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# **Submission to the Committee on the Rights of Persons with Disabilities**

## **Alternative Report on the Implementation of the United Nations Convention on the Rights of Persons with Disabilities in Zimbabwe**

**2023**



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## List of Acronyms

BEAM	Basic Education Assistance Module
CBM	Christian Blind Mission
COVID-19	Coronavirus disease
COZA	Citizenship of Zimbabwe Act
CPA	Civil Protection Act
CSOs	Civil Society Organisations
DPA	Disabled Persons Act
DSOs	Disability Service Organisations
EU	European Union
FBOs	Faith Based Organisations
FIA	Freedom of Information Act
FODPZ	Federation of Organisations of Disabled People in Zimbabwe
GoZ	Government of Zimbabwe
ICT	Information and Communication Technologies
IEC	Information Education and Communication
MoHCC	Ministry of Health and Child Care
MoHTEISTD	Ministry of Higher and Tertiary Education Innovation Science and Technology Development
MoPSLSW	Ministry of Public Service, Labour and Social Welfare
NDP	National Disability Policy
OPC	Office of the President and Cabinet
OPDs	Organisations of Persons with Disabilities
RBZ	Reserve Bank of Zimbabwe
RG	Registrar General
SGBV	Sexual and Gender Based Violence
SRCA	Sport and Recreation Commission Act
SRHR	Sexual and Reproductive Health Rights
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNFPA	United Nations Population Fund

UNICEF	United Nations Children's Fund
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
ZBC	Zimbabwe Broadcasting Corporation
ZEC	Zimbabwe Electoral Commission
ZGC	Zimbabwe Gender Commission
ZHRC	Zimbabwe Human Rights Commission
ZIMSTAT	Zimbabwe National Statistics Agency
ZMC	Zimbabwe Media Commission
ZRP	Zimbabwe Republic Police
ZUPCO	Zimbabwe United Passenger Company
ZWMB	Zimbabwe Women's Micro-Finance Bank

## **Introduction**

1. This report was produced by the Federation of Organisations of Disabled People in Zimbabwe (FODPZ) with technical support from Christian Blind Mission (CBM), UNDP, UNESCO, UNFPA and RCO under the ambit of the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) Round 4 Project provided the necessary financial and technical support.
2. FODPZ is a national umbrella organisation comprising Organisations of Persons with Disabilities (OPDs), and it registered as a Private Voluntary Organisation in 2004. Its vision is to achieve the equalization of opportunities for human rights and fundamental freedoms for persons with disabilities in Zimbabwe. FODPZ has a membership of 42 OPDs and Disability Service Organisations (DSOs); 10 Provincial Committees; and Disability champions in all the 10 provinces.
3. CBM is an international Christian development organisation committed to improving the quality of life of persons with disabilities in the poorest countries globally. It addresses poverty as a cause and a consequence of disability and works in partnership to create a society for all.
4. Drafting of the report followed a qualitative approach that included the following: desk top review of national laws, research, reports, and the State Party report; key informant interviews and distribution of surveys by enumerators with disabilities, through google forms and WhatsApp voice notes. Thereafter a consultative stakeholders meeting was convened to consider and validate the alternative report. Stakeholders consulted throughout the entire process included persons with disabilities, disability experts; academia; Parliamentarians; Faith Based Organisations (FBOs); Civil Society Organisations (CSOs); Traditional leaders; refugees; caregivers; parents of children with disabilities; Media; Ministry of Transport; Independent Commissions; OPDs and DSOs.

## **Executive Summary**

5. Despite positive efforts by the Government of Zimbabwe (GoZ) to be inclusive through adopting legislative, policy and administrative measures, the following challenges remain a cause for concern: (a) the physical environment which is generally inaccessible with inadequate infrastructure; (b) transportation barriers related to inaccessible public transport, additional costs for wheelchair users and their assistants; (c) information dissemination and communication challenges largely characterised by lack of information in multiple and accessible formats; (d) attitudinal barriers such as stigma, ignorance and negative societal attitudes; and (e) inaccessible facilities and services open to the public. Further, there is a lack of deliberate measures and practices to address reasonable accommodation for persons with disabilities.
6. Although the GoZ launched the National Disability Policy (NDP) in 2021 and took steps to review the Disabled Persons Act (DPA), it is yet to align the disability law to the UNCRPD.<sup>1</sup> This ultimately hinders the full protection and fulfilment of the rights of persons with disabilities from being realized in line with the provisions of the Constitution.
7. Despite the existence of a comprehensive constitutional and policy framework, women and children with disabilities face numerous challenges in accessing sexual and reproductive health services, justice, information, national identity documentation and loans. Children are often excluded from the mainstream health, education, legal support, opportunities to participate in their communities and are more vulnerable to violence and abuse. Whilst FODPZ is concerned with the delays in the alignment of the Children's Act to the Constitution, it applauds the GoZ for taking steps to promote inclusive education.
8. FODPZ notes that the participation of persons with disabilities in electoral processes has shifted from them being voters only, to participating in other stages of the electoral cycle.<sup>2</sup> Concerns however remain over the need to review the Electoral Act which is largely disability insensitive.

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<sup>1</sup> As of February 2023, the Bill was undergoing the Cabinet processes stage of the law-making process.

<sup>2</sup> Presidential candidates, Councillors, voter educators, election observers, polling officers, campaign managers, Commissioner for the Zimbabwe Electoral Commission, and advisor to the Office of the President.

## **Article 1 – 4 Purpose, definitions, general principles, general obligations**

9. While the GoZ is commended for taking measures to address the definition of persons with disabilities by commencing the process of repealing the DPA and aligning it to the Constitution of Zimbabwe, (the Constitution), through a proposed Persons with Disabilities Bill, concerns remain that enactment of the proposed Bill has taken too long.
10. Section 22 of the Constitution limits the definition of types of disabilities to physical and mental impairments and excludes long term sensory and intellectual impairments; and laws such as the Social Welfare Assistance Act<sup>3</sup>, the Mental Health Act<sup>4</sup> and the Criminal Procedure and Evidence Act<sup>5</sup> provide definitions and provisions that are outdated and inconsistent with the UNCRRPD. The Constitution further limits the GoZ's obligation to assist persons with disabilities to achieve their full potential depending on the availability of resources.
11. The GoZ should be applauded for consulting OPDs in legislative and policy making processes related to the DPA, Constitution and the NDP. Whilst umbrella OPDs have participated in these processes, OPDs at grassroots level remain excluded to a large extent due to data connectivity challenges, lack of resources or suitable devices and lack of information dissemination in multiple accessible formats. Furthermore, the recent online parliamentary public hearings regarding the 2022 Electoral Amendment Bill lacked captions and Sign Language (SL) interpretation thereby excluding the Deaf Community.
12. FODPZ applauds the GoZ for the introduction of tax exemptions for companies that employ persons with disabilities.
13. FODPZ recommends that the Committee urge the GoZ to:
  - a. Sensitise persons with disabilities on what the draft Persons with Disabilities Bill entails and expedite its enactment.
  - b. Amend sections in the Constitution, Mental Health Act, Social Welfare Assistance Act and the Criminal Procedure and Evidence Act relating to the definition of persons with disabilities to align it to Article 1 of the UNCRRPD.

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<sup>3</sup> Section 6 (1) (b)

<sup>4</sup> Preamble and Sections 2, 4, 8, 11, 12, 13, 18, 19, 24, 26, 27, 28, 29, 30, 37, 38, 41, 42, 49, 53, 74, 88, 92, 94, 97, 98, 99, 108, 109, 110A, 123, 124 and 126.

<sup>5</sup> Section 193.

- c. Amend section 22 (2) of the Constitution to remove the limitation imposed on the obligation to assist persons with disabilities.
- d. Include community-based organisations that focus on persons with disabilities, in legislative making processes.
- e. Ensure parliamentary public hearings are accessible to all persons with disabilities.

