

CHAPTER FOUR: DATA AND EVIDENCE

The chapter focuses on the presentation and analysis of the data gathered during the course of the study. Research questions that guided the study also guide the presentation and analysis of the findings. Table, 4.1 shows participants by category, the population, target, achieved samples and data collection method for each group of participants.

Table 4.1: Research participants by category and data collection method

Target groups	Population	Target	Reach	Data Collection method
ZRP VFU Officers	112	50	34	Questionnaire
Disability specialist	1	1	1	Key informant interview
Girls with disabilities	6	3	3	In-depth Interview
Women with disabilities	9	3	3	In-depth Interview
Senior Police Officers	5	5	5	Key informant interview
Regional Magistrate	1	1	1	Key informant interview
Disability Organisation	1	1	1	Key informant interview
Social Development	1	1	1	Interview
Community Leaders	3	1	1	Interview

As Table 4.1 shows, except for VFU officers where 34 (68%) of the targeted 50 responded, all other categories were reached as planned. This is less than optimum return rate and was because the questionnaire was self-administered and some of its distribution was left in the hands of the senior officer at each station. Some of these were 'lost' along the way. There were also cases of some who could have taken part in the study but were under administrative leave such as: study and maternity. Others were in the process of transferring to other stations and provinces. However, the 68% return rate was good enough to give useful insights into GWWD issues. Two case narratives are presented as part of the findings, to give an in-depth illustration of unique experiences of girls and women living with disabilities.

Given the hugely qualitative nature of the data, Table 4.2 shows codes used for different respondent groups and individuals for ease of reference.

Table 4.2: Codes for participants

Participants	Data Collection Instrument	Identification Codes
Regional Magistrate	Judicial services Interviews	RM1
Disability Specialist	Judicial services Interviews	DS1
Senior Level Police Officers	Interviews	SO1, SO2, SO3, SO4, SO5
VFU Officers	Questionnaire	VFU1 – VFU34
Disability Organisation	Social Services Interviews	DOI
Social Development	Social Services Interviews	DSD1
Girls with disabilities	GWWD Interviews	GWD1, GWD2, GWD3
Women with disabilities	GWWD Interviews	WWD1, WWD2, WWD3
Community Leader	Interviews	CLI

Biographical data bears significant importance in research. On one hand, demographic information might point to the quality of data gathered by the researcher. On the other hand, it might have implications on specific issues related to GWWD and some research questions. Demographic data gathered included age, qualifications and experience.

In this study, the sex of participants was considered an important variable in the management and delivery of justice within the province and at district levels. Table 4.3 shows distribution of participants by sex.

Table 4.3: Distribution of Participants by Sex

Category of respondent	Male	Female	Total
VFU Officers	18 (52.9%)	16 (47.1%)	34 (100%)
Provincial Magistrate	1	0	1
Disability Specialist	1	0	1
Senior Police Officers	3 (60%)	2 (40%)	4
Girls with disabilities	0	3	3
Women with disabilities	0	3	3
Disability Organisation	0	1	1
Social Development	1	0	1
Community Leader	1	0	1

Table 4.3 shows sex of respondent categories offering support services skewed towards males (52.9% against 47.1% for VFU officers, 60% against 40% for Senior Police Offices, male Provincial Magistrate, male Disability Specialist, male Social Development Officer and male Community Leader). These shows the justice system structures are male-dominated; which might

have a bearing on the extent to which GWWD open up in reporting and discussing their cases, most of which are very sensitive.

Level of education or professional training plays a critical role in terms of equipping participants with the capacity to comprehend the context of any research and depth of issues under consideration. The questionnaire required them to provide their highest level of educational qualification from a list of common qualifications. The list included ordinary level certificate, provided a list of five common options and all they needed was to tick off what applied to them. Table 4.5 shows minimum academic education for the VFU Officers.

Table 4.4: Distribution by highest academic qualification (VFU Officers)

Qualifications	Frequency	Percent	Valid Percent
Ordinary Level	27	79.4	81.8
Advanced Level	6	17.6	18.2
Total	33	97.1	100.0

A closer peek at Table 4.4 shows that most (97.1%) of the VFU Officers who participated in the research had either Ordinary level or Advanced level of academic qualifications. With the minimum entry requirements for police training set at Ordinary level, this group met this requirement. This minimum threshold assisted the researcher to establish how it affected their roles and responsibilities in handling cases involving violence against GWWD.

