

Disability Inclusion and Accessibility in Zimbabwe. Sharing Views and Experiences of Blind and Partially Sighted Persons Living in the City of Bulawayo

Edwin Ndhlovu (visually impaired)

Nyunyutai Mudzingwa (blind woman)

Zimbabwe Association of Visually Handicapped, Zimbabwe

eddiendhlovu83@gmail.com | mudzingwaphyllis@gmail.com

Abstract

The viewpoint explores challenges and opportunities for Persons with Disabilities (PWDs) in accessing public institutions in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in Zimbabwe. The study is based on the social model of disability, reinforced by the human rights perspective, which seek to meaningfully address issues bedeviling PWDs in their quest to be accorded the rightful place in the society, particularly in their access to public spaces. It further explains attitudinal, environmental and institutional barriers. Qualitative research method was used, coupled with a few key informant interviews. The target population for this study were first and foremost PWDs. The study also targeted councillors, urban planners as well as administrators. Two subcategories of visually and physically impaired persons were carefully selected. The study findings indicated that attitudes and inadequate knowledge on disability by some community members and duty bearers also contribute to exclusion of Persons with Disabilities in public spaces. The study also found out that there are unfriendly facilities available. Additionally, the negative attitudes of stakeholders and administrative complications have deprived Persons with Disabilities from obtaining the benefits of available entitlements. Inadequate legislation, policy and lack of political will have also been established to be some of the factors leading to the side-lining of PWDs. The research recommends for creation of specific services in public spaces to support the needs of this group, integration of new technologies, and the domestication of the UNCRPD as well as the implementation of the disability policy, including best practices in disability inclusion. Specific policies should be supported by the allocation of funds and rigorous monitoring.

Keywords: disability, accessibility, Zimbabwe, blind and partially sighted persons, Bulawayo

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Introduction

It is undisputable that Persons with disabilities, in their diverse constituency groups, are among the historically most marginalised groups. The recognition of barriers encountered by persons with disabilities has led to the development of international, regional and national instruments to promote and protect their human rights. Persons with disabilities in Zimbabwe remain in the periphery of the development trajectory due to difficulties in accessing public spaces, goods and services owing to attitudinal, environmental and institutional barriers. Overall lack of accessibility considerably limits participation on an equal basis with others, making it more difficult to advocate for inclusion and effectively influence change at policy and legislation levels. As such, this paper seeks to share reflections on the accessibility of public spaces in our context from the outset of the Convention on the Rights of Persons with Disabilities and in light of the 2030 Agenda, New Urban Agenda (NUA), The Sendai framework on Disaster Risk Reduction and Management, and the policy context of Zimbabwe. The international lens helps to understand gaps that currently exist in national and local legislation and policy frameworks, including bylaws for the city of Bulawayo in Zimbabwe. The viewpoint further builds upon our experience carrying out advocacy work as members of the Zimbabwe association of the visually handicapped (ZAVH) an organisation working to champion the rights of blind and partially sighted persons across the country. We believe that sharing our experiences as Persons with Disabilities as we continue to struggle in accessing public spaces and essential services will help to illustrate the negative impact of gaps in legislative and policy provisions on our lives, particularly during the COVID-19 health crisis.

1. Global legal and normative framework on accessibility for persons with Disabilities: CRPD as a core reference

The CRPD is at the centre of the international normative framework for the advancement of the rights and socio-economic development of persons with disabilities. The CRPD recognises accessibility as a pre-condition for inclusion that enables persons with disabilities to live independently and participate fully in all aspects of life. The Convention has a standalone “Article 9” on Accessibility. It emphasises obligations for state parties to take appropriate measures to ensure that all people with disabilities have access to the physical environment around them, to transportation, to information such as reading material, to communication technology and systems on an equal basis with others. This includes facilities and services open or provided to the public, both in urban and in rural areas (CRPD, 2006).