#### **Article 5 Equality and Non-Discrimination**

14. FODPZ welcomes the Constitutional recognition of SL as an official language. It applauds the GoZ in its efforts to engage SL interpreters to assist and enhance accessibility to select court houses nationwide. Even though there are different formal and informal dialects of SL the GoZ relies on what they term 'the official SL.' Moreover, there are no SL interpreters in other areas of the justice delivery system such as the Zimbabwe Republic Police (ZRP) and all institutions and agencies of government.
15. The GoZ must be commended for distributing sunscreens, wheelchairs and modifying some infrastructure such as government offices. Concerns however remain that reasonable accommodation has not been fully considered, particularly in relation to barriers related to infrastructure such as the lack of ramps, voice activated elevators and alternative sources of power in buildings open to the public. Whilst new courts are cognizant of the needs of persons with disabilities, the same should follow regarding all government buildings, points of service access, public transportation, and mass communication. Furthermore, more effort towards reasonable accommodation needs to be placed in the private sector.
16. Persons with albinism continue to face multiple forms of discrimination and are sometimes ritualised or viewed as products of witchcraft in rural areas. As a result, they are often excluded from education, employment and social opportunities on an equal basis with others.
17. FODPZ is concerned with the failure to condemn the construction of disability unfriendly infrastructure nationwide and the lack of modifications to cater for persons with mental and intellectual impairments.
18. FODPZ recommends the GoZ to:

- a. Consult the Deaf community in all Provinces to strengthen the accessibility of public information through the development of a SL syllabus and formal recognition and use of the different dialects of SL.
- b. Establish and strengthen measures to consult OPDs in addressing, implementing, and monitoring the principle of reasonable accommodation nationwide.
- c. Sensitise the community on the rights to equality of persons with albinism, particularly those in rural areas.

### **Article 6 Women with Disabilities**

19. FODPZ applauds the GoZ for adopting a comprehensive NDP which explicitly recognises women with disabilities as rights holders. Notwithstanding this, the policy is yet to be fully implemented. In practice, most government institutions and mechanisms do not consider the specific challenges and needs of women with disabilities in comparison with their counterparts.
20. The Constitution establishes mechanisms to promote and protect the rights of women, including the Zimbabwe Human Rights Commission (ZHRC) and the Zimbabwe Gender Commission (ZGC). The ZHRC has a Thematic Working Group (TWG) on Special Interest Groups with a focus on persons with disabilities. However, the most recent Annual Report does not disaggregate case complainants by disability type. Whilst the ZGC mainstreams disability in its work and placed efforts to capacitate sitting and aspiring female candidates with skills and knowledge on the political participation of women in 12 districts<sup>6</sup>, there is need for targeted efforts to reach out to women with disabilities.
21. FODPZ welcomes efforts from the GoZ to target women with disabilities through business skills trainings and the Reserve Bank of Zimbabwe (RBZ) disability inclusion grant. However, women with disabilities are not targeted through a quota system. Despite efforts by the GoZ to establish the Zimbabwe Women's Micro Finance Bank (ZWMB), the statistics of women who have benefited from the ZWMB are not disaggregated by disability type, geographical location or age. In addition, some women with disabilities face challenges in accessing loans due to lack of information dissemination in the rural areas and lack of proper national

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<sup>6</sup> ZGC 2021 Annual report - <https://zgc.co.zw/annual-reports/>

identity documentation and collateral. Although the ZWMB offers loans to groups that can co-guarantee each other, women with disabilities often have no collateral to offer. Moreover, there is poor coordination amongst the various levels of government resulting in inaccurate impact being recorded.

22. Women with disabilities in rural areas lack information in multiple accessible formats and therefore miss out on the benefits accorded to their counterparts in urban areas. They are often isolated and abandoned by their husbands for failing to perform house chores and fear of being shunned by the community. Where women with disabilities give birth to children with disabilities, they are often psychologically abused and or abandoned by their husbands and family.
23. Although a few churches based in Harare convene their services with SL interpretation, women and girls with physical disabilities continue to face discrimination in some churches in the Bulawayo Metropolitan province.
24. FODPZ calls upon the Committee to consider the following:
  - a. What measures has the GoZ put in place to ensure that the ZWMB includes women with disabilities as beneficiaries, and it collects beneficiary data disaggregated by age, geographical location, and type of disability?
  - b. What measures has the GoZ put in place to ensure data of beneficiaries is fully disaggregated by all identity markers for all women empowerment programmes?
  - c. What pre- and post-natal counselling services are in place to assist parents who bear children with disabilities?

#### **Article 7 Children with disabilities**

25. The GoZ is applauded for establishing the Basic Education Assistance Module (BEAM) which offers educational assistance to, inter alia, orphans and children with disabilities. FODPZ is however worried with reports of delayed disbursements for 2023 and alleged mismanagement of BEAM funds by some schools, thus hindering deserving students with disabilities from benefiting. FODPZ found similar challenges with the Orphans and Vulnerable Children National Plan of Action which seeks to protect children with disabilities but whose implementation is slow.
26. Despite enacting a progressive Constitution which provides for the rights of children with disabilities in Sections 81(1) and 83(3), FODPZ is concerned by the delays in the alignment of the Children's Act to the Constitution to provide

legislative and administrative effect to these provisions. FODPZ welcomes provisions of the NDP stipulating various rights to children with disabilities.

27. Concerns remain that children with disabilities continue to face attitudinal barriers such as stigma, bullying, discrimination and ignorance especially in rural areas. A 2021 UNESCO Zimbabwe study reported that children with disabilities often experience negative attitudes and various forms of abuse, and that girls with speech, mental and intellectual impairments are the most vulnerable to sexual abuse. A UNICEF Zimbabwe study further revealed that they are often excluded from the mainstream health, education, legal support, other social services, and opportunities to participate fully in their communities. These challenges are compounded by a lack of current and comprehensive incidence and prevalence statistics of children with disabilities, poor systems of routine data collection and management of children with disabilities receiving services.

28. Notwithstanding these challenges, FODPZ applauds the GoZ for enhancing equal access to education for children with disabilities at the Tongogara Refugee camp through provision of school uniforms, disability friendly toilets and school fees in partnership with CSOs and implementing partners.

29. FODPZ urges the GoZ to:

- a. Expedite the alignment of the Children's Act to the Constitution.
- b. Fully implement the NDP through a costed implementation plan.
- c. Embark on awareness raising and sensitisation programs to address attitudinal barriers.
- d. Enhance nutritional support to children with disabilities.

30. FODPZ calls upon the Committee to also consider the following:

- a. What measures has the GoZ put in place to ensure the inclusion of children with disabilities in the mainstream health, education, legal support, and other social services?
- b. What measures has the GoZ put in place to ensure that children with disabilities are provided with opportunities to participate fully in their communities?
- c. What measures has the GoZ put in place to reduce the vulnerability of children with disabilities from violence and abuse?
- d. What measures has the GoZ put in place to support children with disabilities that are out of school, and during emergencies?

## **Article 8 Awareness raising**

31. FODPZ found that most efforts to raise awareness on the UNCRPD have been initiated by non-state actors such as OPDs and donors, and these initiatives often exclude the rural population. This is partly due to lack of a disability sensitive budget and resources to finance awareness programmes.
32. Whilst FODPZ applauds the ZHRC for conducting awareness-raising activities as highlighted in its Annual Reports, it notes with concern the absence of disability disaggregated data of the beneficiaries reached,<sup>7</sup> the absence of information on challenges faced by persons with disabilities, as well as the lack of Information Education and Communication (IEC) materials in multiple accessible formats.
33. FODPZ welcomes the GoZ's research efforts, through the establishment of an Information Media Panel of Inquiry, on disability mainstreaming. It also acknowledges inclusive programming efforts by the media to broadcast programmes on disability matters on national radio and television, and to employ persons with disabilities as news presenters, community radio personalities and crew behind the scenes. While the GoZ provides subtitles, captions and SL interpretation for some programmes, live events, and documentaries on television, FODPZ is concerned that:
- a. Most programmes do not use captions as well as formal and informal SL.
  - b. Not only is SL interpretation limited to very few programmes, but the Zimbabwe Broadcasting Corporation (ZBC) news also places the interpreter at the bottom right corner, with a small screen size that strain one's eyes'.
  - c. The media uses language and pictures which are not inclusive and, in some instances, inadvertently promotes discrimination and stigma of persons with disabilities.
  - d. Awareness raising programmes are insufficient owing to limited resources<sup>8</sup>
34. Some media respondents in the FODPZ survey felt that the media is not equipped to report about persons with disabilities due to attitudinal, language and communication barriers, the use of devaluing terminology, and the use of references to the disability before the human being. The survey highlighted that the media portrays little about the experiences of persons with disabilities and portrays them as 'charity / medical cases.' Respondents however indicated that

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<sup>7</sup> <https://www.zhrc.org.zw/annual-reports/>.

<sup>8</sup> financial, material and human

media houses that have been trained on disability advocacy portray persons with disabilities in positive light.

