

Interrogating the Political Participation of Women with Disabilities in Zimbabwe

*Linnet Sithole**, *Cowen Dziva*** and *Delis Mazambani****

Abstract

Women with disabilities (WWDs) remain one disadvantaged group of society experiencing widespread discrimination and invisibility in corridors of power-politics, without recourse to law and policies. This article evaluates the extent to which available mechanisms are (in)adequate to facilitate the meaningful participation of WWDs in politics. The study further implores WWDs to add their voices on how they find the available mechanisms useful by shedding their experiences in political participation. The study utilised a qualitative approach. Data was collected through a review of extant literature and semi-structured interviews with 15 WWDs and eight key informant interviewees, purposively and conveniently sampled from three towns in Zimbabwe. With the exception of the 2013 Constitution, many of the available frameworks in Zimbabwe remain devoid from speaking to the political rights of WWDs. Consequently, many WWDs grapple with widespread patriarchal and attitudinal, inaccessibility and poverty challenges that intersect to deny this group their right to political participation. The plight of WWDs is worsened by limited mainstreaming of gender-disability in many of the activities by state and non-state actors that are meant to improve vulnerable groups' political participation. The study recommends a raft of policy and legal measures that mainstream and advance WWDs' political participation in compliance with best international practices.

1 Introduction and Background

People with disabilities (PWDs) remain one disadvantaged group of society facing widespread forms of discrimination and marginalization in public life. The voices of many PWDs are subdued as they are marginalized and invisible in corridors of power-politics without recourse to law and policies. Of all categories of PWDs, women with disabilities (WWDs) suffer double discrimination and exclusion resulting from their varied forms of disabilities and them being women in a patriarchal society that largely devalues them based on gender.¹ Indeed, the Committee on the Rights of Persons with Disabilities, Committee on the Elimination of Discrimination Against Women² and feminist disability theorists³ lament how WWDs are excluded and discriminated in politics and wider society, not only due to their impaired bodies, but as a result of widespread prohibitive power embedded in culture, legal and institutional mechanisms. As declared by Erevelles and Minear:⁴

* Human rights researcher and professional.

** Human rights researcher and professional.

*** Human rights researcher and professional.

¹ N. Erevelles, and A. Minear, 'Unspeakable Offenses: Untangling Race and Disability Discourses of Intersectionality', 4:2 *Journal of Literary and Cultural Disability Studies* (2010) pp. 127-146.

² Committee on the Rights of Persons with Disabilities, General Comment 2 'Article 9: Accessibility' CRPD/C/GC/2,(2014) para 43; CEDAW, General Comment No 23 'Political and public life' A/52/38(1997) para. 5.

³ T. R. Garland, 'Feminist Disability Studies: Signs', 30:2 *Journal of Women in Culture and Society*(2005) pp. 57-87; S. Grech, 'Disability, Poverty and Development: Critical Reflections on the Majority World Debate', @4:6 *Disability & Society* (2009) pp.771-784; H. Meekosha, 'Decolonising Disability: Thinking and Acting Globally', 26:6 *Disability & Society* (2011) pp. 667-682.

⁴ Erevelles and Minear, *supra* note 1..

... individuals located perilously at the interstices of race, class, gender, and disability are constituted as non-citizens and no-bodies by the very social institutions (legal, educational, and rehabilitation) that are designed to protect, nurture, and empower them.

Many gender and disability studies decipher the marginalisation and exclusion of WWDs in all facets of life.⁵ The Preamble of the Convention on the Rights of Persons with Disabilities (CRPD)⁶ rightly stated that women are often at greater risk, both within and outside the home where they suffer neglect, discrimination and exclusion in all facets of life. Despite this disavowal of WWDs rights, there remains a paucity of empirical studies that seek to explore the dynamics surrounding this group's inclusion and participation in political processes.

Attempts to bridge this gap by emerging literature leaned towards documenting the plights of PWDs⁷ and women⁸ in general as homogenous social groups, without focusing on WWDs as the most vulnerable group within a marginalized group of women and PWDs. As many feminist disability theorists⁹ have noted, flagrant discrimination and exclusions of WWDs' rights have largely remained invisible in many developing countries. Indeed, the experiences of WWDs as they seek to partake in politics remain a field many policy makers and human rights and feminist researchers have overlooked.¹⁰ As a result, previous studies have failed to document the complex interaction between multiple factors, such as gender and disability, and denied WWDs' voices regarding their political rights a chance to be heard; thus, starving human rights advocates and policy makers of an empirical exegesis of the opportunities and challenges of WWDs as they pursue political participation. It therefore remains pertinent to investigate and understand the inter-sectionality of gender, disability and other societal norms which render women useless and perilously place them in the peripherals of political processes in Zimbabwe.

