

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 51st session (13 February - 2 March 2012)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations based on references to persons with disabilities to be found in the State report, list of issues and replies.

ZIMBABWE

Zimbabwe has neither signed nor ratified the Convention on the Rights of Persons with Disabilities.

State Report

No references to women or girls with disabilities in the State report.

List of Issues

17. The report is silent on the situation of older women, women with disabilities, and refugee women. Please provide information on the economic and social situation of these groups of women and the measures in place to support them. Please also elaborate on their access to education, employment, safe water and health services as well as protection from violence.

Replies to List of Issues

Response to Question 4

a) Definition of Discrimination against Women

The Constitution of Zimbabwe (Section 23) is clear that discrimination on the grounds of race, tribe, and place of origin, political opinions, colour, creed, sex, gender, marital status or physical disability is prohibited. The inclusion of 'sex and 'gender' in the non-discrimination clause effectively prohibits discrimination against women. As a result, all persons in Zimbabwe, including women, are entitled to enjoy the rights provided in the Declaration of Rights on an equal basis. The Zimbabwe Human Rights Commission (ZHRC) is therefore obliged to investigate discrimination against women. Section 23 further protects women against other forms of discrimination, such as disability and marital status.

Women with Disabilities

A legal framework that offers social protection to people living with disabilities is in place. The framework provides for direct budgetary allocation of resources into the Disabled Persons Fund. In an effort to protect and promote the rights of persons with disabilities, Government formulated a policy on the Equalisation of Employment Opportunities for Disabled Persons in

the Public Service, in line with the United Nations Standard Rules on Equalisation of Employment Opportunities for the Disabled Persons of 1993. Furthermore, the Constitution of Zimbabwe prohibits discrimination on the basis of disability.

In addition, the Social Welfare Assistance Act [*Chapter 17:06*] provides for health and education assistance, maintenance allowances, cash transfers, purchases of assistive technologies and special equipment for the disabled.

Recommendations from IDA:

Articles 2, 3, 4, 5

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and protection from violence.

Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence, abuse, exploitation and harmful practices, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities.

- Take steps to accede to the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

Article 7

- Repeal provisions in the Constitution which exclude persons with disabilities from the right to vote and to be elected on an equal basis with others¹ in accordance with Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), which comprises the latest international standards with respect to participation in political and public life. (This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, [A/HRC/19/36](#), 21 December 2011).

Article 10

- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and

¹ According to the Constitution (Schedule 3(3)(2)(a) & (b)), "the following shall be disqualified for registration as a voter for the periods stated hereunder- (a) any person who is found or declared in accordance with any Act relating to mental health to be mentally disordered or defective as defined in that Act, for so long as he is so mentally disordered or defective; (b) any person who is declared by order of the High Court to be incapable of managing his own affairs, for so long as that order remains in force." Schedule 3(1) states that any candidates for electoral office must be eligible to be registered as a voter.

principles of inclusive education are infused at the outset of teacher training and teaching careers.

Article 11

- Ensure the provision of reasonable accommodation in employment and vocational training for women with disabilities, including accommodations for different types of disabilities.
- Ensure the provision of support services, including psychosocial support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.

Articles 12 & 16

- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health, both including physical treatment and psychological counselling, are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures to ensure that all education, information, healthcare and services relating to sexual and reproductive health, HIV and STIs, are made accessible women and girls with disabilities in age-appropriate formats.

Article 15

- Reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a person from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.²

² See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44.