35. FODPZ urges the GoZ to:

- a. Avail adequate resources for duty bearers and OPDs to raise awareness on the UNCRPD and NDP and translate it into local languages and accessible formats, including through ZBC's free programming slots.
- b. Ensure that the ZHRC initiates and maintains effective public awareness campaigns and training programmes on the UNCRPD to tackle harmful stigma and discriminatory attitudes, promote positive perceptions and greater awareness towards persons with disabilities.
- c. Ensure that the ZBC consults OPDs in its programme planning phases.
- d. Ensure that the ZHRC reports on the nature of human rights challenges faced by persons with disabilities, collects data on those reached during awareness activities and reports on the distribution of disability inclusive IEC material.
- e. Include captions, subtitles, and SL interpretation for all programmes on national television and increase the size of the screen for the SL interpreter.
- f. Consult OPDs to develop awareness and training programmes for the media to portray persons with disabilities in a manner consistent with the purpose of the UNCRPD.
- g. Recruit more media personnel with disabilities.
- h. Develop magazines in braille.
- i. Increase access to both e-gadgets and connectivity including capacity building in its use, especially in the rural areas.

### **Article 9 Accessibility**

36. FODPZ welcomes GoZ's commitment to adhere to the Web Content Accessibility Guidelines (WCAG). Content on the MoP SLSW website can now be reduced or increased; there is an option to change the colours on the screen as well as an option to use screen readers. This has also been noted on the Inter-Ministerial Taskforce on Alignment of Legislation to the Constitution's website. Concerns however remain regarding the inconsistency of this practice amongst government institutions and leading newspapers.

37. Although the GoZ provides appropriate measures to be taken to ensure persons with disabilities access buildings and amenities, it is silent on other aspects of the

principle of accessibility. Further, Zimbabwe is yet to develop an accessibility national action plan and the National Budget does not provide for accessibility.

38. While the GoZ is upgrading transport services by increasing its fleet of buses (Zimbabwe United Passenger Company), FODPZ is worried with the attitudinal barriers created by bus drivers, the stampedes by the public to access the buses after work, that the buses lack voice-activated devices and are inaccessible to wheelchair users.

39. FODPZ urges the GoZ to:

- a. Ensure public infrastructure is accessible and includes wide doors, rail bars, ramps, voice activated elevators as well as reserved seats for public transport.
- b. Develop an accessibility national action plan in consultation with OPDs.
- c. Consult OPDs/DSOs regarding disability sensitive transport and accessible websites.
- d. Promote the application of universal design
- e. Ensure that private entities consider all aspects of accessibility for persons with disabilities, including provision of incentives for compliance.
- f. Support the Ministry of Information and Communications Technology, Postal and Courier Services in crafting and implementing adherence to the WCAG and involve OPDs in the process.

#### **Article 10 Right to life**

40. The Termination of Pregnancy Act governs the lawful termination of pregnancy in Zimbabwe. The Act provides three grounds under which pregnancy can be lawfully terminated. According to section 4 (b) pregnancy can be terminated “where there is a serious risk that the child to be born will suffer from a physical or mental defect of such a nature that he will permanently be seriously handicapped.” FODPZ is worried not only with the use of derogatory terminology such as “physical or mental defect’ and “handicapped”, but the violation of the right to life of children to be born with disabilities. This provision has the effect of perpetuating stigma and discrimination against persons with disabilities.

41. FODPZ calls upon the GoZ to:

- a. Repeal or amend sections in the Termination of Pregnancy Act that use devaluing terms for persons with disabilities.

- b. Amend section 4 (b) which provides for termination of pregnancy due to the risks of a child being born with disabilities, to specify medical circumstances under which termination on the grounds of disability may be permissible such as in cases where investigations have proven that the foetus utero has multiple disabilities.
- c. Sensitise health workers on the rights of women with disabilities to access quality health services and non-discriminatory language.

### **Article 11 Situations of risk and humanitarian emergencies**

42. The GoZ is applauded for establishing National and Provincial Civil Protection Committees that are responsible for disaster response as well as Planning Committees<sup>9</sup>. The GoZ has also availed standby emergency and disaster relief provisions such as tents, blankets, transport and food at the Tongogara Refugee Camp as well as money to other affected areas of the country.
43. The GoZ is commended for involving persons with disabilities in the collection of disability disaggregated data during situations of risk and humanitarian emergencies. However, statistics provided by the GoZ on Cyclone Idai and other humanitarian emergencies are not disaggregated by sex, age, or disability type. FODPZ found that there is very little awareness on risk and humanitarian emergency issues amongst persons with sensory impairments, particularly in Matabeleland North.
44. Whilst section 3 (2) (f) of the Civil Protection Act (CPA) mandates the Director of Civil Protection to disseminate information on matters relating to civil protection areas, the provision does not expressly include dissemination of information in multiple accessible formats. Additionally, the FODPZ survey indicated that the transfer of information during disasters is slow and that response structures lack knowledge about disability inclusive disaster risk reduction approaches. They therefore rely upon OPDs to support the disability component during emergencies.
45. The Herald Newspaper<sup>10</sup> recently reported that the GoZ took steps to ensure survivors of the floods from Budiriro B community were moved to temporary shelter whilst constructing flats in Dzivarasekwa Extension. FODPZ welcomes the

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<sup>9</sup> Section 9 of the Civil Protection Act

<sup>10</sup> <https://www.herald.co.zw/budiriro-flood-victims-get-temporary-relieve/>

partnership between the GoZ, Oxfam and Zimbabwe Red Cross Society in resolving this humanitarian crisis. However, there are no disaggregated statistics to determine whether persons with disabilities were affected. FODPZ also found that capturing data on persons with disabilities affected by humanitarian emergencies is generally problematic.

46. FODPZ implores the GoZ to:

- a. Amend section 3 (2) (f) of the CPA and provide for dissemination of information in multiple accessible formats.
- b. Ensure the National and Provincial Civil Protection Committees as well as the Planning Committees include representation from OPDs.
- c. Ensure the National Defence Forces College includes training on the needs of persons with disabilities in times of humanitarian crisis.
- d. Provide a data base with statistics disaggregated by sex, age and disability type to inform decisions regarding temporary and permanent shelter during humanitarian crises.

#### **Article 12 Equal recognition before the law**

47. The GoZ should be applauded for encouraging banks to provide loans to persons with disabilities who wish to build houses; however there is lack of data of beneficiaries, disaggregated by disability type, sex, age and geographical location within banks.

48. Whilst persons with disabilities are now regarded equally in terms of inheritance and marriage laws, few know their rights to enjoy legal capacity due to the absence of accessible information. Furthermore, the GoZ, CSOs and the private sector continue to control the financial affairs of persons with disabilities. Persons with disabilities are at times discriminated against on the basis of disability whilst trying to fulfil the requisite requirements, access loans, mortgages and other forms of financial credit. Moreover, persons with psychosocial impairments are regarded as incompetent.

49. Whilst the GoZ has managed to arrange specialised loans called Disability Revolving Loans under the Department of Social Development, persons with disabilities often face challenges in accessing them as they are only disbursed at the head office.

37. FODPZ implores the GoZ to:

- a. Develop a data base of persons with disabilities benefiting from bank loans which includes statistics disaggregated by disability type, sex, age and geographical location.
- b. Disseminate information in multiple accessible formats, on the right to enjoy legal capacity and access to loans.
- c. Take measures to ensure the rights of persons with disabilities, including persons with psychosocial impairments, enjoy equal recognition before the law.

### **Article 13 Access to justice**

50. Women and girls with disabilities face numerous challenges when accessing justice.<sup>11</sup> These are partially due to limited availability of accessible information on what to do after experiencing crimes of Sexual and Gender Based Violence (SGBV), and communication challenges brought about by inadequate duty bearers with the ability to effectively communicate with women and girls with disabilities in the justice delivery system.<sup>12</sup> Women with epilepsy are reportedly being sexually abused after they experience a seizure.

51. Notwithstanding this, OPD respondents in the FODPZ survey believe the GoZ promotes appropriate training on the rights of persons with disabilities, for duty bearers working in the justice, law and order sector (JLOS) such as the police, prison staff and personnel from the Judiciary Service Commission. Despite this, concerns were raised over a lack of sensitivity towards persons with disabilities by some personnel in the JLOS.

52. FODPZ surveys also revealed that men and boys with disabilities face similar challenges in relation to communication barriers as well as accessible information and buildings.<sup>13</sup>

53. The GoZ is commended for collaborating with OPDs to enhance access to justice in the courts, taking measures to ensure the provision of SL interpreters as and when necessary, and training some members of the JLOS National Committee on SL and disability rights. However multiple accessible formats of communication

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<sup>11</sup> [Advancing the Rights of Women and Girls with Disabilities in Zimbabwe \(unesco.org\)](https://unesco.org); UNESCO, Amplifying the Voices of women & girls with disabilities in Zimbabwe: A Comprehensive Study, UNPRPD, 2020,

<sup>12</sup> Ibid.