This is one study meant to provide a feminist and human rights understanding of the plights of WWDs' political participation in Zimbabwe. To be specific, the study investigates and uncovers the opportunities and barriers of WWDs' political participation. Unlike many previous studies, this is one study that goes beyond many general disability studies by invoking feminist and human rights lenses to imagine the challenges of WWDs beyond the impaired body politics but in the inter-sectionality of societal norms and values placed on 'women' with 'impaired bodies'. A study of this nature evaluates the adequacy of existing legal, policy and institutional frameworks, and understands the underlying societal norms and environmental barriers that largely limit inclusion and participation of WWDs in Zimbabwean politics. Such analysis will contribute to the body of knowledge that is critically needed in Zimbabwe at this point in time when the country is going through alignment of laws to the Constitution and best international human rights standards. It is hoped, therefore, that the research will result in the promulgation

⁵ T. Choruma, *The forgotten tribe: People with disabilities in Zimbabwe* (Progression, London, 2006); Grech, *supra* note 3.; I. Grobelaar-du Plessis, 'The African Women with Disabilities: The Victims of Multilayered Discrimination', 22 *South Africa Publiekreg/Public Law* (2007) p. 405; R. Lang and Charowa, 'DFID Scoping Study: Disability Issues in Zimbabwe. [Online]. Available at http://www.ucl.ac.uk/lc-ccr/downloads/scopingstudies/dfid_zimbabwepreport. (Accessed on 10 August 2015); Meekosha, *supra* note 3.

⁶ Convention on the Rights of Persons with Disabilities' (CRPD 2006).

⁷ Choruma, *supra* note 5. ; E. Mandipa and G. Manyatera, 'Zimbabwe', in C. Ngwena, I. Grobelaar-du Plessis, H. Combrick and S. D. Kamga, *African Disability Rights Yearbook* (Pretoria University Law Press, Pretoria 2014) pp. 287-308.

⁸ Zimbabwe Electoral Commission (ZEC), 'Voice, Choice and Access to Information: Baseline Study on Gender Equity in the Electoral Process in Zimbabwe;', ZEC: Harare p. 26; E. F. Zvobgo, and C. Dziva, 'Practices and Challenges in Implementing Women's Right to Political Participation Under the African Women's Rights Protocol in Zimbabwe', 1 *African Human Rights Yearbook* (2017) pp. 60-81.

⁹ Garland, *supra* note 3. ; Meekosha, *supra* nopte 3.

¹⁰ Grech, *supra* note 3..

of disability laws, policies and institutions that swiftly respond to the rights of WWDs, and their greater inclusion and equality in political processes.

This study adopts a qualitative approach as informed by an exploratory design. Data was gathered through a review of extant literature including legal, policy and institutional frameworks against the best international practices. The study also relied on semi-structured interviews with 15 WWDs snowballed in Gweru, Harare, Masvingo towns and their surrounding peri-urban areas. The study included mainly those women with physical, visually, speech and hearing impairments. One of the researchers is conversant with hearing and speech impairments, and she was responsible for interviews with this group. The study further sought the views of eight conveniently and purposively selected representatives of disabled persons organisations (DPOs) and state institutions that advance PWDs' rights. This was to allow these experts to add their voices regarding the adequacy of mechanisms in place and remaining barriers to WWD's political participation. These stakeholders also proved important to direct researchers to WWDs for interviews in the three identified towns. The study took note of various ethical considerations including informed consent, voluntary participation and confidentiality.

The article starts with this introduction and background. This is followed by a conceptualisation of WWDs' political participation. Thereafter, the article discusses the opportunities and is followed by a section of the persisting barriers faced by WWDs in their quest to partake in politics. The article ends with a conclusion and recommendations to improve WWDs' political participation.

2 Understanding the Concept of WWDs' Political Participation

Politics involves the activities and interrelationships between people within political parties, government, civic organisations and society at large. In some circles, political participation is often defined as the actions of private citizens by which they seek to influence government and politics.¹¹ Citizens may, therefore, choose to partake in politics by exerting influence through dialogue and public debate with leaders or even through their own organisations.¹² Broadly speaking, WWDs' political participation manifests in varied ways including, but not limited to: being nominated to take leadership positions and holding decision making offices; voting or being voted for at the administrative or executive, local or national government levels; forming and joining unions, political parties, and organisations that influence policy formulation and implementation; and decision making. This understanding is in line with a definition propounded by the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which aptly defines political participation as:

[A] broad concept referring to the exercising of political power, in particular, the exercising of legislative, judicial, executive and administrative power. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of society, including public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women's

¹¹ Inclusion International. 2015b. "Inclusive Civic Engagement: An Information Toolkit for Families and People with Intellectual Disabilities." <http://inclusion-international.org/wp-content/uploads/2015/07/Inclusive-Civic-Engagement-Information-Toolkit.pdf>.

¹² OHCHR, 'Thematic Study by the Office of the United Nations High Commissioner for Human Rights on Participation in Political and Public Life by Persons with Disabilities', Human Rights Council, Nineteenth session, Agenda items 2 and 3. <https://documents-ddsny.un.org/doc/UNDOC/GEN/G11/175/27/PDF/G1117527.pdf?OpenElement>.

organizations, community based organizations and other organizations concerned with public and political life.¹³

Article 29¹⁴ of the CRPD speaks of the above-mentioned fundamentals of PWDs' political participation. Furthermore, the article broadly mandates states parties to guarantee PWDs, including WWDs' political rights and the opportunity to enjoy such rights on an equal basis with others.