Besides their academic qualifications, the Officers also responded to a question that required them to indicate specific police/VFU related training that they had attended. The question provided three options, based on VFU training curriculum: legal training, victim psychology and counselling. Table 4.5 depicts the distribution of officers by such training.

Table 4.5: Distribution of VFU officers by type of training

	Frequency	Valid Percent
Legal Training	28	82.3
Victim Psychology	2	5.9
Counselling	4	11.8
Total	34	100.0

Table 4.5 shows that the VFU Officers had been exposed to the mandatory aspects of victim management training with the majority having undergone training (82.3%) while 5.9% had received training in victim psychology and 11.8% in counselling. Discussions with Senior Police Officers revealed that this was a phased training process and each VFU Officer would get the opportunity to receive such training. Although the system was taking such relevant training seriously, there was no mention of any disability training. That means that no officer among the participants had undergone such training, an indication that the system had loopholes. Conversations with VFU officers revealed other training dimensions that appeared key ... sign language training (last done in 2015) ... key in interaction with victims (VFU17). Mash Central had three and two have already transferred to other provinces, underlining the weakness of instability of the VFU position in policing system in relation to its contribution to access to justice.

Years of experience are an important variable in any position. Given the importance of the VFU role in the justice delivery system, work experience of the VFU officers was important information to ask for. The years of experience as a VFU officer and in current station would point to both wealth of skills acquired and stability on the job. For the 34 responding officers, means of 4.6 years as VFU Officer and 3.6 years at current station were found. Under normal circumstances, these would point to capacity in terms of both experience and stability. However, as SPO3 remarked:

These are decent numbers that should reflect job knowledge. However, in that time they are not always deployed to do VFU duties. Because VFU is just a tag with no career path, they have to carry out other duties to garner diversity of experience in police duties in general, the kind of exposure they need for promotion. At times we deploy them to man roadblocks or to maintain law and order during elections. The Officer in the disability organisation (DOI), bemoaned the frequent transfer of officers to new stations where they do not necessarily assign VFU duties. Resultantly, we almost always have to induct new officers.

It can be deciphered that the VFU system, in respect of VFU officer delivery is fraught with challenges of job stability due to various reasons. One thing learnt was that there was no career path as VFU Officer but as police officer in general. It appears to be just a tag to which the system affords half-hearted

attention. Unless a revamp of that system takes place, it is likely to remain at the lower end of prioritisation.

A study of access to justice for GWWD cannot be complete without a close look at factors that either promote or hinder the delivery of that justice. Analysis of such factors helps to identify, on one hand, those that facilitate access for purposes of strengthening and consolidation and, on the other hand, gaps and weak areas/aspects that might need to be addressed. Data were gathered systematically through analysis of a series of aspects that provided the building blocks for identifying the factors. This included, among others, conversations around common crimes perpetrated against women and girls with disabilities, analysis of crimes perpetrated against women and girls with disabilities compared to those without disabilities, analysis of the extent to recourse to justice was available, to victims once perpetrations had taken place. Participants identified, discussed and commented on the various factors. This section reports on the findings.

From the perspective of VFU Officers, the study found that there were high incidences of sexual violence. Data revealed that rape and attempted rape were the most common crimes committed against GWWD. Table 4.6 shows responses from 32 of VFU officers, where they also included occurrence by location.

Table 4.6: Common Crimes against Girls and Women with Disabilities

		Common crimes committed against girls and women with disabilities		Total
		Rape	Attempted Rape	
Location Type	Growth Point	18	1	19
	Town	8	1	9
	Resettlement	1	1	2
	Communal	2	0	2
Total		29	3	32

By far, as argued by VFU officers, the commonest crimes are rape (18 of the responding 29 VFU officers cited it as predominant, featuring largely in growth points and towns). Attempted rape was also identified but with a

lesser degree of occurrence in all areas). These patterns have implications for responsive programmes for geographical targeting.