<sup>13</sup> For some persons with some physical impairments

have not been taken into consideration; officials trained do not implement lessons learnt; and trainings have not cascaded down to provincial and district level and have mainly been conducted in the urban areas.

54. FODPZ urges the Committee to consider the following:

- a. What measures has the GoZ put in place to address the challenges faced by women and girls with disabilities in accessing justice?

55. Furthermore, FODPZ recommends the GoZ to:

- a. Ensure availability of multiple accessible formats of information on the JLOS, its mechanisms and the steps to be taken to claim redress after experiencing a crime or SGBV.
- b. Ensure access to alternative and augmentative modes of information and communication for use throughout legal proceedings, such as Braille, Easy Read, audio, and video transcription.
- c. Strengthen training on the UNCRPD for JLOS officials at District and Provincial level, whilst prioritising those in rural areas.
- d. Raise awareness to women with disabilities on the role of ZHRC regarding administrative justice.

#### **Article 14 Liberty and security of person**

56. FODPZ applauds the GoZ's NDP for its progressive provisions that speak to the lived realities of persons with disabilities.<sup>14</sup> The policy prohibits deprivation of liberty based on impairment, in both private and public institutions, and the coercion of persons with disabilities in mental health institutions.<sup>15</sup> The policy adopts a human rights-based approach that entails community centred versus institutional responses in instances of 'unlawful' deprivation, and persons with disabilities are entitled to justice, redress, reparations and restitution where this right has been violated.

57. Notwithstanding this, Section 30 of the Mental Health Act provides for the indefinite detention of prisoners found to be 'mentally disordered' or 'intellectually handicapped' in special institutions. FODPZ is concerned, with the use of devaluing language and the indefinite detention of such prisoners.

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<sup>14</sup> Clause 3.23, National Disability Policy at [https://www.veritaszim.net/sites/veritas\\_d/files/National%20Disability%20Policy%20V4%28White%20Background%29.pdf](https://www.veritaszim.net/sites/veritas_d/files/National%20Disability%20Policy%20V4%28White%20Background%29.pdf).

<sup>15</sup> Ibid.

58. Section 193 of the Criminal Procedure and Evidence Act (CP&E Act) similarly provides for the continued detention of accused deaf persons until a qualified SL interpreter has been secured.
59. OPD respondents in the FODPZ survey believed the government had, to a small extent, ensured that persons with disabilities are not deprived of their liberty unlawfully or arbitrarily, on the sole basis of their disability. The respondents however pointed out that little is being done to align the aforementioned subsidiary laws to the Constitution.
60. FODPZ encourages the GOZ to:
- a. Expedite the amendment of the Mental Health Act (Section 30) and the repeal of the CP&E Act (Section 193) to ensure adherence to the Constitution, the NDP and the UNCRPD.
  - b. Expunge reference to 'mentally disordered' wherever it appears in the Mental Health Act and replace it with UNCRPD compliant terminology.
  - c. Engage and include Deaf interpreters for effective SL translation.

**Article 15 and 17 Freedom from torture or cruel, inhuman or degrading treatment or punishment and protecting the integrity of the person**

61. Section 53 of the Constitution guarantees freedom from torture, cruel, inhuman, or degrading treatment or punishment. The right is bestowed to all persons by virtue of the equality and non-discrimination provisions in Section 56 (1) and (3) of the Constitution.
62. In the case of *S v Chokuramba* CCZ10/2019, the Constitutional court outlawed corporal punishment in Zimbabwe. No male juvenile convicted of any offence shall be sentenced to receive moderate corporal punishment.
63. Whilst the FODPZ survey did not unearth any incidents of torture or cruel, inhuman, or degrading treatment or punishment of persons with disabilities, the institutionalisation of persons with disabilities in psychiatric institutions was perceived as torture due to the negative impact that it has on their recovery rate.

**Article 16 Freedom from exploitation, violence, and abuse**

64. The GoZ is applauded for its collaboration with the European Union to advance women's rights and end SGBV under the Spotlight Initiative. Despite this and a comprehensive constitutional, legal and policy framework protecting girls and

women with disabilities against exploitation, violence, and abuse; girls with disabilities remain vulnerable to SGBV and are twice as likely to experience sexual abuse relative to their male and female counterparts without disabilities.<sup>16</sup> Most of the perpetrators of SGBV are caregivers and persons with disabilities report that most cases of SGBV occur within communities.<sup>17</sup>

65. Girls and women with disabilities face multiple challenges in the justice delivery system;<sup>18</sup> including a lack of personnel who are trained in dealing with disability issues, and low literacy levels amongst girls and women with disabilities; thus, making it difficult for them to report SGBV, and for authorities to follow up on cases quickly.

66. Whilst there are community and radio awareness raising programmes and initiatives that discuss SGBV issues, legal and policy frameworks, as well as toll-free numbers to report SGBV, some care givers and the community members are not aware of the legislation that prevents violence and abuse of persons with disabilities.

67. FODPZ welcomes provisions of NDP that stipulate the protection of women and girls with disabilities from all forms of exploitation, violence and abuse, and for establishing an Anti-Domestic Violence Council (ADVC) mandated to review domestic violence issues. Concerns however remain regarding the absence of a representative from OPDs amongst the membership of the ADVC in Section 16 (1) of the Domestic Violence Act.

68. FODPZ implores the Committee to consider the following:

- a. What measures has the GoZ put in place to curb factors that fuel women and girls' vulnerability to SGBV such as social isolation, lack of support systems and negative perceptions propagated by stigma and negative attitudes surrounding disability?
- b. What measures has the GoZ put in place to create safe shelters for survivors of SGBV?

69. FODPZ urges the GoZ to:

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<sup>16</sup> [MEDBOX | Zimbabwe: Living Conditions Among Persons with Disability Survey - K...](#)

<sup>17</sup> 57.1% reported it happens within community, 28.6% within victim's house, 7.1% in homes of the perpetrators while 3.6% happened at the workplace and 3.6% was in other places. [https://en.unesco.org/sites/default/files/comprehensive\\_situational\\_analysis\\_on\\_persons\\_with\\_disabilities\\_zimbabwe\\_report\\_5\\_aug.pdf](https://en.unesco.org/sites/default/files/comprehensive_situational_analysis_on_persons_with_disabilities_zimbabwe_report_5_aug.pdf).

<sup>18</sup> Ibid.

- a. Ensure that girls and women with disabilities, care givers and religious leaders, have access to information on SGBV and human rights in accessible formats.
- b. Strengthen women and girls with disabilities' capacity to identify and respond to SGBV cases.
- c. Consult OPDs and train personnel in the medical and justice delivery system on how to support girls and women with disabilities.
- d. Amend Section 16 (1) (b) of the Domestic Violence Act to include a representative from OPDs amongst the members of the ADVCA.
- e. Amend Section 16 (9) of the Domestic Violence Act to ensure that the provision of protection and support services for survivors of domestic violence by the ADVCA is disability, age and gender appropriate.

**Article 18 Liberty of movement and nationality**

70. Section 13 (2) (b) of the Citizenship of Zimbabwe Act (COZA) prohibits the loss of citizenship of Zimbabwe on the basis of disability where a person has been absent from Zimbabwe for a continuous period of more than 5 years. Notwithstanding this, Section 9 of the Act prohibits dual citizenship which is not acquired through marriage, in contravention of Section 35 of the Constitution.

71. FODPZ welcomes policies undertaken in the Zimbabwe Prisons and Correctional Service to immediately register children born from female inmates. FODPZ also applauds the GoZ for establishing the Children Rehabilitation Unit which registers all children that are born with disabilities upon birth. Notwithstanding this, respondents in the FODPZ survey were unaware of any measures undertaken by the GoZ to immediately register children with disabilities upon birth. GoZ is further commended for establishing registration centres at District hospitals across the country. The extent to which this mechanism is decentralised and effective is however unclear, and there is need for a wider database that registers all categories of persons with disabilities.

72. Key findings in the 2020 ZHRC Inquiry on Access to National Documentation in Zimbabwe<sup>19</sup> include the following:

- a. The services and requirements of the Registrar General (RG)<sup>20</sup> are not offered in multiple accessible formats.
- b. There are allegations of ill-treatment, abuse and name calling of persons with disabilities by some RG officials.
- c. Children with disabilities, in the rural areas, remain unregistered because they are hidden by parents from the community to avoid being shunned and discriminated against.
- d. Mentally impaired mothers often fail to register their children due to lack of support from relatives.