By its nature, the political participation of PWDs remains an 'end' and a 'means' to minimise their marginalisation and discrimination in society. According to the Office of the United Nations High Commissioner for Human Rights, political participation constitutes one of the cornerstones of modern democracies.¹⁵ It is through inclusive politics that WWDs, as equal human beings, realise their fundamental right to participate just like other citizens and, above all, amplify their voices on their needs and rights in society. It is most likely that when WWDs are elected into office or even elect representatives, the result will be institutions and leadership that can effectively articulate and represent their rights and freedoms. In partaking in politics as office bearers, candidates of elections and supporters, many WWDs are enlightened and their political skills are sharpened to pursue higher political positions and to advocate for their rights. Without their effective inclusion and participation, WWDs' voices and demands continue to be subdued and to suffer from policy neglect. As an end in itself, the political participation of WWDs effectuates their right to effective participation provided under Article 29¹⁶ of the CRPD, Article 25¹⁷ of the International Covenant on Civil and Political Rights (ICCPR) and Section 67¹⁸ of the Constitution of Zimbabwe. Regarding the right to vote and be elected, Article 25(b) of the ICCPR specifically regards this to be by universal and equal suffrage.¹⁹ Thus, WWDs' effective participation as office bearers, voters and supporters guarantees justice, fairness and ensures for accountability in society.

3 Opportunities for Advancing WWDs' Political Participation

3.1 Constitutional Framework and WWDs' Rights

The Constitution of Zimbabwe expansively provides for the rights of PWDs. It is progressive and an improvement from the Lancaster House Constitution since it envisions a society bedrocked on equality between men and women, rule of law, justice, dignity and non-discrimination of people including WWDs. Besides having non-discrimination²⁰ as a national objective, the Constitution is also commended for including disability²¹ as one of the grounds on which a person may not be discriminated against in Zimbabwe. As institutions and persons are obligated to respect section 56, they are also expected to respect the dignity and rights of everyone, including political rights of WWDs.

¹³ CEDAW, General Comment No 23 'Political and public life' A/52/38(1997) para. 5.

¹⁴ Article 29 of the CRPD stressed many ways in which WWDs can enjoy their political rights including through effective and full participation directly or through freely chosen representatives, including the right and opportunity for PWDs to vote and be elected, hold office and partake in political activities by parties and civil society organisations including Disabled Persons Organisations (DPOs).

¹⁵ Report of the Office of the United Nations High Commissioner for Human Rights 'Factors that impede equal political participation and steps to overcome those challenges' A/HRC/27/29 (2014) para. 9.

¹⁶ Article 29 of the CRPD.

¹⁷ Article 25 of the ICCPR.

¹⁸ Section 67 of the Constitution of Zimbabwe.

¹⁹ Article 25 of the ICCPR.

²⁰ Section 56 of the Constitution of Zimbabwe.

²¹ Section 56 of the Constitution of Zimbabwe.

The Constitution can further be applauded for stressing in the preamble and the national objectives the need to consolidate democratic principles through ensuring realisation of the rights of all marginalised and excluded, including WWDs, to full participation in governance and public life. Through these provisions the Constitution evidently ushered in a new era in political rights advancement of previously disadvantaged groups of the society such as WWDs. This therefore directs state and non-state institutions to prioritise rights of PWDs including WWDs.

The Constitution under section 67²² provides specific political rights guarantees to every Zimbabwean including WWDs. The section in question guarantees every Zimbabwean who is 18 or above, including WWDs, the right to “(a) vote in all elections and referenda to which this Constitution or any other law applies, and to do so in secret, and (b) to stand for election for public office and, if elected, to hold such office.”²³ In the same way as Articles 25²⁴ of the ICCPR and Article 29²⁵ of the CRPD, the Constitution further provides for the rights of every citizen including WWDs “to form, to join and to participate in the activities of a political party or organisation of their choice; to campaign freely and peacefully for a political party or cause; to participate in peaceful political activity”.²⁶ The constitutionalisation of these rights went a long way in assisting DPOs and WWDs themselves to argue their case for inclusion and participation in politics and public life.

It also remains an opportunity that the Constitution has clear cut provisions on the rights of women²⁷ and persons with disabilities,²⁸ including WWDs, under the Declaration of Rights. Feminist disability advocates are however quick to criticise the Constitution for failing to take advantage of sections 80 and 82 to clearly and specifically speak to the rights of WWDs who face double discrimination, first as women in a patriarchal society and then as PWDs. Indeed, WWDs are a vulnerable group within a vulnerable group that needs specific clauses for their protections in the same manner as Article 6²⁹ of the CRPD, which is dedicated to this vulnerable group. Nonetheless, the contents of sections 80 and 82 make powerful pronouncements with the potential to make WWDs enjoy their political rights. More importantly, section 80 (rights of women) and section 82 (rights of PWDs) are provided under the justiciable Bill of Rights. This further strengthens accountability in that WWDs themselves, DPOs and interested parties can approach the courts of law for determination and access remedies whenever the rights of this group are violated. With such progressive and justiciable rights in the Constitution, the judiciary is also poised to effectively safeguard WWDs’ rights thereby providing jurisprudence that can be used in continuous lobbying and advocacy for the long-term realisation of WWDs’ electoral rights.

Besides providing for the rights of women and PWDs, the Declaration of Rights also enshrines first and second-generation rights which are critical for the political participation of WWDs. The fundamental catalogue of these rights includes the right of WWDs to be self-reliant, protection from abuse and neglect, right to state-funded education³⁰, right to health care,³¹ right

²² (1) (a): "Every Zimbabwean citizen has the right to free, fair and regular elections for any elective public office in terms of the Constitution or any other law and to make political choices freely"

²³ Section 67 (3) (a & b) "Every Zimbabwean citizen who is of or over eighteen years of age has the right to- (a)

²⁴Article 25 of ICCPR.

