusion of these rights in the new constitution.²⁴

¹⁹ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, Progressio, January, p.5 – Attachment 7

²⁰ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, Progressio, January, pp.10-11, 21 – Attachment 7; ‘Constitution alone not enough to empower the disabled’ 2010, *The Zimbabwean*, 12 July http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=32519:constitution-alone-not-enough-to-empower-the-disabled&catid=71:tuesday-issue – Accessed 2 August 2010 – Attachment 17

²¹ Khupe, W. P. 2010, ‘Disabled People’s Rights... Where Does Zimbabwe Stand?’, *The Zimbabwean*, 12 April http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=29988:disabled-peoples-rights-where-does-zimbabwe-stand&catid=52&Itemid=32 – Accessed 2 August 2010 – Attachment 2

²² Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, Progressio, January, p.21 – Attachment 7

²³ ‘Constitution alone not enough to empower the disabled’ 2010, *The Zimbabwean*, 12 July http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=32519:constitution-alone-not-enough-to-empower-the-disabled&catid=71:tuesday-issue – Accessed 2 August 2010 – Attachment 17;

Chifamba, O. 2010, ‘Zimbabwe: Enshrine Disabled People’s Rights in New Constitution’, *The Herald*, 25 March <http://allafrica.com/stories/201003250246.html> – Accessed 2 August 2010 – Attachment 14

²⁴ ‘Special interest groups demand say in new constitution’ 2009, *Integrated Regional Information Network (IRIN)*, 31 August – Attachment 18

A recent article in *The Herald* quotes Cabinet Minister Webster Shamu, who supports the incorporation of disabled people's needs in the new constitution. Expressing his dissatisfaction with the exclusion of disabled people from national programmes, Minister Shamu stated that "Zimbabwe had only paid lip service to legislative matters addressing the needs of disabled persons".²⁵ However, disagreements in the power-sharing government, as well as a lack of funding, have delayed the development and introduction of a new constitution.²⁶

3. Is there any evidence of people being discriminatorily denied the protection of the state for reason of their disability?

There is no evidence that the state discriminatorily denies protection to people on the basis of their disability. As indicated in response to question two, the limited protection afforded to disabled people is more likely to be the result of a lack of political will and a lack of government funding to improve disability services. In addition, there is no specific provision in Zimbabwean law that makes the ill-treatment or harm of disabled people a criminal offence.²⁷

4. What facilities / supports are provided to people with a disability by the Zimbabwean state and NGOs?

A 2010 article in *The Zimbabwean* states that the government's annual budget to cover all disability services and meet the essential basic needs of all disabled Zimbabweans is less than US\$200,000 for the current financial year (ending December 2010). The article argues that this amount would not even be sufficient to meet the essential requirements of all disabled people in Zimbabwe for one month.²⁸ The National Association of Societies for the Care of the Handicapped (NASCOH) argues that government financial assistance is lacking for beneficiaries who are most in need of entitlements, and that disabled people in Zimbabwe do "not benefit from any meaningful social protection system". Less than a third of disabled people have "access to rehabilitation or support services in spite of the existence of so many organisations purporting to provide services to disabled adults in Zimbabwe".²⁹

A 2007 report on disabilities in Zimbabwe explains that the social needs of disabled people have been neglected by the government due to the current economic crisis and the pressing need to respond effectively to HIV/AIDS. The report indicates that most physical infrastructure is not disability friendly. For example:

[A]lthough most new buildings have ramps with rails, in many cases the recommended gradient of the ramps is not adhered to. The buildings may also lack signs to indicate where the disabled person's entrance, elevators or toilets are located. In urban areas, doors to offices, hotel rooms or toilets are heavy and handles too high, making it difficult for a person with a disability to manoeuvre with ease. The visually impaired complain about buildings with no

²⁵ 'Zimbabwe: New Constitution Must Embrace Disabled People's Needs – Shamu' 2010, *The Herald*, 16 June <http://allafrica.com/stories/201006160537.html> – Accessed 2 August 2010 – Attachment 19

