



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Zimbabwe under article 35 of the Convention, due in 2015*

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* The present document is being issued without formal editing.



List of Abbreviations

BEAM	Basic Education Assistance Module
C&HBC	Community and Home Based Care
CBID	Community-Based Inclusive Development
CBR	Community-Based Rehabilitation
CCWs	Community Case Care Workers
CCZ	Constitutional Court of Zimbabwe
CEO	Chief Executive Officer
DFID	Department for International Development
DPA	Disabled Persons Act
DPOs	Disabled Peoples' Organisations
DRC	Disability Resource Centre
DRG	Department of the Registrar General
DSOs	Disability Services Organisations
EPI	Expanded Programme on Immunisation
ESFZ	Epilepsy Support Foundation Zimbabwe
EU	European Union
FP	Family Planning
GBV	Gender-Based Violence
GoZ	Government of Zimbabwe
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunity Deficiency Syndrome
HSCT	Harmonised Social Cash Transfer
ICCPR	International Covenant on Civil and Political Rights
IMC-IHL	Inter-Ministerial Committee on Human Rights and International Humanitarian Law
IMPI	Information Media Panel of Inquiry
JICA	Japan International Cooperation Agency
JSC	Judicial Service Commission
LAD	Legal Aid Directorate
LRF	Legal Resources Foundation
MPSLSW	Ministry of Public Service, Labour and Social Welfare
NAP	National Action Plan
NASCOH	National Association of Societies for the Care of the Handicapped
NGOs	Non-Governmental Organisations
NHRIS	National Human Rights Institutions
NPA	National Prosecuting Authority
NPRC	National Peace and Reconciliation Commission
NSSA	National Social Security Authority
OVC	Orphans and Vulnerable Children

PWDs	Persons with Disabilities
SDGs	Sustainable Development Goals
SPS	Schools Psychological Services
SRHR	Sexual and Reproductive Health Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRPD	United Nations Convention on the rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
VFS	Victim Friendly System
WG6	Washington Group 6
ZEC	Zimbabwe Electoral Commission
ZGC	Zimbabwe Gender Commission
ZHRC	Zimbabwe Human Rights Commission
ZIMRA	Zimbabwe Revenue Authority
ZIMSTAT	Zimbabwe National Statistics Agency
ZITF	Zimbabwe International Trade Fair
ZNFPC	Zimbabwe National Family Planning Council
ZPCS	Zimbabwe Prisons & Correctional Services
ZRP	Zimbabwe Police Service

Part one

Introduction

1. The Government of Zimbabwe (GoZ) is pleased to present its initial State Party Report (hereinafter the Report) under the United Nations Convention on the Rights of Persons with Disabilities (hereinafter the UNCRPD or Convention). The Report provides an overview of the progress Zimbabwe has made in respect of promotion and protection of the rights of persons with disabilities through Constitutional, Legislative, Administrative and other measures taken to implement the UNCRPD. Further, the Report highlights the challenges Government has and continues to encounter in giving effect to the provisions of the Convention and strategies currently in place to address some of the challenges.
2. GoZ prepared the Report through the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC-IHL). This Committee was established in 1993 and is composed of Government Ministries and Departments. Its main mandate includes drafting State Party Reports in preparation of their submission to respective treaty bodies as and when they become due.
3. The drafting process was inclusive as it involved consultations with various stakeholders in the disability sector including Organisations of Persons with Disabilities (OPDs), Disability Service Organisations (DSOs), the National Human Rights Institutions (NHRIs), Civil Society Organizations (CSOs), Parliament, Traditional Leaders, Persons with disabilities (hereinafter PWDs) among others working on promoting the realization of the rights of persons with disabilities. The purpose of the consultations was to ensure a sector-based representation of the prevailing situation in respect of implementation of rights of PWDs in Zimbabwe.
4. GoZ recognises the crucial role that OPDs, DSOs and other stakeholders continue to play in promoting the rights of persons with disabilities. It also acknowledges that participation was limited by capacity and resource constraints. However, Government remains committed to promoting, protecting and fulfilling the rights of persons with disabilities and acknowledges assistance provided by partners in the sector.
5. GoZ also submitted the Common Core Document. The Common Core Document provides a situational analysis of the legal, social, political, administrative and economic context in which the rights of PWDs are being implemented in the country.
6. The following is an article-by-article reporting on the legislative, administrative and other measures adopted to implement the Convention by Zimbabwe. While legislative measures are provided for in a heading under each article, administrative measures are contained in a separate heading but also include other measures such as policy and institutional arrangements. Challenges impeding implementation of the Convention are also indicated, but not necessarily under a specific heading.

Part two

Articles 1–4

General provisions

7. Government is in the process of repealing the Disabled Persons Act [Chapter 17:01] to align it to the Constitution of Zimbabwe (hereinafter the Constitution) and the Convention. The Persons with Disabilities Bill, 2021 is the piece of draft legislation through which legislative reform will be achieved. The Disabled Persons Act was enacted well before the adoption of the Convention, hence the dire need to conform its provisions to the Constitution and the Convention. Accordingly, the provisions of the Bill feature across the length and breadth of this Report demonstrating the extent to which it seeks to implement the provisions of the Convention at least at a formal level.

8. The proposed law will address the definition and understanding by the State Party of reasonable accommodation, discrimination, language, communication and universal design among other concepts as they are provided for in the Convention.

9. Section 3(1)(i)(ii) of the Constitution provides for the recognition of the rights of persons with disabilities (sic) as one of the principles of good governance, which bind the State and all institutions and agencies of Government at every level.

10. Further, Section 22 is entirely dedicated to the rights of PWDs and mandates Government and all institutions of recognise the rights of persons with physical and mental disabilities, to assist the PWDs to achieve their full potential, develop programs for the welfare of PWDs and take measures to ensure public buildings and amenities are accessible to PWDs.

11. Furthermore, Section 56 (3) of the Constitution guarantees that every person has the right not to be treated in an unfairly discriminatory manner based on various grounds among which ‘disability’ is listed. This is understood in practice that any discrimination based on disability is automatically a violation of Section 56(3) of the Constitution.

12. The Constitution further provides for the following general principles and obligations which are embodied in Articles 3 and 4 of the Convention:

- (a) Recognition of rights of persons with disabilities;
- (b) Respect for the inherent dignity of persons with disabilities;
- (c) Progressive realisation of measures to ensure attainment of full capabilities by persons with disabilities through affirmative action and temporary measures;
- (d) In respect of individual autonomy and independent living by persons with disabilities through development of programmes for their welfare;
- (e) Recognition of participation of persons with disabilities in development processes;
- (f) Recognition of the need to encourage the use and development of forms of communication suitable for persons with disabilities in line with definition of communication provided in the Convention;
- (g) Fostering social organisation aimed at improving the quality of life of persons with disabilities;
- (h) Accessibility to public buildings and amenities;
- (i) Recognition to right to family and full participation in recreational activities;
- (j) Protection from exploitation and abuse;
- (k) Access to health facilities;
- (l) Special facilities for education; and
- (m) Recognition of State-funded education and training.

13. Naturally flowing from the history of the country, Goz enacted the War Victims Compensation Act [Chapter 11:16] which provides for the payment of compensation in respect of personal injuries, ill-health, physical or mental incapacity sustained during the liberation struggle. This intervention minimises the socio-economic disadvantages suffered by survivors of the liberation struggle who came out of it with disabilities.

14. The State Service (Disability Benefits) Act [Chapter 16:05] provides for the payment of compensation on the injury of persons employed by the State arising out of and in the course of official duties and also provides for payment of compensation on the injury of any person whilst assisting the Defence Forces, the Police Force or the Prison Service.

15. The Children’s Act [Chapter 5:06] provides for special care to children with disabilities through guaranteeing of grants to aid in the upkeep of children in institutions and provision of school fees and uniforms. Section 2 of the Act defines a “child in need of care” as a child with a “mental and physical disability and requires treatment, training or facilities

which his parents or guardians are unable to provide”. Clearly, this law does not consider the different types of disability as defined in Article 1 of the Convention, and will be amended in the on-going law reform.

16. The Private Voluntary Organisations Act [Chapter 17:05] stipulates the registration of private voluntary organisations, which include organisations for children and adults with disabilities to complement Government efforts at providing rights-based services to PWDs. This has enabled registration of institutions and advocacy organisations for persons with disabilities for formal legal recognition as well as to qualify for other advantages such as tax rebates when importing equipment such as assistive devices and other consumables to facilitate daily administration of these organisations.

17. The Mental Health Act [Chapter 15:12] is a piece of legislation adopted to provide for the care, detention and after care of persons with mental impairment. As will be reported later in this Report, Zimbabwe is still facing challenges in finding other options than keeping some PWDs in institutions, especially those with mental impairment subject to certain safeguards in terms of vetting of persons to be kept in these institutions.

18. Further still, Section 51 of the Electoral Act [Chapter 13:02], generally provides for the regulation of the entire electoral process from voter registration, election management, voting, electoral dispute resolution and so on. This law provides that all polling stations should be accessible to all people including persons with physical disabilities. Section 59 further provides voting procedures for the physically impaired. However, clearly the law again falls short of the definition of disability as provided for in Article 1 of the Convention. This law forms part of the cocktail of laws to be aligned to the Constitution and in particular to the provisions of the Convention.

19. The National Disability Policy is a document that guides the development of operative rights based social services strategies aimed at enabling independent and empowered lives of PWDs. This document sets the tone for devising best strategies and plans for domesticating the Convention. The policy was launched by the President in June 2021.

Administrative measures

20. Section 4 of the Disabled Persons Act provides for the formation of the National Disability Board, which is a representative body of PWDs. This Board formulates and develops policy measures for the rehabilitation and welfare of PWDs and spearheads development of policies towards ensuring that persons with disabilities live independently and access all social services. The Board is also represented at grass root level in every province of the country.

21. The Zimbabwe Human Rights Commission (ZHRC), the premiere national human rights institution in the country, has eight (8) functional Thematic Working Groups including the Thematic Working Group on Special Interest Groups that covers vulnerable groups such as Older Persons and Persons with Disabilities. It also focuses on youths and indigenous minorities who face compound discrimination because of their circumstances. The Thematic Working Group on Special Interest Groups is headed by a Commissioner with assigned Officers to promote and advance rights of PWDs and mainstream disability rights issues into the work of the Commission.

22. There is also the Equalisation of Employment Opportunities for Persons with Disabilities Policy in the Public Service of Zimbabwe. It entails mainstreaming of disability within its operations by ensuring that there is no discrimination against persons with disabilities in terms of deployment and conditions of employment.

23. Persons with disabilities directly participated in the process leading to the drafting of the Persons with Disabilities Bill and the National Disability Policy. Consultations were held in all the ten provinces of the country where their organisations also directly participated to ensure that the rights of PWDs are given expression during these processes.

24. In line with Article 8 of the UNCRPD awareness raising is an unending, ongoing process. It includes the International Day of PWDs and the Disability Expo. The last of which was held in Gweru from 10–13 October 2021. Every provincial office in the Ministry of Public Service, Labour and Social Welfare has a budget to commemorate the International

Day of Persons with Disabilities and also Disability Expo. This is a platform for all stakeholders in the disability sector to converge and celebrate human diversity and to share new information and knowledge regarding rights of PWDs. New materials such as sign language dictionaries are often launched at such gatherings to maximize on the wide sector representation on the day. The Expo was designed as a week-long event but has seen time reduced as a result of resource constraints. The Department of Disability Affairs is doing other programmes with regards to promoting recognition of the skills, merits and abilities of Persons with Disabilities and their contributions to the workplace and labour markets.

25. Government also has an Office for the Special Advisor to the President and Cabinet on issues of disabilities. The function of this office is to advise the Presidium on mainstreaming disability issues in Government projects and programmes.

Article 5

Equality and non-discrimination

26. As previously mentioned in Paragraph 11 of this Report, the Constitution stipulates that every person has the right not to be treated in an unfairly discriminatory manner on the basis of disability. Section 56 (1) of the Constitution provides for equality before the law and equal protection and benefit of the law.

27. Furthermore, Section 56 (6) of the Constitution provides for reasonable legislative and other measures to promote the achievement of equality and promotion of persons with disabilities, as highlighted in Paragraph 11. This provision appears to have been borrowed from Article 16 of the International Covenant on Civil and Political Rights (hereinafter ICCPR). Persons with disabilities are equally protected by the law without distinction. Section 56 (3) of the Constitution lists disability as a ground for possible discrimination and to that end asserts that any discrimination based on disability would be automatically regarded as unfair discrimination in contravention of the Constitution and similarly worded international instruments such as the Universal Declaration of Human Rights (UDHR), ICCPR etc.

28. As for measures to ensure effective, accessible and affordable access to remedies by PWDs, there are two key constitutional provisions. First, Section 69 of the Constitution provides for the right to access to justice (fair hearing) through the determination of civil and criminal rights by an independent and impartial tribunal established by law. The rights guaranteed in terms of these provisions have been domesticated from Articles 14 and 15 of the ICCPR. Without express exclusion of persons with disabilities from the enjoyment of the same rights, persons with disabilities are equally entitled to such rights.

29. Second, Section 85(1) of the Constitution provides for the enforcement of the Declaration of Rights by giving access to courts for purposes of enforcing fundamental rights and freedoms including right to equality and non-discrimination on the basis of disability under Section 56 of the Constitution. It further empowers courts to grant appropriate remedies where rights are about to be, have been or are being violated. Appropriate relief is understood to mean remedies that seek to reverse, as far as possible, the negative consequences of violation of rights.

30. Furthermore, Section 5 of the Labour Act [Chapter 28:01] prohibits employment discrimination on the basis of listed and analogous grounds to which list disability could be added. When such discrimination occurs, the person or employee affected can approach 'competent court', which is the Labour Court, to obtain appropriate relief in the circumstances of the case. This provision ensures equality in the work place.

31. The Prevention of Discrimination Act [Chapter 8:16] which came into force on 29 January 1999 was adopted to 'prohibit discrimination on the grounds of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender and to provide a remedy for persons injured by such discrimination; to prohibit the promotion of such discrimination'. Unfortunately, this law does not prohibit discrimination on the basis of disability. It is one of the several pieces of legislation lined up for reform to incorporate constitutional provisions and to implement the Convention.

32. In matters of education, Section 5 of the Education Act [Chapter 25:04] provides that every child has a right to compulsory primary education. By extension, this includes children with disabilities and children of PWDs, who are also entitled to compulsory and Free State funded education in terms of Section 75(1) of the Constitution. It is positively reported here that the Education Amendment Act, has already been promulgated to bring fundamental changes to the Education Act in order to align it with Section 75 of the Constitution on right to education as well as the Convention though the Persons with Disabilities Bill comprehensively addresses education-related issues.

Administrative and other measures

33. As previously mentioned in Paragraph 22 of this Report, PWDs have been included in affirmative action policies and programmes such as the Equalisation of Employment Opportunities for Persons with Disabilities Policy in the Public Service. As of November 2019, a total of seven hundred and three (703) persons with disabilities were employed by the Public Service Commission.

34. The Government has put in place several effective measures to enhance physical accessibility to public buildings. All thirty (30) new court houses constructed around the country in the last five (5) years have access ramps for use by litigants, witnesses, court officials and members of the public with physical impairments. Construction of ramps on existing court houses has made the courts accessible. These are at Harare, Bulawayo, Chitungwiza, Marondera, Rusape, Masvingo, Plumtree, Gokwe, Hwange and all four High Court stations in Harare, Bulawayo, Mutare and Masvingo bringing the total number to forty-three (43). Given that there are fifty-five (55) stations countrywide, this gives a 78% coverage.

35. Considering that sign language is a minority language like any other such as Chinese, Portuguese etc., there are four (4) out of two hundred and twenty (222) specialist sign language interpreters who are dedicated for such cases around the country. The sign language interpreters are engaged when need arises. The system has been very effective such that there are never any challenges in dealing with cases where sign language interpretation service is required. Sign language interpreters have been made available for persons with hearing and speech impairments to facilitate their effective participation in the justice system. The Constitution has also been translated into sign language to ensure that persons with hearing and speech impairments are able to know their comprehensive rights provided for by Chapter 4 of the Constitution.

Article 6

Women with disabilities

Legislative Measures

36. Section 14 (1) of the Constitution provides that ‘the State and all institutions and agencies of Government at every level must endeavour to facilitate and take measures to empower through appropriate, transparent, fair and just affirmative action, all marginalised persons, groups and communities in Zimbabwe’. The State Party understands that women form part of the historically marginalised population, more so if they are women with disabilities.

37. Further, Section 17 of the Constitution mandates the State to promote full gender balance in Zimbabwean society, and in particular the State is mandated to promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men. However, Section 17 should not be construed in isolation and must be read together with Section 56 which includes women with disabilities as well as Section 83 that provides for affirmative action in advancing the rights of Persons with disabilities.

38. Section 27 of the Constitution states that the State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.

39. Section 52 of the Constitution provides for the right to bodily and psychological integrity inclusive of but not limited to the right to freedom from violence and not to be subjected to medical or scientific experiments.

40. Section 56 of the Constitution stipulates that women and men have the right to equal treatment, opportunities in political, economic, cultural and social spheres. Section 56 (3) explicitly forbids unfair discrimination on the basis of sex, gender or disability among other grounds. On its part, Section 65 of the Constitution states that women employees have a right to fully paid maternity leave for a period of at least three months. The Labour Amendment bill has captured this position.

41. Further on the point, Section 80 (1) of the Constitution provides that every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities. Section 80 (3) further states that all laws, customs, traditions and cultural practices that infringe the rights of women conferred by the Constitution are void to the extent of the infringement.

42. Section 76 of the Constitution provides that every citizen and permanent resident of Zimbabwe has the right to have access to basic health care services, including reproductive health care services and that includes women with disabilities.

43. In order to foster deliberate promotion of gender equality, Section 245 of the Constitution establishes the Gender Commission. Its functions and powers include, among other things promoting gender equality in all public institutions, investigating cases of violation of gender equality and providing effective remedies in that regard.

44. The Domestic Violence Act [Chapter 5:16] was enacted in 2006. The Act defines domestic violence broadly enough to cover most instances of gender-based violence and criminalizes the acts of domestic violence. The Act also provides for various forms of relief for survivors of domestic violence including protection from potential violence. A key aspect of the Act is the provision for third parties to report domestic violence, where the people experiencing domestic violence themselves are unable to report it for a variety of reasons. The Act also establishes a Domestic Violence Council tasked with overseeing the implementation of the Act and monitoring domestic violence in general.

45. Part III of the Criminal Law (Codification and Reform) Act [Chapter 9:23], referred to as the Code hereinafter, criminalises rape, including marital rape, and other sexual offences. The Act sets out the scope of punishable acts of sexual violations. Further, the Criminal Evidence and Procedure Act [Chapter 9:07] has been amended to make provision for the support of victims of sexual abuse during court processes.

46. The Seventh Schedule to the Electoral Act, pursuant to the provisions of Section 120 (1) (d) of the Constitution, provides for two (2) Senators with disabilities who must be of different sexes. This has ensured that women with disabilities are represented in the Senate.