Buttressing the finding, SPO2 had the following to observe how:

... sexual violence is the predominant cause for victim status of GWWD due to the fact that perpetrators deem the victims as persons who cannot comprehend what has happened to them and that are easiest to intimidate. I can confirm that our crime records show a pattern of most occurrences in areas of high population concentration such as towns and urban areas.

SPO3 alluded to the foregoing but also included domestic violence: She argued that GWWD were more likely to become victims of crime and sexual violence due to the nature of their disabilities. The study sought views of other stakeholders in the justice delivery chain on patterns of perpetrator identity, based on their experience. RMI confirms patterns already seen on main type of crimes against GWWD, as does DSI. Both RMI and DSI identified are sexual violations characterised by rape and attempted rape, domestic violence and assault. "In most instances, GWWD are raped because the perpetrator does not deem that the victim is capable of reporting what happened out of fear of not being believed", said DSI. He further blames the patriarchal nature of the society that records lots of violence in the province also as exposing GWWD to becoming victims of crime.

The essence of opinion among GWWDs agrees with the rest of the other people in identifying main abuse categories as centring on sexual violence. However, they also added other aspects, largely drawn from their experience.

Except for GWDI, knowledge of other prevalent crimes was not widely shared. All were reluctant to delve into the issue, preferring to tell their story around their specific experience. GWDI indicated that apart from rape that she was already a victim of, other crimes included neglect and stigmatisation. She had experienced both. She reflected on what her mother had said to her regarding her physical disability:

We cannot manage to send you to school because it will be a tall order to even transport you there every day. You will have to stay home because since your father

went to prison (for his own crime), no relative is willing to assist in any way (GWD1).

Not only was GWD1 showing awareness of other crimes that were affecting GWWD, narrating how the community had labelled her 'a cripple'. She expressed dismay at another case she had heard of, a case of verbal violence against a mentally disabled woman by her own family and community who regarded her as a nuisance. As a result, the woman even stopped visiting the local shopping centre. GWWD suffer multiple abuses even though only prominent ones like rape come in the open.

Are there any differences in the type of crimes committed against Girls and Women with Disabilities compared to those without disabilities? Emerging patterns, if any, should provide useful leads on the factors that might lead to identification of strategies to change the situation. Court Officials and VFU officers, who come across diverse crimes, were best placed to comment.

In the main, VFU Officers did not think there were differences. An overwhelming 71% responded that there were no differences while 29 % said there were differences. VFU31 suggested that while crimes perpetrated against GWWD are largely similar to those of other girls and women, the intensity was the difference. This is because most GWWD do not come forward to report where those with no disabilities readily come forward.

All respondent categories (Court officials, social services and Community leadership) felt there were no major differences. They unanimously said the crimes were the same. However, from the pattern of cases that come to court, frequency of those with disability is higher than those without. This is due to the perceived ease of perpetration on the GWWD. The interviewed community leader (CL1) appeared to express an opposing view when he indicated, they are the same but in communities, we get higher proportion coming from those without disabilities than the GWWD, maybe because the former already have higher representation in communities. DSD1 notes that the type of community also has an influence, such as the informal settlements and mining areas.

The nature and extent of the disability appears to make GWWDs easier prey for perpetrators. The following narrative amply captures the point:

Sometimes GWWDs are raped and violated due to the nature of their disabilities. A girl who was raped in their rural kitchen was not able to fend off the attacker due to her physical disability that rendered half of her body immobile. Furthermore, an old grandmother in her 80s was raped in her hut by an unknown assailant and was unable to fight off the offender due to her disabilities and frailty that also rendered her immobile due to old age (VFU3).

An attempt to engage GWWD on the issue of patterns comparing those with and those without disabilities yielded little additional insights apart from the fact that they felt their condition made them more vulnerable. It seems to be not about the nature of the crime but frequency, among other variables, occasioned by other contextual variables.

An analysis of perpetrator identities was a useful exercise to the extent that it had the potential isolate them and make it easier to intervene. VFU officers were the first to give their views, based on their experience – who are the commonest perpetrators of violence against and abuse of girls and women with disabilities. Table 4.7 shows the responses.