²⁶ 'Special interest groups demand say in new constitution' 2009, *Integrated Regional Information Network (IRIN)*, 31 August – Attachment 18

²⁷ Chifamba, O. 2010, 'Zimbabwe: Enshrine Disabled People's Rights in New Constitution', *The Herald*, 25 March <http://allafrica.com/stories/201003250246.html> – Accessed 2 August 2010 – Attachment 14

²⁸ Khupe, W. P. 2010, 'Disabled People's Rights... Where Does Zimbabwe Stand?', *The Zimbabwean*, 12 April http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=29988:disabled-peoples-rights-where-does-zimbabwe-stand&catid=52&Itemid=32 – Accessed 2 August 2010 – Attachment 2

²⁹ National Association of Societies for the Care of the Handicapped (NASCOH) 2009, 'Social Protection in Zimbabwe', NASCOH website, November, p.8 http://www.nascoh.org.zw/Final%20Draft_Report.pdf – Accessed 2 August 2010 – Attachment 20; 'NASCOH conducts disability survey' (undated), NASCOH website <http://www.nascoh.org.zw/news.php?cat=66> – Accessed 2 August 2010 – Attachment 21

guiding rails, elevators with no recorded voice, and elevators too small or narrow to accommodate a wheelchair. Automated teller machines have no ramps and the cubicle is too small and high for people with physical disabilities – particularly wheelchair users. Office buildings often have staircases for use in case of emergency – elevator breakdown or fire – but have no provision for physically challenged persons. The main source of information for people with disabilities is the radio, followed by meeting with other people. Very few visually impaired people with disabilities have access to information in Braille and sign language material is still a dream.³⁰

The lack of disability friendly infrastructure in schools has also been identified as a significant barrier to the education of disabled children. In order to overcome this problem, Zimbabwean Vice President Joice Mujuru recently launched the Inclusive Education for All campaign, aimed at training teachers in inclusive teaching methods, developing teaching manuals, improving infrastructure and raising awareness. The campaign is expected to “benefit 1,000 disabled children from 21 Government schools in both urban and rural areas”.³¹

A NASCOH survey on the participation of Zimbabwean disabled people in political and public affairs conducted in April 2009 found that “the limited participation in politics of persons with disabilities in Zimbabwe is the consequence of a number of factors”. These factors include physical inaccessibility of buildings, lack of accessible transport, lack of information designed for visually or hearing impaired people, lack of education on the right to vote for disabled people, and a societal culture that is not yet willing to accept disabled people as political leaders.³²

Non-Governmental Organisations

The National Association of Societies for the Care of the Handicapped (NASCOH) is the official umbrella body for 53 Zimbabwean disability rights organisations.³³ NASCOH runs programmes relating to Advocacy, Disability and HIV/AIDS, and Disability and Human Rights. NASCOH advocates for the inclusion of people with disabilities, provides information to disabled people about their rights and offering capacity building and training to disabled people and the disability movement. Through their work, NASCOH successfully lobbied for the development of the DPA and the inclusion of disabled people’s rights in the constitution.³⁴ In particular, NASCOH has recently implemented a five year programme running from 2009 to 2013, which aims to enhance the participation, inclusion and representation of disabled people in governance, as well as seek policy amendments and the implementation of effective disability legislation. In addition, the programme aims to increase the participation of disabled people in electoral processes by advocating for electoral law changes, improving disabled access to voting stations and encouraging disabled people to run for political office.³⁵

The Zimbabwe Parents of Handicapped Children Association (ZPHCA) offers workshops to parents of disabled children which provide advocacy and awareness raising, access to medical explanations of their child’s disability, and access to simple mobility devices for

³⁰ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, Progressio, January, pp.8-9 – Attachment 7

³¹ ‘Zimbabwe: Integrate Disabled Kids – Mujuru’ 2010, *The Herald*, 18 May
<http://allafrica.com/stories/201005180028.html> – Accessed 27 July 2010 – Attachment 22