47. As regards Trafficking in Persons Act [Chapter 9:25], Section 3(3) creates the offence of ‘trafficking in persons’. This offence is regarded as committed in aggravating circumstances where the trafficked person is a child or a person with disabilities. The penalty upon conviction is up to life imprisonment or a minimum period of 10 years. This goes a long way in disincentivising trafficking in person’s cases, which often lead to slavery, servitude, torture, inhuman and degrading punishment or killing of PWDs for religious or traditional beliefs or in some cases for medicinal purposes.

48. Clause 25 of the Persons with Disabilities Bill, 2021, has a provision for the protection of the rights of women with disabilities. Under this Clause, the Minister is supposed to take all necessary steps to advance the rights of women with disabilities and to empower them to fully participate in public life and to occupy decision-making positions in Government and society. This clause will go a long way in mainstreaming disability and gender.

49. Section 68D of the Education Act, provides that no pupils shall be excluded from school on the basis of pregnancy. This will go a long way in advancing the rights to education and the best interests of the child.

Administrative and other Measures

50. The State Party has adopted a raft of measures consequent to the enactment of the legislative framework discussed above. These measures have been fully reported on under Article 16 and they are as follows:

- National Gender Based Violence Strategy.
- Anti-Domestic Violence Council.
- Inter-Ministerial Cabinet Committee on Rape.
- Standard Operating Procedures for Safe Shelters.
- 4Ps Campaign against GBV.
- Multi Sectoral Management of Sexual Abuse and Violence.
- Victim friendly systems.
- One Stop Model.

Broad Based Women's Economic Empowerment Framework

51. Government adopted a Broad-Based Women's Economic Empowerment Approach. The approach provides a systematic way of mainstreaming women in key economic sectors through establishment of empowerment targets, mobilisation of financial resources and capacity building for women's effective economic participation. The framework is designed to serve women from all backgrounds and to be applied across all sectors. Some of the initiatives under this policy framework are reported below.

Women's Microfinance Bank

52. The revised Gender Policy provides for strategies to strengthen women's access to economic opportunities and benefits derived from the economic development of the country. To this end, Government has established the Zimbabwe Women's Micro Finance Bank (ZWMB) in 2017. The objectives of the Women's Bank are to improve access to affordable capital and operational finance by women.

53. A total of forty-seven thousand seven hundred and forty-nine (47 749) accounts have been opened and to date a total of three million and seven hundred thousand dollars (\$3, 700 000) USD has been disbursed in both conventional loans and value chain.

54. Further the Bank facilitates financial inclusion by decentralising the banking system so that it becomes accessible to the majority of women who reside in the rural or remote areas and are not formally employed and yet they carry out some small-scale economic activities to earn a living.

55. To this end, in 2019 the Women's Development Fund, housed under the People's Own Savings Bank (POSB) received approximately five million dollars (\$5 000 000) to increase women's access to resources, job opportunities, financial services, property and other productive assets. By February 2019, the Bank had disbursed three million six hundred and fifty-eight thousand four hundred and fifty-nine dollars (\$3 658 459) to seven thousand four hundred and sixty-one (7 461) women for projects across the country. Measures are being put in place to disaggregate data for women with disabilities.

Women and Girls Empowerment

56. The Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development has given a policy directive to both technical and teachers' colleges to enrol women up to a certain accepted percentage. In 2019, women enrolment at Polytechnics was 43% while at teachers' colleges it was 74%. It has been observed that in Polytechnics there are more women in the "soft" areas than in the "hard" science and technical areas, which are shunned by women.

2019 Summary of Disability Enrolments

<i>Type of Impairment</i>	<i>Visual</i>		<i>Hearing</i>		<i>Physical</i>		<i>Other</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	
Universities	97	71	8	3	102	50	25	22	378
Polytechnics	1	0	0	3	77	42	0	0	123
Teachers Colleges	18	45	6	4	49	67	15	24	228
Total	116	116	14	10	228	159	40	46	729

57. Government remains committed to the education of the girl child with disabilities. 2019 enrolment statistics of females in primary and secondary education was at 15 506. This minimizes the disadvantages sustained by PWDs in trying to access education at integrated schools especially girls with disabilities who are prone to multi-discrimination.

58. Government through the Ministry of Higher and Tertiary Education, Innovation, Science and Technology has included gender curricula in some of the universities. This has managed to raise awareness of the gender issues amongst the learners.

59. One of the universities which priorities the enrolment of women were 80% of the total enrolment is composed of women. This has seen women being empowered educationally.

Policy on Pregnant Girls

60. In order to tackle dropout rates, it is Government Policy to grant leave to girls who fall pregnant in primary and secondary schools and allow them to continue their studies after delivery. Furthermore, the granting of such leave is accompanied by counselling, for the affected child as well as the parents by the school authorities.

61. GoZ in partnership with various UN Agencies in the country under the project, “Improving Access to Adolescent Sexual and Reproductive Health Rights (ASRHR) for Adolescent Girls with Disabilities, Prevention of Sexual and Gender Based Violence (SGBV)”, has achieved the following:

- Production of disability sensitive SRHR IEC material for adolescents with disabilities.
- Training of one hundred and ninety-eight (198) Justice, Law and Order stakeholders on the rights of PWDs, which had bias towards the rights of women and girls with disabilities between December 2018 and December 2019.

62. Furthermore, Government in partnership with the United Nations Joint Project on the Rights of Persons with Disabilities (UNRPD) is complementing the Government of Zimbabwe efforts to implement the CRPD. The project is entitled: *Advancing the Rights of Women and Girls with Disabilities in Zimbabwe* has contributed to advancing CRPD articles 6, 8, 13, 23 and 25.

63. To date these are the notable key successes of the project since its inception in 2018:

- The Project has created a strong partnership for joint dialogue on the CRPD by Government, UN Agencies, OPDs and communities;
- Raising awareness on aspirations, needs and concerns of women and girls with disabilities in peri-urban and rural communities;
- The Project has so far reached two hundred and sixty-one (261) women and girls with disabilities and has created a platform for them to freely express their views on various issues such as their aspirations, needs, experiences on access to justice and sexual and reproductive health issues;
- An estimated seven hundred (700) community members from 6 out of 10 of Zimbabwe’s provinces were reached to dialogue “on the role of negative cultural practices/beliefs in discriminating against women and girls with disabilities”. This

activity seeks to raise awareness on the interface of disability, gender and culture and seeks to promote positive normative change;

- In June 2019, about sixty (60) Zimbabwe Human Rights Commission (ZHRC) staff were trained on disability rights and on sexual and reproductive health rights for women and girls with disabilities;
- Project has also reached to over one thousand two hundred (1 200) people to raise awareness on the Rights of Women and Girls with Disabilities.

64. In accordance with its Constitutional obligations, the Gender Commission does work around disability. In its thematic areas such as gender and economic empowerment, gender and political participation, gender, legal and constitutional rights, gender and health, gender, religious and cultural rights, gender and environmental rights among others; disability mainstreaming is considered. Implications of these human rights themes on rights of persons with disability are looked into. The 2021 International Women's Day focused on rights of women with disabilities. Research is also being conducted on challenges faced by women with disabilities in political participation and the implication for achievement of gender balance by 2023.

65. The Commission is still in its infancy and with regards to cases and complaints received from women with disabilities, the numbers are very low. It is probably because of mobility challenges and the Commission is planning to conduct more mobile legal assistance outreaches to enhance its accessibility by women with disabilities.

Article 7

Children with disabilities

Legislative Measures

66. Section 81 (1) of the Constitution provides that every child has the right to equal treatment before the law, including the right to be heard. Section 81 (2) further provides that a child's best interests are paramount in every matter concerning the child. Therefore, the best interest of the child principle has been constitutionalised and subsidiary legislation regulates its application in given decision-making situations.

67. Section 83 (e) of the Constitution mandates the State to take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures to provide special facilities for their education.

68. Part 1A of the Children's Act establishes the Child Welfare Council. The Council is responsible for, among other functions, advising the Minister and any other person that the Council thinks appropriate on any matter relating to the welfare of children; to monitor the overall situation of children in need of care and to try to ensure that their welfare and rights are advanced; to promote and encourage the co-ordination of the activities of organizations which have as their object the promotion and protection of the rights of children.

69. Section 7 (2) of the same Act makes it a criminal offence to ill-treat or neglect a child. Nonetheless, as is the case with several other pieces of legislation on the protection of children, they do not make specific reference to children with disabilities who may need reasonable accommodation measures that go beyond what the law so far provides. It is important to still state that the general provisions on children also apply to children with disabilities.

70. In the Children's Act,¹ the definition of children in need of care has been broadened to include children with disabilities requiring support which cannot be provided by his/her parent/guardian.

71. To cater for the inadequacies of existing legislative measures, Clause 24 of the Persons with Disabilities Bill provides for the rights of children with disabilities in terms of meeting

¹ Section 2 of the Children's Act.

their specific needs and protection arrangements as children with disabilities rather than pooled together with other children. This legislative reform will go a long way in enhancing the rights of children with disabilities.

Administrative and other Measures

72. With respect to children's access to education reference is made to paragraph 267 of this report.

73. Zimbabwe does have the Junior Parliament which offers an opportunity for children to freely discuss matters affecting them. Children with disabilities also participate in the Junior Parliament and current President of the Junior Parliament is a girl with disabilities.

Orphan Care Policy

74. The GoZ, as early as 1999 and in response to the impending crisis as a result of HIV/AIDS induced orphanage, developed and adopted a National Orphan Care Policy, which sought to support traditional methods of care and discouraged forms of care which removed children from their communities and culture. This policy recommended foster care and adoption as the desired alternatives for children who did not have extended families and explicitly discouraged the use of institutional care. It clearly stated that placing a child in an orphanage should be regarded as a last resort, utilized only after all efforts to secure a better form of care have been exhausted.

75. The Policy developed an order of preference for places of provision of child care, namely:

- Immediate family;
- Extended family;
- Community support to elderly/adolescent heads of households;
- Foster care/adoption;
- Village-type institution; and
- Dormitory-type institution.

This policy equally applies to children with disabilities as it applies to others.

Free health services for persons under five years of age

76. The GoZ has an operational policy to provide free medical care and rehabilitation services to children under the age of five (5) years in all Government medical institutions. This will go a long way in combating infant mortality. It also helps to deal directly with cases of children with disabilities among these children. As reported under Article 26 in this Report, rehabilitation is very crucial.

Child Protection Committees

77. Community child case care workers are trained in child safeguarding and community sensitisation on the need to protect all children including identifying needs of children with disabilities. These are structures based at ward level to ensure that the services are brought to the doorstep of the beneficiaries. The ward is the lowest administrative and political governance structure in the country. It is therefore, grass root in nature and located in all districts of the country.

Child Welfare Council

78. It is a Committee established within the provisions of the Children's Act. Its main mandate is to advise the Minister on child welfare issues. Also, it seeks to promote and encourage coordination of the activities of organisations which have as their objectives, the promotion and protection of the rights of the child. It also administer the Child Welfare Fund. The Committee also conducts quarterly meetings with relevant key Ministries and institutions

such as Health, Home Affairs, Justice, Ministry of Labour and six (6) representatives from Civil Society Organisations and representative from Chiefs Council.

National Case Management System

79. The Government has put in place a case management system. It is a way of organising and carrying out work so that children's cases are handled in an appropriate, systematic and timely manner. It aims to ensure that through coordinated, collaborative care, children can receive the services they need. Under this system, the Government has managed to protect and promote the rights of children including the rights of children with disabilities.

Article 8

Awareness-raising

Legislative Measures

80. Section 7 of the Constitution mandates the State to promote public awareness of the Constitution, especially by translating it into all 16 officially recognized languages. It further stipulates that the Constitution should be taught in schools and as part of the curricula for the training of members of the security services, the Civil Service and members and employees of public institutions.

Administrative and other Measures

81. GoZ has distributed the Constitution in Braille at annual events such as the Zimbabwe International Trade Fair (ZITF), Agricultural Shows and Advocacy meetings amongst other gatherings. Government has developed copies of abridged version of the Constitution in Braille have been distributed since the coming into effect of the Zimbabwean Constitution in 2013. In its endeavor to translate the Constitution in all languages. Government has also developed sign language DVDS on the full version of the Constitution.

82. Disability Resource Centres were established at institutions of higher and tertiary education to cater for the needs of students with disabilities. Their major role includes orientation of new students with disability, mobility training, provision of good learning environment, teaching and learning equipment as well as translation services. The centres are manned by technically qualified and experienced staff. During orientation of first year students the Disability Resource Centres, through fliers and talk shows, disseminate information in all faculties. The information distributed relates to how to interact with students with disabilities and conditions. This is done to demystify myths about persons with disabilities and conditions.

83. In 2014, Government set up an Information Media Panel of Inquiry (IMPI) which carried out a research identifying gaps within the information sector. The thrust of this enquiry was to gather information which would in turn influence a national media policy. The panel among other issues, sought to understand issues to do with disability mainstreaming, discrimination and the ethical coverage of marginalised groups, among others.

84. Both public and private media (the national broadcaster and public press) allocate space for programmes and stories that address issues of disability through programming main items such as news that have captions and translation to sign language. Various television and radio stations promote awareness of the rights of persons with disabilities.²

85. Government, through the Office of the President and Cabinet, organizes Disability Expos annually in order to showcase practical steps being taken to implement the rights of persons with disabilities. Government also participates in the following annual events; the

² Action Power, is a programme that is broadcast in sign language. Talk shows such as the *Mai Chisamba*, Dramas such as *Zvirimudzimba*, radio programmes such as *Zvevakaremarara*, *Seka urema wafa*.

ZITF and the Agricultural Shows by exhibiting and disseminating information of the work done by persons with disabilities.

86. Other key events commemorated in Zimbabwe include the following:

(a) The International Day of the Disabled Persons in provinces across the country. This event has over the years significantly improved public perception of persons with disabilities and contributed towards attainment of their fair treatment in social sectors like health, education and employment.

(b) The World Mental Health Day;

(c) The World Autism Day;

(d) Annual Paralympics Days;

(e) The World Clubfoot Day; and

(f) The International Albinism Awareness Day.

87. Government strives to involve communities in health delivery actions and to increase public awareness on disability related issues, challenges and capabilities of persons with disabilities thereby increasing their participation and integration in society.

88. Government, in collaboration with organizations of persons with disabilities, is working with parents' groups and other service providers in advocating and communicating about disability and rehabilitation. Some of the key areas of awareness-raising include: awareness on the different types of disabilities; available support services; myths and misconceptions about disability that often give rise to stigma and discrimination; and awareness on diseases and conditions that may lead to disability and their prevention.

89. In 2010 Government worked with Civil Society Organisations to establish a programme aimed at making HIV and AIDS intervention responsive to the needs of persons with disabilities, with focus on access to information and services for specific groups – persons with visual impairment; hearing impairment and young girls and women with disability.

90. Government in collaboration with partners and organizations of persons with disabilities, has designed, produced and disseminated campaign posters and materials that seek to create awareness to the public on issues related to the needs and rights of persons with disabilities, prevention of diseases, injuries and behaviors that may cause disabilities, among others.

Article 9 **Accessibility**

Legislative Measures

91. Section 6 (4) of the Constitution provides that the State must promote and advance the use of all languages used in Zimbabwe, including sign language, and must create conditions for the development of those languages. Sign language is also an 'officially recognised language' just like the rest of the fifteen (15) of them.

92. Section 62 (2) of the Constitution stipulates that every person including the Zimbabwean media has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right. However, this provision does not require provision of information in different formats as required by the Convention. The State Party is facing challenges in this regard.

93. Section 22 (4) of the Constitution provides that the State must take appropriate measures to ensure that buildings and amenities to which the public has access are accessible to persons with disabilities. The State Party has constitutionalized physical access to buildings and other amenities to improve independent living and participation of PWDs in public life.

94. To give effect to the constitutional principle, Section 8 of the Disabled Persons Act criminalises denial of access by PWDs to premises, services or amenities ordinarily accessible to members of the public. This provision will be retained in the proposed new law on the rights of PWDs in order to enforce this important aspect in terms of progressively achieving full participation in public life by PWDs.

95. The Proposed law on Persons with Disabilities entitles a person with disabilities to apply to the High Court for appropriate remedies for a violation or likelihood of a violation of his or her right.

Administrative and other Measures

96. The State Party has facilitated the provision of accommodation to learners with disabilities on a preference basis in higher and tertiary institutions. The University of Zimbabwe and other institutions of higher learning have ensured that ablution facilities are adjusted so as to accommodate persons with disabilities. New infrastructure being constructed at tertiary institutions are now designed and built to ensure access by persons with disabilities, for example Lupane State University and Joshua Nkomo Polytechnic.

97. In tandem with the Convention's general principle of promotion of the development of aids to allow for accessibility of the environment to people with disabilities, the Health Service and Rehabilitation Centres are producing economically accessible assistive technologies. These are public funded institutions with the mandate of providing rehabilitation services to PWDs but have gone further to facilitate provision of affordable assistive technologies.

98. Government has also removed excise duty on importation of assistive devices as an incentive to ensure that such devices and technologies are available at a subsidized cost. The same applies to vehicles adapted to the needs of persons with disabilities. They are also imported free of import duty. What is required is a current letter from a specialist doctor stating the nature and degree of disability; indications of the type of vehicle one could drive under the circumstances of that disability and the extent of disability (whether it is temporary or permanent). The application process is published on the website of the Zimbabwe Revenue Authority (ZIMRA) containing all requirements, eligibility as well as the application process.³

99. It is now Government policy that existing and new facilities and services that are provided or open to the public including private entities are accessible to persons with disabilities and designed according to the principles of universal design. Further, all public buildings must have ramps, lifts, swinging doors and ablution facilities set aside for Persons with disabilities. Buildings are also clearly marked to show the exits and ablution facilities for the persons with disabilities.

100. It is also Government policy that for every housing development project on state land, 20% of stands are reserved for persons with disabilities as a quota. Since 2019, the State Land Office Department in the Ministry of Local Government and Public Works has started to have a separate housing waiting list for the vulnerable groups, which include the PWDs.

101. In order to promote universal design, the Ministry of Local Government and Public Works is in the process of amending the Architects Act [Chapter 27:01] and the amendments will address several issues on universal design and capacity building of architects and other professionals involved in designs.

Challenges

102. In spite of strides made towards universal access, many Government workplaces including Legal Aid Directorate (LAD) offices and some courts are inaccessible to people with disabilities. It is very difficult if not impossible for people with disabilities to access the said offices in some parts of the country given the fact that there are no guiding rails, the elevators have no recorded voices for persons with visual impairments and are too narrow to

³ <https://www.zimra.co.zw/customs/calculation-of-duty-on-importation-of-private-motor-vehicles-and-suspension-of-duty-on-motor-vehicle-imports-by-the-physically-handicapped-persons>.

accommodate certain types of wheelchairs. The situation would have been better if GoZ reaches the stage of fully implementing provisions of Article 9 of the Convention, which provides for identification and elimination of obstacles and barriers to accessibility of all buildings or facilities open to the public.

Article 10

Right to life

Legislative Measures

103. Section 48 of the Constitution recognizes the right to life of every human being including Persons with Disabilities. In Section 48 (3) the Constitution limits the right to life in certain circumstances. The guarantee is limited in the circumstances of court granting a death penalty.

Administrative Measures

104. There are no known cases of ritual killings, violent death and ending of life of persons with disabilities by their parents in Zimbabwe. However, where such a case occurs, a person who commits such an offence will be guilty of murder in terms of the Code.

