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ACCESS TO JUSTICE FOR WOMEN WITH DISABILITIES: IMPLEMENTATION OF ARTICLE 8 OF THE MAPUTO PROTOCOL IN ZIMBABWE

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1	Introduction and background	192
2	The concept of access to justice and its importance for PWDs...	194
3	Implementation of article 8 of the Maputo Protocol in Zimbabwe.....	198
	3.1 Constitutional provisions for access to justice	198
	3.2 The Disabled Persons Act of Zimbabwe	202
	3.3 National Disability Policy.....	203
4	Key institutions for ensuring access to justice.....	204
	4.1 Legal Aid Directorate	204
	4.2 The judiciary and access to justice	206
	4.3 Non-state actors, including DPOs	208
5	Remaining challenges faced by WWDs in accessing justice	210
	5.1 Geographical and accessibility barriers	210
	5.2 Structural and attitudinal barriers	211
	5.3 Poverty and lack of knowledge	212
	5.4 Language/communication barrier	214
6	Conclusion and recommendations	214
	Table of abbreviations	216
	Literature	217
	Legislation	220
	Cases	220
	International, regional and other rights instruments	220

Abstract

This chapter interrogates the implementation of article 8 of the Maputo Protocol pertaining to the right of women with disabilities (WWDs) to access justice in Zimbabwe. Specifically, the chapter assesses the significance of access to justice in WWDs and interrogates its implementation through legal, policy, and institutional frameworks in Zimbabwe and the challenges thereof. This qualitative study gathered data using document review and interviews. The chapter acknowledges that access to justice is a fundamental right for WWDs as it facilitates the enjoyment of their wider rights. From the normative framework, the study notes significant protection of WWDs' right to justice in the Constitution of Zimbabwe, 2013 and the National Disability Policy (2021). Institutional mechanisms have also been put in place to ensure access to justice for WWDs. However, despite these progressive provisions and mechanisms, WWDs' actual access to justice remains a pipe dream due to poverty, limited knowledge, attitudinal, language and accessibility barriers. Indeed, WWDs are disproportionately excluded from legal protection and are more likely to have their credibility questioned due to gender and disability stereotypes. Thus, the chapter recommends alignment of local laws to best international practices, capacity strengthening of justice delivery stakeholders, including the police and the judiciary, in disability-gender mainstreaming, and resourcing of such justice systems with interpreters and technology to enhance inclusive justice delivery.

Keywords: *access to justice, accessibility, rights, women with disabilities*

1 Introduction and background

The Government of Zimbabwe ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2008, thereby indicating its willingness to be bound by and adhere to its principles and norms. The Maputo Protocol enshrines a wealth of rights for African women, including women with disabilities (WWDs). As a comprehensive framework for women's rights in Africa, the Maputo Protocol recognises several rights of women in Africa, including access to justice for WWDs on an equal

basis with others. Article 8(a) of the Protocol enjoins state parties to facilitate women's access to justice and equality before the law, including WWDs.

Access to justice for WWDs is also afforded prominence under article 13 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Protocol on the Rights of Persons with Disabilities), which confer states the duty to ensure effective access to justice for persons with disabilities (PWDs) including WWDs.¹ It has been argued that the right of access to justice under article 13 of the CRPD and the Protocol on the Rights of Persons with Disabilities is an extension of the existing universal rights to an effective remedy and to a fair hearing.² Other general recognition for access to justice for persons, including WWDs, is proclaimed under the Universal Declaration of Human Rights (Universal Declaration),³ the International Covenant on Civil and Political Rights (ICCPR)⁴ and the African Charter on Human and Peoples' Rights (African Charter).⁵ These instruments further enjoin state parties to take all appropriate measures to ensure the promotion of the right of women, including WWDs, to live independently and seek justice throughout the country and cities and villages. In essence, article 8 of the Maputo Protocol, article 13 of the CRPD, and article 3(g) of the Protocol on the Rights of Persons with Disabilities create a duty upon Zimbabwe to provide accommodations to overcome the numerous limitations for WWDs' access to justice.

This chapter discusses the import of article 8 of the Maputo Protocol on access to justice for WWDs, particularly those with physical disability or visual and hearing impairments and assess its implementation in Zimbabwe. Specifically, the chapter focuses on the assessment of the utility of available laws, policies and institutional frameworks in ensuring WWDs' access to justice in Zimbabwe and the persistent barriers to these

1 CRPD art 13.

2 A Lawson & E Flynn 'Disability and access to justice in the European Union: Implications of the UN Convention on the Rights of Persons with Disabilities' (2013) 4 *European Yearbook of Disability Law* 7 45.

3 Article 8 of the UDHR recognises access to justice.

4 Article 2 of the ICCPR refers to the right to an effective remedy for all the rights enshrined in the Covenant.

5 Article 7(1) of the African Charter provides for access to justice.

disadvantaged groups' access to justice. This chapter further proffers measures for Zimbabwe and other state parties to the Maputo Protocol to ensure WWDs' access to justice on an equal basis with others.

The evaluation presented in this chapter relies on a qualitative analysis of laws, policies, and institutional opportunities to determine their utility in allowing WWDs access to justice. The reviewed laws and mechanisms include the Constitution of Zimbabwe, the Disability Persons Act, the National Disability Policy (2021) (NDP), and the utility of institutions such as the Legal Aid Directorate, courts and non-state actors in ensuring WWDs' access to justice. The study also relies on empirical views of seven WWDs and eight key informant interviewees purposively drawn from Masvingo and Manicaland provinces, where researchers stay.⁶ Through referrals from Disabled People Organisations (DPOs), the study reached out to WWDs with varied disabilities from urban and rural areas to add their experiences about accessing justice. Key informants included judiciary experts and representatives of disability movements and WWDs, who gave insights on the adequacy of relevant mechanisms and remaining challenges to WWDs' access to justice in Zimbabwe.

Chronologically, following this introduction is a conceptualisation of access to justice and its import on WWDs in section 2. After that, section 3 discusses the utility of laws, policies and institutional mechanisms in advancing WWDs' access to justice in Zimbabwe and the remaining limitations for WWDs. The chapter concludes in section 4 with recommendations to improve WWDs' access to justice.