³² ‘NASCOH conducts disability survey’ (undated), NASCOH website
<http://www.nascoh.org.zw/news.php?cat=66> – Accessed 2 August 2010 – Attachment 21

³³ ‘NASCOH holds governance training workshop for people with disabilities’ (undated), NASCOH website
<http://www.nascoh.org.zw/news.php?cat=64> – Accessed 2 August 2010 – Attachment 23

³⁴ ‘NASCOH Programmes’ (undated), NASCOH website <http://www.nascoh.org.zw/programs.php> – Accessed 2 August 2010 – Attachment 24

³⁵ ‘NASCOH holds governance training workshop for people with disabilities’ (undated), NASCOH website
<http://www.nascoh.org.zw/news.php?cat=64> – Accessed 2 August 2010 – Attachment 23

disabled children. ZPHCA workshops and meetings have also encouraged parents to demand their child's placement in mainstream schools. Along with other organisations, ZPHCA was successful in lobbying local councils for housing to be provided to disabled people.³⁶ In addition, a 2008 report by the United Nations High Commissioner for Refugees lists a number of NGOs and UN agencies that assist people with disabilities in Zimbabwe, including the following:

- Christian Blind Mission International (CBM), which provides “medical services, education, and rehabilitation for people with disabilities”. CBM is also runs vocational training programmes, as well as awareness creation and advocacy programmes, for people with disabilities;
- Disabled Peoples' International (DPI), which “is a network of national organizations and assemblies of persons with disabilities, established to promote human rights of persons with disabilities through full participation and equalization of opportunity and development”;
- Inclusion International (II), which advocates “for the human rights of people with intellectual disabilities and their families”; and
- National Council of Disabled Persons of Zimbabwe (NCDPZ), which is involved in awareness-raising of the Disabled Persons Act.³⁷

5. What is the situation for people of Indian ethnicity in Zimbabwe?

The Immigration and Refugee Board of Canada (IRB) noted in 2006 that, along with mixed race groups, people of Asian (including Indian) ethnicity represented one percent of Zimbabwe's population. Zimbabwe's most recent census of 2002 reported 11,492 Asians living in Zimbabwe; however, a Jane's Sentinel Security Assessment from 2008 noted that approximately 15,000 people of Asian origin were living in Zimbabwe. Furthermore, a language information website reported 19,000 speakers of the Indian-origin Gujarati language in 2005.³⁸

Zimbabwe Minister of Industry and International Trade Sam Mumbengegwi was quoted in 2005 as saying that “[w]e do have people of Indian origin, who are roughly one percent of the population. But we do not think of them as Indians as they have been there for a very long time and are very active in local politics”.³⁹ In addition, an article in *The Herald* in March 2008 emphasised Zimbabwe's attractions for Indian tourists, claiming that the country has “a vibrant south Asian community... a lot of local expertise, restaurants and even the temples and mosques that will allow a religiously-minded visitor to keep up their obligations of public worship”.⁴⁰

³⁶ Choruma, T. 2007, ‘The Forgotten Tribe: People with Disabilities in Zimbabwe’, Progressio, January, p.19 – Attachment 7

³⁷ UN High Commissioner for Refugees 2008, ‘NGOs & UN Agencies Assisting Persons with Disabilities’, UNHCR Refworld website, April, pp.36-37 <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=48297a4e2&skip=0&query=zimbabwe%20disabled> – Accessed 2 August 2010 – Attachment 25

³⁸ Immigration and Refugee Board of Canada 2006, *ZWE100932.E – Zimbabwe: Situation of Asians (2004-2006)*, 7 February – Attachment 26; UK Home Office 2009, *Country of Origin Information Report – Zimbabwe*, 23 December, p.94 – Attachment 1

³⁹ Nayar, L. 2005, ‘No upper limit to Indian participation: Zimbabwe’, Yahoo! India News, 6 March <http://in.news.yahoo.com/050306/43/2k08a.html> – Accessed 7 November 2007 – Attachment 27