105. There are no known cases of trafficking of organs of deceased persons with disabilities in Zimbabwe. In the event of occurrence of such cases, a person committing such an offence will be, in addition to murder, guilty of trafficking in persons and liable to a mandatory sentence of 10 years in terms of Trafficking in Persons Act.

106. There are no reported cases of termination or withdrawal of medical treatment for persons with disabilities without their consent. Where termination has occurred and has led to the death of the person concerned, the person who has terminated such medical treatment may be guilty of culpable homicide where it can be proved that the termination was due to negligence or murder where intention can be proved, in accordance with Section 47 of the Code. Where termination has not led to the death of persons with disabilities, the person who has terminated the medical treatment may be liable and the affected person will be liable to recover damages against the negligent party.

Article 11

Situations of risk and humanitarian emergencies

Legislative Measures

107. Section 113 (1) of the Constitution provides for the declaration of a state of public emergency by the President in appropriate circumstances including humanitarian emergencies. In addition, the Civil Protection Act [Chapter 10:06] establishes a civil protection organization and provides for the operation of civil protection service in times of disaster. It further provides for the establishment of a fund to finance civil protection.

108. The Proposed Law (Persons with Disabilities Bill) provides in Clause 27 that all persons with disabilities have the right to reasonable accommodation with regard to the protection and safety in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Administrative and other Measures

109. Although this may not be documented, Government has adopted the practice of consultations to ensure that PWDs and their representative organisations are meaningfully informed of, and actively participate in all steps relating to adoption of strategies, plans, and protocols in disaster risk reduction and humanitarian emergencies. These include those related to natural hazards, such as the design, implementation, monitoring and evaluation, and the conduct of risk assessment.

110. Government has also made it a practice to involve PWDs and their representative organisations in the collection of disability disaggregated data and disaster-loss information.

One latest example was the relief efforts in the aftermath of the devastating Cyclone Idai that affected several parts of the country especially the Chimanimani area leading to loss of lives and destruction of shelter and livelihoods. An estimated 2000 PWDs were resident in those areas and were also part of the affected community.⁴

111. There is a National Civil Protection Committee which is a multi-sectoral body responsible for the disaster response in the country. The Ministry responsible for service provision and coordination of issues to do with PWDs is a key member of this Committee from national down to ward level. Moreover, there are disaster risk mitigation and management plans at national, provincial and district levels to guide relief efforts at these different levels.

112. Once disaster or humanitarian crisis strikes or develops, the Civil Protection Unit is deployed to conduct various levels and thematic areas of assessment including the number of PWDs in need of assistance and the nature thereof. The Unit further co-ordinates government relief efforts in partnership with development partners, who are also allowed to provide direct relief to affected communities including those DSOs in the disability sector. Admittedly, infusion of disability in relief efforts is a practice still growing but is gathering tremendous phenomenon.

113. Infrastructure in all public institutions is being modified to accommodate the safe movement of persons with disabilities. The plan is to roll out the policy to include privately owned institutions. Higher and tertiary education institutions have been given the leeway to modify infrastructure in line with the principles and values of inclusivity. The J.M. Nkomo Polytechnic is an example of a college which was constructed in line with these principles. It is against this background, that some colleges have constructed ramps to accommodate the safe movement of persons with disabilities and to enhance their ability to move out of disasters such as fire in case they occur.

Article 12

Recognition before the law

114. With reference to measures taken to raise awareness and carrying out education campaigns in relation to equal recognition of all persons with disabilities before the law, the Committee is referred to responses placed under Articles 5 and 8 in this Report.

Legislative Measures

115. Equality before the law is enshrined in Section 56 (1) of the Constitution, which provides that all people are equal before the law and have the right to equal protection and benefit of the law. The State Party understands all people to be inclusive of PWDs, whether they are citizens, non-citizens, foreign nationals or of a particular gender or age. This equal recognition before the law on equality with others is demonstrated by the absence of law or policy that seeks to limit this right be it in the Constitution or subsidiary legislation.

116. Section 71(2) and (3) of the Constitution further stipulates that every person has the right to acquire property and no person may be compulsorily deprived of their property. It makes no distinction in law or in practice between persons with or without disabilities.

117. Clause 28 of the PWDs Bill seeks to domesticate Article 12 of the Convention as it provides, among other things, that all persons with disability are entitled on an equal basis with others to own and inherit property; control their own financial affairs and have equal access to bank loans, mortgages and other forms of financial credit. It further stipulates that persons with disabilities have the right not to be arbitrarily deprived of their property.

118. Rule 249 of the High Court of Zimbabwe Rules of 1971 (as revised) provides for the appointment of a legal representative (*Curator Ad Litem*) appointed by a court, to represent the best interests of a person who has mental impairment that limit their capacity to make

⁴ <https://www.light-for-the-world.org/cyclone-idai>.

decisions for themselves for purposes of administering the estate of that person with that with mental impairment.

119. Efforts are underway to review and amend Rule 249 of the High Court in so far as it regulates the appointment of a *curator ad litem* to manage the affairs of a minor or persons with a disability. The proposal for the new Rule 249 is to incorporate the requirement of the Convention which is to provide individualized support in the exercise of legal capacity by persons with disability. The support should ensure full respect for the autonomy, will and preferences of the persons concerned, which is provided on the basis of free and informed consent.

120. The Legal Aid Act[Chapter 7:16] provides for the granting of legal aid to indigent persons, thus persons with disability who fall in this category can also apply for Legal Aid on equality with others in terms of the Act.

121. Disability Revolving Loan Facility falls under the Department of Social Services (DSS) within the Ministry of Public Service Labour and Social Welfare (MPSLSW). It is one of the Enhanced Social Protection (ESP) mechanisms to address lack of capital amongst entrepreneurial PWDs. The provision of productive loans to PWDs offers the scope for self-employment and income generation by target clients.

122. The main thrust is to empower enterprising men, women and youths pursuing viable micro and small enterprises through the provision of seed capital. The main development objective is to improve their livelihoods through enabling persons to cope with shocks thus preventing them from falling into poverty. Loans are targeted businesses for PWDs from age of eighteen to sixty (18 to 60) years. The programme has a national coverage and thus support clients in all country's provinces.

Article 13

Access to justice

Legislative Measures

123. The State Party acknowledges the importance of access to justice and its realization by all persons including persons with disabilities. In fact, access to justice is constitutionalized. Sections 68 and 69 of the Constitution are key constitutional provisions restating constitutional principles on access to justice, which are then implemented by subsidiary legislation.

124. The State Party understands that free legal representation is key to the realization of access to justice by certain population groups in society such as PWDs who may suffer from multiple discrimination. Accordingly, Section 31 of the Constitution provides for the right to be provided with legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their choice.

125. In furtherance of free legal aid, the High Court operates a roster of legal practitioners (licensed lawyers) registered with it and appoint them on a rotational basis to provide free legal assistance to indigent accused persons charged with murder or other serious offences. Such legal representation may also be provided in civil cases such as claims arising from violation of individual rights. PwDs have an equal chance to benefit under this arrangement.

126. Section 68 (1) provides for the right of every person to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair. The same law makes provision for review by the High Court, of administrative decisions that do not comply with constitutional principles in Section 68 (1).

127. Further, Section 69 of the Constitution provides for a number of rights that constitute access to justice as it is understood in international law. These rights include a fair and public trial, a fair, speedy and public hearing, access to the courts and be represented by a legal practitioner of their choice at their expense.

128. As to access to justice in the context of criminal proceedings, Sections 50 and 70 of the Constitution guarantee the rights of any person arrested and or detained for committing

an offence. For persons charged of an offence and undergoing a trial, they have several due process rights including the right to have the proceedings of the trial interpreted into a language that they understand and this includes sign language. The Judicial Service Commission (JSC), the institution responsible for courts and the judiciary, have taken measures to ensure the provision of sign language interpreters.

129. In furthering the rights of PWDs who are survivors of crimes, Paragraph 2 (B) of the Third Schedule to the Criminal Procedure and Evidence Act, provides that any person who has committed the offence of rape or aggravated indecent assault upon a person with disabilities may have his or her application or bail restricted. That person, in the absence of consent by the State, may have to apply for bail before the High Court so that a superior court may consider all relevant factors with a view to protecting the survivor from further violation by the accused person.

130. In as much as the various pieces of legislation do not specify application to PWDs, the State Party understands that its approach as based on equality between PWDs and those without disabilities subject to positive measures to ensure inclusion of PWDs through appropriate reasonable accommodation.

131. However, the proposed law provides that the Minister responsible for justice shall ensure that all persons with disabilities have the right to the provision of procedural and age appropriate accommodations to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and preliminary stages; special measures in court proceedings for vulnerable witnesses shall be available for persons with disabilities and that judicial officers, prosecutors, police officers, prison and correctional officers, lawyers and other key players in the justice delivery sector receive appropriate training of handling cases for persons with disabilities.⁵

132. Clause 29 of the PWDs Bill seeks to deal with the challenge of lack of skills in disability issues among public officials in the justice delivery system. It proposes the provision of procedural and age-appropriate accommodations to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.⁶

133. It further makes proposals for skills development by providing that judicial officers, prosecutors, police officers, prison officers, lawyers and other key players in the justice delivery sector receive appropriate training of handling cases for persons with disabilities.⁷

Administrative and other Measures

134. To ensure realization of access to justice by all, the State Party established the Legal Aid Directorate in terms of the Legal Directorate Act. This is a government funded department in the Ministry responsible for Justice and Parliamentary Affairs that offers free legal service including representation to indigent persons who otherwise are unable to afford lawyers of their own choice. The Legal Aid Directorate has offices in all ten Provinces of the country and working towards decentralization to all districts.

135. The Directorate popularizes its work through awareness campaigns at nation-wide events such as provincial agricultural shows and the ZITF. The State Party has made arrangements to ensure the Directorate participates in gatherings convened in the disability sector such as the Disability Expo to be explained later in this Report. This will ensure that PWDs are aware of this service and make use of it to enhance realisation of their right to access to justice.

136. In response to challenges in the realisation of the right to access to justice, Government has engaged development partners to work on a legal assistance programme aimed at capacitating the Legal Aid Directorate and accelerating its ongoing decentralization to all districts of the 10 provinces. Government has increased collaboration of other legal aid offering organisations through negotiating with regulatory authorities to issue these

⁵ Clause 29 Persons with Disabilities Bill, 2019.

⁶ See Clause 29 (1) of the PWDs Bill, 2019.

⁷ Clause 29 (3) of the PWDs Bill, 2019.

organisations with law licenses so that lawyers from the Directorate can represent those requiring legal assistance in court. PwDs have an equal opportunity with others to benefit.

137. As for prisons and correctional institutions in the country, generally, the prison population with disabilities is relatively on the lower side and most of the inmates are male. Prison populations, as at 11 November 2019 was at nineteen thousand nine hundred and seventy-one (19 971), of the total prison population one hundred and twelve (112) prisoners are PwDs, with one hundred and six (106) convicted and serving custodial sentences whilst six (6) are on remand, all in this category are males. From the total prison population three hundred and fifty-nine (359) are detained as mental patients, disaggregated by sex as three hundred and twenty-six (326) Male and thirty-three (33) Female.

138. The following are some of the areas within the Zimbabwe Prisons and Correctional Service (ZPCS) that seek to address the rights of persons with disabilities in its institutions.

- The ZPCS is training staff to raise awareness of disability rights as well as the needs of PwDs in detention. The Legal Services Section of the ZPCS is conducting training of prison officers on human rights issues at the various training depots and at different levels. Emphasis is placed on the need to ensure respect of the rights of inmates with disabilities and ensuring adequate living conditions for inmates with special needs in the context of reasonable accommodation.
- Other trainings are carried out with assistance of development partners or stakeholders such as the Legal Resources Foundation (LRF). The ZPCS continues to pursue productive partnerships to enable comprehensive staff training and development in the area of disability. It is envisaged that in the future there will be training of staff on sign language and use of Braille to begin with as a means of practically equipping the officers on handling inmate requiring such specialist services. As training consolidates in this area, officers will be equipped with skills required for interventions in respect of other forms of disability.

139. The ZPCS is also in the process of aligning its laws to the Constitution. They started off with the Prisons Act and the draft is now at the Bill stage. The Bill in Section 79 picks on inmates with disabilities as a group that requires specialist care depending on the specific requirements or needs of each person. Once the bill sails through, they should be able to reform their laws and internal regulations to address comprehensively the needs of inmates with disabilities hence improvement of their living conditions.

140. The ZPCS is working with various organizations to ensure the provision of legal aid services to inmates with disabilities. There are organizations that offer free legal aid services to inmates. The ZPCS has given express authority to Officers in Charge of prisons across the country to ensure that once a person with disability is admitted to prison, they call on such organizations to assist the inmate to get relief in court such as bail or non-custodial sentences so that they are not restricted to the conditions in prison, which are a long way off to be accommodative to PwDs. Legal aid is also offered to ensure fair trial proceedings to such inmates.

141. As for the physical environment, the ZPCS is working on infrastructure development that is suitable to the needs of persons with disabilities. There are plans to renovate existing facilities so that they can have ramps, wheel chair accessible areas for inmates with disabilities so as to improve the living conditions. Currently there are makeshift options in some of the prisons but these are not adequate enough.

142. The ZPCS also liaises with different stakeholders to ensure that inmates with disabilities' needs are catered for in prison. The ZPCS seeks external assistance from members of the community or other government departments to provide for example sign language services for inmates who have hearing impairments.

143. The ZPCS also sources for donations such as wheelchairs, crutches for the ones with mobility difficulties and walking sticks for the visually impaired. This improves independent living by inmates with disabilities as they are also able to move within the prisons freely, access water and other services for themselves with little or no assistance at all. Non-Governmental Organizations are allowed access to the inmates and they are free to assist with whatever requirements for persons with disabilities might have.

144. The ZPCS also offers socio-psycho support services to inmates with disabilities through its comprehensive legal aid programs. Some of the rehabilitation activities even go further to empower inmates with disabilities life skills for economic empowerment. The organization also allows faith-based organisations and members of the public to access prisons so that they work together with the ZPCS to improve living conditions for inmates with disabilities.

145. In accordance with Section 243 (1) (k) of the Constitution, the Zimbabwe Human Rights Commission (ZHRC) has the mandate to conduct inspection visits at all places of detention including police cells, prisons and correctional service institutions, refugee camps, mental health institutions, children's institutions/homes, old peoples' homes as part of their mandate to promote and protect the human rights of persons detained/held in these places.

146. To expand the scope of prison visits, Section 44 of the Prisons Act provides for a wide range of persons and officers that may conduct prison visits and inspect any prison at any time including Vice-President, Judges of High Court or Supreme Court, Magistrates, Ministers, Deputy Ministers. These visitors are collectively known as visiting justices.

147. The objective of the visits is to ascertain the conditions under which persons are kept there. Thereafter it makes recommendations regarding the conditions to the Minister. This is, therefore, a chance for visiting justices to inspect on the conditions of prisoners with disabilities and make appropriate recommendations.

148. As a strategy to popularize disability studies in legal education, one of the State Universities, Midlands State University, introduced a disability law module and a law clinic focused on disability law for its trainee lawyers in the Faculty of Law. These modules raise awareness of disability issues among legal practitioners in order to improve the quality of legal advice offered to PWDs in the course of accessing justice.

149. The State Party has a Victim Friendly System (VFS) in its justice system. The initiative is led at the highest level by the JSC, which entered into a partnership with Disabled Persons Organisations (DPOs) in 2012 after realizing that persons with disabilities were facing tremendous challenges in accessing justice. The courts were experiencing backlogs of cases involving persons with disabilities especially those with hearing impairments as they had to wait for long periods of time for the JSC to secure the services of sign language specialists.

150. The Victim Friendly System is currently embarking on a project whereby the Police and health institutions can access these same sign language interpreters. It is important for health institutions to make a proper diagnosis when faced with patients with a hearing impairment. The training is ongoing.

151. The partnership between Government and development partners has seen backlog of cases going down as cases involving people with hearing impairments always include sign language interpreters. Further to this end, the DPOs has alleviated the accessibility challenges by funding the construction of a ramp at Rotten Row Magistrate Courts, Harare, which is one of the busiest criminal courts in the country.

152. The JSC is also receiving assistance from development partners to conduct psychiatric assessments on persons in need thus expediting the cases of people with mental impairments facing the criminal justice system. For instance, a DPO by the name Leonard Cheshire assists the Police with investigations whenever persons with hearing impairments get interviewed as part of investigations.

153. Persons with Disabilities are key actors in the justice system as they are employed to provide legal services both in Government and in the private sector as legal counsel.

154. The State Party is committed to mobilising resources directly and through development partners to ensure acquisition and retention of these skills in all institutions involved in the justice delivery system. Personnel in the listed justice delivery institutions are the drivers of access to justice for all including PWDs.

Article 14

Liberty and security of the person

Legislative Measures

155. The right to liberty and security of the person is one of the cornerstones in a constitutional democracy such as Zimbabwe. For this reason, the right is constitutionalised in Sections 49 and 52, which provide for the parameters of its protection.

156. Section 49 of the Constitution prohibits detention without trial and arbitrary deprivation of liberty or without just cause. It further guarantees the right to personal liberty and states that no person may be imprisoned merely on the ground of an inability to fulfil a contractual obligation.

157. Section 52 states that every person has the right to bodily and psychological integrity.

158. Section 74 of the Constitution guarantees the freedom from arbitrary eviction and states that no person may be evicted from their home, or have their home demolished without an order of the court made after considering all the relevant circumstances.

159. To implement these constitutional principles on the right to liberty and security of the person, Section 25 of the Criminal Procedure and Evidence Act deprives the person of liberty provided that they have been seen committing an offence or there are reasonable grounds to arrest a person.

160. The Proposed Law seeks to introduce provisions that link the right to liberty and personal security to PWDs. Clause 30 of the PWDs Bill stipulates that all persons have the right not to be deprived of their personal liberty on the basis of the existence of a disability. It also provides that PWDs are entitled to reasonable accommodation if kept in custody and to the protection of national and international law on conditions of custody for persons with disabilities.

161. Processes are underway to repeal and substitute Section 193 of the Criminal Procedure and Evidence Act, which provides for the continued detention of accused persons with hearing impairment pending JSC securing services of a qualified sign language interpreter. The repeal will ensure that Persons with hearing impairments facing criminal charges will be released and their attendance in court subsequently secured by way of summons (notice) upon the availability of the sign language interpreter.

162. Processes are also underway to amend various sections of the Mental Health Act to align it with the Constitution and the Convention. In particular, the amendments will update definitions and procedures for interventions by the State in cases involving persons with mental impairment, including incorporation of the principle of informed consent of the persons with mental impairments as the governing standard for mental health services.

Administrative and other Measures

163. The State Party has adopted a raft of policy and administrative measures to guarantee the enjoyment of the right to liberty and security of the person. Majority of these are mirrored in the above legislative measures. For instance, there is a Mental Health Review Tribunal which is established in terms of the Mental Health Act whose functions includes to review cases of mental health patients in correctional and rehabilitation institutions.