2 The concept of access to justice and its importance for PWDs

According to Lord et al, 'access to justice' is a broad concept encompassing people's effective access to *formal and informal systems*, procedures, information, and locations used to administer justice.⁷ Similarly, the United Nations Development Programme defines 'access to justice' as

6 For the protection of respondents, this study avoided referring to WWDs and key informants by their names or organisational names. Instead, the study referred to WWDs by their type of disability, and disabled persons organisations representatives by their professions or sectors they represent.

7 JE Lord, KN Guernsey, JM Balfe, VL Karr & ASN Flowers *Human rights yes! Action and advocacy on the rights of persons with disabilities* (2012) 136

‘[t]he ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.’⁸ This chapter focuses on the formal systems of justice, which refer to systems that are state based – this means justice is offered to citizens through state-based institutions of justice such as the courts, prosecutors, and the police.

The first concept to define is ‘access’ itself before attempting to define what access to justice means. Etymologically, access is defined as the means or opportunity to approach or enter a place or permission, liberty, or ability to enter, approach, or pass to and from a place or to approach or communicate with a person or thing.⁹

The concept of access to justice is multifaceted in nature, it encompasses various stages of obtaining remedies to identify justice problems.¹⁰ Access to justice begins with enacting laws that protect women’s rights, creating awareness of the rights, women’s understanding of the laws, and the ability to reach relevant institutions where they can file complaints or seek protection.¹¹ Further, the concept includes the ability of law enforcement officers and decision-makers to create a conducive environment in which women’s rights are protected and violations addressed.¹² The ability of WWDs to obtain and benefit from their legal rights and remedies depends on their access to legal information, advice and representation.¹³ It also encompasses WWD’s

8 United Nations Development Programme (UNDP) Programming for Justice: Access for All – A Practitioner’s Guide to Human Rights-Based Approach to Access to Justice, <https://www.undp.org/asia-pacific/publications/programming-justice-access-all> (accessed 4 November 2024).

9 Miriam-Webster Dictionary, <https://www.merriam-webster.com/thesaurus/access> (accessed 4 November 2024).

10 J Beqiraj & L McNamara *Children and access to justice: National practices, international challenges* (Bingham Centre for the Rule of Law Report 02/2016 International Bar Association 2016) 5.

11 United Nations ‘Access to justice for persons with disabilities: Toolkit on disability for Africa’ (2016), <https://desapublications.un.org/sites/default/files/publications/2022-03/Access-to-justice.pdf> (accessed 4 November 2024).

12 S Omondi, E Waweru & D Srinivasan ‘Breathing life into the Maputo Protocol: Jurisprudence on the rights of women and girls in Africa’ (2018), https://d3n8a8pro7vnmx.cloudfront.net/equalitynow/pages/817/attachments/original/1543482389/Breathing_Life_into_Maputo_Protocol_Case_Digest-Jurisprudence_on_the_Rights_of_Women_and_Girls_in_Africa.pdf?1543482389 (accessed 4 December 2024).

13 Rights of Women ‘Women’s access to justice: a research report’ (2014), https://rightsofwomen.org.uk/wp-content/uploads/2014/10/Womens_access_to_Justice-a_research_report-2011.pdf

effective access to procedures, systems, information, and locations used in the administration of justice. Such a broad definition ensures that the conceptualisation of access to justice is framed to address a wide range of scenarios in which WWDs make claims about their rights, seek to enforce their entitlements or claim justice.¹⁴

The United Nations Office of the High Commissioner for Human Rights (OHCHR) emphasised the significance of access to justice by indicating that '[a]ccess to justice is a fundamental right in itself and an essential prerequisite for the protection and promotion of all other human rights'.¹⁵ In addition, the OHCHR has divided the right to access justice under article 13 of the CRPD into three categories: (1) equality before the courts and the right to a fair trial; (2) the right to an effective remedy; and (3) participation in the administration of justice.¹⁶ These categories are all important for the legal empowerment of WWDs.

Under the first category of equality before the courts and fair trial rights, states must ensure physical accessibility of legal proceedings; that information relevant to such proceedings is made available in formats that are accessible and easy to understand for WWDs to defend their rights; and legal aid is provided for WWDs who are unable to afford counsel.¹⁷ Under the second category, the right to an effective remedy includes the duty to investigate and prosecute if sufficient evidence of a crime is found; the right to redress, reparations and remedies for human rights violations; and restoration of individuals' dignity.¹⁸ Lastly, the right to participate directly or indirectly in the administration of justice includes the ability to participate as claimants or victim-survivors, defendants, witnesses, experts, jurors, judges and lawyers.¹⁹

In essence, guaranteeing access to justice remains indispensable to democratic governance, the rule of law, and combating inequality and exclusion.²⁰ The Committee on the Elimination of Discrimination

14 VD Fina, R Cera & G Palmisano *The United Nations Convention on the Rights of Persons with Disabilities, commentary* (2017) 282.

15 Access to Justice for Children: Report of the United Nations High Commissioner for Human Rights, 16 December 2013, UN Doc A/HRC/25/35 para 3.

16 Right to Access Justice under Article 13 of the Convention on the Rights of Persons with Disabilities, 27 December 2017, UN Doc A/HRC/37/25 para 3.

17 Right to Access Justice under Article 13 (n 16) paras 17-42.

18 Access to Justice for Children (n 15) paras 43-53.

19 Access to Justice for Children (n 15) paras 54-61.

20 UN Human Rights Special Procedures 'International Principles and Guidelines on Access to Justice for Persons with Disabilities' (2020), <https://www.ohchr.org/>

against Women (CEDAW) Committee expressed that access to justice is ‘indispensable to the realisation of [all] women’s rights.’²¹ This is particularly so for WWDs, who continuously face widespread human rights violations. This vulnerability stems from the intersection of their gender and disability, compounded by societal structures and norms that perpetuate inequality and restrict their access to justice. Thus, access to justice is also key, as this right is a fundamental pillar of international law and is the means by which all other human rights of WWDs can be protected and upheld.²²

Legislatively, international and regional human rights instruments recognise the right to access justice.²³ However, the focus of this chapter is on the regional legislative framework. The African Charter guarantees the right to equal treatment under the law and fair trial in articles 3 and 7, respectively. According to the Charter, these rights should be accessible to all individuals without any form of discrimination.²⁴ The Protocol on the Rights of Persons with Disabilities enshrines the right to access justice for PWDs. Article 13 enjoins state parties to ensure that PWDs have access to justice without discrimination. Similarly, the African Commission on Human and Peoples’ Rights (African Commission) has affirmed that states ‘have the duty to ensure that judicial bodies are accessible to everyone within their territory and jurisdiction, without distinction of any kind’ and that ‘non-nationals are entitled to the enjoyment of this right just as do nationals.’²⁵ The Maputo Protocol, which is the focus of this paper, enshrines the right to access to justice in article 8. Of specific

sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf (accessed 4 November 2024).

