

December 2014

### The situation of persons with disabilities

Eleven per cent of working-age individuals in Zimbabwe have a disability.<sup>1</sup> Rates are higher in rural (12.9%) than urban (7.5%) areas. Disability prevalence for women is higher than that of men (12.9% versus 9%). Households and individuals with disabilities have lower levels of economic wellbeing and lower Per Capita Consumption Expenditure. Individuals with disabilities have lower rates of primary school completion and fewer mean years of education completed. Some surveys show that 34 per cent of girls with disability and 22 per cent of boys never attend school, compared with 12 and 8 per cent of non-disabled. Other surveys show that as much as 67 per cent of children with disabilities never access education, which is probably more accurate (UNICEF, Leonard Cheshire). Children with hearing, visual and intellectual impairments are significantly more likely never to attend school compared to children with physical impairments. Households with disabilities have lower asset ownership scores and less access to high quality living conditions. Persons with disabilities in Zimbabwe are more likely to experience poverty and discrimination due to social and cultural norms, as well as problems with accessing health, education and employment.

Women with disabilities are more at risk of gender-based violence than non-disabled women.<sup>2</sup> Studies show that up to 87 per cent of women with disabilities are victims of sexual violence and as many as 29 per cent may have HIV/AIDS. Women with disabilities face alarming rates of illiteracy, economic dependency, and social exclusion. Domestic violence against women continues to be a serious problem crossing all racial, ethnic, and economic lines. A

2004 report by Save the Children Norway found that 87.4 per cent of girls with disabilities had been sexually abused. Approximately 48 per cent of them had an intellectual disability, 15.7 per cent had hearing impairments and 25.3 per cent had visible physical disabilities. 52.4 per cent tested positive for HIV. Professionals in health and education, employers and disabled people themselves remain largely unaware of the rights of persons with disabilities. The focus of donor and government funding of other urgent matters combined with Zimbabwe's fast declining national economy has meant that disabled people and their organisations have been left with little support.<sup>3</sup>

Zimbabwe was once a model country for disability rights in Africa with a high level disability advisor to the president and progressive legislation and policies. It was one of the first countries to adopt a disability legislation in 1992. Despite this law, the establishment of the National Disability Board and the appointment of a Presidential Advisor on disability issues, there has been no formal policies and implementation strategies in place to ensure the Act's enforcement (Choruma, 2007). Zimbabwe has a Disabled Persons' Act from 1992, but it is out-dated and most of the provisions have not been implemented. The Government of National Unity did not maintain earlier commitments in state support (monthly allowances) for persons with disabilities, and there is no disability policy. There are however, provisions in the new Constitution that address the rights of persons with disabilities.<sup>4</sup> In September 2013, Zimbabwe ratified the Convention on the Rights of Persons with Disabilities. These recent policy level developments could provide a basis for increased attention to the discrimination, abuses and poverty that affect women and men with disabilities.

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<sup>1</sup> World Bank case studies, Mitra et al 2011

<sup>2</sup> Thematic study on the issue of violence against women and girls and disability, Office of the United Nations High Commissioner for Human Rights (March 2012)

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<sup>3</sup> The Forgotten Tribe, People with Disabilities in Zimbabwe, Tsitsi Choruma, 2006

<sup>4</sup> COPAC Final Draft Constitution for referendum, February 2013

There are no legal provisions mandating persons with disabilities to participate in policy making or to work with governmental institutions, but disabled people's organisations (DPOs) have sometimes been consulted, when laws and regulations with a disability aspect are being prepared. DPOs were actively involved in the constitution-making process.

## Legal and policy framework

The government of Zimbabwe has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of **international instruments**, these steps include:

- Signing and ratifying (in September 2013) the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the optional protocol, the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. Read more at [www.un.org/disabilities/convention/conventionfull.shtml](http://www.un.org/disabilities/convention/conventionfull.shtml).
- Submitting a report on the Human Rights of persons with Disabilities (in October 2011), describing some progress in accessibility and the roles and responsibilities of the National Disability Board – in response to resolution 16/15
- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Beijing Platform for Action – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.