⁴⁰ UK Home Office 2009, *Country of Origin Information Report – Zimbabwe*, 23 December, p.94 – Attachment

However, a 2008 report states that ethnic Indians in Zimbabwe “have been purged from public political participation”.⁴¹ Zimbabwe’s Citizenship Amendment Act of 2001 effectively disenfranchised a significant number of ‘invisible’ and ‘forgotten’ Zimbabweans by denying citizenship to people “whose parents were born outside of Zimbabwe unless he/she renounces their claim to a second citizenship”.⁴² The IRB advises that the Citizenship Amendment Act has had a negative impact on some ethnic Indians by restricting their legal and civil rights.⁴³

Furthermore, the Indigenous Empowerment Bill passed in 2007 seeks to provide ‘indigenous people’ with 51 percent of shares in all companies operating in Zimbabwe, making it illegal for foreigners, foreign companies and the white community of Zimbabwe to have ownership of more than 49 percent of all companies operating in Zimbabwe with a value of more than US\$325,000.⁴⁴ A person is classified as ‘indigenous’ if they, or their ancestors, were disadvantaged by unfair discrimination due to their race, prior to Zimbabwe’s Independence Day on 18 April 1980. People of Indian ethnicity can be included in the definition of ‘indigenous’ if they are able to prove that they were disadvantaged by colonialism.⁴⁵

Discussing the indigenous empowerment policy, a 2010 article written by a Zimbabwean Senator argues that the majority of “previously disadvantaged people...happen to be blacks and other non-Caucasian people such as Indians, Greeks and people of mixed blood”.⁴⁶ However, a *BBC News* article states that “the government has said before that those who make up Zimbabwe’s coloured [mixed-race], Indian and white communities were at an advantage during colonial times”. Therefore, it is possible that Indians are considered to be one of colonialism’s beneficiaries who will be forced to surrender their company shareholdings.⁴⁷ Nevertheless, the law has not yet been implemented.⁴⁸

6. Are there any reports of people of Indian ethnicity being harmed by members of Zanu-PF, war veterans or the Zimbabwean state?

A 2008 decision by New Zealand’s Refugee Status Appeals Authority states that “[i]t is evident that Indians, who form an easily distinguishable minority, may be targeted because of their perceived wealth and the hostility and resentment this has engendered on the part of the less well off”. News articles from 2002 and 2003 indicate that Zimbabwe’s Indian community has been threatened by “government backed militants” and accused of “being economic looters” unless they hand over their property to black Zimbabweans. The adverse attention received by Indian business owners is intensified in times of economic

⁴¹ Kapuya, T. 2008, ‘Is Zimbabwe the next Kenya?’, *ZimOnline*, 28 January

<http://www.zimonline.co.za/Article.aspx?ArticleId=2603> – Accessed 3 August 2010 – Attachment 28

⁴² Muzondidya, J and Alexander, K. 2005, ‘The ghost voters, the exiles, the non-citizens: an election of exclusion’, *Cape Times*, 31 March – Attachment 29

⁴³ Immigration and Refugee Board of Canada 2006, *ZWE100932.E – Zimbabwe: Situation of Asians (2004-2006)*, 7 February – Attachment 26

⁴⁴ ‘Zanu PF pushes for racial empowerment legislation’ 2007, *SW Radio Africa*, 26 September – Attachment 30;

‘Laws are made to work, not to be shelved, Mugabe’ 2010, *Afrol News*, 15 April

<http://www.afrol.com/articles/35942> – Accessed 3 August 2010 – Attachment 31

⁴⁵ ‘Zanu PF pushes for racial empowerment legislation’ 2007, *SW Radio Africa*, 26 September – Attachment 30

⁴⁶ Gutu, O. 2010, ‘Zimbabwe: Control Of Our Resources The MDC Way’, *ChangeZimbabwe.com* website, 26 April http://changezimbabwe.com/index.php?option=com_content&task=view&id=2843&Itemid=2 – Accessed 3 August 2010 – Attachment 32