21 UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) General Recommendation No 33: on women’s access to justice, 23 July 2015, CEDAW/C/GC/33 para 1.

22 Right to Access Justice under Article 13 (n 16) para 3.

23 UDHR arts 7 and 8; ICCPR art 2(3)(a), 9(4), 14(1); International Convention on the Elimination of All Forms of Racial Discrimination (CERD) arts 5 and 6; International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) arts 16(7-9), 18(3)(5)(7) and 24; International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) art 12.

24 African Charter art 2: ‘Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status’.

25 *Good v Botswana* (2010) AHRLR 43 (ACHPR 2010) para 163.

interest to this chapter is article 8(a), which stipulates that state parties, such as Zimbabwe, must take all appropriate measures to ensure ‘effective access by women to judicial and legal services, including legal aid’.

The following section discusses Zimbabwe’s efforts to implement article 8(a) of the Maputo Protocol. It specifically highlights the legal, policy and institutional measures needed to implement access to justice for WWDs. It further presents the remaining challenges of WWDs in accessing justice in Zimbabwe, building on their lived experiences.

3 Implementation of article 8 of the Maputo Protocol in Zimbabwe

3.1 Constitutional provisions for access to justice

The Constitution of Zimbabwe makes Sign Language one of the 16 official languages in the country.²⁶ Section 22(3)(c) of the Constitution and the NDP indicate that the use of Zimbabwean sign language must be recognised, developed and promoted by all state institutions, including the justice system. Despite this clarion call, sign language usage has been limited in Zimbabwe, particularly in the justice delivery system, due to limited sign language interpreters.²⁷ Similarly, Braille communications are also limited due to resource constraints and expertise in the justice delivery system in Zimbabwe. Without sign language interpreters, Braille-translated documents, inclusive investigative processes and judicial procedures, many WWD end users of these languages are discouraged from accessing the justice system. While some financially stable PWDs engage private aids to interpret for them, the majority of PWDs, particularly WWDs, who comprise the majority of the poor, cannot afford to engage personal interpreters to assist them as they seek justice.

Section 22 of the Constitution further shows the Government of Zimbabwe’s commitment to remove all barriers to access justice for PWDs. The section directs state institutions and agencies to recognise

²⁶ Section 6 of the Zimbabwean Constitution

²⁷ C Dziva ‘Advancing the rights of rural women with disabilities in Zimbabwe: Challenges and opportunities for the twenty-first century’ PhD thesis, University of South Africa, 2018 (on file with author) 92.

and respect the rights of persons with physical or mental disabilities. This remains key as it calls for a multisectoral approach by justice stakeholders to address and minimise the shortcomings of WWDs in accessing justice in Zimbabwe. In addition, section 22(3)(b) of the Constitution calls upon the state and its agencies to consider specific requirements of PWDs in their development plans and policies. Mainstreaming disability in policies and plans of justice delivery institutions remains key for informed budgeting that caters to the much-needed assistive devices to accommodate PWDs. Moreover, disability-sensitive policy frameworks direct employees in justice delivery institutions to eliminate barriers to PWDs' access to justice.

Furthermore, the Constitution calls for agencies to take measures to ensure PWDs' accessibility, including WWDs, to all buildings, such as justice delivery institutions and transportation to which other members of the public have access.²⁸ Accessibility of buildings addresses the inherent challenge to independent living of PWDs in Zimbabwe. More often than not, PWDs, including WWDs' independent living, are affected as they face challenges in accessing public structures such as police stations and courts in Zimbabwe.²⁹

Section 83 of the Constitution specifically protects the rights of PWDs by asserting that the state must take appropriate measures to ensure that '*within the limits of the resources available to it ... persons with disabilities realize their full mental and physical potential, including measures to provide state-funded education and training.*'³⁰ This is key for WWDs, who constitute the majority of uneducated PWDs in Zimbabwean society.³¹ Consequently, this limits the comprehension of their rights and access to justice systems. In as much as this is commendable, what

28 Section 22(4) of the Constitution.

29 A Kunambura 'Justice elude persons with disabilities' (2016) <https://www.hrforumzim.org/justice-eludes-people-with-disabilities/> (accessed 4 November 2024).

30 Emphasis added.

31 In a survey conducted in Manicaland province, they found that of the PWDs who had never been to school, 16.5% were female, while 38.5% were male. See Poverty Reduction Forum Trust 'Access to health services for people with disabilities in Zimbabwe – a case of Mutasa, Mutare Urban and Mutare Rural Districts in Manicaland Province' August 2021 <https://evidenceforinclusion.org/wp-content/uploads/2021/09/Zimbabwe-ECID-Research-Report.pdf> (accessed 17 February 2024); S Mukhopadhyay & M Musengi 'Contrasting visions of inclusive education: Comparisons from rural and urban settings in Botswana and Zimbabwe' (2012) 2 *Electronic Journal for Inclusive Education* 1-30, 10.

should be noted is that section 83 makes the realisation of the rights of PWDs contingent upon the state's available resources. Manatsa argues that 'this can pose serious problems as the government can rely on the provision to plead poverty'.³² To address this weakness, Mandipa argues that section 83 should be amended to clearly underscore that the state must ensure the progressive realisation of such rights.³³

The right of access to justice provided for under section 69 of the Constitution as part of the broader framework of the right to a fair hearing recognises the courts as the custodians of the Constitution and guardians of the remedies for the protection and enforcement of fundamental rights and freedoms. Section 69(3) provides that '[e]very person has the right of access to the courts or to some other tribunal or forum established by law for the resolution of any dispute'. This right to access justice was emphasised in *Sadiqi v Muteswa*,³⁴ where it was confirmed that '[s]ection 69 of the Constitution enshrines and protects the right to a fair hearing'. It was further stated that section 69 'guarantees that the courts are open to every person'.