Table 4.7: Commonest perpetrators of violence against girls and women with disabilities

Perpetrator category	Frequency	Percent	Valid Percent
Relatives	20	58.8	83.3
Other people in the area	4	11.8	16.7
Total	24	70.6	100.0

The response shows that of the 24 who responded to the question, 83.3% pointed fingers at relatives of the victim while the remaining 16.7% said it was other people near the victims. This reflects a general conviction, based on their experience that perpetrators usually emanate from the immediate environs of the victim. Speaking to some of them further, there was an indication that even if the perpetrator was so geographically close to the victim, the perpetrator may remain “unknown” because they are good at disguising themselves; such as by committing the crime under the cover of

darkness or attacking a blind victim knowing well that they cannot be seen. Resultantly, the victim may never be able to identify the perpetrator. VFU3 refers to two cases of GWWD that were abused by unknown perpetrators. However, the men were from within the vicinity of the victims. The perpetrators had gathered information about the whereabouts of the victims and concluded that the caregivers were away before they pounced on their victims. This raises the further question about the practicality of the caregiver sticking around the victim at all times. Whatever the answer to this question, the fact remains that leaving the girl or woman with a disability alone creates conditions conducive to perpetration of the crime. Invariably, lack of knowledge of who the perpetrator is hampers prospects of access to justice. VFU4 narrated the case of an old blind lady who was raped by an unknown assailant. Although she was able to receive some services (treatment), the perpetrator was not brought to book because she was never able to identify him.

An interview with SPO4 revealed a similar pattern (perpetrator from within) but in a case of gender-based violence. The case goes thus:

Perpetrators are in some cases from within the immediate family setup: For example, a husband who repeatedly physically abused his wife who had a physical disability. Because of perceptions that this was an internal domestic issue, the case was never reported" (SPO4).

This assertion is further supported by the following:

, surprisingly, emanate from within the victim's family, one case being that of a father in the area who, over a course of 10 years, sexually violated his daughter repeatedly. This was due to superstitious beliefs that bedding a person with mental disabilities would enhance his wealth. She conceived 3 children out of the years of abuse and this is when suspicions arose and the neighbours made a tip off to the police (SPO3).

SPO3 further observe that the perpetrators of crime against GWWD are always in their immediate environment, "such as neighbours who know the family setup well and are often in contact with the victim". She goes on to argue that "GWWD are often victims of crime due to the fact that they are

left unattended for long periods of times which makes them susceptible to abuse”.

A related though different dimension emerges in the following testimony:

In some cases, GWWD do not report violence against them due to the fact that they depend on the perpetrator for survival. Her father repeatedly raped a young woman over the course of years. Out of this series of abuses, three children were born. She did not report to the police because she feared she would be chased from home and not have anyone to assist her. The case luckily was brought to light by members of the community who anonymously reported the case to the police” (VFU2).

The issue of the pattern of perpetrator identity came up for discussion in conversations with GWWD. Their contribution on this issue was limited by the fact that they did not have a pool of examples to draw from, as theirs may are the only experience. Nevertheless, they provided useful insights to the question based on their beliefs and some shared stories that they had heard of by people they often came in contact with. All the six in-depth interviewees made their contributions: GWD1 believes that the perpetrators of crime were rarely persons that are unknown to the victim of the crime. Sharing her experience, she indicated that the perpetrator was a person within her own village, though still unknown because the crime was committed in a dark hut at night:

I do not know who raped me, it was dark and they gagged me so that I wouldn’t scream for help: They were careful not to speak lest I identify the voice. The perpetrator took advantage of the fact that my mother was not at home and this has to be a person we know who knew that my mother was not home that night (GWD1).

GWD2 affirms GWD1’s position. She told her story through her caregiver, thus:

I was raped by a boy from our village who usually herds cows. He called me to follow him from our house to give me sweets that he had bought for me; he raped me in the bushes whilst my mother was at work. Upon returning home, my mother noticed that something was wrong and I told her what had happened. At this point she took me to the hospital, then to the police station (GWD2):

GWD3 also affirms the notion that the victim and states usually know the perpetrator:

I was raped by a prominent person whom everyone looked up to in my community. Pretending to want to offer me a job, he invited me to his show: Upon my arrival, he asked me to come to the back of the shop where he raped me and threatened harm if ever, I reported. I did not report because I feared him. I also knew no-one would believe me. People call me names such as dumb and mad and I was afraid none would help me or hear me out (GWD3).