⁴⁷ ‘Indigenising Zimbabwe: Your views’ 2007, *BBC News*, 28 September

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⁴⁸ ‘Laws are made to work, not to be shelved, Mugabe’ 2010, *Afrol News*, 15 April

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hardship, with Indian private homes and business being raided by the authorities with the intention of confiscating foreign currency, financial transaction records, and jewellery.⁴⁹

The US Department of State similarly reports that the currency redenomination program of August 2005 allegedly involved the targeting by the authorities of ethnic Indian-owned businesses. Raids reportedly unfairly targeted Indian-owned shops in the search for “evidence of involvement in speculative activities, money laundering, and hoarding large sums of cash”. Government controlled media sources reported that Reserve Bank officials had seized a large amount of cash from the establishment of a prominent ethnic Indian businessman. In addition, Zanu-PF officials allegedly demanded US\$170,000 from ethnic Indian businesses and families “for the ruling party’s election campaign”.⁵⁰ Similarly, in 2007 the Central Bank doubled the salaries of youth militia squads who monitored prices in shops. The youth predominantly target and harass businesses owned by white and ethnic Indian people.⁵¹

In 2002, it was reported that war veterans “demanded that the Indian community surrender a percentage of their commercial property in urban areas” and “ordered Indians to stop dealing currency in the black market, bank in local banks and improve conditions for workers”. Under ‘Operation Liberation’ war veterans specifically targeted Zimbabwe’s Indian community, claiming that ethnic Indians had been sabotaging the Zimbabwean economy by buying property in 1980 following the departure of many white people. Ethnic Indians were accused of charging excessive rent, despite supposedly benefiting from Zimbabwe’s liberation from white minority rule. War veterans leader Andrew Ndlovu allegedly printed a document called ‘Operation Liberation – Indians Watch Out’, and stated that “[i]f they do not stop looting our economy they will leave us with no choice but to go door-to-door making sure all Indians in the cities are complying with instructions from war veterans. Nothing will stop us from reclaiming commercial land from Indians”. Ndlovu was arrested in May 2002 on charges of extortion and breaching the Public Order and Security Act; however, he was released on bail.⁵²

However, advice received from the Department of Foreign Affairs and Trade (DFAT) in 2002 states that aside from one isolated incident of an Indian business person being threatened by a war veteran (who was tried and convicted for the offence), they did not have evidence of any other reports of violence or intimidation against ethnic Indians in Zimbabwe. DFAT also advised that there were no reports of Indian farmers specifically being targeted for eviction during the land reform process.⁵³

Nevertheless, a number of reports from the previous decade indicate that ethnic Indians have experienced ill-treatment at various times. Two reports from July 2010 describe the illegal occupation of a building owned by an Indian businessman by a gang of Zanu-PF

⁴⁹ Refugee Status Appeals Authority New Zealand 2008, *Refugee Appeal No. 76237*, Refworld website, 15 December <http://www.unhcr.org/refworld/docid/49632bda2.html> – Accessed 3 August 2010 – Attachment 34

⁵⁰ US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Zimbabwe*, March, Section 5 – Attachment 35

⁵¹ Karimakwenda, T. 2007, ‘Youth militia paid to harass businesses in RBZ price war’, *SW Radio Africa*, 13 February <http://www.swradioafrica.com/news130207/militia130207.htm> – Accessed 3 August 2010 – Attachment 36

⁵² ‘Leave Zim Indians’ 2002, AllAfrica Global Media, source: *New Vision*, 1 May – Attachment 37; ‘War Veterans order Indian community to surrender land’ 2002, AllAfrica Global Media, source: *The Herald*, 24 April – Attachment 38; Patel, N. 2007, ‘A Quest for Identity: The Asian Minority in Africa’, Institute of Federalism website http://www.federalism.ch/files/documents/Patel_FINAL%20VERSION.pdf – Accessed 4 August 2010 – Attachment 39; UK Home Office 2007, *Country of Origin Information Report – Zimbabwe*, 14 September, p.125 – Attachment 40