164. Processes are already underway to amend the Mental Health Act to the extent that it does not require that a person with mental impairment who is being processed/medically assessed should be supported in decision-making relating to treatment and informed consent by a guardian/curator or person who ordinarily provides care to that person. The amendment will eliminate cases of involuntary or forced treatment/medication and absence of informed consent in that regard among other grounds.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

Legislative Measures

165. The State Party has ratified and domesticated some provisions of several international human rights instruments that protect freedom from torture, inhumane or degrading treatment or punishment such as the ICCPR and regional instruments on the same subject. Such provisions find expression in national law to demonstrate the new development that this freedom is absolute through universal prohibition of torture.

166. This freedom is specifically guaranteed in Section 53 of the Constitution which states that no person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

167. Section 52 of the Constitution further provides that everyone has the right to bodily and psychological integrity, which includes the right not to be subjected to medical or scientific experiments, or to the extraction or use of their bodily tissue, without their informed consent.

168. The State Party is aware of the universal prohibition of torture, inhuman or degrading treatment or punishment. This freedom is absolute. There is no room for justification of its violation under any circumstances. Whenever it happens, the State is required to hold perpetrators accountable through appropriate criminal and civil sanctions. In fact, section 86 (3) (c) of the Constitution provides that ‘no law may limit the following rights enshrined in this Chapter, and no person may violate them’ – the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment’.

Administrative and other Measures

169. Furthermore, the National Peace and Reconciliation Commission (NPRC) in terms of section 252(e) of the Constitution is mandated to ‘develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support’. The moment a person needs rehabilitative treatment insinuates the existence and management of disability.

170. The Zimbabwean judiciary has been consistent in condemning torture. This point is made clear in the celebrated case of *S v Mukoko*⁸ where the Supreme Court reiterated that no person should be subjected to physical or psychological torture or to cruel, inhumane or degrading treatment or punishment.

171. Furthermore, the Constitutional Court of Zimbabwe in April 2019 in case of *S v Chokuramba*⁹ declared that judicial corporal punishment constitutes a serious violation of the inherent dignity of a male juvenile offender and declared Section 353 of the Criminal Procedure and Evidence Act (CPEA) invalid to the extent that it contravenes Section 53 of the Constitution. However, female juvenile offenders were already exempt as a matter of law from judicial corporal punishment. Such pronouncement widened the boundaries of State Party protection of all persons from torture, inhuman or degrading treatment or punishment. The State Party institutions have a common understanding of this freedom. PwDs are equally protected under these National and International Instruments.

172. The ZHRC, ZGC, NPRC and ZRP have competence to conduct investigations of cases of torture against any person including persons with disabilities. The ZRP focuses on investigating the crime of assault as defined by Section 89 of the Criminal Code. Once a crime has been fully investigated, it is then transmitted to the National Prosecuting Authority (NPA) for prosecution.

⁸ *S v Mukoko* ZLR 2009 93.

⁹ *S v Chokuramba* CCZ 29/15.

Article 16

Freedom from exploitation, violence and abuse

173. The State Party is aware that PWDs face a very high risk of exploitation, violence and abuse due to a raft of causes chief of which is societal, cultural and traditional attitudes to disability. For that reason, legislative, administrative and other measures have been adopted to guarantee this freedom.

174. Accordingly, Section 83 (c) of the Constitution stipulates that the State must take appropriate measures to ensure that PWDs realize their full mental and physical potential including measures to protect them from all forms of exploitation and abuse.

175. Section 81 (1) (e) also provides that every child has the right to be protected from economic and sexual exploitation, from child labor and from maltreatment, neglect or any form of abuse. Since a child is defined by age, this provision applies with full measure to the protection of children with disabilities.

176. As previously mentioned in remarks under Article 15, Section 52 (a) of the Constitution guarantees the right to freedom from all forms of violence from public or private sources. The Constitution further provides for freedom from slavery or servitude in Section 54 thereof.

177. Conscious of the cultural and traditional attitudes to disability, Section 26 (b) of the Constitution enjoins the State to take necessary measures to ensure that children are not pledged in marriage and the Domestic Violence Act (DVA) criminalizes the acts of domestic violence. The DVA also provides for various forms of relief for survivors of domestic violence including protection from potential violence. A key aspect of the Act is the provision for third parties to report domestic violence, where persons experiencing domestic violence themselves are unable to report it.

178. The Criminal Code criminalizes rape, including marital rape, and other sexual offences. The Act sets out the scope of punishable acts of sexual violations. Assuming PWDs, especially women and girls with disabilities are victims of violence, this Act stands to enforce their rights.

179. Further, the Criminal Evidence and Procedure Act has been amended to stiffen sanctions for acts of violence or sexual abuse on PWDs. In terms of Paragraph 2 (b) (i) & (ii) of the Third Schedule to this Act, the act of rape or aggravated indecent assault on a woman with disability rendering her vulnerable to the abuse or on a person with mental impairment may be a reason to deny the suspect bail pending trial for the charge.

180. In terms of the Trafficking in Persons Act, Government has established an Anti-Trafficking Inter-Ministerial Committee which is mandated to monitor and report on the implementation of anti-trafficking measures and to provide advice on the investigation and prosecution of cases of trafficking in persons.

181. In terms of Section 3(3) of the Act, which creates the offence of ‘trafficking in persons’, this offence is regarded as committed in aggravating circumstances where the trafficked person is a child or a person with disabilities. The penalty upon conviction is up to life imprisonment or a minimum period of 10 years. This goes a long way in disincentivizing trafficking in persons cases, which often lead to slavery, servitude, torture, inhuman and degrading punishment of the victims.

182. In order to restate the need to protect PWDs from exploitation, abuse and violence, Clause 31 of the PWDs Bill asserts the right of PWDs to be protected from this adverse conduct as well as the right to support services in cases of exploitation, violence or abuse as well as the right to have such reported cases investigated so that perpetrators are brought to account and PWDs obtain appropriate remedies for the violations.

Administrative and other Measures

183. The GoZ is aware of challenges in the area of exploitation, violence and abuse of vulnerable population groups including the risk faced by PWDs in this regard. Like in many societies across the globe, gender-based violence has been an on-going scourge hence the

need not to only adopt legislative measures shown above, but appropriate administrative and policy arrangements to deal with the scourge.

184. Accordingly, the State Party has so far developed the Gender Based Violence Strategy (2012–2015) as a guiding framework for all stakeholders in preventing and responding to gender-based violence through coordinated multi-sectorial efforts by Government, civil society and development partners.

185. The Anti-Domestic Violence Council was established in terms of section 16 of the Domestic Violence Act to ensure the effective implementation of the Act. The Council currently constitutes 13 members who represent selected Government departments and civil society organizations that are concerned with the welfare of victims of domestic violence, children's rights and women's rights, representatives from the traditional leaders and religious leaders.

186. Government, with the assistance of development partners, has established safe houses such as the shelters in Marange and Bubi for survivors of sexual and gender-based violence. These survivors are in a place where they receive needs-based support services in the aftermath of violations.

187. The State Party has also embarked on a massive 4Ps Campaign (Prevention, Protection, Participation and Programmes) through personal commitment and development of programmes to end violence against women and girls). The Campaign is a targeted community-based awareness programme that focuses on raising awareness on domestic violence, popularizing the Domestic Violence Act and strengthening the capacity of communities to establish mechanisms for preventing and responding to domestic violence.

188. The Campaign targets religious leaders among other sub-groups to cascade information on domestic violence. Religious leaders are an important stakeholder in the National GBV response given their role as custodians of the congregants. They have higher social influence and they are also viewed as mentors and role models hence they can promote awareness on GBV. The 4Ps Campaign has positively impacted on the lives of ordinary men and women, resulting in increased community awareness on domestic violence.

189. In 2010, Government launched the Campaign to extend the 16 Days to 365 Days of Activism against GBV underpinned by the Zero Tolerance to GBV. The Campaign is promoting the 4Ps concept which focuses on Prevention, Protection, Participation and Programmes. As part of the campaign, information on Domestic Violence Act and other laws have been translated into local languages and paraphernalia distributed to communities including rural ones.

190. The GoZ has also come up with a Protocol on the Multi Sectoral Management of Sexual Abuse and Violence that aims to provide a comprehensive and coordinated response to the management of survivors of sexual abuse. This response has also created the Victim Friendly Courts, which aim to protect vulnerable witnesses in sexual abuse cases. Although initially intended for child victims of sexual abuse, this system has now been extended for use even in cases of adult female victims including women and girls with disabilities.

191. Furthermore, Victim Friendly Units have been established at Police Stations to discreetly handle cases of violence against women, child sexual abuse and adult rape among other issues. They also ensure that vulnerable witnesses such as children, women and PWDs are properly handled in reporting and processing their cases. Statistically, there are 419 Victim-Friendly Police Stations situated at national, provincial and district levels across the country.

192. The tables below show cases of GBV disaggregated by sex, disability, geographic location and age of survivor, 2018 and 2019.

2018 (January–December)

<i>Offence</i>	<i>Province</i>	<i>Type of disability</i>	<i>0–12 years</i>		<i>13–17 years</i>		<i>18+ years</i>		<i>Total</i>
			<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
Rape	Harare	Mental disability	0	0	0	1	0	5	6
		Mental disability	0	1	0	5	0	7	13
	Bulawayo	Visually impaired	0	0	0	0	0	1	1
		Mental disability	0	0	0	7	0	13	20
	Midlands	Speech & Hearing	0	0	0	2	0	0	2
		Speech & Hearing	0	0	0	3	0	1	4
	Manicaland	Mental disability	0	0	0	12	0	19	31
		Hearing impairment	0	0	0	2	0	0	2
	Masvingo	Mental disability	0	1	0	3	0	20	24
		Physical disability	0	1	0	1	0	2	4
	Mashonaland West	Mental disability	0	2	0	8	0	13	23
		Physical disability	0	0	0	1	0	1	2
	Mashonaland Central	Mental disability	0	1	0	2	0	4	7
		Mental disability	0	1	0	7	0	25	33
	Mashonaland East	Speech & hearing	0	0	0	1	0	4	5
		Speech & hearing	0	0	0	0	0	1	1
	Matabeleland North	Mental disability	0	0	0	2	0	5	7
		Hearing impairment	0	2	0	0	0	0	2
	Matabeleland South	Mental disability	0	1	0	0	0	5	6
Aggravated indecent assault	Harare	Mental disability	0	0	0	0	0	1	1
	Bulawayo	Mental disability	0	0	0	0	1	0	1
Total			0	10	0	57	1	127	195

2019 (January–July)

<i>Offence</i>	<i>Province</i>	<i>Type of disability</i>	<i>0–12 years</i>		<i>13–17 years</i>		<i>18+ years</i>		<i>Total</i>
			<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
Rape	Harare	Mental disability	0	1	0	3	0	1	5
		Speech & hearing	0	0	0	0	0	1	1
	Bulawayo	Mental disability	0	0	0	0	0	2	2
		Mental disability	0	1	0	6	0	6	13
	Midlands	Physical disability	0	0	0	0	0	1	1
		Speech & Hearing	0	0	0	0	0	3	3
	Manicaland	Mental disability	0	0	0	5	0	9	14
		Hearing impairment	0	1	0	0	0	2	3
	Masvingo	Mental disability	0	0	0	3	0	10	13
		Physical disability	0	0	0	0	0	1	1
	Mashonaland West	Mental disability	0	1	0	3	0	4	8
		Physical disability	0	0	0	3	0	0	3
		Physical disability	0	0	0	1	0	0	1

Offence	Province	Type of disability	0–12 years		13–17 years		18+ years		Total
			M	F	M	F	M	F	
	Mashonaland Central	Mental disability	0	0	0	2	0	10	12
	Mashonaland East	Mental disability	0	2	0	4	0	8	14
		Speech & hearing	0	0	0	1	0	1	2
	Matabeleland North	Speech & hearing	0	1	0	1	0	2	4
		Mental disability	0	0	0	0	0	4	4
	Matabeleland South	Hearing impairment	0	0	0	0	0	1	1
		Mental disability	0	0	0	2	0	3	5
Attempted Rape	Manicaland	Mental disability	0	0	0	0	0	1	1
Indecent assault	Bulawayo	Mental disability	0	1	0	0	0	0	1
Total			0	8	0	34	0	70	112

193. The State Party has implemented the One Stop Model of service provision, (Gweru Provincial Hospital and Rusape General Hospital), which brings together different service providers under one roof. Under the model which is being spearheaded by the Government with support from various development partners, centres will offer the following services:

- (a) Health, including administration of post exposure prophylaxis and emergency contraception.
- (b) Psycho-social support, including provision of counselling services and other support services from social workers.
- (c) Victim friendly officers as well as CSOs provide legal information and assistance.

194. There is also a National Action Plan for Orphans and Vulnerable Children (NAP OVC III), which is a programme aimed at providing services to children with disabilities. Children with disabilities are classified as vulnerable and accordingly participate as beneficiaries of this programme.

195. Government has through partners established complaints mechanism for reporting cases of abuse of persons with disabilities chief of which is to make a report at the nearest police station. Further efforts have been made through private players such as Childline, which is a CSO that provides protection services to children subjected to abuse. By extension they also deal with complaints by children with disabilities as a critical population.

196. Government has established the post of Community Case Care Workers (CCWs) whose responsibility is to detect cases of violence, abuse and neglect of children in general around the country and transmit the information or cases to public authorities and case management officers to act accordingly. These CCWs are present in each district in the entire country and the inclusion of PwDs in the CCWs will assist the cases of PwDs.

197. As for measures adopted to ensure sufficient resourcing of independent monitoring authorities, the Government through the Ministry of Finance & Economic Development has allocated a budgetary vote to the Chapter 12 Independent Commissions¹⁰ from the national budget. The Commissions are authorized to receive funding from other sources including donors and other well-wishers to ensure that its mandate is not curtailed by lack of funding.

¹⁰ Independent Commissions established by Chapter 12 of the Constitution.

Article 17

Protecting the integrity of the person

Legislative Measures

198. Section 52 of the Constitution provides for the right to personal security and states that every person has the right to bodily and psychological integrity and this includes the right.¹¹

199. The Committee is kindly referred to submissions made in respect of Article 14 in this Report on the legislative and administrative measures adopted.

Article 18

Liberty of movement and nationality

Legislative Measures

200. Freedom of movement to all citizens and foreign nationals in lawful residence in Zimbabwe is enshrined in Section 66 of the Constitution. It guarantees liberty of movement, which includes the right to enter or leave Zimbabwe, right to a passport or any other travel document and immunity from expulsion. Further, all citizens and residents are free to move freely within the country, reside in any part of the country and to leave Zimbabwe.

201. As for the right to nationality, the State Party is aware of the importance of the right to nationality for everyone including PWDs in accessing other rights and establishing the legal bond between individuals and the State. To this end, the right to nationality is guaranteed by Chapter 3 of the Constitution, which provide for the three regimes through which citizenship/nationality is conferred, namely citizenship by birth, descent or registration. The law does not discriminate on the basis of disability in conferring citizenship under the three regimes (birth, descent, or registration).

202. Section 39(2) of the Constitution provides that citizenship can only be revoked where it was acquired by fraud, false representation or concealment of a material fact by any person. The law thus does not recognise any other ground. The list is closed.

203. While the above provisions relate to the general citizenry, the PWDs Bill proposes to introduce provisions on acquisition and revocation of citizenship by persons with disability. It provides in Clause 33 that disability shall not be a ground upon which citizenship could be arbitrarily revoked. It further entitles PWDs to full benefit and enjoyment of nationality.

204. Clause 33(b) proposes to introduce right of PWDs to ‘obtain, possess and utilize documentation of their nationality’ or other documentation of identification and to utilize the relevant processes such as immigration proceedings that may be needed to facilitate exercise of the right to liberty of movement on equal basis with others.

205. Section 10 of the Births and Deaths Registration Act provides that notification and registration of the birth, still-birth or death of any person which occurs in Zimbabwe shall be compulsory. This section does not discriminate in any way against persons with disabilities and persons with disabilities are equally entitled to have their birth, still-birth or death registered.

Administrative and other Measures

206. There are no known cases involving imposition of movement restrictions or access to nationality/citizenship by PWDs in Zimbabwe. Their freedom of movement and accessing citizenship has always been, as a matter of law, on equal basis with others.

207. The Registrar General’s Office is charged with managing the civil registry of the country including the responsibility of issuing nationality documents. This Office is decentralised to the district level to facilitate access to documents. Every district has got a centre of Registrar General’s Office which ensures accessibility of all persons including

¹¹ Section 52 of the Constitution.

persons with disabilities although access issues may be triggered by mobility by PWDs also in the context of limited public transport system in rural areas.

208. At the time of reporting, the ZHRC was conducting a National Inquiry on Access to Identity Documentation in Zimbabwe with a view to having a better understanding of the challenges different population groups including PWDs face when accessing documents such as during birth registration, passports and in situations of death. Recommendations to come out from that process will go a long way to suggest new strategies Government could take to ease the issue of access to identity documents in the country.

209. Government has over the years conducted regular mobile registration programmes especially in rural areas to ensure ease access to registration by persons in rural areas who may have challenges accessing permanent registration centres. Such programmes have been instrumental in terms of ensuring persons with disabilities are able to register births or deaths of family members within their environments.

210. The Registrar General's Office has a practice which promotes affirmative action for PWDs when acquiring passports. Such persons are reasonably accommodated by serving them on arrival and they do not have to join queues, which may develop during times of high demand. To facilitate the movement of persons with disabilities, the Registrar General's office, also extends the same accommodation to personal assistants of PWDs.

211. As for asylum and refugee practice, Zimbabwe adopted the encampment policy to deal with asylum seekers and refugees in the country guided by the Refugees Act [Chapter 4:03]. The policy entails that asylum seekers and refugees are kept at Tongogara Refugee Camp, the only camp available for this purpose. In spite of this policy, this group of people are allowed to leave the camp based on a pass system authorising a particular individual to leave camp for a specific period of time and a particular destination is indicated.

212. Another class of refugees who are allowed freedom of movement within the country are those regarded as having special professional skills in which case they are allowed to take employment in the country subject to certain conditions.

213. In all cases, there are no known cases of discrimination in the treatment of asylum seekers and refugees on the basis of disability. Every person is treated on the basis of equality with others and where appropriate reasonable accommodation measures are adopted.

Article 19

Living independently and being included in the community

Legislative Measures

214. Section 83 of the Constitution provides that the State must take appropriate measures within the resources available to it to ensure that persons with disabilities realise their full mental and physical potential to enable them to become self-reliant.

215. Section 7 of the DPA empowers the National Disability Board to issue adjustment orders to owners of public premises and public service providers' buildings to make their amenities accessible to PWDs. Section 8 of the same law prohibits the denial of access to public buildings amenities and services by PWDs. This section creates an offence for any person who denies PWDs admission into a public building, service or amenities.

216. In order to facilitate independent living, Clause 34 of the PWDs Bill provides for the right of PWDs to live independently and more importantly, PWDs are entitled to 'access a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community'.¹² The State Party is of the view that once in-house, residential and community support services are available to PWDs, they will be able to live independently and attain full potential.

¹² See Clause 34 (2) of the PWDs Bill, 2019.

Administrative Measures

217. While not yet common place, the GoZ has deinstitutionalised Masterton Leonard Cheshire homes where PWDs were housed through offering food assistance, groceries, financial and logistical assistance to facilitate their reintegration and inclusion in the community. A total of fifteen (15) out of eighteen (18) PWDs benefited from this programme in 2017.