The explicit provision of the right to have access to justice in Chapter 4 of the Zimbabwean Constitution, the Declaration of Rights, presents an opportunity that can be very useful for WWDs in exercising their rights. Enshrining the right to access the courts in a Declaration of Rights identifies it as 'fundamental and places it beyond the depredations of a transient electoral majority'.³⁵ A justiciable Declaration of Rights allows aggrieved parties to sue the government for a breach thereof. The Constitution is, therefore, a good foundation upon which citizens can ensure that its provisions, particularly those in the Declaration of Rights, are implemented.

While it is agreed that socio-economic rights are justiciable, their justiciability means little without domestic legal systems that afford

32 P Manatsa 'Are disability laws in Zimbabwe compatible with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)?' (2015) 4 *International Journal of Humanities and Social Science Invention* 26.

33 E Mandipa 'A critical analysis of the legal and institutional frameworks for the realisation of the rights of persons with disabilities in Zimbabwe' in C Ngweni, I Grobbelaar-du Plessis, H Combrink & S D Kamga (eds) *African Disability Rights Yearbook* (2013) 74.

34 [2020] ZWHHC 249.

35 E Mureinik 'Beyond a charter of luxuries: Economic rights in the Constitution' (1992) 8 *South African Law Journal* 464.

access to effective remedies for rights violations.³⁶ Section 85 of the Constitution gives courts wide remedial powers by providing that ‘the court may grant appropriate relief including a declaration of rights and an award of compensation’. Section 85 further gives everyone *locus standi* to ‘approach a court, alleging that a fundamental right or freedom enshrined in this chapter has been, is being or is likely to be infringed, and the court may grant appropriate relief’.³⁷ As a result, in cases when a right guaranteed by the Declaration of Rights has been violated, anyone can approach the court, and the court may provide the necessary remedy. In *Fose v Minister of Safety and Security (Fose)*,³⁸ the Constitutional Court of South Africa, in explaining the court’s remedial powers, stated that:

It is left to the courts to decide what would be appropriate relief in any particular case ... [a]ppropriate relief will in essence be relief that is required to protect and enforce the Constitution. Depending on the circumstances of each particular case the relief may be a declaration of rights, an interdict, a mandamus or such other relief as may be required to ensure that the rights enshrined in the Constitution are protected and enforced. If it is necessary to do so, the courts may even have to fashion new remedies to secure the protection of these all important rights.

Section 46(1)(e) of the Zimbabwean Constitution permits courts to consider pertinent foreign law while interpreting the Declaration of Rights. Thus, Sithole contends that ‘the South African jurisprudence on court’s remedial powers as explained in the *Fose* case above falls under foreign law’.³⁹ Furthermore, considering the similarities between section

36 W Ellen ‘Aspirational principles or enforceable rights? The future for socio-economic rights in national law’ (2006) 22 *American University International Law Review* 56.

37 Section 85(1) of the Zimbabwean Constitution provides as follows:
Enforcement of fundamental human rights and freedoms. (1) Any of the following persons, namely –
(a) any person acting in their own interests;
(b) any person acting on behalf of another person who cannot act for themselves;
(c) any person acting as a member, or in the interests, of a group or class of persons;
(d) any person acting in the public interest;
(e) any association acting in the interests of its members;
is entitled to approach a court, alleging that a fundamental right or freedom enshrined in this Chapter has been, is being or is likely to be infringed, and the court may grant appropriate relief, including a declaration of rights and an award of compensation.

38 1997 (3) SA 786 (CC).

39 L Sithole ‘Women’s right to access family planning and maternal health care services in Hwange rural district, Zimbabwe: challenges and opportunities’ PhD thesis, University of Cape Town, 2020 (on file with author) 164.

85 of the Zimbabwean Constitution and section 38 of the South African Constitution, which both provide for the court's remedial powers when giving remedies for infringement of rights in the Bill of Rights, the South African jurisprudence is helpful in determining the meaning of remedial powers within the Zimbabwean context.⁴⁰

3.2 The Disabled Persons Act of Zimbabwe

The Disabled Persons Act of Zimbabwe (DPA) is the primary law dealing exclusively with disability matters. However, it falls short of adequately addressing the human rights of PWDs, let alone WWDs. The major drawback of this Act is that it is archaic and follows an outdated medical model of disability, which locates disability within the person and views PWDs not as rights holders but as objects for clinical intervention.⁴¹ Its preamble states that it:

[M]ake[s] provision for the welfare and rehabilitation of disabled persons; to provide for the appointment and functions of a Director for Disabled Persons' Affairs and the establishment and functions of a National Disability Board; and to provide for matters connected with or incidental to the foregoing.

For a primary piece of legislation on disability, the DPA, in its current form, is a serious disservice to PWDs. It does not provide for any meaningful protection of the rights of PWDs. For example, it is silent on the issues of independent living, access to justice, and basic services. Furthermore, it lacks any guarantees on accessible formats of information for PWDs. These are crucial for the realisation of WWDs' rights in general and equality and non-discrimination in particular. Appreciating the archaic nature of the current DPA, the legislature is in the process of enacting a new act on PWDs. The Persons with Disabilities Bill is undergoing stakeholder engagements and is awaiting to be tabled before Parliament in Zimbabwe. The draft law overhauls the entire DPA and confers rights to WWDs, including living independently and accessing justice. While living independently does not automatically result in access to justice, it addresses some of WWD's challenges, such as inaccessible physical environment, transportation, information and communications that

⁴⁰ Sithole (n 39) 164.

⁴¹ G Quinn & T Degener *Human rights and disability: The current use and future potential of United Nations human rights instruments in the context of disability* (2002) 10.

largely limit access to justice. It is based on this view that researchers of this chapter believe that if passed, the Persons with Disabilities Bill will largely implement the Maputo Protocol (article 8) and CRPD (article 13) and (legally) guarantee access to justice for PWDs in Zimbabwe.