²⁵Article 29 of the CRPD.

²⁶Section 67 (2) of the Constitution of Zimbabwe.

²⁷Section 80 of the Constitution of Zimbabwe.

²⁸Section 82 of the Constitution of Zimbabwe.

²⁹Section 6 of the CRPD provides for the rights of women.

³⁰ Section 75 of the Constitution of Zimbabwe.

³¹Section 78 of the Constitution of Zimbabwe.

to food and water,³² property rights,³³ and accessibility of buildings and transport system,³⁴ amongst others. A catalogue of these rights largely addresses the pertinent challenges to WWDs' effective political participation including limited education, assistive devices and marauding levels of poverty. Available disability literature in Africa, Zimbabwe included, has shown how WWDs' political participation is inseparably linked to access to basic needs including education and information.³⁵ Thus, WWDs' access and enjoyment of these social and economic rights remain the only means for their self-defence against impoverishment and marginalization in politics and the public sphere. More broadly, WWDs cannot compete with abled persons as candidates in an electoral contest without resources for campaigns.

It also remains an opportunity that the Constitution provides for effective communication channels for PWDs, especially those with speech and hearing impairments. Under section 16, sign language is made one of the official languages in Zimbabwe. This is important considering how people with hearing impairments find it difficult to access political information in the global South. With this clause in place, state institutions, including the Zimbabwe Electoral Commission (ZEC), and political parties are expected to devise and provide effective communication methods, aides and channels so that women with speech and hearing impairments are able to fully and effectively partake in public life.³⁶

The Constitution guarantees WWDs' political representation in the Senate and Parliament under sections 120³⁷ and 124.³⁸ Under section 120(1)(d), the Constitution reserves two out of the 80 senatorial positions to PWDs, of which one of them is a WWD elected by DPOs. Since the promulgation of the Constitution in 2013, two female senators have occupied the posts. While in Senate, the female appointees are poised to represent, advocate and mainstream WWDs rights and issues in law and policy making. Many, however, criticise the paltriness of the number of senators with disabilities and the fact that the same prerogative was not included in the National Assembly where critical decisions are deliberated.³⁹ Similarly, in local governance, WWDs continue to be side-lined without any constitutional clause for their inclusion. Even with these concerns, the clause remains an important gesture and starting point to at least acknowledge the widespread challenges that limit WWDs' political participation in the highest decision making circles.

Similarly, the Constitution introduced special temporary measures or quotas to guarantee women's representation in Senate and Parliament under sections 120(2)(a)⁴⁰ and 124, respectively.⁴¹ Section 120(2)(b) stipulates that the election of senators are to be conducted under a party-list system of proportional representation "in which male and female candidates are listed alternately, every list being headed by a female candidate". In the same way, section

³²Section 77 of the Constitution of Zimbabwe.

³³Section 71 of the Constitution of Zimbabwe.

³⁴Section 22 of the Constitution of Zimbabwe.

³⁵ M. P. Opokua, W. P. Mprah, and B. N. Saka, 'Participation of Persons with Disabilities in Political Activities in Cameroon: Disability and the Global South', 3:2 (2016) pp. 980-999.; 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, Pretoria 2018).

³⁶ 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. Ngwena, I. Grobelaar-du Plessis, H. Combrick, and S. D. Kanga, *African Disability Rights Yearbook* (Pretoria University Law Press, Pretoria, 2013) p. 73-95.

³⁷ Section (2) (a) of the Constitution of Zimbabwe.

³⁸ Section 124 of the Constitution of Zimbabwe.

³⁹ Mandipa, *supra* note 36 ; Dziva, *supra* note 35.

⁴⁰Section 120 (2) (a) of the Constitution of Zimbabwe.

⁴¹ Section 124 of the Constitution of Zimbabwe.

124(1(b))⁴² provides for “an additional sixty women members, six from each of the provinces into which Zimbabwe is divided, elected through a system of proportional representation based on the votes cast for candidates representing political parties in a general election for constituency members in the provinces”. The introduction of political quotas can be an opportunity for political parties to include WWDs on their list of women representatives. However, this is affected by the failure of the clauses in question to stipulate mainstreaming of disability amongst those reserved senators and women parliamentarians.

3.2 Legislative Frameworks

In the same way section 120 of the Constitution provides a mandatory quota, section 4A of the Urban Councils Act [Chapter 29:15] mandates the minister responsible for local governance to appoint 25 per cent special councillors to assist in mainstreaming vulnerabilities and matters of concern in service delivery. These special councillors represent varied social vulnerable groups of the society, including women and PWDs, among others. While the clause creates room for the inclusion of WWDs, it remains criticised for failing to specifically speak to the inclusion of WWDs within the 25 per cent special councillors in the same way section 120 of the Constitution reserves a seat for a WWD in Senate. Without placing an obligation on the minister to choose special councillors based on disability, the minister can further exclude this disadvantaged group. The study thus calls for the amendment of varied legal instruments for people’s political representation in decision-making to specifically guarantee and ensure WWDs’ increased participation.