73. FODPZ encourages the GOZ to:

- a. Expedite the repeal of the COZA which, amongst other limitations, prohibits dual citizenship, which is not acquired through marriage.
- b. Sensitise Civil Registry department officials and communities in rural areas regarding the rights of persons with disabilities to liberty of movement, nationality, and the right of children with disabilities to birth registration.
- c. Mandate Village Heads to assist in the birth registration of children with disabilities.

### **Article 19 Living independently and being included in the community**

74. Despite positive efforts from the Public Service Commission to ensure that personal aids for persons with disabilities employed in Government are included on the payroll, concerns remain that personal assistants to civil servants with visual impairments benefit more than those who assist persons with other forms of disabilities. Moreover, personal assistants may fall under one of the lowest paid grades within the civil service.

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[https://www.veritaszim.net/sites/veritas\\_d/files/Report%20on%20National%20Inquiry%20on%20Access%20to%20Documentation%20in%20Zimbabwe.pdf](https://www.veritaszim.net/sites/veritas_d/files/Report%20on%20National%20Inquiry%20on%20Access%20to%20Documentation%20in%20Zimbabwe.pdf).

<sup>20</sup> now referred to as the Civil Registry department

75. Most public facilities are not designed to accommodate persons with disabilities, resulting in their exclusion to sanitation and hygiene facilities in public spaces.
76. Whilst efforts are being made to engage persons with disabilities in projects that enhance their economic independence these appear to be ad hoc and not widespread.
77. FODPZ recommends as follows:
- a. Ensure sufficient budgetary allocations, for the recruitment of personal assistants to civil servants with disabilities, on an equal basis with other personal assistants.
  - b. Ensure wide-spread and systematic implementation of projects that enhance the economic independence of persons with disabilities, including in agriculture, mining and manufacturing.
  - c. Ensure that public facilities are designed in an inclusive manner.

#### **Article 20 Personal Mobility**

78. The GoZ is applauded for conducting the 2013 Level of Living Conditions among Persons with Disabilities Survey which revealed that approximately 14% of the 900 000 interviewed need assistive devices. In addition, the GoZ is commended for collaborating with some organisations to provide mobility aids and devices. Persons with disabilities, including those based at the Tongogara Refugee Camp, generally have access to mobility aids and devices such as white canes, crutches and wheelchairs, however some are of poor quality, and most are unaffordable to persons with disabilities based in rural and remote areas. The GoZ takes long to secure mobility aids and these are mostly available in urban areas.
79. Most government buildings do not have voice-activated elevators and traffic lights, and other assistive technologies. It is also difficult for persons with disabilities to navigate roads and pavements in towns due to congestion and their poor state.
80. FODPZ implores the GoZ to:
- a. Ensure the affordability of assistive devices and provide financial and capacity support for local enterprises to manufacture aids for the local market.
  - b. Ensure roads and pavements are accessible for persons with disabilities.
  - c. Conduct the necessary assessments prior to the distribution of mobility aids and devices.

## **Article 21 Freedom of expression and opinion, and access to information**

81. A recent UNESCO study revealed that persons with disabilities in Zimbabwe lack information and other materials in multiple accessible formats on education, health, disability rights, Sexual Reproductive and Health Rights (SRHRs), SGBV services, disasters and participation in decision-making processes.<sup>21</sup>
82. The study revealed that most schools in Zimbabwe are inaccessible to children with disabilities due to lack of information adaptations into relevant and accessible formats; and that digital expansion in most rural areas is low. Persons with disabilities in rural areas therefore face digital exclusion due to lack of access and affordability of the requisite Information Communication and Technology tools and equipment.
83. The study further revealed that most government information such as laws, policies, and circulars cannot be used by persons with sensory impairments; that government lacks the capacity to effectively engage persons with disabilities, and that government officials lack skills in SL and funds to provide services and information in accessible formats.
84. Private Sector respondents in the FODPZ survey indicated that whilst they provide information in audio- visual formats, large print and signs to target potential clients, the high cost of developing information in formats such as Braille is prohibitive. There is therefore need to improve the provision of audio-visual materials, braille, enlarged print, word to voice translations and the use of embossers.
85. Whilst Section 7 (1) of the Freedom of Information Act (FIA) provides for the right of any person to request access to information from any public entity or the holder of a statutory office, this provision potentially excludes certain categories of persons with disabilities by limiting such requests to be made in writing. FODPZ however applauds the inclusion of third parties' right to request access to information through the First Schedule of the Freedom of Information Regulations, SI 229 of 2021.

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[https://en.unesco.org/sites/default/files/comprehensive\\_situational\\_analysis\\_on\\_persons\\_with\\_disabilities\\_zimbabwe\\_report\\_5\\_aug.pdf](https://en.unesco.org/sites/default/files/comprehensive_situational_analysis_on_persons_with_disabilities_zimbabwe_report_5_aug.pdf). Or [Comprehensive situational analysis on persons with disabilities in Zimbabwe, 2021 - UNESCO Digital Library](#)

86. Section 8 (1) of the FIA similarly excludes certain disability categories by limiting responses for requests for access to information, by Information Officers to be made in writing only.
87. Section 248 (2) of the Constitution and the Preamble of the Zimbabwe Media Commission (ZMC) Act fail to include representation from OPDs as members of the ZMC. Section 61 (4) of the Constitution and the ZMC Act also fail to place an obligation on the ZMC to ensure that all state-owned media communication is inclusive.
88. Section 8 (2) of the ZMC Act allows any person who is aggrieved by any act in violation of any right protected under section 61 of the Constitution to make a written complaint to the ZMC requesting it to investigate the act complained of. The requirement for all complaints to be made in writing renders the procedure non-inclusive for persons with disabilities. FODPZ nonetheless views the inclusion of an option for aggrieved or concerned persons to submit complaints through a legal representative, a family member or any other person deemed suitable as a potentially reasonable compromise.
89. Section 11 (2) (a) of the ZMC Act fails to accommodate all disability categories by providing the ZMC with the power to determine whether persons that have interest in an investigation, hearing or inquiry that is before the ZMC should make their representations orally or in writing. Sub-section 3 further fails to provide an opportunity for persons with disabilities that may require assistance from a person other than a legal practitioner (such as a family member or any other person deemed suitable as is the case in Section 8 (2) of the Act) to seek such assistance.
90. FODPZ urges the GoZ to:
- a. Support the production and distribution of resources and IEC materials on Disability Rights, SRHRs, government information such as laws, policies, and circulars on decision-making processes, SGBV services and disasters in multiple accessible formats. This should involve all key stakeholders and OPDS and DSOs should take a leading role.
  - b. Support information dissemination programs and websites of OPDs to enhance information sharing amongst persons with disabilities.
  - c. Capacitate and provide financial resources for focal points for the implementation of the UNCRPD.

- d. Support digital expansion targeting persons with disabilities in rural areas, including through availing affordable ICT tools and equipment.
- e. Build the capacity of government to effectively engage persons with disabilities, including through mandatory skills training in SL for Information Officers established in Section 2 of the FIA and institutional disability focal persons.
- f. Amend the following provisions in the FIA:
  - i. Section 7 (1) to include oral requests for information from any public entity, public commercial entity, or the holder of a statutory office.
  - ii. Section 7 (1) to explicitly provide for the right of third or interested parties to make requests for information from any public entity, public commercial entity, or the holder of a statutory office on behalf of persons in need of assistance, such as persons with disabilities.
  - iii. Section 8 (1) to broaden the format in which responses for requests for access to information, by Information Officers should be made.
- g. Amend the following provisions in the ZMC Act:
  - i. The Preamble to include representation from OPDs as members of the ZMC.
  - ii. Section 4 to place an obligation on the ZMC to ensure that all state-owned media of communication is inclusive.
  - iii. Section 11 (2) (a) to expand the format of representations made by persons with an interest in an investigation, hearing or inquiry that is before the ZMC to include representations in multiple accessible formats.
  - iv. Section 11 (3) to enable persons with disabilities that require assistance in making representations in an investigation, hearing or inquiry that is before the ZMC from a person other than a legal practitioner (such as a family member or any other person deemed suitable as is the case in Section 8 (2) of the Act) to seek such assistance.

## **Article 22 Respect for privacy**

91. Notwithstanding efforts by the GoZ to constantly review the Patients Charter which includes issues of confidentiality and outlines other rights to the patient such as the

right to respect, dignity and prohibition of discrimination in the medical sector, the Charter refers to derogatory terminology such as persons with physical challenges.

92. Young patients with profound hearing loss fail to fully express their concerns in private, to health workers due to the presence of a SL interpreter.