Article 2 of the CRPD defines universal design which is critical to make communities accessible to all populations, not just persons with disabilities. Universal design means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design, including assistive technologies for all persons with disabilities. Adopting universal design approach and strategies in all investments right from the start would help in ensuring that accessibility is comprehensively provided for all and implemented in a sustainable way including via adequate legislation and standards (CRPD General Comment 2). Accessibility is also provided for in other international human rights instruments. Article 25 (c) of the International Covenant on Civil and Political Rights

enshrines the right of every citizen to have access, on general terms of equality, to public service in his or her country. The International Convention on the Elimination of All Forms of Racial Discrimination on Article. 5 guarantees everyone the right of access to any place or service intended for use by the general public. This firmly affirms accessibility as a critical issue provided for in international human rights law. However, while legislation, standards and guidelines at both international, national and local levels have been developed, the implementation is still lagging behind. Much remains to be done to ensure physical or digital environments including the design of public spaces facilities and services are accessible to all persons with disabilities.

Taking stock of the National Policy Environment

The 2013 constitution of Zimbabwe is progressive when it comes to disability issues, however it still has gaps that must be addressed. Disability inclusion in every aspect of society is provided for in section 22, which highlights that the state shall consider the specific requirements of persons with all forms of disability as one of the priorities in all development plans. This is due to the fact that disability issues are a shared responsibility across various government departments and cannot be adequately addressed by a single government ministry (Mandipa, 2013). The new Constitution thus mandates all governmental ministries and departments to recognise the rights of persons with disabilities and to ensure the promotion, protection and fulfilment of such rights. Conversely, the mandate does not extend to private players, hence failing to comprehensively tackle the inclusion discourse. The rights of persons with disabilities are enshrined in section 83 where persons with disabilities are accorded rights. However, promotion, protection and fulfilment of these rights are subject to availability of resources. As such, addressing challenges associated to the issue of accessibility can be complicated owing to the fact that the state may always use the caveat to justify its reluctance to deal with the issue under discussion.

The constitution provides that the state must take appropriate measures to ensure that public buildings and amenities are accessible to persons with disabilities in section 24., However, measures to be taken are conspicuously not pronounced in the said constitutional provision. The same challenge can be found in the Disabled Persons Act of 1992 where it is noted that new public buildings should be built in an accessible manner while those that do not cater for accessibility needs of persons with disabilities should be renovated. Nonetheless, this only apply to public buildings, leaving private building owners doing as they please in violation of the accessibility needs and rights of persons with disabilities. As a result, persons with disabilities are left without any legal basis to challenge those who violate their accessibility needs and rights. It should also be noted that the provision in the disabled persons act only points to the barriers on the physical or built environment, leaving other aspects of accessibility out. This is a cause for concern, since accessibility issues cut across both the built and the non-physical environment. The Act does not provide a clear-cut criteria or strategies on how it would promote, protect and safeguard the rights of persons with disabilities, including the right to accessibility. Worse still, the Act does not provide strategies for ensuring conformity and compliance by stakeholders (Choruma, 2007) buttresses this by emphasising that the there are no clear measures for enforcement of this Act. She further highlights that, the Act is very general, making it difficult for people with disabilities to know how and where to access services. Most institutions are free to

disregard the provisions of this Act, while other policies and Acts are notably silent on accessibility issues for Persons with Disabilities. While it is acknowledged that the Act provides a guiding vision on how to fully accommodate people with disabilities in all facets of life, in practice there are shortfalls in how these aspirations are implemented, resulting in violations of the rights of people with disabilities. There is a need to ensure implementation of the legal provisions and policies in place rather than for them to remain mere tools.

Zimbabwe also has the National disability policy (2021) that also clearly provides for accessibility as enshrined in the CRPD. However, the policy has been criticised as it is a non-binding strategy without any support from existing laws. A national Disability Rights Bill was developed in 2019, which is also progressive in terms of accessibility, but owing to the lack of political will, this has not yet been adopted into binding legislation.

Zimbabwe also signed and ratified the CRPD in 2013 but has not domesticated the convention as required by the dualistic law of the country.

Local governments legal instruments in Zimbabwe that govern the planning, design and implementation of urban facilities and services also make positive provisions for persons with disabilities. Urban Councils Act (2008) and the Rural District Councils Act (13 of 2002) provide for self-representation for persons with disabilities however these laws do not clearly promote and protect the right for persons with disabilities to access infrastructure and services on an equal basis with others.