⁵³ DIMIA Country Information Service 2002, *Country Information Report No. 372/02 – Current situation in Zimbabwe on various issues*, (sourced from DFAT advice of 16 December 2002), 18 December – Attachment 41

affiliated thugs.⁵⁴ The IRB reports that in early 2004, people of Asian ethnicity suspected of involvement in drug and human trafficking were targeted by the immigration authorities for detention and deportation. In 2003, newspapers controlled by the Zimbabwean government regularly “accused Asians of hoarding millions of dollars to the detriment of the economy”.⁵⁵ In 2000, it was reported that election-related violence and racial intimidation had spread “beyond the white-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians”.⁵⁶

7. Is there any information indicating that people of Indian ethnicity tend to be regarded as pro-MDC or anti-Zanu-PF?

Limited information was found on whether ethnic Indians are regarded as pro-MDC or anti-Zanu-PF. However, an unsubstantiated and undated source reports that some Indian-owned businesses have shut down their operations in solidarity with the opposition Movement for Democratic Change (MDC), causing anger among Zimbabwe’s war veterans and Zanu-PF youth.⁵⁷ Although this source may be promoting Zanu-PF propaganda, it indicates that ethnic Indians could be perceived to be supportive of the MDC. In addition, a paper on Asians in Africa explains that Zimbabwe’s minority Asian population has a low political profile, consisting mainly of “apolitical, affluent traders and professionals”. It is also noted that although “a few [Asians] took public office in the ruling Zanu PF party”, the Asian minority has in the past been targeted by Zanu-PF and war veterans.⁵⁸

8. Please provide information on the level of state protection available to people of Indian ethnicity who may face harm from other members of society.

Zimbabwe’s constitution provides for the protection from discrimination on the grounds of race, and prohibits the deprivation of fundamental rights on the basis of race, place of origin and colour. However, the US Department of State reported in March 2010 that supporters of the ruling party are rarely arrested or charged for violating the rights of minorities.⁵⁹ Furthermore, the information provided in response to questions five to seven indicates that ethnic Indians in Zimbabwe face discrimination and ill-treatment at the hands of Zanu-PF affiliated war veterans and youth militias, and therefore are unlikely to receive a high level of state protection. In addition, the Citizenship Amendment Act of

⁵⁴ Karimakwenda, T. 2010, ‘Zimbabwe: Zanu-PF Thugs Occupy Indian-Owned Business in Bulawayo’, AllAfrica Global media, source: *SW Radio Africa*, 22 July <http://allafrica.com/stories/201007221153.html> – Accessed 3 August 2010 – Attachment 42; ‘Zanu gang hijacks building’ 2010, *The Zimbabwean*, 23 July http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=32937:zanu-gang-hijacks-building-&catid=59&Itemid=30 – Accessed 3 August 2010 – Attachment 43

⁵⁵ Immigration and Refugee Board of Canada 2006, *ZWE100932.E – Zimbabwe: Situation of Asians (2004-2006)*, 7 February – Attachment 26

⁵⁶ UK Home Office 2009, *Country of Origin Information Report – Zimbabwe*, 23 December, p.94 – Attachment 1

⁵⁷ Lewis, L. (undated). ‘Reporting Zimbabwe’, ChickenBones: A Journal website <http://www.nathanielturner.com/zimbabwecrisistwo.htm> – Accessed 3 August 2010 – Attachment 44

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⁵⁹ ‘Constitution alone not enough to empower the disabled’ 2010, *The Zimbabwean*, 12 July http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=32519:constitution-alone-not-enough-to-empower-the-disabled&catid=71:tuesday-issue – Accessed 2 August 2010 – Attachment 17; US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Zimbabwe*, 11 March, Section 6 – Attachment 4

2001 “has reportedly affected some Indians negatively by imposing restrictions on their legal and civil status within the country”.⁶⁰

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