3.3 National Disability Policy

The Government of Zimbabwe promulgated the NDP in February 2021. This NDP is a laudable development that seeks to move away from the outdated medical model provided for in the DPA to inclusive human rights and intersectional models. Its purpose is to guide the state and all institutions and agencies of government, development partners and all sectors at every level in formulating and supporting the implementation of laws, policies and intervention strategies that lead to fulfilling, promoting, protecting and respecting the rights of PWDs in Zimbabwe. The NDP seeks to address the oppression, marginalisation and discrimination that is experienced by PWDs because of the intersection of disability and various identity markers that frame the experiences of their life worlds. To achieve this, the NDP has set several key standards guided by the Constitution and the CRPD, chief among these being access to justice for PWDs. Clause 3.22 provides as follows:

All persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability. Facilities and services must be universally accessible to ensure equal access to justice without discrimination of persons with disabilities.⁴²

The guidance sought from the Constitution and the CRPD in coming up with the NDP is commendable, as the policy is comprehensive in its protection of PWDs' rights. The writing on the wall is clear: there is a paradigm shift concerning issues pertaining to PWDs in Zimbabwe. What remains to be seen is awareness raising on the policy and successful implementation of the key standards as provided for in the NDP. Effective implementation is crucial for Zimbabwe, considering the concern raised by the African Commission in its 2021 Concluding Observations and Recommendations on Zimbabwe that:

The Report does not provide information on measures taken to combat discrimination and stigmatization for persons with disabilities; and ii. The

⁴² National Disability Policy [Zimbabwe] 2021 60.

Report does not indicate how the measures, policies and strategies put in place to protect the rights of persons with disabilities have been effectively implemented especially, in the rural areas bearing in mind their own realities.⁴³

The Government of Zimbabwe is therefore urged to heed the call of the African Commission to effectively implement the NDP and to ‘support programmes to protect the rights of PWDs and ensure their effective implementation nationwide’.⁴⁴

4 Key institutions for ensuring access to justice

This section discusses the relevant institutions that ensure access to justice for WWDs. These include the Legal Aid Directorate, the courts, and non-state actors, including DPOs. In this discussion, the focus is on assessing the utility of the role of the identified institutions in advancing access to justice, including for WWDs, as well as interrogating the extent to which access to justice cases is quality justice to WWDs.

4.1 Legal Aid Directorate

The economic costs of justice play a huge role in hindering access to justice by the poor.⁴⁵ In Zimbabwe, this problem is, to some extent, solved by the existence of the Legal Aid Directorate (LAD), a department in the Ministry of Justice, Legal & Parliamentary Affairs set up in terms of the Legal Aid Act of 1996⁴⁶ as well as the Zimbabwe Human Rights Commission. These institutions present opportunities that can be employed to ensure that WWDs’ right to access justice is realised. For instance, the Legal Aid Act provides ‘for granting legal aid to indigent persons; the establishment and functions of the Legal Aid Directorate

43 African Commission ‘Concluding Observations and Recommendations on the Combined Periodic Report of the Republic of Zimbabwe on the Implementation of the African Charter on Human and Peoples’ Rights (2007-2019) and the Initial Report on the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa’ adopted during its 69th ordinary session 15 November to 5 December 2021.

44 Concluding Observations and Recommendations on the Combined Periodic Report of the Republic of Zimbabwe (n 43) para 68.

45 UN Women ‘“Families in a changing world”: Progress of the world’s women 2019-2020’ <https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women> (accessed 4 December 2024) 80.

46 Chapter 7:16.

and a Legal Aid Fund'. Section 3(2) provides for the functions of the LAD as follows:

Subject to this Act, the functions of the Legal Aid Directorate shall be—

- (a) to provide legal aid to persons who are eligible for such aid in connection with any criminal, civil or other related matter;
- (b) to do all things necessary to promote the provision of legal aid under this Act.⁴⁷

In line with its purpose of granting legal aid to indigent persons, the Legal Aid Act lays down three requirements to be met for one to be eligible for legal aid services, namely:

- (a) insufficient means to obtain the services of a legal practitioner on his own account;
- (b) applicant has reasonable grounds for initiating, carrying on, defending or being a party to the proceedings for which he applies for legal aid; and
- (c) applicant is in need of or would benefit from the services provided in terms of this Act in respect of the proceedings for which he seeks legal aid.⁴⁸

The significance of the existence of the LAD cannot be overemphasised. It is an important tool in any democratic state as it allows the less fortunate, in this case, WWDs, to have access to justice on an equal basis to everyone else. It is commendable that the LAD has been decentralised to district level as the CEDAW Committee recommended it:

Expedite the creation of legal aid centres at the district level, strengthen the standards for service delivery at all levels and ensure that legal aid is available and accessible to all women, in particular women living in poverty, rural women and women with disabilities.⁴⁹

However, the major drawback is the lack of financial resources to provide adequate assistance. This is a concern that was also noted by the African Commission in its 2021 Concluding Observations on Zimbabwe.⁵⁰ The Commission recommended that Zimbabwe '[t]ake appropriate measures to address the budgetary and other logistical challenges of the Legal Aid

⁴⁷ Legal Aid Act preamble.

⁴⁸ Section 8.

⁴⁹ CEDAW Committee Concluding observations on the sixth periodic report of Zimbabwe CEDAW/C/ZWE/CO/6 Para 16(a).

⁵⁰ Concluding Observations and Recommendations on the Combined Periodic Report of the Republic of Zimbabwe (n 43).

Directorate to enable it expand the services to all districts countrywide.⁵¹ Other pitfalls include the physical inaccessibility of the LAD offices as they are located in towns and not in rural areas where most WWDs reside. Further, the town offices do not have ramps for women with physical impairments, nor do they have functioning elevators when they are located in high buildings. These barriers harm WWDs' independent access to offices in a bid to access justice.

4.2 The judiciary and access to justice

In Zimbabwe, judicial authority is vested in the courts, including the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court, the magistrates' courts, the customary law courts, and other courts established in terms of an Act of Parliament. These courts are decentralised to all the ten provinces and various districts in Zimbabwe, thus bringing the justice mechanism closer to communities and offsetting WWDs' shortcomings in transport fares and inaccessible transport systems to access justice institutions. In instances where the courts are decentralised and functioning well, they largely reduce the distances and costs of WWDs to access justice. In their statement to commend the opening of the High Court in Masvingo province, the Zimbabwe Lawyers for Human Rights (ZLHR) stated that:

Its proximate location is particularly compelling as it will further alleviate challenges such as exorbitant travel and upkeep costs that were incurred by potential litigants, witnesses, as well as other players interacting with the justice system at this level.⁵²

The constitutionalisation of the right to access justice under the Declaration of Rights provides domestic accountability for obligations that Zimbabwe has already undertaken through its ratification of numerous international and regional human rights treaties. The courts play a crucial role in holding the state accountable through the judicial enforcement of human rights in general and the right to access justice in particular. This is an opportunity for the realisation of WWDs' right

51 Concluding Observations and Recommendations on the Combined Periodic Report of the Republic of Zimbabwe (n 4) para 57.