There seems to be a consensus amongst the survivors that persons within the community were the main perpetrators of crime against GWWD. In some cases, the perpetrators assessed the routines of their victims and preyed on them when no one else was around. WWD1 is an example:

"I was sexually violated by my neighbour when I had gone to fetch water for me and my sister. The perpetrator usually greeted me on my way to fetch water every day. I thought he was a friend because he was always so friendly to me. I never thought he would do anything like this. When it happened, we were close to the river bank and he told me not to tell anyone. In fear I told my sister what had happened and she took me to the police station" (WWD1).

A 17-year-old boy within her community similarly sexually violated WWD2;

"A boy from my village saw me when I was bathing by the river and he called me to a secluded area where he raped me and gave me a sweet so that I would not tell anyone. I usually waited for him by the river so that he could give me another sweet. My stomach started growing that is when one of my neighbours took me to the police. The police took me to the hospital and I was told I was going to have a child. I was kept there until I had my child and my sister took her away. The police questioned me about who the father was and I did not know. They brought a lady who asked me who I was playing with and I told her about the boy" (WWD2).

This story has its own peculiarities. It depicts a victim whose mental age was below her actual age, an indication that in such instances, commitment of the crime is made easier and the victim was also unlikely to remember the perpetrator.

WWD3, who was violated by a neighbour, shared her story with a similar theme:

"He called me into the maize field and told me to lie down. I did so because he was a person I knew and then he raped me. It kept on happening on many occasions.

When I felt pain in my private parts, my mother took me to the hospital. At the hospital I told my mother what had been happening and she took me to the police station" (WWD3).

This section concludes with a summary of various emergent issues. While there may be instances of perpetrators being unknown, the general pattern of the findings is that it is someone within the immediate (home) or surrounding environment. The issue of disguised perpetrators also emerges, either taking advantage of the environment or the severity of the disability (blindness, hearing impairment or a low psychiatrically evaluated mental age compared to physiological age) to perform acts of abuse.

After all the background issues, the discussion finally centred on the critical issue: the factors affecting access to justice for girls and women with disabilities. The factors would be expected to comprise of a combination of enhancers to access and barriers against access. All groups gave their insights from their perspectives on the issue of factors.

Court officials and police shared their perspective about the facilitating factors:

The Regional Magistrate was the first to testify:

"The first point of reference is the enabling legal framework that is in place. The introduction of the Victim Friendly System is a major enabler of access to justice. Not only is there now coordination among the various arms but also clarity on the roles of each. Alongside this is the Victim Friendly Court itself, though generic in a sense because it is not targeting GWWD but all women that come for such cases in court. At our level is the introduction of the interpreter in court, especially that of sign language. This has enabled those who come to court to present their cases in sign language. The main challenge at the moment is that these interpreters are too few for the courts. At times we have to postpone cases because they are attending to another case in a different place. Besides, they are not always able to assist effectively because of the differences between the court and 'home' sign language variations. Relentless training, especially if at times rooted in communities would equip them more, meaningfully for their task" (RMI).

The police added:

"We still have our systemic challenges as a component of the Victim Friendly System. However, the creation of the VFU on its own was a step in the right direction. Through trainings and provision of some relevant equipment, we are now better equipped to manage GWWD victims. The movement within the service is

still a drawback. We hope the position will become more established to guarantee continuity of effective service" (SPO2).

Practices introduced by the Victim Friendly System also facilitate access to justice:

On realising the community was disempowered in terms of knowledge and awareness, the system introduced the concept of multi-sectoral awareness campaigns in communities. This ought to be, and indeed are, undertaken jointly by the police, court officials, civil society and communities themselves. This has had positive effects with communities coming out with more cases and the previously 'hidden' cases with disability coming out in the open. Although there is a general improvement in turnout of disabled among participants, there are a lot more left behind a home, denying them the privilege of attending these meetings. Besides, these activities are marred by inadequate resources, including finances and manpower to execute them (SPO5).