The political rights of WWDs is also provided for in the Disabled Persons Act [Chapter 17:01] and the Electoral Act [Chapter 2:13]. Even so, the Disabled Persons Act’s conceptualisation of PWDs, let alone WWDs, is out-dated, and the instrument fails to confer any rights to this disadvantaged group.⁴³ The Electoral Act can create an environment that increases the participation of women, youth, PWDs including WWDs, among other groups, who are often disenfranchised and unable to participate fully in all aspects of the electoral processes due to systemic discrimination.⁴⁴ It also sets out the guidelines for assisted-voting to PWDs. Inclusion of such clauses is important for concerned WWDs to approach courts to seek remedies when excluded and discriminated against in electoral politics. In the case of *Simon Mvindi & 5 Others v. the President of the Republic of Zimbabwe & 3 Others*,⁴⁵ aggrieved visually impaired voters challenged the constitutionality of sections 59 and 60 of the Electoral Act in requiring the visually-impaired to be assisted by police officers and others on electoral duty, thereby denying the voter any choice of an assistant. Resultantly, the Supreme Court ruled in favour of the applicants, and struck down the then prevailing provisions of the Electoral Act, and only allowed assisted-voters to be assisted to vote by people of their own choice.

3.3 Institutional Mechanisms

The existence of varied state and non-state institutions remains an opportunity for advancing WWDs’ political participation in Zimbabwe. The cohort of state institutions includes three of the Chapter 12 commissions: ZEC, the Zimbabwe Gender Commission (ZGC), and the

⁴² See Section 124 of the Constitution of Zimbabwe.

⁴³ Mandipa, *supra* note 36; T. Kondo, ‘Socio-economic Rights in Zimbabwe: Trends and Emerging Jurisprudence’, 17 *African Human Rights Law Journal* (2017) pp. 163-193.

⁴⁴ Zimbabwe Electoral Commission (ZEC), *supra* note 8.

⁴⁵ *Simon Mvindi & 5 Others v. the President of the Republic of Zimbabwe & 3 Others* SC 106/08.

Zimbabwe Human Rights Commission (ZHRC). The other national institutions for advancing disability rights include the Special Advisor for Disabilities to the President. Unlike the Office of the Special Advisor to the President which has no clear mandate, Chapter 12 commissions have enunciated mandates derived from the Constitution. For instance, the ZGC and the ZHRC are established and broadly mandated under sections 245⁴⁶ and 242⁴⁷ of the Constitution, respectively, to advance human rights and freedoms of Zimbabweans, including WWDs. Thus, the ZHRC and the ZGC remain strategically positioned to spearhead cutting edge research, advocacy and litigation of WWDs' political participation. While these institutions remain important, they seem to be heavily affected by resource constraints and treatment of women as a homogeneous group.⁴⁸ Interviews with respondents within these institutions also exhibited limited mainstreaming of gender and disability in their activities to advance the political rights of people in society. A majority of these institutions can only go to the extent of mainstreaming gender and disability as distinct fields without any efforts to go deep to alleviate the gendered challenges of differently abled persons.

The existence of a vibrant civil society and political parties remains an opportunity for advancing WWDs' political rights. By their nature, DPOs play a critical part in research, lobbying, advocacy and awareness-raising of the rights of WWDs including the need for political participation. Together with other civic organisations in political development, DPOs can play vital roles in lobbying, advocacy for disability sensitive reforms and awareness of WWDs' rights in political participation. Relatedly, political parties play important roles in including and ensuring that internal processes and procedures are favourable to WWDs. In reality, many of the political parties in Zimbabwe are not sincere in including WWDs for they despise these to be weak and sick people who cannot assume leadership roles. For effectiveness in this role, political parties need to consider effective gender and disability mainstreaming in internal processes and activities appointing, fielding and supporting WWDs candidates.

4 Challenges to WWDs' Political Participation

In spite of the existing mechanisms for advancing the political rights of PWDs, the study noted that WWDs continue to be limited by complex and multifaceted barriers as they seek to be included and participate in political processes. Interviews with key stakeholders also revealed limited awareness raising of the Constitution and the rights it confers on vulnerable groups like WWDs. This corroborates with results of the ZHRC Baseline Survey⁴⁹ which showed a general limited awareness of constitutional provisions let alone for the protection of vulnerable groups of the society in Zimbabwe. Many of the available mechanisms do not specifically speak to WWDs, let alone their specific needs in society. There is thus a need to amend and improve mechanisms to directly speak to the daily challenges of WWDs, and raise awareness of such rights. The following section discusses other challenges that affect WWDs' ability to enjoy their rights. The identified challenges include varied information and communication problems, cultural and attitudinal factors, resource constraints and the physical inaccessibility challenges that limit WWDs' political participation.

⁴⁶ This section speaks to the establishment and composition of the ZGC.

⁴⁷ This section speaks to the establishment and composition of the ZHRC.

⁴⁸ Dziva, *supra* note 35.; Kondo, *supra* note 43.

⁴⁹ Zimbabwe Human Rights Commission (ZHRC) (2015). *A Baseline Survey on Perception, Attitudes and Understanding on Human Rights in Zimbabwe*(ZHRC, Harare, 2015).