From a legal and policy perspective, Zimbabwe has taken significant steps in implementing the provisions in the CRPD. However, Mtetwa (2011) argues that limitations still exist such as lack of political will to implement the legal provisions, to allocate resources and to establish legally binding provisions in laws that oblige governments at all levels to guarantee accessibility for persons with disabilities. This is illustrated by formulation of the National Disability Policy of 2021 and the bill of rights enshrined in Section 83 of the 2013 Zimbabwean Constitution. Operationalisation of the constitutional provision remain a pipeline dream for persons with disabilities in Zimbabwe. The recently launched disability policy is also not supported by any legally binding piece of legislation, hence making it difficult to rely upon. There are also unclear mechanisms and for its implementation and the Government has not availed budgetary support towards the full realisation of its aspirations.

City by-laws, Standards and Guidelines governing Accessibility of Public Spaces in Zimbabwe

The Department of Physical Planning (DPP), is the technical arm of the government that is responsible for managing the built environment planning system and provision of technical advice for the implementation of the development planning systems (Toriro, 2007). The department provides oversight on the country's local authorities, whose operations must be guided or be in line with the provisions of the Regional, Town and Country Planning Act (RTCPA) (Chapter 29:12) and related legislation. The department also carries out technical evaluation of plans (master plans, local plans and layout plans) originating from local planning authorities to aid the Minister in making decisions on the plans. This gives control to the central government to approve or reject such local plans that would have been proposed. However, the law does not explicitly provide for the minister's intervention in case of violations of accessibility standards and guidelines. Furthermore, the department provides technical assistance relating to the planning of preparation structures for the planning system – that is provided for in the Provincial

Councils and Administration Act of 1984, which directs the management of urban public transport, and carries out surveys and pegging of State land. Physical planning embraces aspects of environmental planning, building codes and balancing between land-uses to avoid incompatibility and conflict in land-use.

The Ministry of Local Government and Housing published the Model Building Bylaws in Zimbabwe in 1977, in accordance with the Urban Councils Act chapter 214 section 183 and section 83A of the Rural Councils Act. They cover issues relating to structural design and other critical aspects of the built environment (Musandu-Nyamayaro, 1993). In essence, these bylaws are central in defining accessibility aspects entailed in the construction of buildings including alteration, subdivision, conversion, reconstruction or building extension. The existing model building bylaws have been criticised as rigid, outdated, and inhibitive to the smooth implementation of infrastructure development works in local authority areas. The model building bylaws are not responsive to physical and climatic conditions, and do not cater for the needs and requirements of the end users particularly those with disabilities (Toriro, 2007).

It should be noted also that some of the country's cities and towns still have the relic of the colonial bylaws which restrict movement of people in public spaces. For instance, the bylaws on the so-called vagabonds which restrict presence and movement of those who leave or work on the streets. Such laws epitomise the repressive laws and policies which infringes on the rights of the general public who might not have homes or relatives whom they may seek accommodation from. This is typical of which some of Persons with disabilities in cities like Bulawayo find themselves in changing patterns of employment leading to urban migration have resulted in the breakdown of the extended family system, living persons with disabilities homeless (Peters and Chimedza, 2000). These changes have seen a considerable number of persons with disabilities in many cities such as Bulawayo and yet failing to have access to friendly mobility and transport services. Due to diminishing family support and the general family disintegration, as well as the breakdown of social fabric, people with disabilities have been locked in houses and placed in institutions, and are generally seen as burdensome (Peters and Chimedza, 2000). Such state of affairs has considerably disempowered persons with disabilities by restricting their mobility and independence, hence compromising their accessibility rights.

2. Transport and mobility: experience of persons with disabilities in accessing public spaces in Bulawayo

Limitations on the movements of Persons with disabilities also mean increased restrictions on our social lives. As highlighted on (CRPD article 19) and further elaborated on (CRPD general comment 5), as Persons with disabilities, we must be allowed to assert control over the way we want to live by creating empowering forms of support such as personal assistance and requesting that community facilities be in line with universal design principles. COVID-19 restrictions coupled with other limitations, have also impacted negatively on our free movement as blind and partially sighted persons. The study conducted by Mlambo and Ndhlovu (2021) found out that *“Some of the World Health Organisation regulations on COVID-19 are not friendly to the blind and partially sighted persons, for example, wearing of masks inhibit use of some sensory activities that are crucial for visually impaired persons in their mobility and independent living.”* Personal

mobility promotes independence, which translates to individual autonomy as accentuated by the CRPD.