218. In terms of promoting independent living through physical access, Government requires that all public buildings should have ramps to enter and ablution facilities set aside specifically for PWDs. The policy also encourages that the offices for persons with physical impairments and accommodation be on the ground floor to avoid inconveniences in the event of elevators not working. Government ensures that all buildings are compliant to accessibility requirements to PWDs by carrying out inspections on new buildings and reconfiguring old buildings to meet this requirement.

219. It is worth mentioning that Zimbabwe is providing a limited number of social housing due to the recent macro-economic conditions that have constrained the availability of formal housing finance. The number of units that were reserved for persons with Disabilities since 2012 for the ten (10) projects that were undertaken by Government is eighty-three (83). It is imperative to note that the stands were reserved for persons with disabilities however their uptake solely depended on their ability to purchase them since the projects were operated on full cost recovery. The stands or units that were not taken up by the PWDS were disposed by the Ministry to the general public.

220. The Public Service Commission ensures that every PWD employed in Government must have a personal assistant paid by Government to facilitate inclusion of PWDs at the workplace. So far, the Legal Aid Directorate has six (6) employees with assistants while the Attorney-General's Office has two (2) and NPA has one (1).

Article 20

Personal mobility

Legislative Measures

221. The State Party is aware that the legal framework does not yet comprehensively address the specific issue of mobility. This will be addressed by the proposed new law that seeks to domesticate the Convention. However, some legal provisions exist that pre-existed the ratification of the Convention.

222. In terms of Section 5(1) (b) (x) of the DPA, the National Disability Board is supposed to provide so far as possible orthopaedic appliances and other equipment to facilitate mobility of PWDs.

223. In terms of Section 5 (b) (iii) of the Social Welfare Assistance Act [Chapter 17:06], persons with disabilities may, as form of social welfare, receive orthopaedic and orthotic appliances.

224. Clause 35 of the PWDs Bill reiterates the provisions of Article 20 of the Convention. If the Bill is enacted, Article 20 will be fully domesticated.

Administrative measures

225. Government in partnership with development partners, conducted the 2013 Level of Living Conditions Survey among PWDs. The outcome of the survey highlighted that one (1) in six (6) (14.4%) of the nine hundred thousand (900 000) persons with disabilities living in households reported needing an assistive device to cope with mobility and the activities of everyday life.

226. Government is continuously developing orthopedic centres to ensure more consistent access to assistive devices and specialized equipment for persons with disabilities. Current state-run services include:

(a) Occupational Therapy Service, which provides appropriate assistive technology in the areas of core communication, mobility and self-care. This service is available in most of the major hospitals.

(b) Government Orthopedic Centres that manufacture and provide persons with a permanent or long-term disability with subsidized orthoses and prostheses and mobility equipment (crutches) to enhance independence in their home, school, work hence facilitating community participation. To date there are three (3) national orthopedic referral centres in Harare, Bulawayo and Ruwa and four (4) sub-centres at four (4) provincial capitals in Chinhoyi, Gweru, Mutare and Masvingo.

227. Further to this end, Government, through the Disabled Persons Fund, assists persons with disabilities to purchase assistive technologies. However, financial challenges remain the most persistent draw back in the procurement of raw materials to support the local fabrication of orthopaedic and orthotic appliances.

Article 21

Freedom of expression and opinion, and access to information

Legislative Measures

228. Section 61 of the Constitution provides that every person has the right to freedom of expression, which includes freedom to seek, receive and communicate ideas and other information in a language of one's choice including sign language; freedom of artistic expression and scientific research and creativity; and academic freedom. The section further provides that freedom of expression excludes incitement to violence; advocacy of hatred or hate speech; malicious injury to a person's reputation or dignity; or malicious or unwarranted breach of a person's right to privacy.

229. As previously reported under Article 9, the Constitution officially recognizes sign language. Reference is also made to Section 62 (1) of the Constitution as stated in Article 9 regarding the Zimbabwean media's right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.

230. Article 21 has been incorporated, with necessary changes, in the PWDs Bill. Clause 36 of the Bill does not only recognize sign language but also Braille, augmentative and alternative forms of communication depending on the type of disability one has.

Administrative Measures

231. Reference is made to remarks made under Article 9 stated above.

232. Government in partnership with organisations of PWDs and development partners developed two (2) sign language dictionaries. This will go a long way in enhancing the freedom of expression by persons with hearing impairment.

233. In response to the need to be more inclusive and accommodative to persons with disabilities, the state broadcaster, namely, the Zimbabwe Broadcasting Holdings introduced the use of sign language to disseminate information in its broadcast of the following programmes:

- (a) News;
- (b) Good Morning Zimbabwe;
- (c) Live Events;
- (d) Live Shows such as the Mai Chisamba Show;
- (e) NAC-Quiz; and
- (f) Second Coming-Sunday.

News and Current Affairs Programming

234. The news department carries with it sign language on all its bulletins, except news @11 and weekend bulletins. Below is the tabulation of the bulletins and hours of sign language per day, week and month.

<i>Bulletin</i>	<i>Total hours of the Bulletin</i>	<i>Time per week</i>	<i>Time per month</i>
Good morning Zimbabwe	2 hrs	10 hrs	40 hrs
Lunchtime	30 min	2 hrs 30 min	10 hrs
Main News	1 hr 30 min	7 hrs 30 min	30 hrs
Nhau/Indaba	1 hr	5 hrs	20 hrs
Provincial News	30 min	30 min	2 hrs

A total of 102 hours per month in News content is therefore, done in sign language alongside the English, Shona and Ndebele Bulletins.

235. Current Affairs Programs are ad hoc but in all the times they are run, Sign Language is also carried. Below are current affairs programs carried during period 23 February 2019 to 23 March 2019 with hours that Sign Language was also running.

<i>Date</i>	<i>Program / Event</i>	<i>Duration</i>
23 February 2019	Burial of Hero Calistus Ndlovu	3 hrs 30 mins
28 February 2019	Bi-National Commission Zimbabwe/Botswana	2 hrs
28 February 2019	Bi-National Commission Zimbabwe/Botswana	2 hrs
5 March 2019	Bi-National Commission Zimbabwe/Botswana	2 hrs
6 March 2019	President E. D Mhangagwa meets Advisory Board	2 hrs
9 March 2019	Burial of Hero Brig. General Munemo	3 hrs 30 mins
11 March 2019	Cyclone Idai Update	1 hr (20 min X 3)
12 March 2019	Bi-National Commission Zimbabwe/South Africa	2 hrs
15 March 2019	President meeting with the Youth Indaba	2 hrs
17 March 2019	Cyclone Idai Update	1 hr 30 min (30 min X 3)
18 March 2019	State of the Nation Address	
19 March 2019	Cyclone Idai Update	1 hr (20 min X 3)
20 March 2019	Cyclone Idai Update	45 mins (15 min X 3)
21 March 2019	Cyclone Idai Update	30 min (10 min X 3)
21 March 2019	State of the Nation Address	80 minutes
22 March 2019	Cyclone Idai Update	20 mins

The above tabulation, therefore, indicates that a total of 35 hours was broadcasted as current affairs content in Sign Language during the period 23 February 2019 to 22 March 2019.

Productions and Television Services Programming

<i>Programme</i>	<i>Time allocated per day</i>	<i>Day</i>
Mai Chisamba	1 hr	Sunday 1800hrs
NAC Quiz	30 mins	Monday 1800hrs
Second Coming	1 h	Sunday 1000hrs
Toita Sei		Saturday 1330 hrs
	30 mins	Tuesday 1100 hrs

Article 22

Respect for privacy

Legislative Measures

236. Section 57 of the Constitution provides that every person has the right to privacy, which includes the right not to have their home, premises or property entered without their permission; their person, home, premises or property searched; their possessions seized; the privacy of their communications infringed; or their health condition disclosed. The Constitution also guarantees equality before the law and thus persons with disabilities also enjoy the right to respect for privacy.

237. The Official Secrets Act [Chapter 11:09] regulates information privacy in the Zimbabwean Government, public sector and eligible entities in the private sector. PwDs are afforded protection of their personal, health and rehabilitation information under the Official Secrets Act on an equal basis with others. All personnel, including health workers, working in the public sector sign the Official Secrets Act that binds them to respect privacy and confidentiality of information.

238. There is also the Maintenance of Peace and Order Act which was enacted, among other things, to prevent the unauthorized collection, use or disclosure of personal information by public bodies and to protect personal privacy.

239. In order to fully comply with constitutional and international law obligations, the Government has promulgated the Data Protection Act [Chapter 11:12] and the Freedom of Information Act [Chapter 10:33]. In essence these pieces of legislation will give full effect to the right to privacy requirements in the Constitution and international human rights instruments to which Zimbabwe is party.

240. Further, the Postal and Telecommunication Act [Chapter 12:05], criminalizes, among other things the unlawful interception, communication or disclosure of contents of a postal article or mail. Interception of communication is permissible in terms of the Interception of Communications Act [Chapter 11:20] but it's subject to a number of conditions in order to safe guard the right to privacy. Accordingly, Section 3 (3) thereof criminalises the act of interception where a person intentionally or authorizes another to intercept or procures another person to intercept at any place, any communication in the course of its occurrence or transmission.

241. Clause 37 of the PWDs Bill protects the right to privacy. This is in accordance with the provisions of Article 22 of the Convention. The provision seeks further to mandate the State to 'protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others'. Ordinarily, health and rehabilitation information classified as medical records are confidential and protected from interception or interference under doctor-patient privilege.

242. Clause 45 of the PWDs Bill provides for remedy for violation of the right to privacy among other rights for PWDs. Any aggrieved person may approach the High Court for redress of the rights violated. The government has already commenced the decentralizing the High Courts in all provinces, so far it has decentralized four (4) provinces out of ten (10).

Administrative Measures

243. There are also legislative frameworks in place to regulate privacy issues in relation to health records. All patients' records are treated as confidential and can only be shared with involved professionals. Registers and clients' case files are secured in accordance with international codes of ethics and regulations. Research and clinical investigations are regulated in accordance with national and international code of ethics. Structures are also in place to oversee adherence to ethics and other regulations by practitioners.

244. Zimbabwe has a Patients' Charter that is constantly revised. The Charter includes issues of confidentiality and outlines other rights to the patient. The Charter is in most of the official languages and it is a requirement that the Charter must be explained to patients. Government supports the training of health workers in sign language. Currently fourteen (14) institutions have a minimum of one (1) health professional trained in sign language.

Article 23

Respect for home and the family

Legislative Measures

245. The State Party appreciates that the family unit is the first building block of every community and for this and other reasons has given constitutional significance to the family. Section 25 of the Constitution provides that the State and all institutions and agencies of government at every level must protect and foster the institution of the family and in

particular must endeavour within the limits of the resources available to them, to adopt measures for the provision of care and assistance to mothers, fathers and other family members who have charge of children and the prevention of domestic violence.

246. Section 26 as read with Section 78 of the Constitution further provides that the State must take appropriate measures to ensure that no marriage is entered into without the free and full consent of the intending spouses; children are not pledged in marriage; there is equality of rights and obligations of spouses during marriage and its dissolution; and in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses.

247. Furthermore, Section 81 (1) of the Constitution ensures that every child has the right to equal treatment before the law, including the right to be heard. Section 81(2) states that a child's best interests are paramount in every matter concerning the child including children with disabilities and children of PWDs.

248. Section 83 (b) of the Constitution states that the State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures to enable them to live with their families and participate in social, creative or recreational activities.

249. Forced sterilisation is illegal in Zimbabwe. Any person who commits that act will be guilty of assault in terms of Section 89 of the Code or assault with intent to cause grievous bodily harm even for Persons with Mental Disabilities. The habit of forced sterilisation is prevalent in many societies and cultures who believe that Persons with Mental Disabilities should not have children as they are a burden to society.

250. Section 52 (b) of the Constitution enshrines the right of every person to personal security that is bodily and psychological integrity, which includes the right to make decision concerning reproduction, which can only be limited by the Constitution. This provision goes a long way in terms of prohibiting forced sterilisation of PWDs as a matter of Government policy or practice. Accordingly, all legislation that gives effect to this constitutional provision should not be interpreted as permitting forced sterilisation.

251. According to the Zimbabwe National Family Planning Council Act everyone has the right to the family planning of their choice. It is usually taken upon the advice of a medical practitioner. This applies without discrimination to PWDs.

252. In terms of Section 4(b) of the Matrimonial Causes Act [Chapter 5:13], a marriage can be dissolved on the basis of incurable mental illness or continuous unconsciousness of one of the parties to the marriage. Such legislation is being reviewed to ensure that it does not discriminate against PWDs.

253. In terms of the Social Welfare Assistance Act the Government has offered public assistance to persons requiring support, beneficiaries of the Public Assistance (PA) get monthly amount of one hundred dollars (\$100) per individual. A total of eight thousand (8 000) beneficiaries from January–September 2019.

254. In order to make legislation disability sensitive, Clause 38 of the PWDs Bill has incorporated Article 23 of the Convention and reinforces the rights of PWDs in respect for home and the family. This Clause domesticates the principle that primary responsibility of parenting lies with the family, failing which foster care (alternative care within the wider family) and if this also fails, community in a family setting.

Administrative and other Measures

255. Government has over the years been implementing family-centre programmes to assist families cope with social, economic and other issues that threatened social fabrics that hold families together. Such programmes have and continue to expand to deliberately cover situations of PWDs who could be excluded during planning and implementation. Some of these initiatives are indicated below.

256. The State Party has implemented the Harmonised Social Cash Transfer (HSCT) under NAP for OVC II and III with the aim of strengthening household level economy through provision of social cash transfers and other social protection initiatives that includes child

protection and access to basic social services. The scheme targets labour constrained and poor households. This guides against unsafe coping strategies like pledging underage girls with disabilities into marriages or pledging girls or women with disabilities without their free and full consent as a result of poverty. The Government's social assistance towards families of PWDs enable such families to live independently. This is a way of addressing chronic household poverty arising out of lack of labour capacity by vulnerable groups such as families with disabilities as a strategy to reduce incidences of unsafe coping mechanisms such as street begging.

257. Government has also introduced monthly maintenance allowance programs for vulnerable groups. Beneficiaries are entitled to a stipend per month. Indigent families with PWDs are beneficiaries of this facility; the beneficiaries are entitled to one hundred dollars (\$100) to two hundred and fifty (\$250) per month per household.

258. The Harmonised Social Cash Transfer programme is a social cash transfer scheme for indigent households which support a number of vulnerable groups, the elderly, persons with disabilities, child headed households and orphans. The programme is an initiative under the National Action Plan for Orphans and Vulnerable Children (NAP for OVC) as well as the broader Department of Social Development's social protection programming. The programme targets food poor households and labour constrained households. The programme has three objectives which are at output level, impact level and outcome level. At output level the programme seeks to strengthen the purchasing power in the form of unconditional cash transfers to ultra poor households which are at the same time labour-constrained. At the outcome level the cash transfers programme is meant to empower the beneficiary households by increasing their consumption to a level which exceed the food poverty line. At the impact level, the increase in consumption of goods and services is meant to lead to improved nutrition status, health and education and to the reduction of child mortality. It is imperative to note that the programme has only reached 30 districts and is earmarked to reach 32 most vulnerable districts by 2022. Of the 63 000 households reached with the programme, 18% of the households are of persons with disabilities. The programme is earmarked to reach out to 97 000 households by 2020.

259. Under the National Action Plan for Orphans and Vulnerable Children (NAP for OVC III) the Government is supported by partners under the Child Protection Fund to address violence, abuse and neglect of children with disabilities. This is done under the thematic pillar of Provision of Specialist Services for Children with Disabilities. This program has enabled the strengthening of government capacity to deliver holistic services to children with disabilities.

260. Moreso, the National Case Management System identifies vulnerable children at grass root level and links them with resources through referrals to relevant Departments within the system. Case Management is the thorough assessment of a client's situation in order to determine the current problems, formulation of a care plan and systematic tracking and review of appropriate interventions.

261. The Adolescent Sexual and Reproductive Health programme which targets young people, is mandated to provide friendly access to sexual and reproductive education as well as counselling to adolescents in Zimbabwe, including adolescents with disabilities.

262. Access to sexual and reproductive health (SRH) information, education and services by PWDs is provided for in the Zimbabwe National Family Planning Strategy 2015–2020, ASRH Strategy 2016–2020 and the Family Planning Advocacy strategy 2018–22. One of the guiding principles of the National ASRH Strategy is "Respect for human rights: Provision of SRH services to young people from a human rights and developmental approach". The Family Planning Advocacy Strategy identifies PWDs as the primary audience for SRH information and education.

263. In furthering the SRH of PWDs, the Government recently supported the Reformed Church University, a private higher education institution, with a grant of USD 50 000.00 to produce a Sexual and Reproductive Health Dictionary in Braille for the visually impaired. The Dictionary was launched in March 2018 and is now available for use throughout the country.

264. All the mentioned strategies outline that targeting of PWDs should be done within the overall response to the adolescents and young people SRH problems and programs should focus on more vulnerable and underserved groups. Information, education and services. However, the strategies are cognizant of the negative externalities this could bring, e.g. evidence shows that interventions that target specific groups have a negative effect on the excluded group hence the strategies promote inclusion. To date the following has been done:

- Mainstreamed disability into the current SRH policies, strategies and guidelines;
- Consultation with OPDs to capture and share learning through the FP 2020 CSO Forum and the ASRH Coordination Forum meetings;
- Mainstreaming disability in the ASRH youth friendly service provision training and ensuring that the Guidelines to Youth Friendly Service Provision (Standard 6) promote non-discrimination on the grounds of disability and equity. Advocacy on Youth Friendly Service provision includes ensuring that health facilities are accessible by persons with different forms of disabilities to ensure access to SRH services;
- On information, education and communication, the ZNFPC has worked with partners to print materials on family planning in Braille and the materials have been distributed to different institutions for those with visual impairments;
- The ZNFPC and partners have produced and published information on family planning in audio format;
- Production of family planning materials in audio visual with sign language subtitles for the persons with hearing or speech impairment;
- Trained health education and communication officers in sign language.

265. However, there still exists gaps or challenges as follows:

- Communication barrier – health service providers not trained in sign language, this becomes a barrier to accessing SRH services;
- Unavailability of data for the different kinds of disabilities to cater for the different needs in terms of information. In terms of services provided to the PWDs, health forms only cater for sex and age, but not disability;
- Limited understanding of SRH issues by care givers and parents of the PWDs; and
- No disability training and awareness. So far UNESCO has trained the Disability Board on sexual and reproductive health Rights.

Article 24 Education

Legislative Measures

266. One of the achievements of the Constitution was to make socio-economic rights recognised and enforceable through the Constitution before courts of law. One key right in this category is the right to education.

267. Section 83 (e) and (f) of the Constitution obliges the State to take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential including, among others, to provide special facilities for their education and to provide State funded education and training where they need it.

268. Section 27 of the Constitution mandates the State to take all practical measures to promote free and compulsory basic education for children; and higher and tertiary education. It further enjoins the State to take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels including boys and girls with disabilities.

269. Section 75 of the Constitution also guarantees every citizen and permanent resident of Zimbabwe the right to a basic State-funded education, including adult basic education; and further education, which the State, through reasonable legislative and other measures, must

make progressively available and accessible. Moreover, every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by the Constitution including on the basis of disability.