93. FODPZ urges the GoZ to:

- a. Review the Patients Charter by repealing devaluing terminology, produce it in multiple accessible formats and consult OPDs/DSOs to ensure health workers uphold confidentiality of patients with disabilities.
- b. Ensure basic SL is a prerequisite for recruiting health workers.

### **Article 23 Respect for home and the family**

94. FODPZ welcomes the GoZ's acknowledgement<sup>22</sup> of the need to review section 4 (b) of the Matrimonial Causes Act in as far as it relates to the dissolution of marriage on the basis of incurable mental illness.

95. The GoZ is further commended for implementing the Harmonised Social Cash Transfer programme which targets labour constrained and poor households. However, the State Party report is silent on statistics disaggregated by disability type, sex, age and geographical location. Furthermore, the amount disbursed fails to cater for basic needs.

96. Some children with disabilities in the rural areas are still being concealed or neglected by their parents whilst some fathers abandon their families once they have a child with a disability. Similar cases were noted in the survey conducted at the Tongogara Refugee Camp. In addition, some children with disabilities are being separated from their parents for purposes of accessing better education in the few schools around the country that cater to the needs of children with disabilities, whilst others are denied the opportunity to attend school by their parents. In as much as the Constitution provides for the best interests of the child, the GoZ has not placed enough practical effort to prevent concealment, abandonment and neglect of children with disabilities.

97. FODPZ recommends the GoZ to:

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<sup>22</sup> Article 23 of the State Party report

- a. Sensitise communities, especially in the rural areas and at the Tongogara Refugee Camp, on the rights of children with disabilities vis-a-vis the laws governing concealment, abandonment, neglect and segregation.
- b. Ensure all mainstream programmes include a data base that captures beneficiaries disaggregated by disability type, sex, age and geographical location.
- c. Mainstream disability into all spheres of development interventions.
- d. Expedite the amendment of Section 4 (b) of the Matrimonial Causes Act.

#### **Article 24 Education**

98. FODPZ applauds the Constitution for including the rights of persons with disabilities in the general education system<sup>23</sup>. The GoZ is further applauded for obligating the State to adopt policies and measures that ensure that the best interests of the child are paramount, and that children have access to appropriate education.<sup>24</sup>

99. FODPZ commends the GoZ for the enactment of the 2020 Education Amendment Act which defines special needs education, outlines the rights of all children to compulsory basic state funded education and requires every school to endeavour to teach all officially recognised languages, including SL. The Act further requires every school to provide infrastructure suitable for learners with disabilities subject to availability of resources, it requires the Secretary of the Ministry of Primary and Secondary Education (MOPSE) to monitor consideration of the rights of pupils with disabilities during teaching and learning, and all registered schools are required to submit plans highlighting how they shall advance the rights of pupils with disabilities.

100. Other key measures include adoption of the National Disability and Gender Policies, the 2019 draft Inclusive Education Policy, and the Practical Inclusive

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23 Sections 22 (4), 27 and 83

24 Section 19 (1) of the Constitution

Education Handbook<sup>25</sup> amongst others.<sup>26</sup> The Handbook will contribute to facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, orientation and mobility skills, as well as facilitating peer support and mentoring.

101. Notwithstanding this, a 2020 study revealed challenges in inclusive education practices in teachers' colleges – *vis*:<sup>27</sup>

- a. There were variations in the implementation process.
- b. Students with disabilities were not adequately catered for due to the rigid curriculum and shortage of resources.

102. Thirty-six comma eight percent (36.8%) of respondents in the 2021 UNESCO study highlighted that schools in their communities were inaccessible to children with disabilities, while 43.3% indicated that they were only partially accessible.<sup>28</sup> Contrary to the UNCRPD, Zimbabwe has many special schools, 3 vocational training colleges and some residential homes for students with disabilities. Most institutions of higher learning do not have an inclusive education policy, and there are variations in institutional implementation standards. Most university curricula are void of disability inclusion, and most teachers' colleges do not provide reasonable accommodations for students with disabilities.

103. A 2021 UNICEF study<sup>29</sup> revealed that the approach to the COVID-19 response excluded students with disabilities from the educational system due to the following:

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<sup>25</sup><https://www.unicef.org/zimbabwe/media/3646/file/Practical%20Handbook%20for%20Primary%20%26%20Secondary%20Schools.pdf>. The Handbook provides practical guidance on inclusive education for teachers. To date, over 39,000 copies have been distributed to over 9,500 schools in Zimbabwe. The GoZ has designed a rollout plan for inclusive education trainings for all teachers in Zimbabwe.

<sup>26</sup> National Plan of Action for Learners, the Criminal Law and Codification Act- related to the Multi-sectoral Protocol for the prevention and Management of abuse, the Public Health Act, the National Aids Policy, the BEAM operational Manual, the Commission of Inquiry into Education and Training (CIET 1999), the Curriculum Framework for Primary and Secondary Education (2015-2022), the School Health Policy and the Tertiary Education Support program.

<sup>27</sup> <https://oapub.org/edu/index.php/ejes/article/view/2992>.

<sup>28</sup> [https://en.unesco.org/sites/default/files/comprehensive\\_situational\\_analysis\\_on\\_persons\\_with\\_disabilities\\_zimbabwe\\_report\\_5\\_aug.pdf](https://en.unesco.org/sites/default/files/comprehensive_situational_analysis_on_persons_with_disabilities_zimbabwe_report_5_aug.pdf).

<sup>29</sup> [unicef.org/zimbabwe/stories/leaving-no-child-behind-ensuring-inclusive-covid-19-response-children-disabilities](https://www.unicef.org/zimbabwe/stories/leaving-no-child-behind-ensuring-inclusive-covid-19-response-children-disabilities)

- a. Mask wearing deterred students with hearing impairments from the ability to lip read and understand facial expressions.
  - b. Social distancing paused difficulties for students with multiple disabilities as they require consistent physical support from their teachers.
  - c. The use of anti-bacterial solutions was harmful to students who constantly chew their fingers due to chronic conditions.
104. FODPZ found that the GoZ:
- a. Has not placed enough effort in recruiting teachers who are qualified in SL, including teachers with different types of disabilities especially in the rural areas and at the Tongogara Refugee Camp.
  - b. Has not ensured that secondary, higher, and tertiary education is fully accessible for students with disabilities.
  - c. Has not ensured that school and examination fees are affordable for all students with disabilities.
105. Children with disabilities at the Tongogara Refugee camp are bullied at school by their peers. Children with cerebral palsy, in some parts of the country, are deliberately left at home by their parents whilst some schools are selective as courses and subject teachers cannot yet accommodate students with down syndrome.
106. Additionally:
- a. Some educational centres still resist inclusivity by placing learners with disabilities in a separate class.
  - b. Schools such as COPOTA and Jairos Jiri, which used to take learners with visual impairments and have now included non-disabled learners, have teachers who do not know Braille and end up focusing on non-disabled students.
  - c. Some female teachers with disabilities face multiple discrimination in the rural areas.
  - d. Students with autism struggle to learn in a large group setting.
107. FODPZ urges the GoZ to:
- a. Support the MOPSE and MHTESITD to adopt and implement the Inclusive Education Policy.
  - b. Create a platform for inclusive education, involving stakeholders at all levels.

- c. Support the development of inclusive education knowledge products for use in colleges and universities.
- d. Introduce home schooling for students with autism and severe disabilities.
- e. Foster an attitude of respect for the rights of persons with disabilities at all levels of the education system, including in all children from an early age and among teacher trainees.
- f. Ensure standardisation in the way teachers' colleges implement inclusive education.<sup>30</sup>
- g. Revise the inclusive education curriculum for teachers' colleges to ensure mandatory training on SL and to address the individual needs of learners.<sup>31</sup>
- h. Train children with disabilities on 'life skills' and 'daily living skills.'
- i. Ensure Disability Resource Centres are established in all higher and tertiary education institutions.
- j. Introduce SL as a compulsory subject at primary and secondary level.
- k. Incentivise Special Needs teachers.

108. FODPZ urges the Committee to consider the following:

- a. What measures are in place to ensure schools accommodate children with disabilities?

### **Article 25 Health**

109. Women with disabilities in Zimbabwe face numerous challenges in accessing SRHR services due to cultural beliefs which still regard them as sexually inactive, negative perceptions by health personnel, physical barriers at health facilities including long distances, absence of trained personnel as well as lack of awareness by health care personnel on the rights of persons with disabilities.

110. FODPZ applauds the GoZ for training at least 180 primary counsellors on understanding the needs and rights of persons with disabilities and in effective communication with persons with hearing impairments since 2018, through the Ministry of Health and Child Care (MoHCC), with support from UNICEF.