52 Press Statement ZLHR 'Opening of High Court in Masvingo increases prospects of access to justice' 28 July 2016, <https://www.zlhr.org.zw/?p=177> (accessed 4 December 2024).

to access justice because the justiciability of these rights strengthens accountability and ensures that WWDs can approach the courts of law for determination and relief when their rights have been violated. The courts, therefore, have the task of upholding constitutional values and rights.⁵³ That is, where the right to access justice is constitutionalised, courts must enforce that right's protection, vindication, and advancement. More broadly, the justiciability of economic, social and cultural rights 'offers the best opportunity to develop a jurisprudence which engages seriously *with the content* of these rights and the nature and scope of the obligations they impose'.⁵⁴

The role of courts in ensuring that WWDs have access to a remedy is exercised when WWDs bring cases to challenge existing laws, policies and directives. An example is the *Zimbabwe National League of the Blind v Zimbabwe National Statistics Agency (ZIMSTAT)*,⁵⁵ where the applicant brought an application before the High Court of Bulawayo challenging the systemic discrimination of visually impaired persons in the process of recruiting extra personnel by ZIMSTAT. Mandated by the Minister of Finance to conduct the 2012 population censuses, ZIMSTAT had since recruited extra personnel to discharge its mandate. In doing so, it decided to recruit personnel from amongst the ranks of civil servants. To give effect to this decision, ZIMSTAT issued a circular titled 'Recruitment of Level I - IV personnel for the 2012 Population Census (reference number POPC/2/3/A)' which set conditions to select the appointees who should be:

- Physically and mentally fit;
- Able to work under pressure in a highly technical environment;
- In possession of, at least, a tertiary level qualification (degree/diploma/certificate from a tertiary institution);
- Senior enough to be able to supervise and discipline personnel in levels below theirs
- Able to work in a team.⁵⁶

53 JR May & E Daly *Global judicial handbook on environmental constitutionalism* 3 ed (2017) 5.

54 N Ndlovu *Protection of socio-economic rights in Zimbabwe: A critical assessment of the domestic framework under the 2013 Constitution of Zimbabwe* (2016).

55 Case no 1326/15.

56 Emphasis added.

As a result of the first condition above, which is legally disability-based discrimination or imposed by law, three members of the applicant, all blind civil servants at the time, were simply dismissed or not recruited for being 'physically unfit'. The court found that,

The exclusion of visually impaired persons from recruitment as enumerators and supervisors to which other persons were recruited for the purpose of conducting population census exercises was discriminatory and was a violation of the Constitution and made an order to that effect.⁵⁷

At the community level, WWDs benefit from traditional courts presided over by traditional leaders. For many rural-based WWDs, traditional courts offer accessibility to justice at no cost. WWDs also explained that traditional courts have less complex and archaic procedures than formal courts.⁵⁸ Litigation in Customary Courts is much faster than in formal courts. Despite this important role, some WWDs criticised traditional courts for following customary and traditional norms and values which discriminate against women and children.⁵⁹ It emerged that many of the traditional leaders in charge of the courts are uneducated and often view WWDs through patriarchal medical lenses, which largely devalues women worse still with WWDs.⁶⁰ Besides, traditional courts were also criticised for being impartial and concentrating on the rapprochement of community members at the expense of serving WWDs with justice.

4.3 Non-state actors, including DPOs

The existence of non-state actors, including civil society organisations (CSOs) such as community-based organisations and DPOs, remains key in advancing the rights of WWDs, including ensuring independent living and access to justice. CSOs, particularly DPOs, perform varied roles, including community mobilisation of WWDs and raising awareness of their rights and justice institutions. Through their community mobilisation initiatives, CBOs bring together WWDs to raise awareness and to coordinate action for access to justice.⁶¹ With

57 Para 1 of the order.

58 Telephonic interview with a WWD on 25 July 2023, copy on file with authors.

59 As above.

60 C Dziva & G du Plessis 'Rural women with disabilities in Zimbabwe: A critical feminist disability account' (2022) *South African Review of Sociology* 13.

61 Ibid at 13.

community mobilisation, communities are enlightened and empowered with knowledge about their rights and modalities to access justice.⁶² Flowers argues that:

[E]ducation in human rights is itself a fundamental human right and also a responsibility: People who do not know their rights are more vulnerable to having them abused and often lack the language and conceptual framework to effectively advocate for them.⁶³

Vibrant CSOs and DPOs in Zimbabwe are significant for research, litigation, community mobilisation and awareness-raising purposes. Organisations like the Legal Resources Foundation (LRF) and the Zimbabwe Women Lawyers Association (ZWLA) have been keen on legal research and litigation, including WWDs' rights in Zimbabwe. DPOs confirmed that they have often referred human rights cases against WWDs to LDD and ZWLA for legal representation in court.⁶⁴ DPOs such as the Deaf Women Included⁶⁵ provide platforms that allow for advocacy on WWDs' rights and awareness raising on WWD's rights, including access to justice. For instance, the Deaf Women Included in partnership with the UNDP and the United Nations Partnership on the Rights of Persons with Disabilities Project, and the Judiciary Service Commission promoted deaf women's access to justice through the introduction of the first Sign Language Manual for Zimbabwe's justice system.⁶⁶ This shows how significant CSOs and DPOs are in community mobilisation and lobbying for advancing WWDs' rights. Some DPOs provide WWDs with the much-needed assistive devices to allow for their independent living in society. However, it should be noted that despite the existence of these organisations, it is significant to note a core drawback: their operations do not cover many of Zimbabwe's rural

62 R Gargarella 'Too far removed from the people' access to justice for the poor: The case of Latin America, 2004, <https://gsdrc.org/document-library/too-far-removed-from-the-people-access-to-justice-for-the-poor-the-case-of-latin-america/> (accessed 16 December 2024).