270. Section 22 (2) of the Constitution states that the State and all institutions and agencies of Government must, within the limit of the resources available to it assist persons with disabilities to achieve their full potential and minimize the disadvantages suffered by them.

271. Section 4 of the Education Act provides for the right to education for every child in Zimbabwe. The section further stipulates that no child in Zimbabwe shall be refused admission to any school or be discriminated against by the imposition of onerous terms and conditions in regard to his/her admission to any school on the grounds of his/her race, tribe, place of origin or ethnic origin, political opinions, colour, creed or gender. In compliance with this right, education policies are inclusive of children with disabilities.

272. Clause 39 of the PWDs Bill seeks to incorporate provisions of Article 24 of the Convention on the right to education inclusive of the different aspects of the right to education as articulated in the Convention and national law. The Clause goes further to introduce some innovative approaches to inclusive education including, but not limited to the establishment of a fund for the promotion of the right to education for PWDs.

273. Section 63 of the Education Act provides for the prescribing of the curricula for all schools in Zimbabwe. To this end, the Government has developed a curricula framework 2015–2022 which caters for learners with disabilities and syllabus has been developed for Persons with visual and hearing impairments.

274. The new Education Amendment Act provides that:

“...every registered school shall provide infrastructure, subject to availability of resources, suitable for use by pupils with disabilities.

The Secretary shall monitor and enter premises of every registered school for the purposes of ascertaining whether the rights of pupils with disabilities are taken into account during teaching and learning.

For purposes of fees approval, the Secretary shall require every registered school to submit a plan highlighting how the school shall advance the rights of pupils with disabilities.”

Administrative Measures

275. The Secretary’s Circular No. P36 of 1990 provides for special education placement procedures for special classes, resource units and special schools. The Director’s Circular Minute No. 24 of 2001 includes the consideration of examinations time for candidates with visual and hearing impairments. Director’s Circular No. 2 of 2001 provides for the teaching of sign language in primary schools. The Secretary’s Circular No. 7 of 2005 provides for the inclusion of all learners with disabilities in school competitions. These administrative measures within Government serve to demonstrate incremental mainstreaming of disability in the public education sector.

276. Further, Government is already engaged in the training of specialist teachers for both persons with and without disabilities to build their capacity to provide quality inclusive education.

277. To date Government has produced 1 897 Special Needs Education teachers for children with disabilities as shown in the table below.

Table showing the cumulative number of teachers who were trained in Special Needs Education in from in 2019.

<i>Category</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Mental Impairment	297	412	709
Hearing Impairment	277	350	627
Visual Impairment	249	227	476
Learning Disability	16	69	85
Total	839	1 058	1 897

278. The training of teachers in inclusive education is a continuous process. Workshops for all the teachers in schools are conducted from time to time. One of the purposes of these workshops is to facilitate the harmonisation of curricula to ensure that similar standards of training and quality are achieved.

279. In the same vein, Government is also providing appropriate resources for inclusive education such as assistive devices, Braille papers, Braille textbooks and other related resources. So far seven (7) higher and tertiary education institutions have established Disability Resource Centres (DRC), which facilitate the administration of welfare issues for learners with disabilities within that environment. These facilities are also utilised by students with disabilities for library facilities, continuous assessment and examination purposes.

280. Government has established the National Audiological Centre to provide audiological services for children and adults with hearing impairments. It also runs the National Braille Printing Press which provides braille services to learners and adults with visual impairments. Other Government departments also utilise these facilities to produce information for PWDs in acceptable formats.

281. The State Party has developed a sign language dictionary entitled Zimbabwe Sign Language Dictionary, which was published in 1998 in two volumes. The Dictionary is now a key resource utilised by schools, colleges and universities and Government service centres. The Dictionary is regularly reviewed in order to accommodate dialectal diversity.

282. Government in collaboration with Development Partners has developed an HIV and AIDS sign language dictionary for the benefit of persons with hearing impairments.

283. Regarding early identification, assessment and referral, Government established the Schools Psychological Services (SPS) Department. The SPS Department has a division known as the Learner Welfare, Psychological Services and Special Needs Education. It is represented by remedial tutors at all educational district centres in the country.

284. Government in collaboration with development partners has developed Inclusive Education Policy which also caters for learners with disabilities. Currently the Policy is being implemented in all schools in Zimbabwe. Government is in the process of upgrading the infrastructure in order to promote access to education for children with disabilities.

285. In 2017 Government introduced the Model Inclusive Infant Facility which is still at pilot stage and about 23 schools and 17 Districts were involved.

286. In a nutshell, the inclusive education programme is centred on the following seven areas:

- (a) Identification, assessment and enrolment of children with disabilities into schools;
- (b) Adaptation of the school environment;
- (c) Provision of assistive devices and technologies;
- (d) Training of teachers, parents and the community;
- (e) Production of a teacher's manual on inclusive education;
- (f) Awareness raising; and

(g) Establishment of resource centres.

287. A total of two hundred (200) Schools have already been supported with funds to adapt infrastructure. The success rate has been very tremendous with over 90% of the schools fully completed. Communities freely contribute with their labour, bricks and quarry stones to ensure the success of the project. The infrastructure being adapted includes toilets, furniture and provision of ramps where there are stair cases. All the model schools have embraced sustainable income generating projects to support the inclusive education programme.

288. As of Education Management Information System (EMIS) 2019, the total enrolment of learners with disabilities is at eighty-five thousand five hundred and sixty (85 560) from Early Childhood Development (ECD) A to Upper Sixth Form. Resource centres are being established in all schools and the majority have been completed with requisite teaching and learning materials. Learners with disabilities in need of assistive devices are being supported. The devices include wheelchairs, hearing aids and walking frames among others.

289. Government has embarked on community outreaches which have been very instrumental in ensuring the success of the project in schools as they have the responsibility to provide education for all their children. These outreaches also target traditional leadership for early identification of children with disabilities in the communities. The SDCs have also been instrumental in mobilising additional resources to speed up the project implementation. All parents of children with disabilities are actively engaged in advocating for the rights of their children. The parents are also at the centre when it comes to participation in sustainable income generating projects based in schools.

290. Many children with disabilities have not been able to attend school regularly due to transport or mobility challenges. The inclusive education programme has seen the provision of wheeler motor cycles to some schools. The wheeler motor cycles have positively impacted on the enrolment of children with disabilities in schools.

291. An Inclusive Education Training Manual for teaching staff in schools, higher and tertiary education institutions is being developed. The first edition of the schools manual has since been revised in line with the global inclusive education trends. The manual is a reference resource for teachers on how to interact with learners with disabilities in the schools. The manual is now also used in teacher training colleges and universities in the country.

292. Classroom assistants play a critical role in inclusive education. The majority of parents of children with disabilities are volunteering playing the caregiver role thereby complementing the role of the teachers.

293. A total sum of three hundred and twenty million dollars (ZW\$320 000 000.00) was allocated for disability programming in the 2022 National Budget, which includes vocational training, assistive devices, revolving loan facility and advocacy and community awareness.

294. About 10% of the Basic Education Assistance Module (BEAM) allocation should be channelled to children with disabilities. The BEAM programme helps paying school fees for less privileged children is channelled to schools that educate Children with Disabilities. From 2013 to date 8 500 children with disabilities have benefited from the programme.

The table below shows statistics of 2019 BEAM payments for children with disabilities

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
Primary school	2 634	2 327	4 961
Secondary school	840	940	1 780
Total	3 474	3 267	6 741

Higher and Tertiary Education Institutions

295. The law provides for the enrolment of persons with disabilities in higher and tertiary education institutions. As of now, 10% of the vacancies are reserved for students with disabilities. The following tables illustrate statistics of enrolment of learners with disabilities obtained from higher and tertiary education institutions in 2019:

Teachers Colleges

<i>Teachers College</i>	<i>Visual Impairment</i>		<i>Hearing Impairment</i>		<i>Physical Impairment</i>		<i>Other Disability</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	
Marymount	6	29	3	3	10	5	2	1	59
Masvingo	0	0	0	0	0	20	2	2	24
Marymount	2	1	0	0	3	4	0	0	10
Madziwa	7	15	3	1	6	4	0	1	37
Bondolfi	0	0	0	0	0	2	0	0	2
United College of Education	3	0	0	0	14	17	9	19	62
Mkoba	0	0	0	0	7	6	0	1	14
Nyadire	0	0	0	0	3	2	0	0	5
Belvedere Technical	0	0	0	0	4	5	1	0	10
Mutare	0	0	0	0	2	1	0	0	3
Hillside	0	0	0	0	0	1	1	0	2
Morgan ZINTEC	0	0	0	0	0	0	0	0	0
Seke	0	0	0	0	0	0	0	0	0
Total	18	45	6	4	49	67	15	24	228

% of the total enrolment of 26 776= 0.85%.

Polytechnics and Industrial Training Colleges

<i>Institution</i>	<i>Visual Impairment</i>		<i>Hearing Impairment</i>		<i>Physical Impairment</i>		<i>Other Disability</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	
Bulawayo Polytechnic	0	0	0	0	9	4	0	0	13
Harare Polytechnic	0	0	0	2	5	4	0	0	11
Gweru Polytechnic	0	0	0	0	1	1	0	0	2
Mutare Polytechnic	0	0	0	0	8	6	0	0	14
Masvingo Polytechnic	1	0	0	1	7	3	0	0	12
Danhiko ITC	0	0	0	0	47	24	0	0	71
Total	1	0	0	3	77	42	0	0	123

% total enrolment of 32026= 0.38 %.

Universities disability enrolment statistics 2019

<i>University</i>	<i>Visual Impairment</i>		<i>Auditory Impairment</i>		<i>Physical Impairment</i>		<i>Other Disability</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
Africa University	0	0	0	0	1	2	3	0	6
Bindura University of Science Education	0	0	0	0	2	1	4	1	8
Catholic University in Zimbabwe	2	1	0	0	3	2	1	0	9
Chinhoyi University of Technology	0	0	0	0	5	1	0	0	6
Great Zimbabwe University	13	28	1	0	14	8	0	1	65
Gwanda State University	0	0	0	0	1	0	1	0	2
Harare Institute of Technology	0	0	0	0	1	0	1	0	2
Lupane State University	0	0	0	0	2	2	0	0	4
Manicaland State University of Applied Sciences	0	0	0	0	0	0	0	0	0
Marondera University of Agricultural Sciences	0	0	0	0	0	0	0	0	0
Midlands State University	9	0	0	0	15	2	3	1	30
National University of Science and Technology	0	0	0	0	6	0	0	1	7
Reformed Church University	5	5	0	0	3	2	1	0	16
Solusi University	1	0	0	0	1	1	0	1	4
University of Zimbabwe	56	30	5	3	31	17	11	16	169
Women's University in Africa	0	1	1	0	0	0	0	0	2
Zimbabwe Ezekiel Guti University	0	0	0	0	1	1	0	0	2
Zimbabwe Open University	11	6	1	0	17	11	0	2	48
Total	97	71	8	3	103	50	25	23	380

% total enrolment of 94 131= 0.40 %.

296. Since 2013, Government has so far paid for tuition fees for one thousand four hundred and ninety eight (1 498) students with disabilities in universities, colleges and vocational training centres from the Disabled Persons Fund.

Article 25

Health

Legislative Measures

297. The State Party is conscious of its obligations under the Convention and other international human rights instruments to ensure the highest standard of health among its people. In view of the risk of exclusion that PWDs face in terms of accessing health and related information, Government has put in place measures to guarantee the enjoyment of the right to health as a constitutional principle implemented through subsidiary legislation.

298. Section 76 of the Constitution provides that every citizen and permanent resident of Zimbabwe has the right to access basic health care services including reproductive health care services. It further provides that no person may be refused emergency medical treatment in any health care institution. The enjoyment of this right according to Section 76(4) is subject to availability of resources and this right can only be progressively realised.

299. Section 29 (1) of the Constitution places an obligation on the State to take all practical measures in order to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe. This must be read with Section 83 (d) that places an obligation upon the State to take appropriate measure, within the limits of resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures to give them access to medical, physiological and functional treatment.

300. Section 82 (b) of the Constitution provides that people over the age of seventy (70) have the right to receive health care and medical assistance from the State subject to availability of resources.

301. The Public Health Act created three important bodies, the Advisory Board of Public Health, Provincial or Metropolitan Health Team and the District Health Team. All these bodies afford corporate organizations and community members a say in public health issues. The District Health Team has the following functions:

- (a) Advise the District Medical Officer in coming up with mechanisms for the involvement of communities in health at all levels of the health system;
- (b) Raise awareness and identify needs and priorities for health;
- (c) Act as a communication and information channel between communities and health systems;
- (d) Mobilize, plan and monitor resource allocation for health;
- (e) Mobilize community and social actions for health;
- (f) Hold providers accountable for services; and
- (g) Support enforcement of health laws and standards.

302. Sections 17 and 69 provide for the appointment of Health Centre Committees and Epidemic Committees. Public Health Act provides for public health; to provide for the conditions of improvement of health and quality of life and health care for all people of Zimbabwe including persons with disabilities; to provide for the rights, duties, powers and functions of all parties in the public health system among others.

303. Government is also a signatory to a number of important international and legal instruments that implore governments to create an enabling environment for the delivery of National Mental Health services. Notable among these are:

- The International Conference on Population and Development Program of Action (1994), the Millennium Declaration (2000);
- The Abuja Declaration (2000); and
- The Maputo Plan of Action (2006).

304. The Government in its desire to provide human treatment and quality of mental health care to its people enacted the Mental Health Act. This Act consolidates and amends the law relating to the care and after-care of persons who have a mental impairment, whether for the purposes of treatment or otherwise.

305. To locate legislative measures in the context of PWDs, Clause 40 of the PWDs Bill seeks to incorporate the provisions of Article 25 of the Convention in their entirety. This will go a long way in promoting their rights to health for PWDs.

Administrative and other Measures

306. With regards to the National Budget, the following table indicates the Ministry of Health and Child Care (MoHCC) against the total budget of the country since 2018.

<i>Year</i>	<i>MoHCC</i>	<i>National</i>	<i>Percent</i>
2020	6 767 817 000.00	68 028 391 000.00	9.95
2021			
2022	996 551 500 000.00	117 714 215 000.00	11

307. The Zimbabwe National Mental Health Policy provides for a framework within which mental health programmes and activities are designed, and implemented using the multidisciplinary, multi-sectoral approaches, community involvement and participation within the context of primary health care to provide all Zimbabweans with the highest achievable mental health care services.

308. The National Health Strategy of Zimbabwe, 2016–2020, seeks to reduce disability and dependence by 50% by 2020. One programme in support of the Strategy in early identification of children who are at ‘risk’ of developing a disability and intervention is easily implemented at early stages of infancy.

309. Nationally, there are nine (9) civilian Mental Health Institutions in Zimbabwe four of which are national referral centres. The rest are at provincial or district hospital. There are also Mental Health Services offered by other government ministries, local authorities and NGOs. The Epilepsy Support Foundation Zimbabwe (ESFZ), Zimbabwe Alzheimer’s and Related Disorder Association, are some of institutions dedicated to providing support for families and individuals and strives to advocate on their behalf, to improve the lives of people with Alzheimer’s/dementia and their care givers.

310. Zimbabwe adopted Community Based Rehabilitation (CBR) through the Primary Health Care Strategy where CBR activities have been decentralized to primary level of care. The community is involved in screening of persons in a bid to identify early signs of disabilities. The CBR Programme in Zimbabwe also participates in Poliomyelitis Surveillance. Persons with disabilities are also provided with aids and appliances through the CBR Program.

311. All District, Provincial, Central hospitals, some mission hospitals and specialized hospitals across Zimbabwe provide specialised rehabilitation therapy and assessments for persons with disabilities.

312. Specialized institutions aimed at prevention of impairments and rehabilitation of disability, are situated across the country. These are:

- Ruwa National Rehabilitation Centre.
- Ingutsheni.
- United Bulawayo Hospital.
- Parirenyatwa Orthopedic Centre.
- Tsanga Lodge.
- Mlondolozhi.
- Jairos Jiri.

313. Government in collaboration with development partners is implementing the Expanded Programme on Immunization (EPI) which has seen drastic reduction of impairments amongst children. ZDHS, 2015 states that 76% of children aged twelve to twenty-three (12–23) months received all basic vaccination, one (1 dose each BCG and measles and 3 doses each of ADPT containing vaccines and polio. Basic Vaccine coverage has improved in recent years up from 65% in 2010–2015 and 53% in 2005/6. Similarly, percentage of children who have received no vaccines has decreased from 21% 2005/6 to current rate of 10% in 2015.

314. The Community and Home-Based Care (CHBC) is another programme that has evolved to ensure a continuum of care to adult and children with chronic and terminal

illnesses such as cancer, hypertension and its complications, diabetes, epilepsy, mental impairment, HIV and AIDS and injuries.

315. The scheme covers all costs relating to treatment and includes consultation fees, diagnostic tests, medication and surgical procedures. However, in practice, CT Scans is not covered. This scheme is accessible in all public hospitals. Funds are availed from Treasury through the Department of Social Welfare. The Department assess beneficiaries through a means testing and issues an AMTO for the patient to present at a public health facility. The means test includes interviews with people and sometimes home visits. Below are the several criteria used:

- Social indicators e.g where the person lives, size of their family.
- Type of disease.
- Financial implication of the sickness.
- Whether the applicant has relatives who can assist.
- Whether applicant has dependants who rely on him.

316. Rehabilitation services available to improve independence in Zimbabwe include occupational therapy, physiotherapy, speech therapy, audiology and orthopedic technology. In particular, occupational therapy helps people of all ages to identify their daily needs and aspirations, and provide advice about preventing or coping with injuries, illnesses or disabilities. It assesses a person's situation and finds practical solutions to help them lead a more fulfilling life.

317. Government offers 5% yearly places for Rehabilitation Technicians. From 2013 to date, seven (7) technicians have been trained out of one hundred and forty (140). This ensures that persons with disabilities are not only recipients of health services but can also be providers of such services.

Article 26

Habilitation and rehabilitation

Legislative Measures

318. The Private Voluntary Organisation Act [Chapter 17:05] provides for the registration of institutions which provide habilitation and rehabilitation programs to persons with disabilities with a view to ensuring they benefit from privileges that come with such registration including exemption of custom duty when importing equipment and devices. The Social Welfare Assistance Act and the DPA provide for institutional support in the form of per capita grants (in respect of enrollment) and administration grants (in respect of capacity) to organisations offering habilitation and rehabilitation services to persons with disabilities.

Administration and other Measures

319. The State Party is aware of the importance of continuous training and skills development for PWDs to enable them to progressively achieve independent living in their societies (habilitation). Persons with disabilities should attain, keep or improve skills and functioning for daily living. Critical services include physical, occupational, and speech-language therapy, various treatments related to pain management, and audiology and other services that are offered in both hospital and in some cases home environments.

320. Similarly, Government is committed to the rehabilitation of PWDs by restoring them as far as possible, to health or normal life through training and therapy and other initiatives.

321. Government has established and coordinates Rehabilitation Departments in all health service institutions in the country up to district level. Community-Based Inclusive Development (CBID) strategy focuses on enhancing the quality of life for PWDs and their families; meeting basic needs and ensuring inclusion and participation in the community and public life. It is a multi-sectoral strategy that empowers persons with disabilities to access and benefit from education, employment, health and social services. CBID is implemented

through the combined efforts of PWDs, their families and communities, and relevant government and non-governmental health, education, vocational, social and other services.