4.1 Poverty and Limited Access to Basic Needs

WWDs' political participation is heavily affected by poverty and resource constraints in Zimbabwe. A majority of WWDs live in abject poverty as characterised by limited access to information, productive resources, and basic needs such as health, food and education.⁵⁰ The poverty situation of many WWDs precludes them from accessing the much needed assistive devices, including wheelchairs and other necessary technologies to ease their political inclusion and participation. Limited financial resources divests WWDs from vying for political positions since vying for public office often comes with financial resources to wage massive campaigns. Indeed, electoral politics nowadays has been commercialised to the extent that “without resources, it is also impossible to mount effective campaigns for election to public office”.⁵¹ The plight of many poorly resourced WWDs is worsened by the fact that this group often receives less attention and financial support from the government and political parties. With limited income base, and erratic support from political parties and government,⁵² WWD political aspirants often struggle to purchase T-shirts and other visibility materials which are necessary for waging massive political campaigns.

The plight of WWDs in accessing stable income is worsened by their limited employment prospects. A study by Groce⁵³ highlighted that a majority of PWDs are not employed. A paltry percentage of PWDs are in formal employment while the rest survive on begging and remittances from relatives and well-wishers. The low employment prospects for WWDs is a result of the negative attitude of employers towards this group and limited educational qualifications. Evidently, many PWDs' have lower educational levels, with WWDs topping the list. Without education, many in this group find it impossible to be formally employed and get a steady salary to spare in political ventures. As many WWDs overly rely on vending and begging, they spend most of their time on the streets vending and begging for money and any form of assistance, thus making it unlikely for this group to actively attend political gatherings and exercise their ability to politic. The vignettes below explain the information above:

I would rather spend the day begging in streets than attend to political gatherings where you come back with nothing to give to children.⁵⁴

Attending to political rallies sometimes is a waste of time and the little resources I have because I need to think of my bus fare and that of a person to accompany me, only to get a T-shirt and fake promises.⁵⁵

⁵⁰ Dziva, *supra* note 35; B. Virendrakumar, E. Jolley, E. Badu and E. Schmidt, 'Disability Inclusive Elections in Africa: A Systematic Review of Published and Unpublished Literature', 33:4 *Disability & Society* (2001) pp. 509-538.

⁵¹ L. Thuo, 'Realising the Inclusion of Young Persons with Disabilities in Political and Public Life in Kenya', 45 in C. Ngwena, I. Grobelaar-du Plessis, H. Combrink, and S. D. Kamg, *African Disability Rights Yearbook* (Pretoria University Law Press, Pretoria, 2016) pp. 25-52.

⁵² The plight of WWDs is made worse with limited support from the government. PWDs in Zimbabwe are entitled to a monthly stipend of \$17 every month to cushion them in their survival. Besides the fact that the grant is paltry, many WWDs are not beneficiaries and its disbursement to the few means-tested has been erratic owing to limited political will and national fiscal challenges.

⁵³ N. E. Groce, *Disability and the Millennium Development Goals: A review of the MDG process and strategies for inclusion of disability issues in Millennium Development Goal efforts*, New York: United Nations. Available at: <http://www.un.org/disabilities/documents/review_of_disability_and_the_mdgs.pdf>. [Accessed on 17 November 2018].

⁵⁴ Interview with a visually impaired women beggar, Masvingo.

⁵⁵ Interview with a visually impaired vendor, Harare, 2019.

I only attend political rallies when they are held and organised near my suburb ... but I won't be going to listen to the proceedings but rather to sell my drinks and snacks to participate to get money for survival.⁵⁶

Due to poverty, exemplified by limited educational levels, WWDs' capacity for active political participation and citizenship remains compromised in a greater way.⁵⁷ While the Constitution of Zimbabwe and the Electoral Act do not stipulate educational qualifications for one to vie for most electable public offices including Presidium, Senate, Parliament and local authority, uneducated WWDs find it difficult to convince party members and the electorate of their strong leadership qualities *vis-a-vis* their able-bodied competitors. With limited educational qualifications, many political leaders are hesitant to appoint and second WWDs to government and internal party structures. This study also found that many uneducated WWDs look down upon themselves and have low self-esteem to assume leadership positions in political parties, worse still in government.

Limited education further hinders some WWDs from accessing political information for effective politicking. In many occasions, political parties, ZEC and civic organisations communicate political and election related messages in inaccessible formats to visually and hearing impaired persons. Despite the constitutionalisation of sign language as one of the 16 official languages,⁵⁸ its use has only been visible during news and political gatherings which are broadcasted by the ZBC TV and not at party rallies and gatherings. Without sign language interpreters at political gatherings, many users of this language shun such events as they hardly follow proceedings. As such, many WWDs have missed out on important messages including dates of rallies, voter registrations and even selection and nomination of party leadership. Similarly, there are limited efforts by political institutions to disseminate information in braille format for visually impaired persons, and many in this group rely on relatives to read and convey messages to them. This also remains problematic as one visually impaired woman explained that her relatives often tell her wrong dates to avoid the laborious and difficult situations they always find themselves in when they go with her to such gatherings.

4.2 Attitudinal and Cultural Barriers

WWDs face a myriad of cultural and attitudinal barriers that limit their political participation. In this study, many WWDs revealed their negative perception and attitude towards politics as a dirty game for the abled bodied persons. This perception seems to stem from previous electoral processes in Zimbabwe that have been violent in nature. Indeed, previous elections in Zimbabwe have degenerated into an orgy of violence and torture, and displacement of perceived enemies and supporters of opposition parties.⁵⁹ In a 2017 Baseline by ZEC, violence was identified by 58.3 per cent of the women and men respondents as one of the primary reasons for not participating in elections as voters or as candidates.⁶⁰ In several studies, women, particularly women with disabilities, suffer most from targeted rape and violence during these

⁵⁶ Interview with a physically impaired women, Gweru, 2019.