63 Dziva & G du Plessis 'Rural women with disabilities in Zimbabwe (n 60) 13.

64 Telephonic interview with DPO representative on 26 July 2023, copy on file with authors.

65 The LRF, through its permanent offices, mobile legal aid clinics and help desks at magistrates' courts, most of which are located away from the main cities, provides legal assistance to the marginalised and vulnerable.

66 UNDP Zimbabwe 'Promoting an inclusive justice delivery system in Zimbabwe 2021' <https://www.undp.org/zimbabwe/news/promoting-inclusive-justice-delivery-system-zimbabwe> (accessed 4 December 2024).

areas,⁶⁷ which is where most WWDs reside. The organisations operate primarily in urban Zimbabwe, leaving out those in remote areas who face challenges in accessing justice. Suffice it to say that the presence of the CSOs, particularly DPOs, although not decentralised at the moment, is an opportunity that can be taken advantage of to ensure that WWDs have access to justice service centres across all parts of the country.

5 Remaining challenges faced by WWDs in accessing justice

As discussed, Zimbabwe has done fairly as far as laws and institutions enhancing access to justice for WWDs are concerned. However, challenges faced by WWDs in accessing justice in Zimbabwe still exist.

5.1 Geographical and accessibility barriers

While Zimbabwe has decentralised high courts and magistrate courts spread across the country, the availability of the courts has not been completely accomplished for WWDs. Accessibility challenges are three-fold: distance, structural and physical. According to Shumba and Magadze, distance is the biggest barrier to WWD's access to relevant service centres, including police stations, clinics, courts and CSOs. Distance to the services varies with location and affects women with physical disability and visual impairments.⁶⁸ Because the courts are physically inaccessible, women with physical and visual impairments heavily rely on the support of their families and the community to access these service centres, which leads to another barrier: *lack of support*.⁶⁹ This support is in terms of both governmental logistical support and family support. Shumba and Magadze argue from a criminal justice perspective that there are inadequate funds to support WWDs in travelling to police stations, clinics, and courts that are far from their homes.⁷⁰ As argued in this chapter, this is further compounded by the WWDs' poor backgrounds. The majority of WWDs come from poor households

67 Dziva (n 27) 97

68 N Shumba & TO Magadze 'Access to justice dynamics for women and girls with disabilities' (2022) *Journal of Law, Society and Development* at 12.

69 Interview with a Legal Practitioner on 28 July 2023, copy on file with authors.

70 Interview with a Legal Practitioner (n 69) 13.

where they can barely make ends meet, let alone afford transport costs to attend court.⁷¹

5.2 Structural and attitudinal barriers

Structural and attitudinal barriers affect almost all groups of WWDs. The patriarchal nature of the society devalues WWDs in Zimbabwe. The ultimate challenge of this misogyny is that any crimes against women in general and WWDs, in particular, are continuously swept under the carpet.⁷² Patriarchy and social norms censure women, demanding that family issues that occur within the homes, for instance, domestic violence, be kept private.⁷³ These challenges of stigmatisation and sexual violence against WWDs persist despite concerns raised by the CEDAW Committee's Concluding observations on the sixth periodic report of Zimbabwe on stigmatization and increasing risk of violence, exploitation and abuse for women and girls with disabilities.⁷⁴ The CEDAW Committee recommended that 'Zimbabwe '[e]liminate intersecting forms of discrimination against women and girls with disabilities, ... raise public awareness about their human rights and prosecute and adequately punish the perpetrators of violence against them'.⁷⁵

In addition, WWDs are often regarded as a curse and a burden; hence, they are often hidden at home by their families, and violations against them are also kept a secret.⁷⁶ DPOs and WWDs also complained that traditional courts often downplay cases of human rights violations reported by WWDs due to their negative attitude and misunderstanding

71 Interview with a DPO Representative on 27 July 2023, copy on file with authors.

72 Open Society Initiative for Southern Africa Remembering the forgotten: reflections on violence against women with mental health challenges (2019) <https://osisa.org/remembering-the-forgotten-reflections-on-violence-against-women-with-mental-health-challenges/> (accessed 4 December 2024).

73 United Nations Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, 30 July 2021, UN Doc A/76/258.

74 Concluding Observations on the 6th Periodic Report of Zimbabwe, Committee on Elimination of all Forms of Discrimination against Women (10 March 2020), UN Doc CEDAW/C/ZWE/CO/6 (2020) para 45.

75 CEDAW/C/ZWE/CO/6 para 46.

76 Z Nampewo 'Gender, disability and human rights in Africa' in O Yacob-Haliso & T Falola (eds) *The Palgrave Handbook of African Women's Studies* (2020) 2310.

of this group.⁷⁷ An attempt by some WWDs to access justice from police and the courts is met with insults, humiliation, and procedural delays. Research has shown that most personnel at the police stations and courts have limited knowledge, training, and skill sets to communicate and work with WWDs, so investigative and judicial procedures are impartial, delayed, or fail to materialise.⁷⁸ As noted by Rudman, ‘justice actors, such as the police, prosecutors, and judges, more often than not reflect the gender stereotypes and biases of their societies at large.’⁷⁹ In some instances, respondents explained that procedures take a long time to conclude due to the absence of interpreters, as institutions will be outsourcing effective communicators to translate. Besides this, respondents also complained of justice delivery officials’ negative attitude towards WWDs.⁸⁰ Often than not, justice service delivery personnel are accused of having an erroneous view of viewing WWDs as ‘less capable’ of effectively giving evidence in court.⁸¹ This often delays the finalisation of the cases, resulting in WWDs’ reduced confidence in the justice system.

5.3 Poverty and lack of knowledge

One shortcoming to WWDs’ access to justice remains poverty, as exemplified by limited access to finance and basics, including assistive devices. Studies have shown that many of WWDs in Zimbabwe live in abject poverty with limited access to education.⁸² Without formal education, including on appropriate communications for those with visual and hearing impairments, WWDs cannot have knowledge or appreciation of what the right to access justice entails – and that it is a right provided for in the Constitution of Zimbabwe as well as in regional

77 Telephonic interviews with DPOs and WWDs on 25-26 July 2023, copy on file with authors.

78 Dziva & Du Plessis (n 60).

79 A Rudman ‘Article 8: Access to justice and equal protection before the law’ in A Rudman, CN Musembi & TM Makunya (eds) *The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa: A commentary* (2023) at 179.