A working group of the African Commission on Human and Peoples' Rights has drafted a "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa". It was released for comment in April 2014 and once finalised (expected in 2015), is likely to become part of the African policy framework for advancing

disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

The new Constitution has several provisions that aim at ensuring the rights of persons with disabilities, for example<sup>5</sup>:

- Discrimination against any person with any form of disability is now unconstitutional. The new constitution recognises the inherent dignity and worth of each human being, equality of all human beings, gender equality and the rights of persons with disabilities. At the same time, the Constitution allows for discrimination, primarily against women, on the grounds of "customary law."
- Section 22, which says the state shall consider the specific requirements of persons with all forms of disability as one of the priorities in development plans
- Section 83, which contains a dedicated section on the rights of persons with disabilities. Under the section, the state has an obligation to take appropriate measures, *within the limit of resources available*, to enable persons with disabilities to become self-reliant, to live with their families and participate in social or recreational activities, to protect them from all forms of exploitation and abuse, to give them access to medical, psychological or functional treatment, to provide special facilities for their education and to provide state-funded education and training.
- The new constitution includes sign language as one of the official languages of Zimbabwe and stipulates that the state must take appropriate measures to ensure that buildings and

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<sup>5</sup> Disability in Zimbabwe under the New Constitution: Demands and Gains of People with Disabilities, Jacob Mugumbate & Chamunogwa Nyoni, September 2013

amenities to which the public has access are accessible to persons with disabilities

- Section 155 on elections states that the state is now under a constitutional obligation to ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to do so and the state must facilitate voting by persons with disabilities. Political representation of persons with disabilities has been clarified and concretised by the constitution which provides that the parliamentary senate shall consist of two representatives for persons with disabilities.

The Centre for Applied Legal Research (CALR) is currently (2014) providing technical legal research and advisory support for the reform of laws affecting persons with disabilities in Zimbabwe – to ensure that they are in line with the new Constitutional provisions. This initiative is being led by National Association of Non-Governmental Organisations (NANGO) and the National Council of Disabled Persons of Zimbabwe (NCDPZ) with financial support from United Nations Development Programme (UNDP).

Still it is the old “Disabled Persons’ Act” from 1992 that is in force. DPOs and researchers point at the following policy priority areas for the future:

- Monitoring and evaluation mechanism must be put in place by the government to ensure that the constitutional provisions are actually implemented
- All sections of the constitution dealing with disability must use the all-embracing definition of disability
- Representatives of persons with disabilities in the senate or councils must be people living with disabilities
- It must be mandatory for each government department to have a disability policy
- Funding for disability research and innovation by the Research Council of Zimbabwe, universities and other research institutes.

## **Implementing agencies**

The Ministry of Labour and Social Welfare is responsible for the rights and needs of people with disabilities, but has no budget at all for addressing the needs of the group. Together with the Ministry of Health and Child Welfare, the ministries are responsible for the provision of assistive devices to citizens with disabilities. Both Ministries fail to deliver according to their responsibilities. The Ministry of Youth Development, Gender, and Employment has not yet included women and girls with disabilities in its programs.

Health, medical care and independent living are guaranteed by law to persons with disabilities. The Disabled Persons’ Act mandates a National Disability Board with responsibility to develop measures and policies on the rights and welfare of persons with disabilities; maintain a register of persons with disabilities and disability-related organisations; and advise government and non-governmental organisations on the welfare and rehabilitation of persons with disabilities.

The Ministry of Education, Culture and Sports is responsible for ensuring that all children can access free primary education. While every child in Zimbabwe is supposed to have the right to primary education some school (according to the Education Act and the new Constitution) requirements render it unavailable to a number of children, e.g. school fees that are imposed despite of the free education policy, costs of learning materials, inaccessible premises, teaching practices that are not child centred, inflexible curricula requirements etc. As well, there is no legislation that compels parents or the state to ensure that children are sent to school. Zimbabwe opted for inclusive education when it accepted the provisions of The Convention of the Rights of the Child (1991) and the Convention on the Rights of Persons with Disabilities (2013). However, there is still no concrete plan of action or policy on inclusive education and segregated special schools are still the main option for children with disabilities. Very few teachers in ordinary schools have the necessary skills and preconditions to be able to constructively include pupils with special educational needs. Some disability organisations have therefore started to promote

segregated special, education as a better option. UNICEF and Leonard Cheshire International are the most active supporters of the government's efforts in the area of inclusive education. According to UNICEF there are 600 000 school age children with disabilities in Zimbabwe, most of them without access to education. This figure is probably an underestimate.

There are few donors in Zimbabwe that bring in disability aspects in their programmes, especially in the area of economic empowerment.