⁵⁷ J. Lord *et al*, 'Human Rights', YES! (2012) p. 47.

⁵⁸Section 16 of the Constitution of Zimbabwe.

⁵⁹ Zimbabwe Peace Project, Impact of Political Violence on Persons with Disabilities (PWDs) in Zimbabwe, August 2017, accessed from: <http://kubatana.net/wp-content/uploads/2017/09/ZPP-PWD-Research-1709.pdf>; See also Zimbabwe Election Support Network (ZESN). 2008. *Report on the Zimbabwe 29 March 2008 Harmonised Elections and 27 June Presidential Run-Off*. Harare: ZESN.

⁶⁰ Zimbabwe Electoral Commission (ZEC), *supra* note 8.

skirmishes, mostly due to being differently abled, defenceless and highly vulnerable.⁶¹ The short term consequence of this experience was that WWDs did not stand as candidates and only turn out to cast their votes, while the long term effect remains that WWDs despise politics which they view as being synonymous with rape and violence.

Some WWDs also looked down upon themselves and accepted that politics is a game for able bodied men and some women with educational and leadership skills. This attitude has been propagated by caregivers and the patriarchal society that they live in, which always downplays women and exalts men. Women, particularly women with disabilities, are viewed as useless people whose place is in the home and should not make decisions on their own. Some WWDs revealed that their desire to stand as candidates during elections is met with strong condemnation by family and care givers, party members and even the electorate. As one WWD recalled:

When I informed people of my intention to stand as a candidate I was belittled, demeaned and caricatured at party meetings and gatherings. Instead, I found my name removed on the party candidates' list as they claimed they wanted to field a strong candidate who can win the seat for the ward.⁶²

No one bothers to consult me and other persons with disabilities within my political party because many party cadres do not value or see us as capable of making meaningful political solutions to the problems bedevilling the party. It is worse when you are a woman on a wheelchair like this.⁶³

In a majority of cases, WWDs are kept in institutions of care and indoors under caregivers and relatives who see no need to educate and even inform them about political activities. In some instances, society views disability as a curse from God or the ancestors, and as such families hide PWDs or send them to care institutions to evade shame from the public.⁶⁴ Resultantly, many PWDs, including WWDs, have no documentation such as birth certificates and national identity cards needed for one to register as an electorate and as a candidate.⁶⁵

A few WWDs who are lucky to possess documentation also grapple with rampant stigma and abuse by election agents and able bodied persons in their quest to participate in politics. As explained by one key informant:

When people are recruited as election officials, they are taught to work with all human beings in general but not specific people who are differently abled. Working with such people requires specific training for officers to mainstream disability ...⁶⁶

With their limited training and experience in working with WWDs, many election officials are reported to call these people with derogatory names which rather disempowers than empower

⁶¹ Zimbabwe Peace Project, Impact of political violence on persons with disabilities (PWDs) in Zimbabwe, *supra* note 59.; RAU "When the going gets tough the man gets going! Zimbabwean Women's views on Politics, Governance, Political Violence, and Transitional Justice" Research and Advocacy Unit 2010.

⁶² Interview with a visually impaired women, Harare, 2019.

⁶³ Interview with a wheelchair bound women, Harare, 2019.

⁶⁴ N. E. Groce, and M. Kett, '*Youth with disabilities*', (Working Paper Series: No. 23), London: Leonard Cheshire Disability and Inclusive Development Centre. Available at: <https://www.ucl.ac.uk/lc-ccr/centrepublishations/workingpapers/WP23_Youth_with_Disabilities.pdf>. [Accessed on 12 November 2018].

⁶⁵ R. Redley, *et al*, 'The Voting Rights of Adults with Intellectual Disabilities: Reflections on the Arguments, and Situation in Kenya and England and Wales', 56:11 *Journal of Intellectual Disability Research* (2012) pp. 1031-1026.

⁶⁶ Interview with a key informant interviewee, Harare, 2019.

them. As Al Ju'beh⁶⁷ noted, words used to describe PWDs should strengthen their dignity and respect for their integrity rather than disempower them. More often than not, government workers, policy-makers, caregivers and even family members have an erroneous view that PWDs cannot effectively participate in decision-making circles.⁶⁸ This verbal abuse against WWDs results in many of them losing confidence, self-esteem and being discouraged to participate in public life.

4.3 Accessibility Challenges

This study noted that the existence of inaccessible structures and transport systems that makes it difficult for WWDs to partake in politics. Many interviewed WWDs narrated their struggles to access transport systems to attend political and election gatherings without the help of others. As one WWD narrated:

Political meetings are held far away from our location and you need to think of the hustles to access transport and the costs, including costs associated with transporting your wheelchair. In some instances, operators leave you behind as they do not want hustles that comes with lifting you and your wheelchair.⁶⁹

Similar sentiments were also shared regarding access to buildings:

Most buildings and structures used by politicians such as classrooms, public halls and stadiums, are not easily accessible by wheelchair users who end up shunning these political gatherings.