DOI chimed in from a related perspective:

We have seen an improvement in how courts and the police are handling GWWD victims following sensitisation training on disability issues. The main challenge is that you do not get consistent participation because courts are short staffed." (DOI).

The story of factors affecting access to justice cannot be complete without the voice of the GWWDs themselves. The question put to them was identifying those aspects that facilitated or hindered their access to justice. One GWD, who had been a victim of rape told her story:

"Although my case has not been finalized due to failure to identify the perpetrator, I can speak about aspects of the road to justice that I see as highly promotive of access to justice. After the rape, the police were supportive as they took me to a disability organisation that helped me with transport and money to travel to the hospital where I was examined for disease and pregnancy (PEP). The hospital staff were very helpful as the examination and report were produced in no time. This did not stop the pregnancy". The case could not proceed to court because the perpetrator had committed the crime under cover of darkness (GWD1).

Many issues arise from the excerpts. On one hand is a system that still faces challenges for effective delivery, mainly arising from limited resources. On the other hand, is some element of conviction that even though their cases may not have gone all the way, those aspects do greatly assist them in accessing justice, albeit partially.

Various factors that stand in the way of justice can affect access to justice. The VFU officers identified factors they thought stood in the way of access. Figure 4.1 shows distribution of their responses.

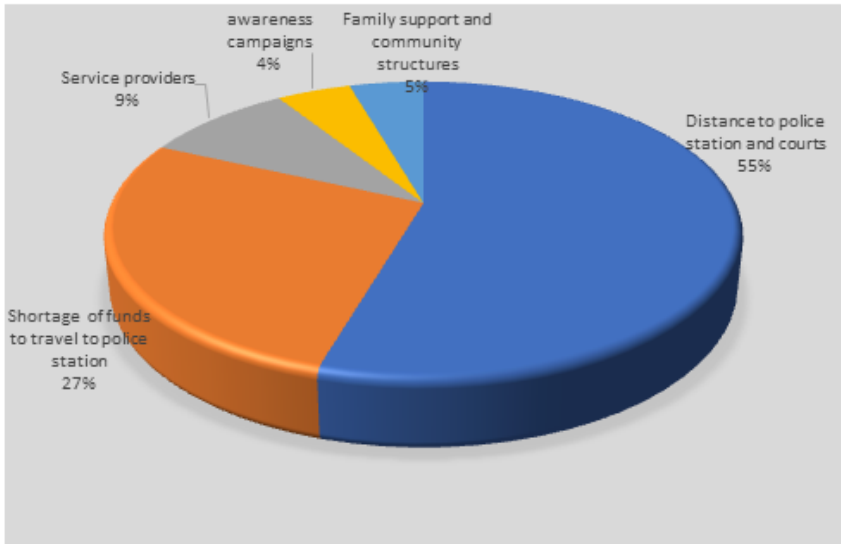


Figure 4.1: Barriers to access to justice for GWWD

By far, the majority of VFU officers (55%) consider the biggest barrier standing in the way of GWWD access to justice as distance to relevant service centres, including police, clinic and the courts. Distance to the services varied with location. However, with most of the courts located in urban areas, while the larger proportion resides in rural areas, this places such service out the reach of many. As argued by RMI, even if the distance were to be cut short, it must not be forgotten that these are people with disabilities where movement out of the home already puts a strain. The GWWDs unanimously pointed out that distance to services discouraged them from even trying to take up their cases. Contributing to the discussion about distance as a barrier, DOI said,

“except for urban areas, the service centres are usually not in the same place, meaning separate journeys for each service. The distances factor becomes a barrier to justice services”.

With distance to access justice services as a major barrier, the need for suitable logistical support becomes paramount. Such support is not available in adequate measure and this includes transport and, as argued by 27% of responding VFU officers, inadequate funds to support GWWD travel to police stations, clinics and courts that are already long distances away from their homes. Other data generated from the same VFU officers' questionnaire responses, shows that lack of finances had a 70.6 % influence on whether GWWD are able to access justice. The inadequacy of funds is largely due to what SPO2 blames on impoverished backgrounds. Given the concerns about how poverty might impact on access to services particularly to justice, VFU3 also argues that it is important to note that most GWWD come from poor households where they can barely make ends meet, let alone afford transport costs to attend court. He believes that most cases go unreported due to the financial implications that may arise. The participants further stated that due poor backgrounds of the GWWD and particularly in the current difficult economic climate in Zimbabwe, some caregivers may opt to be paid damages or compensation in lieu of reporting the case to responsible authorities.