80 Interview with WWD held on 28 July 2023, copy on file with authors.

81 Dziva & Du Plessis (n 60).

82 L Sithole, C Dziva & D Mazambani ‘Interrogating the political participation of women with disabilities in Zimbabwe’ in *Final Papers of the 2019 National Symposium on Inclusion and Equality in Zimbabwe*, Raoul Wallenberg Institute of Human Rights and Humanitarian Law: Lund, 58-71.

and international treaties to which Zimbabwe is a party. Gargarella describes this as follows:

The general problem of lack of information encompasses many subsidiary ones: not knowing what rights one has; not knowing where to go and what to do in order to demand one's rights; not knowing the legal language and the legal procedures.⁸³

Indeed, WWDs constitute the majority of the uneducated.⁸⁴ This is problematic for two major reasons: Firstly, lack of knowledge is a barrier to WWD's access to justice institutions, and second, because they lack knowledge of their human rights, the WWDs have no way of knowing if their rights are violated. Besides limited knowledge and awareness of rights and access to justice by WWDs, conversations with some WWDs also revealed limited knowledge by caregivers and the general community where WWDs live as a major hindrance to the implementation of article 8.⁸⁵ Without this knowledge and acceptance of human rights norms among caregivers and the general public, no one takes or assists in taking WWDs' issues to justice institutions. Similarly, a lack of knowledge among service providers means that there is no one to pressure administrations to comply with their international obligations. Knowledge of the right itself is an essential prerequisite for women to use different ways of ensuring that the government complies with its constitutional and international obligations.

Poverty amongst WWDs also manifests in limited access to disposable income for transportation to access justice institutions. Moreover, poverty precludes WWDs with mobility challenges from accessing assistive devices, including wheelchairs and crutches. Without these devices, some WWDs' mobility may be limited, compromising their need to access justice institutions, including the police and courts.⁸⁶ Because the challenges faced by WWDs are anchored on lack of access to services due to poverty, this group's autonomy and self-determination

83 Gargarella (n 62).

84 United Nations Department of Economic and Social Affairs 'Realizing the Sustainable Development Goals by, for and with persons with disabilities' (2018) <https://www.un.org/development/desa/disabilities/publication-disability-sdgs.html> (accessed 4 December 2024).

85 Interview with a WWD on 28 July 2023, copy on file with authors.

86 Telephonic interview with a Visually Impaired WWD on 28 July 2023, copy on file with authors.

are hampered. Ultimately, WWDs' independent living⁸⁷ remains jeopardised, including access to transport, information, communication and personal assistance, place of residence, daily routine, and justice.

5.4 Language/communication barrier

Communication barriers remain a challenge for WWDs, particularly women with hearing and visual impairments, to access justice in Zimbabwe. The constitutional provision of sign language as one of the official languages in Zimbabwe is a welcome and commendable development. However, implementation of this provision remains a pipedream as neither WWDs nor personnel from various institutions have undergone training in sign language. WWDs have unique and informal sign language communication techniques they have learned at their respective homes and communities over the years. This informal sign language may be difficult to interpret.⁸⁸ Apart from this communication barrier, there is also the challenge of the unavailability of legal documents and information in formats accessible to WWDs with visual impairment. For instance, the Constitution has not been translated into braille, nor have any laws dealing with WWDs' rights.

6 Conclusion and recommendations

The Maputo Protocol remains a powerful instrument for the advancement of women, including WWDs' rights in Africa. Article 8(a) of the Protocol enjoins state parties to facilitate access to justice and equality before the law for women, including those with disabilities. This clarion call to ensure access to justice for WWDs by article 8(a) of the Maputo Protocol is further buttressed by article 13 of the CRPD and the Protocol on the Rights of Persons with Disabilities, which guarantees

87 United Nations Committee on the Rights of Persons with Disabilities (CRPD) General Comment 5 (2017) on living independently and being included in the community, 27 October 2017, CRPD/C/GC/5 para 8 defines living independently as the 'basic concept of human living around the globe and is applied to the context of disability. It means exercising freedom of choice and control over decisions affecting one's life with the maximum level of self-determination and interdependence within society. This right must be effectively realized in different economic, social, cultural and political contexts'.

88 In person interview with a DPO Representative on 26 July 2023, copy on file with authors.

access to justice for WWDs. This provision is potentially groundbreaking for Zimbabwe and other African countries where WWDs' access to justice remains a challenge. This article examined the import of article 8 of the Maputo Protocol and reflects on its implementation in Zimbabwe. On implementation, the article notes the opportunities that lie in legal, policy and institutional measures to ensure justice delivery to WWDs in Zimbabwe. Despite these opportunities, access to justice remains a pipe dream for some WWDs due to poverty, attitudinal and knowledge challenges, accessibility and communication barriers. In most instances, the challenges affect WWDs' personal autonomy and self-determination, all of which are fundamental to independent living, including access to transport, information, communication, personal assistance, and ultimately justice.

For any intervention measures to effectively achieve the goal of article 8 of the Maputo Protocol, all stakeholder approaches that involve WWDs should be implemented holistically. This includes enhancing WWDs' knowledge of human rights in general and their right to access justice in particular – this should be done through awareness raising using information that is accessible to WWDs. It is, therefore, key for justice service stakeholders to provide WWDs with information in accessible formats regarding reporting crime and to provide sign language interpreters in police interviews and court processes.

Additionally, it is important to address the need for political will from the government to ensure that article 8 of the Maputo Protocol is effectively and successfully implemented in Zimbabwe. The government should prioritise resources to ensure accessibility to justice centres for WWDs, including geographical, physical, and structural accessibility; it should also strengthen the capacity of key agencies in the justice system, such as the police and the judiciary, to mainstream gender disability.

Table of abbreviations

CEDAW	Committee on the Elimination of Discrimination against Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisations
DPA	Disabled Persons Act of Zimbabwe
DPO	Disabled People Organisations
ICCPR	International Covenant on Civil and Political Rights
LAD	Legal Aid Directorate
LRF	Legal Resources Foundation
NDP	National Disability Policy (2021)
OHCHR	Office of the High Commissioner for Human Rights
PWD	Persons with disabilities
WWD	Women with disabilities
ZLHR	Zimbabwe Lawyers for Human Rights
ZWLA	Zimbabwe Women Lawyers Association

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International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 171

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