111. Despite having standardised COVID-19 key messages and counselling tools for SL interpreters through the MoHCC during the height of the pandemic, persons with disabilities faced numerous obstacles in gaining access to healthcare following

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<sup>30</sup> <https://oapub.org/edu/index.php/ejes/article/view/2992>.

<sup>31</sup> <https://oapub.org/edu/index.php/ejes/article/view/2992>.

the enactment of the Public Health COVID Regulations and Lockdown Orders (Statutory Instruments 77, 200 and 233 of 2020). Challenges included, inter alia:

- a. The lack of information dissemination in multiple accessible formats.
- b. The limited use of SL by the Deaf community due to mask wearing.
- c. Reliance of some persons with disabilities on personal assistants and care givers, which resulted in the unintended spread of COVID-19.

112. In its survey, FODPZ found that:

- a. Some nurses fail to understand SL and cannot tolerate patients with disabilities whilst health workers based at the Tongogara Refugee clinic rely on care givers or assistants of persons with hearing impairments.
- b. Despite the GoZ having established departments within the MoHCC to support access to services by persons with different forms of disabilities such as Mental Health and Eye Health, some service providers do not understand the legal framework on disability rights and are not equipped to deal with such patients, resulting in them discriminating against persons with disabilities that require health services such as the Assisted Medical Treatment Order (AMTO).
- c. Health service facilities remain largely inaccessible for persons with disabilities nationwide.

FODPZ urges the GoZ to:

- a. Ensure continuous training for health-care professionals on the rights of persons with disabilities, support measures and information and communication means and methods, and provide information in multiple accessible formats.
- b. Ensure continuous training of health personnel on SL.
- c. Improve the availability and accessibility of health service facilities for persons with disabilities.
- d. Conduct awareness raising on persons with disabilities' right to SRHR and inclusive health service provision.
- e. Create a monitoring and evaluation plan for inclusivity and integrate indicators in the health sector.

## **Article 26 Habilitation and rehabilitation**

113. Notwithstanding efforts by the GoZ to establish rehabilitation centres and include persons with disabilities in decision making structures such as Child Protection Committees and Junior Parliament; concerns remain that persons with disabilities residing in rural areas are largely excluded from meaningfully participating in decision-making processes and platforms that affect them.

114. FODPZ recommends as follows:

- a. Traditional and community leaders should take concrete measures to ensure persons with disabilities are included in all decision-making platforms that concern them, as part of the GoZ's efforts to strengthen habilitation and rehabilitation services and programmes.

## **Article 27 Work and employment**

115. The GoZ is applauded for taking legislative measures in the Constitution, Public Service Act and Labour Act, to ensure the right to work and employment, as well as the prohibition of discrimination on the basis of disability. FODPZ welcomes the GoZ's efforts to give first preference to persons with disabilities to be employed in the public and private sector, based on merit, for any post. The GoZ is also commended, in its Zimbabwe National Employment Policy Framework, for recognising that productive employment and decent work can be achieved by including persons with disabilities. The GoZ is further applauded for recently developing a draft Public Service Disability Policy<sup>32</sup>, in close consultation with, inter alia, OPDs, following a disability sensitive baseline survey.

116. Concerns however remain that:

- a. Reasonable accommodation is not being implemented to a large extent in the private and public sector.
- b. The Equalisation of Employment Opportunities for Persons with Disabilities in the Private Sector is yet to be implemented, resulting in lower levels of persons with disabilities being employed in the private sector in comparison to the public sector.
- c. The terminology "persons living with disabilities" is used throughout the Zimbabwe National Employment Policy Framework.

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<sup>32</sup> [psc.gov.zw/?=p15979](http://psc.gov.zw/?=p15979)

- d. Data, from the State Party report, outlining the occupation of persons employed in the public sector lacks disaggregation by disability type.
  - e. Some private entities such as those in the mining sector, do not provide services and facilities that cater for the different needs of persons with disabilities.
  - f. Workers with disabilities do not have adequate representation on labour matters however, they need to be reformed to be more disability inclusive.
  - g. Existing workers unions<sup>33</sup> rarely capture disability issues as a priority, neither do they craft targeted programs for effective representation of persons with disabilities.
  - h. Most companies do not have inclusive internal codes of conduct, and they rely on the National Employment Council codes which are not inclusive for collective bargaining purposes.
  - i. Some workers with disabilities have been dismissed unfairly with no support for appeals. There have also been instances where employment is terminated as a result of disability that arises during employment.
117. In the case of the Zimbabwe National League of the Blind versus Zimbabwe National Statistics Agency (ZIMSTAT) and Others, the applicant brought an application to the Bulawayo High Court challenging systematic discrimination of visually impaired civil servants in the process of recruiting extra personnel by ZIMSTAT. Part of its requirements set conditions to select appointees “who should be physically and mentally fit”. As a result, all civil servants with visual impairments were dismissed or not recruited. The court found that the exclusion of the persons with visual impairments from recruitment as enumerators and supervisors, to which other persons were recruited for the purpose of conducting population census exercises, was discriminatory and in violation of the Constitution. The High Court ordered ZIMSTAT and the Minister of Finance to provide mechanisms that would allow the full participation of persons with disabilities particularly those with visual impairments, as enumerators and supervisors in the conduct of population censuses or any other such exercise. FODPZ applauds the efforts undertaken by

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33 Zimbabwe Congress of Trade Unions, Zimbabwe Teachers Association and Progressive Teachers Union of Zimbabwe

the ZIMSTAT to recruit a number of civil servants with visual impairments in its 2022 population census.

118. FODPZ calls upon the GoZ to:

- a. Collect disaggregated data on the employment of persons with disabilities in the public, private and informal sectors.
- b. Adopt measures to combat attitudinal barriers among employers, such as continuous sensitisation workshops.
- c. Introduce a quota that makes it mandatory for all employers to employ at least 10% of employees with disabilities in tandem with the preliminary ZIMSTAT 2022 Census Report.
- d. Provide incentives for employers that employ persons with disabilities.
- e. Encourage and support the inclusion of workers with disabilities in trade unions.
- f. Ensure that all Employment Codes of Conduct in public and private sector are compliant with the UNCRPD.

#### **Article 28 Adequate standard of living and social protection**

119. The GoZ is commended for granting social welfare assistance to older persons with disabilities. It is further applauded for acknowledging, in its State Party report, the need to review the Older Persons Act to repeal derogatory terminology namely, 'handicapped physically or mentally.'

120. Despite efforts by the GoZ to ensure persons with disabilities access social protection programs, start-up projects and other schemes including food aid distribution, concerns remain that no persons with disabilities are involved at the planning stage. In addition, few persons with disabilities are aware of the programs resulting in a handful benefiting from such schemes. Persons with disabilities in rural areas and women with disabilities are the most disadvantaged when it comes to the said programmes and schemes. Moreover, FODPZ found in its survey that: social protection programs are implemented in a partisan manner, are marred with corruption, work on a budget which is inadequate to accommodate all intended beneficiaries with disabilities, and the cash transfers are erratic and insignificant in amount.

121. FODPZ urges the GoZ to:

- a. Repeal all sections in the Older Persons Act that use derogatory terms including section 9 (1) (a) of the said Act.

- b. Include a disability perspective during the planning stage of poverty reduction strategies, social protection programmes and other schemes.
- c. Sensitise and ensure participation of persons with disabilities countrywide regarding the said programmes, strategies and schemes using multiple accessible formats.
- d. Conduct fact finding missions in selected districts to verify complaints of partisan and corrupt activities when it pertains to social protection programs.

#### **Article 29 Participation in political and public life**

122. Thirty-five percent (35.%) of persons with disabilities in the 2021 UNESCO study indicated that they have not been able to exercise their political rights such as voting and participating in other political activities. Candidates for positions such as ward councillors and members of Parliament with disabilities face stigma and discrimination in the communities, particularly where the potential candidate is a woman.

123. Whilst the GoZ is commended for the Constitutional Amendment No.2 provision which requires political parties to ensure representation of women with disabilities<sup>34</sup> and young women with disabilities<sup>35</sup> on the National Assembly party lists, political parties are yet to take practical measures to enforce this provision for the upcoming Harmonised Elections (expected to be held between July and August 2023).

124. Women with disabilities face multiple barriers in exercising their political rights in comparison to their counterparts, and representation of women with disabilities in political spaces is extremely low. The FODPZ survey partially attributed this to attitudinal barriers within political parties that often perceive women with disabilities as 'incapable charity cases.'