During in-depth interviews, GWWD survivors confirmed that they lacked transport money, a situation that ends up preventing them from even trying to seek these services. DSDI reflected on past experience where the Department of Social Development would avail travel warrants that would enable witnesses to board buses free. However, with the absence of suitable transport and withdrawal of that facility, commuters have now been left to the mercy of private transport operators who charge exorbitant fares. One of the GWWD survivors put across the effect of this barrier very strongly, and indicated,

“Remember, for us to travel away from home, we need the accompaniment of another person, who equally requires transport and food money. It ends up a double cost. This is too strong a barrier to surmount” (WWWD2).

In the context of low knowledge dissemination, the result is limited awareness of issues of disability, abuse and how those affected can, at the very minimum, try to access the services. Community and family levels were singled out as the most ignorant in terms of awareness. Out of such ignorance, vices such as lack of reporting begin to creep in.

It was established that GWWD lack information concerning their rights and the procedures to follow when making a report to the police station was prevalent. In some cases, due to the lack of comprehension or lack of adequate knowledge GWWD do not know how to respond to crimes committed against them. In support of the results is LCDZ (2015) which observe that "GWWD often lack adequate information on how to respond to such attacks".

A member of the VFU elaborated;

"GWWD may not have access to knowledge about their rights due to the fact that some of them come from very poor families who are not able to afford fees in special schools and in some cases in any schools. Some children with disabilities are hidden away in homes for their protection and they are distanced from any knowledge of their rights or how to report if something has happened to them" (VFU6).

While the family and community bear part of the blame for delaying and denying justice, especially when cases are reported late or not reported, service providers are not entirely innocent. The VFU bemoaned service providers who at times "sleep on the job". At times medical examinations are conducted late, long after the 72 hour-threshold for administration of post-exposure prophylaxis. Medical evidence is lost and the report cannot stand in court, thus denying the victim recourse to justice. There were instances when courts have also made unfeasible demands for testimony by witnesses, even where the witness, such as the blind or the deaf have limitations in testifying.

Community level barriers usually arise when a community does not report cases involving GWWD. As argued by VFU16, this is largely rooted in the marginalisation and dehumanization of GWWD in communities, especially those who roam around or are dirty. It is further argued that, in some instances, cases reported are not usually the first offense committed against the GWWD but those that can be proven. Concerning the case of WWD2, *"if she had not fallen pregnant would any report are effectively made?"*, VFU4 asked. At times failure to report emanates from deliberate efforts to protect the perpetrator who may have promised compensation or out of fear of reprisals

from the perpetrator and/or his family. As a result, victims are denied their right to justice.

VFU1 observe that, in some cases, the community offers anonymous tip offs when crimes are committed. He provides the example of one such case where the community raised an alert of a woman with disability who had repeatedly been impregnated by an unknown perpetrator. Since she was born with a mental illness, she was protected by the mental health act. After the tipoff, the matter was investigated and the father was found to be the perpetrator. However, in most cases, the community feared being labelled as sellouts or gossipers hence rarely reported cases especially those involving GWWD.

An Officer of the Disability Organisation DOI observe that, for children with disabilities the incidence of such abuse is high, especially among those with hearing, speech or intellectual impairments, as they are perceived as not comprehending what the perpetrator has done. The above responses pinpoint that, children continue to be exposed to high levels of abuse despite many policies, legislatives and programmers that raise awareness and the importance of protecting and promoting human rights of all individuals, particularly for women and children.

Structural barriers exist in two forms; physical accessibility issues and other structural issues in an existing system, such as judicial: VFU3 observe that,

Some structural barriers exist in the physical sense due to limited disability friendly modifications at some police stations and the physical location of some such as the Wemahu (not real name) station make it difficult for a person with a wheelchair to access, due to its location on a hill (VFU3).