With these challenges, a majority of WWDs decide not to attend political functions and gatherings including voter registration and education exercises, meetings organised by political parties, ZEC and other non-state actors. The challenges faced by WWDs are exacerbated by the fact that political gatherings of many political parties are convened at stadiums which are neither accessible nor close to some suburbs where WWDs stay. It was also noted that many of the venues chosen by political parties and organisations including schools and public halls do not have guiding rails and ramps for easy access by visually impaired and wheelchair users.⁷⁰ More detrimental remains the poor ablution facilities which make it difficult for WWDs to use when attending political gatherings. With this in mind, many WWDs avoid political participation.

WWDs respondents explained that limited access to information in accessible formats remains a challenge to their participation in politics. Indeed, the participation of women with visual impairments is heavily dependent on accessible information, including ballot papers in braille or other formats easy for them to read. As one visually impaired women explained:

I will not bother to vote in any election in this country simply because I want my vote to remain secret. But without Braille, now comes the challenge of being assisted by someone who will know my choice. It's always good for one to vote secretly.⁷¹

⁶⁷ K. Al Ju'beh, '*Disability Inclusive Development Toolkit*', Bensheim, CBM. Available at: <<http://www.cbm.org/article/downloads/54741/CBM-DID-TOOLKIT-accessible.pdf>>. [Accessed 20 January 2010].

⁶⁸ Groce, *supra* note 53.

⁶⁹ Interview with a wheelchair bound women, Gweru, 2019.

⁷⁰ European Union Election Observation Mission Zimbabwe 2018 Harmonised Election Report. Available at: <https://eeas.europa.eu/election-observation-mission/eom-zimbabwe-2018_en>. [Accessed 2 November 2018].

⁷¹ Interview with a visually impaired women, Masvingo, 2019.

Similar sentiments were also shared by two women with hearing impairments:

Even if you attend rallies, you become frustrated as you cannot follow proceedings since there will be no sign language interpreters. So who do I vote for without knowing the plans they have for us?⁷²

I went for Biometric voter registration ahead of the 2018 elections and was disappointed when I found no one conversant in sign language to assist me. I also faced the same challenge on Election Day as officials had a torrid time to explain the voting procedures to me.⁷³

Without brailled ballots that uphold the secrecy of the vote, many WWDs shy away from voting in fear of reprisals in case of revelations of who they would have voted for. In the event of any electoral violence in the aftermath of an election, assisted voters become worried that those who assisted them might divulge information regarding who they voted for. It is, therefore, pertinent for ZEC to adopt and devise innovative measures, including the electronic voting machines with audio facilities and tactile ballot guides, to ensure WWDs' absolute political participation.

5 Conclusion and Policy Options

It remains a great opportunity that Zimbabwe has varied mechanisms that seek to advance the rights of PWDs, as well as WWDs. Of all mechanisms, the promulgation of the Constitution is by far a better attempt to effectuate the rights of PWDs, which includes WWDs, in political participation. Unlike the archaic Disabled Persons Act, the Constitution resembles the CRPD in effectuating a wide range of human rights to every human being, including WWDs' access to basic needs and services such as education, information and employment, all which untimely impact on WWDs' ability to partake in politics. Besides the Constitution, many other laws are found wanting when it comes to speaking to the political rights of WWDs. Similarly, national institutions for advancing PWDs' rights tend to treat this group as a homogeneous group, without realising that there exist WWDs who face double discrimination: first, as people who are differently abled and, secondly, as women in a patriarchal society. Due to this legal and institutional neglect, many WWDs in Zimbabwe grapple with rampant poverty exemplified by limited education and access to other basic needs and services, inaccessibility and attitudinal challenges that limit their inclusion and participation in politics. In their narratives, WWDs confirmed previous studies in showing how their exclusion in politics is largely embedded deeper in cultural, religious, class and patriarchal tendencies that interplay to further their plight. Without addressing these underlying barriers and framework inadequacies, WWDs' effective participation in politics will largely remain between a dream and a nightmare.

WWD's political participation is realisable only if:

- Parliament speeds up the alignment of discriminatory legal frameworks to the 2013 Constitution and international best practices on gender and disability rights advancements.
- Parliament and donors fund and support state institutions to enhance their advancement of gender and disability rights through capacity building in leadership skills and awareness raising, so that WWDs step up to claim what is rightfully theirs under the national law.
- ZGC, ZHRC and DPOs mainstream gender-disability in their awareness raising and capacity building activities for citizens to partake in politics.

⁷² Interview with a women with hearing impairment, Harare, 2019.

⁷³ Interview with a women with hearing impairment, Gweru, 2019.

- DPOs and political parties litigate, lobby and advocate Parliament to come up with legal quotas that reserve seats for a considerable number of WWDs in Parliament, Senate and Council, to effectively bridge existing disparities in key decision making institutions.
- Government works with DPOs to put in place measures to increase WWDs access to education, get opportunities to access basic needs as well as for self-sustenance.
- Political parties recognise, enrol, appoint and reserve positions for WWDs within their women's wings and include this group on their party lists for constitutional quotas in government.
- ZEC, DPOs and political parties mainstream gender and disability in choosing venues for their political gatherings, processes and procedures.
- ZEC, as the Election Management Body, supports WWDs' political participation and encourages parties to practice inclusive politics.