322. Government offers assistive devices and technologies such as wheelchairs, prostheses, mobility aides, hearing aids, visual aids, and specialized computer software and hardware increase mobility, hearing, vision and communication capacities. With the aid of these technologies, people with a loss in functioning are able to live independently and participate in their societies.

323. There are mainly three (3) rehabilitation centres in the country namely, Ruwa, Beatrice and Lowdon Lodge all which are state-run institutions. Ruwa and Beatrice offer vocational training to PWDs, whilst Lowden Lodge caters for children with disabilities. Centres that provide specialized services include the National Spinal Injuries Hospital (RUWA Rehabilitation Hospital) which is a rehabilitation institution that provides services to persons with spinal injuries.

324. In addition to curative and preventive services, the Government provides assistive devices, physiotherapy, occupational therapy, speech therapy, audiology and prosthetic, orthotic services and psychosocial support through counseling services to people with newly acquired impairments.

325. Government in collaboration with National Social Security Authority (NSSA) specifically contributes to the welfare of the people with disabilities through the medical aid, worker's pension (monthly pension) and rehabilitation services which is made available to workers with disabilities. To qualify for a workers pension one should have an impairment of more than 30% or should have an impairment of 30% or less but his calculated monthly is equal or greater than eighty dollars (\$80.00). Medical aid is payable for treatments related to their injury on duty. Rehabilitation is provided to all injured workers who at the recommendation of their treating/NSSA doctors.

Vocational Training Centres

326. There are three (3) Government-run vocational training centres which exclusively enroll persons with different types of disabilities. These are Ruwa, Lowdon Lodge and Beatrice National Rehabilitation Centres. They currently enroll a combined number of 420 students.

327. The rehabilitation centers offer courses like carpentry, motor mechanics, IT, Clothing technology, leatherwork, domestic appliances electrical, welding, storekeeping and bookkeeping, ornamental horticulture and information technology. In NGO run institutions, a variety of programmes which include daily living skills, counseling sessions, psychosocial support, recreational activities as well as education for learners with specific impairments (visually impaired, hearing impairments) are offered. They also engage in gardening, mat making, wood work and fence making among other programmes.

328. Institutional care is one of the strategies used to provide quality care to vulnerable children. Children's homes provide support and care for most vulnerable children and should be attentive to children's needs, supporting emotional, mental and physical health needs. For provision of quality services, providers of residential child care are guided by residential child care standards which set out the underpinning requirements that homes must meet. The state in partnership with development partners came up with residential child care standards which were revised in 2018. The standards look at the establishment and management of children's residential facilities. Zimbabwe currently has 102 residential care facilities of which 91 are privately owned and 11 are Government institutions. All these institutions provide care and support to all vulnerable children, including children with disabilities.

Article 27

Work and employment

Legislative Measures

329. Section 65 of the Constitution states that every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage. It further stipulates that every employee, employer, trade union, and employee or employer's organisation has the right to engage in collective bargaining; organise, form and join federations of such unions and organisations including PwDs.

330. Section 83(a) of the Constitution obliges the State to take appropriate measures within the limits of resources available to it to ensure that persons with disabilities realise their full mental and physical potential to enable them to become self-reliant.

331. Section 22 (3) (a) of the Constitution stipulates that the State and all institutions and agencies of government at every level must develop programmes for the welfare of persons with physical or mental disabilities, especially work programmes consistent with their capabilities and acceptable to them or their legal representatives.

332. Section 56(6) of the Constitution provides that the state must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance classes of people who have been disadvantaged by unfair discrimination and such measures must be taken to redress circumstances of genuine need. PwDs are one of the classes of people protected against discrimination on the basis of disability.

333. Section 55 of the Constitution states that no person shall be made to perform forced or compulsory labour including PwDs.

334. Section 9 of the DPA prohibits discrimination against PwDs in employment. Further, Section 10 of this law provides for penalties to be imposed in cases where an employer has discriminated against PwDs.

335. Section 5 of the Labour Act, which is the primary legislation governing the workplace environment especially in the private sector, provides that an employer cannot discriminate against an employee on a number of grounds, including disability, among others. Moreover, a complaints mechanism is in place that an aggrieved person can follow if one feels that they have been discriminated against.

336. The DPA provides for the National Disability Board, which is tasked in part to ensure that PwDs in the workplace are not discriminated against. Furthermore, Section 5 of the same Act mandates the Board to put into operation schemes and projects for the employment of or generation of income by PwDs who are unable to secure employment elsewhere.

337. Clause 42 of the PwDs Bill seeks to incorporate the provisions of Article 27 of the Convention. Further the Clause provides for an employment quota for PwDs both in the public and private sector as an affirmative action strategy. Every employer shall ensure that PwDs constitutes at least 2 percent of the staff establishment. The Clause further provides for the imposition of penalties on every employer who does not observe this employment quota (non-compliance). This Clause will go a long way in promoting inclusion of PwDs in the labour market although more needs to be done to ensure that such new law does not trigger more discrimination in the workplace.

338. Section 4 of the Disabled Persons Act provides for the appointment of members representing employers' organisations and trade unions as National Disability Board Members. The membership creates or provides platform for the interface and knowledge exchange between organisation of PwDs and representatives of employer organisations and trade unions. This is a convenient platform in terms of a collective responsibility to deliberately include persons with disabilities in the market.

339. Section 18 (b) of the Public Service Act provides for equalisation of employment opportunities by ensuring that there is no discrimination on the grounds of race, tribe, place of origin, political opinions, colour, creed, gender or disability on appointments and promotion within the Public Service.

Administrative and other Measures

340. Government has over the years adopted several policies and strategies to ensure that the labour market continues to contribute to national economic development by ensuring inclusion of everyone with skills. To this end, Government has ratified all the key ILO instruments or conventions that seek to promote co-operation between workers and employers.

341. For instance, the Zimbabwe National Employment Policy Framework-Action Plan Strategy II provides for implementation of labour market policy measures to mainstream and integrate marginalised groups through Equal Employment Programs targeting PWDs. Existing employment services including career guidance and counselling are adapted to suit the needs of persons with disabilities. Information on career prospects is shared with learners with disabilities on the available career paths.

342. The Government, in consultations with the National Disability Board, DPOs, private sector and the general public, has developed a policy called the Equalisation of Employment Opportunities for PWDs in the Public Sector. The policy provides for the mainstreaming of disability in all matters related to employment and conditions of work in the public service. Further, Government has employed a personal assistant for every PWDs employed in the civil service to ensure their effective participation in employment activities.

343. The GoZ exercises sensitivity to disability in job advertisements and all training for employment and vocational skills, including specific encouragement to qualified PWDs to apply for opportunities subject to reasonable accommodation they may require.

344. The Government provides institutional support to state owned National Rehabilitation Centres under the budget item Support to Government Institutions. This financial support is aimed at facilitating effective administration of these national rehabilitation centres. The budget goes towards purchase of provisions which enable institutions to operate through supply of food and non-food operational items. In addition, the Government continues to provide institutional support in the form of administrative and per capita grants to NGO owned institutions.

345. There are no known cases where PWDs have been denied equal pay for work of equal value. Where such cases arise they will constitute unfair labour practices and will be dealt accordingly by the relevant authorities in terms of the Labour Act. The tables below shows disaggregated statistics on the nature/type of disability and occupations held by employed PWDs.

Table showing counts of different types of disabilities among employed persons with disabilities by type of disability and sex

Persons with disabilities employed by type of disability and sex

<i>Type of Disability</i>	<i>Males</i>		<i>Females</i>		<i>Total</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Difficulty Moving	51 082	27.5	60 318	32.3	111 400	29.9
Visually impaired	72 159	38.8	76 657	41.0	148 816	39.9
Difficulty Speaking	9 852	5.3	4 676	2.5	14 528	3.9
Deaf	2 189	1.2	1 977	1.1	4 166	1.1
Hearing impaired	22 461	12.1	22 055	11.8	44 516	11.9
Difficulty Learning	10 645	5.7	9 623	5.1	20 268	5.4
Chronic Fits	6 132	3.3	4 503	2.4	10 635	2.9
Strange Behaviour	11 498	6.2	7 190	3.8	18 688	5.0
Total	186 018	100.0	186 999	100.0	373 017	100.0

Source: 2012 Census (ZIMSTAT).

Table below illustrates statistics of occupational classification by sex amongst persons with disabilities

Occupational Classification by Sex, Zimbabwe 2012 Census

<i>Occupational Group</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Percent</i>
Gvt and Snr Officials	1 197	165	1 362	0.4
Directors/MGRS & Co Secretaries	1 606	555	2 161	0.6
Natural Sciences	42	19	61	0.0
Business & Finance	3 741	3 214	6 955	2.0
Engineers & Technicians	1 729	109	1 838	0.5
Life Sciences Professionals	1 115	1 628	2 743	0.8
Education	3 779	4 536	8 315	2.4
Law and Security	5 653	825	6 478	1.8
Information	82	59	141	0.0
Social Science	119	146	265	0.1
Artists	698	319	1 017	0.3
Religion	588	223	811	0.2
Machine Operators	1 677	118	1 795	0.5
Administration	688	507	1 195	0.3
Clerks & Secretaries	1 881	1 944	3 825	1.1
Transport	4 086	162	4 248	1.2
Services	15 506	26 136	41 642	11.8
Agriculture	108 438	131 196	239 634	67.9
Mining & Construction	13 800	1 082	14 882	4.2
Mechanics	3 217	78	3 295	0.9
Manufacturing	4 528	3 808	8 336	2.4
Others	1 492	476	1 968	0.6
Total	175 662	177 305	352 967	100.0

Source: ZIMSTAT website for ICDL Report 2017, disability report, labour for force 2014 (www.zimstat.co.zw).

Article 28

Adequate standard of living and social protection

Legislative Measures

346. The State Party appreciates the importance of adequate standard and social protection for the realisation of the rights of PWDs as they are provided in the Convention.

347. Section 15 of the Constitution mandates the State to secure the establishment of adequate food reserves. In terms of Section 74 of the Constitution every person is entitled not to be arbitrarily evicted. Section 30 of the Constitution further stipulates that the State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need. PwDs must be included in the provision of food, social security and shelter within the limits of resources available to it.

348. Section 84 of the Constitution provides for the right to pensions and access to health care to veterans of the liberation struggle, some of whom acquired disabilities during the armed conflict. An Act of parliament will be amended to comprehensively define the rights to be enjoyed by the veterans of the liberation struggle.

349. The Social Welfare Assistance Act provides for the granting of social welfare assistance to persons in need and their dependants. Section 6(1)(b) provides for the granting of financial and non-financial assistance to PWDs to promote adequate living.

350. The DPA makes provision for welfare and rehabilitation of persons with disabilities. In terms of Section 5(1)(b)(5), the National Disability Board, among other functions, advises Government on the establishment of schemes and projects for the employment of or generation of income by PWDs who are unable to secure or before they secure employment elsewhere.

351. The Pension and Providence Fund Act [Chapter 24:09] provides for the registration, incorporation, regulation and dissolution of pension and providence fund. This Act prevents the abuse of pension fund through the regulatory mechanisms provided therein.

352. State Service (Pensions) Act [Chapter 16:06] provides for the payment of pensions and gratuities and other benefits to or in respect of persons employed by the state on retirement, discharge, resignation, death or other termination of service including Persons with Disabilities (PwDs).

353. Older Persons Act, Section 9 provides that the Director may, upon application, grant social welfare assistance if, he/she is satisfied that the person is handicapped physically or mentally or suffers continuous illness. The Act is under review and appropriate provisions and language will be reflected in the new Act.

Awareness on social protection among PWDs

354. Government has so far printed four hundred (400) pamphlets in Braille to raise awareness on social protection programmes among PWDs. These were distributed to all sixty-four (64) Districts across the country.

355. The State Services (Disability Benefits) Act [Chapter 16:05] provides for the payment of compensation upon injury of persons employed by the state arising out of and in the course of official duties.

356. Clause 42 of the Persons with Disability Bill have adopted the provision of Article 28 of the Convention. If the Bill is enacted this will go a long way in advancing the living standards and social protection measures for PWDs.

357. The State Service (Disability Benefits) Act provides for the payment of compensation on the death or injury of person employed by the state arising out of and in the course of official duties.

358. Through the National Social Security Authority (Accident prevention and workers compensation skills) Notice, 1990, the Government established the fund for the compensation of workers who become impaired during the course and scope of employment.

359. The War Victims Compensation Act provides for the payment of compensation in respect of injuries to or the death of person caused by war. This comes in the form of medical assistance, vocational training fees, constant attendance allowance and clothing allowance.

360. Through the National Social Security Authority (Pensions and other benefits scheme) Notice, 1993 a fund is established for pension for all employees in the formal sector.

Administrative and other Measures

361. Government through the National Social Security Authority (NSSA) contributes to the welfare of PWDs through two schemes currently administered namely the Pension and other Benefits Scheme (POBS) and the Accidents prevention and Workers' Compensation Scheme (APWS).

362. Social Security Budget allocated to Persons with Disabilities as a percentage of the total Social Security Budget.

363. Pension and other Benefits Scheme (POSBS) Budget for 2019:

- Total POBS budget for benefits = \$238 444 075.00.

- Total budget for invalidity beneficiaries = \$3 128 760.00.
- Invalidity budget as a percentage of the POSB benefits budget = 1.31%.

364. Accident Prevention and Worker's Compensation scheme (APWCS) Budget for 2019:

- Total APWCS benefits budget = \$10 590 525.00.
- Budget for persons with disabilities = \$7 938 294.00.
- Budget for persons with disabilities as a percentage of APWCS benefits budget = 75%.
- Total budget for the benefits under the two schemes = \$238 444 075.00 (POSB) + \$10 590 525.00 (APWCS) = \$11 034 600.00.
- Total budget for the people with disabilities under the two schemes = \$3 128 760 (POSB) + \$7 938 294 (APWCS) = \$11 067 054.
- Social security budget allocated to persons with disabilities as a percentage of the total social security budget for the two schemes = 4.4%.

365. Also, Government ensures that persons with disabilities have access to both contributory and non-contributory retirement benefits through the Pension and Other Benefits Scheme (POSB). Membership of the Pension and Other Benefits Scheme (POSB) is open to all workers in the formal employment, including people with disabilities, with the exception of domestic workers. It is a public and mandatory social security scheme, which is contributory. The scheme is financed from equal contributions from the employer and employees. All employed persons between the age of sixteen (16) and sixty-five (65) years who are engaged in permanent, seasonal, contract or temporary employment are covered by the scheme. The following benefits are payable under POSB:

- Retirement Pension or Grant.
- Survivor's Pension or Grant.
- Invalidity Pension or Grant.
- Funeral Grant.

366. The Authority specifically contributes to the welfare of the Persons with Disabilities through the invalidity pension or grant, which is payable to workers who become permanently incapacitated due to illness or injury. To qualify for the invalidity pension, one should have contributed to the scheme for at least twelve (12) months, should be below sixty (60) years of age and should be medically certified as invalid. The invalidity grant is payable to workers who would have contributed to the scheme for less than twelve (12) months but for at least six (6) months, are permanently incapacitated due to illness or injury, are medically certified as invalid and below the age of sixty (60).

367. Also, membership to the APWCS is open to all workers in the formal economy, including Persons with Disabilities, with the exception of state employees, informal traders and domestic workers. It is a mandatory social security scheme, which is employer funded. All employed persons from the age of sixteen (16) and above who are engaged in permanent, seasonal, contract or temporary employment are covered by this scheme. This means that all Persons with Disabilities employed in the formal sector are covered under the APWCS scheme, just like their counterparts without disabilities, and have access to all the benefits under the scheme in the event of a work-related accident/disease.

368. The benefits payable under the scheme are as below:

- Medical Aid costs.
- Funeral expenses.
- Periodical payments in respect of loss of wages.
- Worker's pension (monthly pension).
- Widow/widower Pension (monthly pension).
- Children's Allowances.

- (g) Dependency Allowances.
- (h) Rehabilitation.
- (i) Temporary Pension.
- (j) Lump sums.
- (k) Provision of assistance devices.

369. Persons with Disabilities in the informal economy and those not employed are catered for under the government's social welfare programmes.

370. Government in collaboration with development partners has initiated feeding programs aimed at providing school going children in the rural areas with meals during times of drought in the country. Government has also established the food deficit mitigation programme which is aimed at mitigating the effects of drought amongst both labour and non-labour constrained households.

371. Government has established infrastructural facilities for the fabrication and provision of assistive devices at subsidised rates mostly mobility aides. Government also provides some assistive devices free of charge.

372. As for housing, the basic underlying principle of the National Housing Policy (2012) is to conform to the Declaration of Rights in the Constitution, which recognizes housing as a basic human right. One of the strategies of the National Housing Policy is to compel Central and local Government to protect vulnerable groups. The Policy also supports zero tolerance to discrimination based on gender, race, religion, socio-economic status and disability. This is also buttressed by the National Housing Delivery Programme 2014 which states that 5 percent of the stands should be reserved for social housing catering for the vulnerable groups such as child-headed families, PWDs and the elderly.

373. Government launched the Human Settlement Policy in conformity with Declaration of Rights in the Constitution. This policy effectively replaces the National Housing Policy of 2012. However, the new Policy takes over all ethos contained in the previous 2012 Policy including specific focus on PWDs as key beneficiaries of the housing policy.

Article 29

Participation in political and public life

Legislative Measures

374. Section 67 of the Constitution embodies a group of rights collectively known as political rights.

Section 67 (1) (a) provides that every Zimbabwean citizen has the right to free, fair and regular elections for any elective public office while sub section 2 reinforces the right to make political choices freely. It further provides for the right for every Zimbabwean citizen to form, join and to participate in the activities of a political party or organisation of their choice.¹³ This includes the right for PwDs to vote in secret at an accessible polling station – reasonable accommodation.

375. Section 67 (3) of the Constitution enshrines a number of rights that are provided for in Article 9 of the Convention. These rights include the right to vote on all elections or referendum, the right to vote in secret, the right to stand for election for public office and if elected the right to hold such office.

376. Section 120 (1) (d) of the Constitution states that the Senate Chamber of Parliament shall consists of Eighty Senators, of whom two are elected in the manner prescribed in the Electoral Law to represent PWDs. These representatives are serving in the current 9th Parliament. Currently, there are two persons with disabilities who were directly elected into the National Assembly. The Seventh Schedule to Section 45A of Electoral Act gives effect to Section 120 (1) (d) of the Constitution. The purpose of the Schedule is to regulate the

¹³ See Section 67 (2) of the Constitution.

process for the election of the 2 Senators who, in terms of Paragraph 3 (3) (b) of the Schedule, should be male and female.

377. Section 3 (b) (i) of the Electoral Act states that every citizen has the right to participate in government directly or through freely chosen representatives and is entitled, without discrimination on the ground of race, ethnicity, gender, language, political or religious belief, physical appearance or disability or economic or social condition to stand for office and cast a vote freely.

378. In order to specifically address the rights of PWDs in the context of political rights, Section 51 (1a) of the Electoral Act requires that every polling station shall be located in a place that is readily accessible to the public, including persons with physical disabilities, which should be interpreted to mean any form of disability.