Barriers to accessing public transport

Zimbabwe transport system is not safe and accessible to people with disabilities in order for them to independently and adequately have access to services such as employment, education and healthcare (The Chronicle, May 17 2017). This also confirms the findings of the World Blind Union (WBU) COVID-19 survey results that noted inaccessible public transport as a significant barrier limiting the full enjoyment of human rights by persons with disabilities during the health crisis. With the advent of COVID-19 and the resultant restrictions, access to transport has become a big challenge for Persons with disabilities. Banning of the private transport operators has made it difficult for easy access to transport by Persons with disabilities. In Zimbabwe, including Bulawayo, the Government has only allowed the Zimbabwe United Passenger Company (ZUPCO), a parastatal, to be the sole transport operator. As such, no other private players are allowed to provide transport services to the public. The few available buses run by the government under the Zimbabwe United Passenger Company have no capacity to meet the demand of travellers. As persons with disabilities, we are then caught in the commotion when trying to board these few buses. In the process we get injured or harassed. In most cases, it is difficult to compete with the non-disabled owing to various barriers presented by such scramble for transport. Further to this, we are then forced to wait for considerable hours in queues, causing us to lose productive time. Under the prevailing circumstances, the city of Bulawayo has no mandate to operate or regulate transport service providers.

In addition, lack of disposable income for a number of persons with disabilities limits their access to public transport. Access to these buses is at the discretion of the conductors and drivers of the said buses. However, this presents challenges for us in that access to public services should not be a prerogative of an individual's decision. This has to be a policy issue that should be evidently put in black and white. Access to transport must also be considered as a right which must be promoted and protected by the duty bearers.

Safety for pedestrians with disabilities

With the exponentially rising socio-economic challenges in Zimbabwe, many roads in the country now pose a great risk for Persons with disabilities, particularly those who are blind or partially sighted. It is now dangerous for us as people who are blind or partially sighted to move around independently. We also struggle to move around independently as most roads around Bulawayo have potholes, which make it dangerous to navigate. As blind and partially sighted persons, we are scared to use those roads with potholes fearing being knocked down by the motorists as we walk on the roadsides. In some instances, there are open holes on the middle of the pavements which also worsens our plight as it becomes difficult for us to navigate around freely. It is therefore, important to realise that our freedom of movement becomes greatly affected. Such situations would mean that as blind and partially sighted persons we should always have someone to assist us in mobility. However, this violates the freedom and independence of an individual who is blind or partially sighted. This is in sync with the findings of Coleridge (1993) who cited that it is unfortunate as people with

disabilities are perceived as incapable of making independent decisions and managing their own lives. They are looked at as people who always need assistance and someone should always be there for them. Consistent with Mandipa's (2013) findings, it is imperative to realise that environmental accessibility addresses the challenges faced by people with disabilities in moving around and living independent lives in society. This may hinder the participation of people with disabilities in public life, including their employment. In keeping with UNESCO (2021), it is crucial to facilitate data collection for enhanced participation of persons with disabilities, particularly this assist in checking the level of accessibility to various services and spaces. As such, it is imperative to promote increased data collection to advance accessibility rights of persons with disabilities. Disaggregated data functions as a tool to promote, protect and fulfil accessibility rights and needs of persons with disabilities. It also plays a role of exposing the existing gaps in accessing services and spaces for persons with disabilities.

The local authority in the city of Bulawayo has failed to appropriately manage informal trading leading to uncontrolled competition for public spaces thereby limiting accessibility for us as blind and partially sighted persons as we try to navigate around the city. Even with the existence of the city bylaws such as the (Bulawayo City Council (Hawkers, Vendors, Flea Markets, Food Carts and Stall/ Table Holders) by-laws, 2017), where the local authority is given responsibility to manage and control the conduct and location of informal trading. Numbers of people that sell their goods and products on the streets overwhelms the city authorities of the Bulawayo City Council. As a result, we struggle to access public spaces and essential services due to the barriers brought about by chaos from poorly managed informal trading. It will be critical that the city authorities consult us as blind and partially sighted persons when it comes to matters of informal trading as such issues also affect us directly.