### **Accountability measures**

The **National Disability Board (NDB)** falls under the Department of Social Welfare in the Ministry of Public Service, Labour and Social Welfare. According to the Disabled Persons' Act the Board should be serviced by a fully-fledged Secretariat, headed by a Director of Disability Affairs. However, since its inception, the Board has been manned by officers from the Department of Social Welfare who double up disability issues with their other responsibilities much to the detriment and neglect of disability issues. The National Disability Board has the following functions:

- Formulate and develop measures and policies designed to achieve equal opportunities for people with disabilities by ensuring that they obtain education and employment, participate in other academic activities and are afforded full access to community social services;
- Prevent discrimination against people with disabilities by encouraging and putting into operation schemes and projects for employment or income generating projects for disabled people who are unable to secure employment elsewhere; and
- Issue adjustment orders in a bid to attain accessibility to buildings, information and services.

There is a newly formed **Zimbabwe Human Rights Commission (ZHRC)** which is established as an independent Commission under the new Constitution. The full operationalisation of the Commission has been pending for five years, but it finally started to operate in 2014. The capacity

development of the commission is supported especially by Denmark and Norway. Linkages are being established with the South African Human Rights Commission and other commissions in the region. The South African Human Rights Commission has a special disability desk that deals with discrimination on grounds of disability.

There is a **National Disability Advisor** appointed by the President. His role and mandate in relation to the above mentioned accountability mechanisms are not sufficiently clarified. Some stakeholders report that there has been a disproportionate attention to persons with disabilities who are war veterans.

### **Main civil society actors**

There is one national umbrella of disabled people's organisations, Federation of Disabled Persons of Zimbabwe (FODPZ), represented in the National Disability Board (NDB). The role of FODPZ is to advocate rights and improved services, mobilise persons with disabilities, provide services and promote and organise income-generating activities. The work of FODPZ, as well as its members, suffers from lack of financial and human resources although Nordic CSOs have been persistent supporters of some member organisations. The members of the Federation are:

- Association of the Deaf (ASSOD)
- Disabled Women Support Organization
- Epilepsy Foundation
- Muscular Dystrophy Association of Zimbabwe (MDAZ)
- National Council of Disabled People of Zimbabwe (NCDPZ)
- Quadriplegic Association of Zimbabwe (QUAPAZ)
- Zimbabwe Albino Association
- Zimbabwe Association of the Visually Handicapped (ZAVH)
- Zimbabwe Down's Syndrome Association (ZDSA)
- Zimbabwe National Association of the Deaf (ZIMNAD)
- Zimbabwe Parents of Handicapped Children Association (ZPHCA)
- Zimbabwe Sports of the Disabled Association (ZSAD)
- Zimbabwe Women with Disability in Development (ZWIDE)

Another national umbrella is the National Association of Societies for the Care of the Handicapped (NASCOH). NASCOH gathers both service providers and organisations of and for persons with disabilities, comprising 53 member organisations throughout the country. There is also the National Council of Disabled People of Zimbabwe (NCDPZ), a Bulawayo based competing umbrella organisation.

Southern Africa Federation Of the Disabled (SAFOD) is a regional network providing strategic leadership for the advancement of disability rights in 10 countries - Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe with headquarters in Bulawayo, Zimbabwe.

The most visible donors in the disability field have been UNICEF, UNDP, DfID, OXFAM, Save the Children and Leonard Cheshire.

### **What Sweden could do – 8 questions to discuss**

In line with the Swedish engagement for democracy, human rights and economic development in Zimbabwe, there is great opportunity to include persons with disabilities. Questions to discuss:

- Could Sweden do more to make supported UN programmes (and other joint donor arrangements) more inclusive of persons with disabilities? E.g. are programmes focussing on basic social services, education, water and sanitation, economic empowerment, SRHR, elections, culture etc. designed to be accessible to persons with disabilities? Are there explicit measures taken to include this group? Are there disaggregated monitoring indicators? Download a Guide to Disability in development [here](#).
  - Could Sweden do more to make civil society capacity development programmes inclusive of disabled people's organisations, e.g. FODPZ's and its members?
  - Could Sweden do more to include these organisations in its professional and social networks?
  - Could Sweden do more to support the accountability mechanisms (the National Disability Board and the Human Rights Commission) to develop their capacity to address the rights of persons with disabilities (in collaboration with disabled people's organisations)? Monitoring tools can be downloaded [here](#).
  - Could Sweden do more to include women with disabilities in programmes aiming at women empowerment and combatting of gender based violence?
  - Could Sweden do more to ensure accessibility for persons with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes and literacy programs - particularly for women and youth with disabilities? Examples of tools can be found [here](#).
  - Could Sweden do more to encourage and support research on disability relevant topics?
  - Could Sweden do more to seek strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative?
  - Could Sweden do more to keep updated on disability rights in Zimbabwe and to raise awareness of staff?
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## REFERENCES AND LINKS

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The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.