125. FODPZ applauds the inclusion of a ZEC Commissioner with a disability into the Electoral Management Body and further welcomes the NDP and Constitutional provisions to elect two senators with disabilities. When the Electoral College of persons with disabilities convened on the 14<sup>th</sup> of May 2022, to elect a replacement, the 2022 ZEC By-Election report noted that candidates did not have an adequate

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34 Section 124 (1) (c) (ii) (b)

35 Section 124 (10) (c) (ii) (c)

opportunity to campaign. The FODPZ survey also revealed that there are not enough parliamentarians with disabilities.

126. Whilst Section 40 B (1) (a) of the 2018 Electoral Amendment Act places an obligation on ZEC to conduct voter education which is adequate, accurate, gender sensitive and unbiased, this provision does not explicitly require voter education to be inclusive and accessible. The Act fails to obligate ZEC to ensure the provision of template ballots or tactile ballots to enable voters with visual impairments to vote independently; and it fails to provide for 'special voting arrangements' for voters with disabilities who are unable to travel to their respective polling stations to cast their vote. Persons with psycho-social impairments are largely unable to exercise their right to political participation as they are also excluded by the law. Additionally, the ZHRC 2018 Harmonised Election report made the following findings:

- a. The low turnout by persons with disabilities during the court nomination process which sought to confirm candidates representing the different political parties;
- b. Inaccessible buildings, in particular the lack of ramps or steep stairs within polling stations and some courts.

127. FODPZ recommends the GoZ to:

- a. Amend Section 120 (1) (d) of the Constitution to increase the number of Senators with disabilities to 15% of the Senate.
- b. Review Clause 4, 5 and 6 of the 2022 Electoral Amendment Bill to include a quota for youth and women with disabilities, within the already proposed quotas.
- c. Amend Section 40 B (1) (a) of the 2018 Electoral Amendment Act to place an explicit obligation on ZEC to conduct voter education which is inclusive.
- d. Amend the 2018 Electoral Amendment Act and its regulations to obligate ZEC to ensure the provision of template or tactile ballots to enable voters with visual impairments to vote independently.
- e. Ensure ZEC includes data disaggregated by disability type to enable polling officials to make requisite provisions.
- f. Amend the 2018 Electoral Amendment Act and its regulations to provide for 'special voting arrangements' for voters with disabilities and other voters who are unable to travel to their respective polling stations to cast their vote.
- g. Include persons with disabilities in every stage of the electoral cycle.

- h. Enhance its sensitisation and awareness raising activities on the political and electoral rights of persons with disabilities through the Independent Commissions.
- i. Conduct civic and voter education as well as campaigns, using multiple accessible formats and making deliberate efforts to target voters with disabilities.
- j. Ensure key electoral institutions such as ZEC, political parties, parliament, CSOs and the Attorney General's Legislative drafting department, deliberately work with OPDs, youths and women organizations to ensure participation of persons with disabilities.<sup>36</sup>
- k. Ensure that ZEC and the Civil Registry department facilitates access to necessary identity documents for persons with disabilities to register to vote.
- l. Designate accessible voter registration, campaign venues and polling station locations.
- m. Sensitise political parties regarding the rights of women with disabilities to participate in political rights in light of Constitutional Amendment No.2.

### **Article 30 Participation in cultural life, recreation, leisure and sport**

128. The GoZ is commended for providing opportunities for sport and recreation for all persons as stipulated in section 19 of the Sport and Recreation Commission Act (SRCA). The FODPZ survey revealed that GoZ supports the participation of persons with disabilities in the national paralympic games as well as the Danhiko tournaments. Furthermore, there is an increase in the number of persons with disabilities that are engaging in arts, music and culture; particularly the Deaf community, which regularly participates in drama and cultural dance. Moreover, FODPZ welcomes efforts at the Tongogara Refugee camp, to ensure the participation of children with disabilities in playing basketball, soccer and athletics as well as participating in yoga, judo and snooker. FODPZ is however concerned with the following:

- a. Section 9 (1) (c) of the SRCA states that the "Minister may require a member to vacate his office if the Minister is satisfied that the member is mentally or physically incapable or incompetent in carrying out his functions as a member."
- b. The Sports Commission has no representation from the OPDs.

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<sup>36</sup> Page 9 of the ZESN position paper.

- c. The level of participation of persons with disabilities is generally very low, especially among women with disabilities, due to inaccessible sport and recreation centres amongst other reasons.
  - d. No measures are in place to ensure children with disabilities have equal access with other children to participate in play, recreation, leisure, and sporting activities in the rural areas.
  - e. The lack of inclusive 'games', as opposed to separate national paralympic games (e.g., Special Olympics established within schools by the GoZ) for persons with disabilities.
  - f. The lack of participation in cultural life by persons with disabilities due to attitudinal barriers from the community.
129. The GoZ is urged to:
- a. Adopt measures to ensure that persons with disabilities can participate in recreation and sport on an equal basis with others.
  - b. Repeal Section 9 (1) (c) of the SRCA.
  - c. Review the SRCA to include representation from OPDs in its Sports Commission.
  - d. Financially support sports activities from grassroot level onwards.

**Article 31 Statistics and data collection**

130. Although the GoZ has taken measures to use the Washington group of questions in its poverty, income and expenditure survey and further works with the ZIMSTAT in data collection, concerns remain regarding the following:
- a. The lack of adequate and full involvement of persons with disabilities in data collection.
  - b. The lack of reliable and accurate statistics disaggregated by disability type, for example, exclusion of the Deaf community in some parts of the Bulawayo Province in the recent Census.
  - c. The lack of a disability database to collect data on persons with disabilities in a central platform.
131. The GoZ is urged to:
- a. Consult or employ persons with disabilities in research and data collection related to persons with disabilities.

- b. Strengthen the data collection system to comprehensively collect disaggregated data on persons with disabilities at national, provincial and district level.
- c. Sensitize all duty bearers on the use of Washington Group Short Set of Questions for disability identification.
- d. Develop Standard Operating Procedures for inputting data and quality assurance to ensure a clear line between illness, old age and disability.

### **Article 32 International Cooperation**

132. FODPZ welcomes efforts by the GoZ to engage development partners for the realisation of the purpose of the UNCRPD as well as measures taken to involve some OPDs during pre-budget seminars, disability expos and other legal and policy making processes. However, FODPZ is concerned that the GoZ leans more towards partners who do not necessarily mainstream disability issues in their activities. Furthermore, the FODPZ survey revealed that non-state actors appear to be playing a leading role in disability rights programming, in comparison to the efforts made by state actors. There is also need for OPDs and donors to improve on 'follow up actions' with the GoZ.

FODPZ implores the GoZ:

- a. Clearly outline inclusive activities in the planning, implementation, monitoring and evaluation stages in its collaborations.
- b. Involve persons with disabilities and adequately budget to support disability activities.

### **Article 33 National implementation and monitoring**

133. FODPZ acknowledges the GoZ's demonstrated commitment to the implementation and monitoring of the UNCRPD through:

- a. Establishment of focal persons in Ministries as provided for in the NDP.
- b. Appointment of a Director for the Disabled Persons Affairs and establishment of the disability affairs department.
- c. Appointment of a Special Advisor on Disability issues in the Office of the President and Cabinet.
- d. Establishment of the ZHRC's TWG on Special Interest Groups.
- e. Consultative stakeholders' meetings that included OPDs in the development of Zimbabwe's UNCRPD State Party report.

- f. Inter-ministerial committee on human rights and humanitarian law and a designated sub-committee on the UNCRPD.
  - g. Establishment of a National Disability Board.
  - h. Disability representatives in some independent commissions and parastatal boards such as the Zimbabwe Youth Council, Public Service Medical Board.
  - i. Constitutional provision for the inclusion of two Senators with disabilities and the obligation for political parties to ensure that women with disabilities are represented on party lists.
134. Notwithstanding the above, most respondents in the survey indicated that they had not been meaningfully involved by the GoZ in all stages leading up to the implementation of the UNCRPD including drafting of the State Party report. FODPZ is also worried that the NDP is an ineffective tool without the enactment of the draft Persons with Disabilities Bill.
135. FODPZ recommends as follows:
- a. Establish an independent body to replace the National Disability Board and oversee implementation of the UNCRPD and Disability affairs.
  - b. Allocate financial and human resources to the development of a UNCRPD domestication plan with clear timelines.
  - c. Identify government focal points at the local authority level, define their roles, and conduct continuous training on the effective monitoring and implementation of the UNCRPD.
  - d. For the GoZ to implement the NDP by putting in place relevant legislation for its implementation.
  - e. Allocate sufficient resources for the implementation of the UNCRPD.