Additionally, a considerable number of blind or partially sighted people have no access to assistive devices and technologies, including white canes. This put us at greater risk of vulnerability in that most of them are unable to purchase these indispensable devices due to poverty which according to Choruma (2007) is both a cause and consequence of disability in that having an impairment exposes one to a variety of disabling conditions. This further exacerbates the situation for the Blind and partially sighted persons in Bulawayo. Access to white canes by persons who are blind or partially sighted is a necessity and facilitate their mobility and independence that are fundamental indicators of inclusion in line with the UNCRPD which promote improved access to goods and services on an equal basis with others in the society. In most cases, those who have access to such devices would have obtained them from well-wishers or as donations. Furthermore, in Bulawayo, most of the built environment is inaccessible thereby posing barriers to access to courts, health facilities and other essential services for persons with disabilities. For instance, buildings like magistrate courts, police stations health institutions, among other essential public places, in Bulawayo have limited accessibility features to facilitate easy access for different groups of persons with disabilities. This means that we have to rely mostly on other people to access public institutions and essential services thereby compromising our independence. This is in keeping with the findings of the survey which found out that In Zimbabwe, although most new buildings have ramps with rails, in many cases the recommended gradient of the ramps is not adhered to (Choruma 2007, p. 6). The study further found out that buildings may also lack signs to indicate where the disabled person's entrance, elevators or toilets are

located. Even in the presence of the signs, those are not friendly for the blind or partially sighted persons since they are usually inscribed in the format not accessible for this group of people. UNICEF (2013) survey established that if conducive environment is created and accessibility is enhanced, persons with disabilities can lead independent lives and significantly contribute to the development agenda.

Over-reliance on other people for assistance sometimes presents other challenges such as that This also give rise to the issues of sexual harassment of girls and women with disabilities as people providing support sometimes take advantage of such situations. Article 6 of the CRPD clearly provides for the rights of women and girls with disabilities that are violated in such instances. The plight of women and girls with disabilities is worsened by the complexity of intersecting and multiple discriminations as they try to access public spaces and services. as indicated in (general comment 3) of “*the committee on the rights of persons with disabilities*”, on the rights of women and girls with disabilities, women and girls with disabilities encounter both Multiple and intersecting discrimination. Women and girls with disabilities encounter “*multiple discrimination*” as they experience different forms of discrimination that are compounded or aggravated by different factors as highlighted above. When linked to societal attitudes which translate to stigma. This may naturally lead to marginalisation of women with disabilities in public spaces and necessary investments are not made towards improving safety.

3. Recommendations and way forward to address accessibility gaps

The foregoing discussion indicated that attitudes and inadequate knowledge on disability by some community members and duty bearers contribute to exclusion of Persons with Disabilities in public spaces. It was also recognized that there are unfriendly facilities which largely contribute to the marginalisation of Persons with disabilities, in the process hampering their access to essential goods and services. Additionally, the negative attitudes of stake-holders and administrative complications have dispossessed Persons with Disabilities from obtaining the benefits of available entitlements.

Inadequate legislation, policy and lack of political will have also been established to be some of the factors leading to the side-lining of Persons with disabilities.

As indicated in this paper, transportation and mobility barriers remain the biggest challenge hampering access to other critical spaces, services and goods. The noted challenges illustrate how poor urban planning can have serious negative impacts on lives of blind and partially sighted people. Moreover, the situation shared in the paper have given particular insights on gender inequalities, as well as the vital role that urban infrastructure has on people’s wellbeing, safety and access to essential services. Learning from our experience, we hope that these recommendations can help inform consultations with critical stakeholders such as local authorities, government ministries and other institutions working at a local or national level. Below are recommendations for organisations of persons with disabilities to contribute towards addressing inaccessibility issues in similar contexts:

- Identify and collectively engage with decision-makers, urban planners, and urban practitioners/stakeholders to raise awareness on accessibility practices and barriers faced;
- Identify and engage in existing mechanisms for public consultations on urban development and planning at local levels, including for transportation & infrastructure, public spaces, street design, health facilities and public buildings;
- Join forces across the disability rights movement and in umbrella organisations to advocate for the adoption of national disability policies and legislation, including on accessibility, in line with the CRPD;
- Advocate for the adoption of national and local accessibility standards and guidelines covering access to public spaces, goods and services, including on taking a Universal Design approach;
- Sustain and upscale initiatives to build knowledge and peer-learning amongst disability rights activities, including on accessibility, CRPD, New Urban Agenda, 2030 Agenda and other relevant frameworks and guidance to underpin advocacy for more inclusive and accessible cities.

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