379. Furthermore, Section 51 (1) of the Electoral Act regulates the procedure of voting by illiterate and people with physical disabilities and it permits another person, selected by the voter to assist the voter in exercising his or her right to vote. In the absence of a person selected by the voter, a presiding officer shall assist the voter in the presence of two (2) other electoral officers or employees of the Commission and a police officer on duty. The provision does not place any restrictions for one to assist a voter with disability.

380. As regards holding of public office and performance of functions in Government, Clause 42 of the PWDs Bill seeks to implement a quota system whereby 5 per centum of positions for decision making bodies such as Commissions, boards for public entities and other related institutions are held by PWDs.

Administrative and other measures

381. As regards support provided to PWDs for the establishment and maintenance of organisations to represent their rights and interests, Government provides institutional support in the form of Administration grants to registered OPDs to assist in the daily operations of these organisations. The table below shows the list of organisations currently receiving administration grants:

Number of OPDs per province receiving Administration grants

<i>Province</i>	<i>No of Organisations of Persons with Disabilities</i>
Harare	43
Bulawayo	17
Midlands	5
Manicaland	5
Masvingo	6
Mashonaland East	3
Mashonaland West	3
Matabeleland North	2
Total	84

382. The Zimbabwe Electoral Commission (ZEC) has designed a voter's registration form that captures disability status and type of disability. The form VR1 which is a claim for registration has a section for capturing disability information. This assists the Commission to know the number of Persons with Disabilities and the nature of disability so as to have targeted interventions options.

383. During the mobile registration period in preparation for the 2018 harmonised elections, the Commission through organisations for PWDs arranged for registration specifically of PWDs. The PWDs organisations provided the interpreters and assistance to help register PWDs.

384. The ZEC extracted PWDs voter registration statistics from their data base disaggregated according to the type of disability, provincial demographics and gender. The

Commission shared with stakeholders including organisations which work with PWDs.
These statistics are shown by table below.

ZEC statistics on PWDs voters during the 2018 General Elections

	<i>Bulawayo</i>		<i>Harare</i>		<i>Manicaland</i>		<i>Mashonaland Central</i>		<i>Mashonaland East</i>		<i>Mashonaland West</i>		<i>Masvingo</i>		<i>Matabeleland North</i>		<i>Matabeleland South</i>		<i>Midlands</i>		
<i>Disability type</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>Total</i>
Amputee:																					
Difficulty walking	30	17	33	21	73	100	79	60	54	62	42	36	114	123	80	89	50	53	124	148	1 388
Amputee: no hands	22	7	28	10	59	24	27	15	31	11	36	16	45	25	47	26	31	6	51	19	536
Amputee: unable to walk/ crippled	16	22	27	15	39	29	32	13	44	18	32	15	41	23	31	20	26	13	51	31	538
Difficulty hearing	32	48	67	55	283	426	166	195	127	139	120	134	264	310	195	304	241	331	324	468	4 229
Combined categories different from the specified	109	92	171	118	292	346	246	220	127	127	172	134	334	367	243	206	314	277	447	416	4 758
Albinism	3	5	13	14	20	23	7	7	11	10	8	10	12	10	6	6	4	2	13	23	207
Chronic fits	1	1	4	2	9	8	7	8	6	6	5	7	4	11	5	7	3	3	10	6	113
Chronic illness	1	1	1	9	12	21	20	32	3	9	7	19	10	22	18	26	7	27	10	18	273
Difficult learning/ mental handicap	10	2	4	1	16	14	13	20	17	18	12	8	24	12	26	18	17	15	31	31	309
Difficult speaking	2	4	7	4	15	8	19	9	10	2	12	5	21	9	14	5	14	3	22	8	193
Dumb	13	16	8	12	14	12	21	16	10	12	20	6	16	22	24	27	16	16	37	27	345
Lack of feeling in hands/ feet/ leprosy	4	4	13	9	13	21	19	10	10	13	12	23	15	19	15	10	20	5	40	18	293
Strange behaviour	3	6	5	3	15	6	12	9	6	8	9	2	7	12	20	8	12	4	27	18	192
Difficult seeing	68	76	124	135	839	1387	515	852	289	385	350	506	669	1 096	608	1063	689	1397	1 143	1 860	14 051
Totally blind: braille illiterate	28	28	31	26	92	60	67	58	48	34	70	53	134	104	104	88	85	52	159	126	1 447
Totally blind: braille literate	22	28	31	31	40	29	38	32	38	27	47	23	101	75	54	53	48	31	107	77	932
Total	364	357	567	465	1 831	2 514	1 288	1 556	831	881	954	997	1 811	2 240	1 490	1 956	1 577	2 235	2 596	3 294	29 804

385. Polling allows eligible citizens to vote at polling stations. In Zimbabwe eligibility to vote is implied through voter registration and since polling is station specific, so anyone in the voter's roll can vote. This includes PWDs to the extent that access issues are addressed through requisite reasonable accommodation.

386. Using the voter registration data, the Commission supplies adjustable booths for PWDs especially for people who use wheelchairs and those of short stature. The Commission also provided for the siting of polling stations in accessible locations and provision of access ramps to particular polling stations where the PWDs would vote from.

387. The voting process offer reasonable accommodation to PWDs who are given a chance to vote on arrival especially where there are queues of people waiting to vote. This also applies to initial processes in preparation for polling such as voter registration.

388. The Commission collaborated with CSOs, which include organisations for PWDs, to design voter education materials (posters) and visuals. The Commission encoded voter education materials in sign language and disseminated materials using sign language. The Commission also printed voter education materials in Braille to cater for the visually impaired who are able to read other information formats.

389. On the part of CSOs, the National Association of Societies for the Care of the Handicapped (NASCOH) conducted a programme on enfranchising PWDs to exercise their constitutional right to vote and facilitate their inclusion in governance between 2008 and 2013. As a result of this initiative, over 50 000 PWDs were reached in voter education, over 400 PWDs were trained in election observation, over 5000 children and adults with disabilities were assisted to access identification documentation including birth certificates. Finally, over 400 PWDs have so far been included in positions of authority.

390. In spite of these success stories, the State Party is engaged in the process to ensure that the scope of PWDs' engagement with public life is expanded. For instance, it will be necessary, resources permitting, that in the next general election voting by PWDs be as independent as reasonably possible in order to enhance secrecy of the ballot. In collaboration with development partners, Government will ensure that access to polling stations, voter registration and voter education centres is accelerated.

Article 30

Participation in cultural life, recreation, leisure and sport

Legislative Measures

391. Section 83 of the Constitution mandates the State to ensure that persons with disabilities participate in social, creative or recreational activities. Section 63 also provides that every person has the right to use the language of their choice and to participate in the cultural life of their choice.

392. Section 16 further stipulates the State and all institutions and agencies of government at every level to promote and preserve cultural values and practices which enhance the dignity, well-being and equality of Zimbabweans. Moreover, section 32 of the Constitution provides that the State must take all practical measures to encourage sporting and recreational activities, including the provision of sporting and recreational facilities for all people including PwDs.

393. Section 19 of the Sport and Recreation Commission Act [Chapter 25:15] mandates the Commission to ensure that opportunities for sport and recreation are made available to all persons throughout Zimbabwe. There are games organised for PWDs and the inclusion of sign language during games has gathered momentum.

394. In August 2018, the Government acceded to the Marrakesh Treaty, which serves to protect copyright among Contracting Parties. However, the Government is aware of the opportunities provided by Article 4 thereof, which allow national law to limit and adopt exceptions to the application of the treaty in relation to access to published works for persons who are visually impaired.

395. The Government is also aware of similar flexibilities provided by Article 9(2) of the Berne Convention for the Protection of Literal and Artistic Works. Therefore, the Government is prepared to explore these opportunities to ensure that PWDs have access to published works while the country remains compliant with its international obligation to protect copyright.

396. The Copyrights and Neighbouring Rights Act [Chapter 26:05] provides for the protection of copyright and ancillary works. Persons with disabilities who produce artistic works are equally entitled to the protection of their works under this law on equality with others.

397. The Tourism Act [Chapter 14:20] promotes the establishment and designation of tourist facilities for purposes of leisure. Government has registered a number of tourist facilities for purposes of this Act. PWDs are equally entitled to access services from such facilities.

398. Clause 44 of the PWDs Bill seeks to domesticate the provisions of Article 30 of the Convention in so far as they relate to right of PWDs to participate in cultural life, leisure and sport.

Administrative and other Measures

399. The Government through the Sports and Recreation Commission introduced the National Paralympic Games in 2008 as a national strategy to create opportunities for sport and recreation for PWDs throughout the country. The Games facilitate life skill education, selection of talented athletes and further development and exposure for high performance programmes. Selected athletes have the opportunity to represent their region, province or even country in competitions.

400. Further, Government, in partnership with Danhiko, an institution for PWDs, holds an annual Paralympic sporting event that brings together other OPDs, public and private disability sector stakeholders with a view to showcasing abilities, talents and sporting skills by PWDs. These Paralympic games benefit from International Cooperation with Japan International Cooperation Agency (JICA) which provides support in the form of sporting equipment and human resources (technical assistance). Higher and tertiary education institutions sponsor their own students with disabilities to participate in this annual event.

401. Persons with Disabilities have continued to participate in the international Paralympic games such as athletics, wheelchair tennis, wheelchair basketball, wheelchair netball etc. This has allowed PWDs to realise their fullest potential in sports.

402. The Office of the Special Advisor on Disability in the Office of the President and Cabinet annually convenes the National Disability Expo for the purpose of commemorating and showcasing the abilities and skills of PWDs. The Expo is a convergence platform for all stakeholders in the disability sector that present an opportunity for knowledge exchange on the status of disability policy and programming in the country. It is also an opportunity for PWDs to put on show merchandise in the form of artefacts such as paintings, drawings, carvings, leatherwork products, ornamental horticulture etc.

403. During the Expo, Disability Service Organisations (DSOs) raise awareness on the different mobility aids, assistive devices and technologies available at these institutions. The most recent Expo was held on 10–13 October 2021 under the theme Ensuring Inclusion and Empowerment of PWDs through Innovation and Technology. #DisabilityIsOpenForInclusiveInvestment.

404. The Expo provided PWDs with a platform to showcase their artistic and cultural expressions through music, cultural dances, and other related activities. Linguistic identity for those with hearing impairments was also advanced through the showcasing of sign language dictionary.

405. With implementation of the Convention gathering momentum in the country, the State Party will seek further collaborations with development partners and other stakeholders in the disability sector to ensure full participation by PWDs in cultural life, sports and recreation on equality with others.

Article 31

Statistics and data collection

406. Government is aware of the importance of disaggregated data for planning purposes and as such works closely with Zimbabwe Statistical Agency (ZIMSTAT) in the area of statistics and data collection. One of the first initiatives was the inclusion of collection of data on PWDs in the National Population Census of 2002 and thereafter. Automatically every census thereafter included data on this category. To date, Zimbabwe has conducted two surveys focusing specifically on persons with disabilities, that is, in 2002 and 2012.

407. The collection of information and production of statistics on disability is guided by the Global Sustainable Development Goal indicator framework which states that Sustainable Development Goal indicators should be disaggregated by income, sex, age, race, ethnicity, migratory status, disability, geographic location and other characteristics where pertinent.

408. Pursuant to this, disability status, alongside other domains such as sex, age and geographic location are standard forms of collecting and disaggregating the results of national population censuses and other household surveys such as the Multiple Indicator Cluster Survey and Inter-Censal Demographic Survey that are conducted periodically by the country's national statistics agency – ZIMSTAT. Disability data are collected and classified according to type and severity in the censuses and surveys.

409. Other members of the country's National Statistics System such as government ministries also collect disability data mainly through administrative records. One prominent producer of disability statistics is the Ministry of Health and Child Care, which collects disability information through administrative records and surveys such as the 2013 Living Conditions among Persons with Disabilities Survey.¹⁴ The Ministries of Primary and Secondary Education and Higher and Tertiary Education, Science and Technology Development collects disability information on staff and students enrolled in the education institutions. This has been illustrated under remarks on right to education.

410. The Ministry of Public Service, Labour and Social Welfare also collects information on disability through administrative data. Information on disabilities resulting from occupational injuries is collected through National Social Security Authority. The information that is collected by NSSA is only for persons in formal employment and does not include those in other sectors of employment. More needs to be done by Government to collect data from the informal sector, which has grown bigger than the formal sector.

411. The 2013 Level of Living Conditions among Persons with Disabilities Survey utilised the Washington Group 6 questions to obtain information on disability. This is a standard questionnaire designed to identify Persons with Disabilities. It identifies PWDs as people at high risk than the general population for participation restrictions due to the presence of difficulties in six core functional domains, if appropriate accommodations are not made.

412. The Census and Statistics Act [Chapter 10:29] provides for the collection and processing of statistics. After every 10 years, Government carries out population census through the ZIMSTAT, the official statistical agency.

413. ZIMSTAT is a semi-autonomous agency mandated to conduct all large scale data collection activities. After every national census ZIMSTAT produces a profile on disability which provides information on the population, size, structure, distribution, household characteristics, fertility, education and labour market information etc.

414. Zimbabwe uses census, population surveys and administrative data registries to measure disability. The measure differs according to the specific purposes for an application of data.

415. The poverty, income and expenditure survey utilise the Washington group questions (WG6) to measure the incidents of disability.

¹⁴ Report available at: <https://www.medbox.org/zw-disability/zimbabwe-living-conditions-among-persons-with-disability-survey-key-findings-report/preview?>

Article 32

International cooperation

416. As enunciated in this Report, Government continues to engage National and International Development Partners in the implementation of various programmes aimed at protecting and promoting the rights of persons with disabilities. The partners' contribution is greatly appreciated and welcomed in the future for the full realisation of the rights of PWDs.

417. Since the ratification of the Convention, Government became seized with the mainstreaming of disability rights into development programmes taking a human rights-based approach that seeks to identify PWDs as rights holders being aware of barriers to full inclusion in the design and implementation of these programmes.

418. Government, in collaboration with development partners and international organisations has established the following Community Based Rehabilitation programmes:

- (a) Water, sanitation and hygiene for persons with disabilities and the community.
- (b) Fabrication of assistive technology.
- (c) Accessible Infrastructure for persons with disabilities in the community.
- (d) Health assistance for persons with disabilities.

Sample of programmes on PWDs with partners' collaboration

<i>Programme</i>	<i>Development Partner</i>	<i>Major Focus</i>	<i>Period of intervention</i>
1. UNPRPD	UN Agencies	Partnership for the promotion of the Rights of PWDs	2016–2020
2. Spotlight Initiative	UNESCO AND EU	Advancement of Rights of Women and Girls with Disabilities	2019–2020
3. Alignment of laws	EU, UN Agencies	Alignment and reform of disabilities laws to the Constitution and disability related International Instruments	2013 to date
4. Justice, Law and Order Sector	UNDP	Access to justice for all including PWDs	May 2016–2020
5. Universal Periodic Review	UNDP	Technical and financial assistance for the preparation of the production of the UPR report	2016
6. NAP for OVC	UNICEF, DFID	Child protection – Provision of specialist services to children with disabilities	

419. However, as Government continues to plant its feet in inclusive programmes, it has not yet established a monitoring and accountability framework to assess the impact on persons with disabilities of international cooperation programmes, projects and policies.

Article 33

National implementation and monitoring

Legislative Measures

420. Section 3 of the Disabled Persons Act establishes the Director for the Disabled Persons Affairs who is a civil servant. The Director coordinates disability affairs within the Government.

421. Clause 3 of the Persons with Disabilities Bill establishes the National Disability Commission which is an independent Commission. The Commission, among other functions, is to monitor the relevance and mainstreaming of the rights of PWDs in all sectors. Further, the Commission is also supposed to enforce the rights of PWDs in terms whenever these are violated. This is key since some PWDs may face various challenges in accessing effective remedies after suffering violation of their rights.

422. Zimbabwe is in the process of domesticating the Convention on the Rights of Persons with Disabilities through the Persons with Disabilities Bill 2021. If the Bill is enacted, this will go a long way in expediting the implementation of the Convention.

Administrative Measures

423. The National Disability Policy includes issues to do with establishing focal persons in each line Ministry so as to ensure the smooth running of mainstreaming the rights of persons with disabilities. Moreover, Government has appointed a Director for Disabled Persons Affairs who is housed under the Ministry of Public Service, Labour and Social Welfare.

424. The President appointed the Special Advisor to the Office of the President and Cabinet whose duties include advising the President on disability issues and coordinating disability issues within the Government.

425. The Zimbabwe Human Rights Commission established in terms of Section 242(1) of the Constitution is mandated with the protection and promotion of human rights. The Commission has got a thematic working group on Special Interest (Elderly, Youth and Persons with Disabilities). This thematic working group ensures that the human rights for PWDSs are protected and promoted.

426. These are some of the administrative and other measures the State Party has put in place to ensure national implementation of the Convention and to monitor progress in that regard. The State Party would like to assure this Honourable Committee of its commitment in implementing the Convention for the full benefit of its people with disabilities and national development at large. It will, therefore, stop at nothing to find new strategies of achieving this noble objective.

Part three

Challenges in the implementation of the Convention

427. The Challenges that the Government is facing in implementing the Convention are:

- Lack of financial resources. Government faces critical financial challenges to fulfil economic, social and cultural rights of persons with disabilities.
- Financial assistance remains inadequate for women with disabilities.
- Limited awareness by women and girls with disabilities on the referral path on Gender Based Violence (GBV).
- Cultural, religious and traditional beliefs and attitudes towards disability.
- The cases of domestic violence remain on the increase.
- The current system does not give special focus on women with disabilities. The focus is generally on women.

- In relation to Article 6, due to societal pressures and stigma, more often than not some girls have eventually failed to go back to school, as they have to deal with the demands of motherhood.
- Furthermore, most of the victims of unwanted pregnancies do not utilize this policy because such girls settle for early marriages. Parents were also reluctant to continue educating a girl who falls pregnant.
- Concealment of children with disabilities by some parents and guardians.
- De-institutionalisation remains a challenge as there are no better alternatives.

Measures to be taken by Zimbabwe to address the challenges faced

428. Government will continue to systematically mobilise resources to ensure that persons with disabilities enjoy economic, social and cultural rights until full equality is achieved.

429. In view of the above challenges in the implementation of the Convention in Zimbabwe, Government will continue to seek new and innovative ways to achieve full inclusion of PWDs in public life through legislative, administrative and other measures building upon foundations established before the ratification of the Convention.

Part four Conclusion

430. In conclusion, it is clear from the remarks Government made in this Initial State Party Report that the process to ensure PWDs realise their rights under national and international law commenced way before the ratification of the Convention. Government adopted legislative, administrative and other measures and continues to adopt and/ renew them now under the framework of the UNCRPD. This shows Government's foresight and unflinching commitment to ensure PWDs live in equality with others.

431. Government anticipates to have adopted more measures and gathered statistics disaggregated by sex, age, gender etc on PWDs by the next cycle of reporting so as to facilitate achievement of the purpose for which state party reporting was established – constructive engagement or dialogue with the Committee.

432. In the meantime, Government appreciates the Honourable Committee for its consideration of this Initial State Party Report and looks forward to receiving recommendations that will guide its future efforts to fully implement the Convention in Zimbabwe. It assures the Committee to be rest assured that its recommendations will be well received and implemented in earnest, so will be questions for clarification and other comments.