Such physical barriers meant that persons with physical disabilities would not be able to fully access the service they seek. This also makes them feel uncomfortable and intimidated. In an effort to make them accessible, physical modifications are made but it was also found that they were not of the recommended standard due to construction deficiencies in the context of the economic situations that often cause hastened and shady work

Other structural barriers made reference to existing 'roadblocks' that are dominant in patriarchal set-ups in which GWWD exist. These come in the form of traditional justice system structures and court processes. Patriarchal structures, as argued by VFU2, allow for GWWD crimes not to be reported but for resolutions to be made by men, rendering the GWWD voiceless in the process. Structural barriers also exist in modern court system where accessibility is limited for persons with disabilities, they are often misunderstood due to stigmas associated with disabilities.

In its report for 2015, the Disability Organisation participating in this research reported that girls and women with disabilities, particularly those with intellectual, hearing or speech impairment, were often vulnerable to violent attacks and sexual abuse. They reportedly found it difficult to access justice for a variety of reasons, including difficulties in making themselves understood. For example, police stations do not generally have officers who understand sign language. Such lack of sign language interpretation and communication aids throughout the justice system can prevent women with disabilities from moving a complaint through the justice system. Meanwhile. Court officials reported the shortage of sign language interpreters compared to the volume of cases running in the courts. Thus, the communication barrier can be an impediment to accessing justice for GWWDs.

The language barrier could not have put more accurately than by the disability specialist. He outlined the major barrier he meets in his line of work as lack of effective communication; He states,

"The major challenge I face with victims particularly those who are deaf and dumb is that most of them have not received any form of formal sign language training; they have unique sign language communications that they have learnt at home over the years and this in some cases is difficult to decipher" (DSI).

Court language can be very technical to a point where the ordinary person, even without disabilities, find difficult to understand. Unless the system has someone patient enough to explain, the witness's right to justice is compromised.

Given the seriousness of perpetrations Nationally and in the province, the task of ensuring up-scaled and sustainable initiatives need not be over-emphasised. However, it is emphasised that neither the Government on its own nor other players can win this fight. A collective effort is needed. This section takes a look at the roles of different players and allows participants to evaluate their delivery effectiveness. It is feedback coming through findings of such studies that serves to prompt action to address those gaps. Considered under this section are roles of Government, the specific structures set up to manage issues of abuse and delivery of justice, Victim Friendly System, Civil Society, Communities and families. It also takes a look, albeit briefly, at the role played by GWWD themselves.

The role of the Government of Zimbabwe was eloquently articulated by court officials and the police. Given their functions as arms of the state, it was logical that they were best placed to understand that role, particularly the bigger picture role.

The Regional Magistrate (RM1) and Senior Police Officer (SPO1) provided a detailed narration to the effect that issues of disability, coupled with the related issues of perpetration of abuse had assumed global proportions. The development of various instruments and protocols on these issues, they said, were a demonstration of global commitment to the response. It then becomes the challenge and duty of Government to follow this u: ratify and make efforts to domesticate into national legislation. Among other instruments, the Government of Zimbabwe has, at different times, ratified the United Nations Convention on the Rights of the Child (1990), the Convention on the Elimination Discrimination among Women (CEDAW) (1991) and, at regional level, the African Charter on the Rights and Welfare of the Child. While issues of disability are implied, the international community saw it fit to come up with one instrument targeted on disabilities; the Convention on the Rights of People with Disabilities. Zimbabwe has gone on the embrace and ratify the same (2013).

The study found that Zimbabwe has gone further to develop national laws and policies and that include the Zimbabwe Constitution of 2013 in addition to earlier laws such as the Mental Health Act of 1992 to address the plight of

vulnerable groups in society. The Government also introduced programmes to operationalise the laws. These include, among others, the National Case Management System, a way of organising and carrying out work so that children's cases are handled in an appropriate, systematic and timely manner, the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe of 2012 (to deal with response to increasing cases of perpetration of abuses) and the Victim Friendly System to directly deal with cases of violence against women, including girls and women with disabilities. All these efforts go to show the role of Government as leading the way in terms of providing a response framework within which implementers can confront the problems. At the lower end of the respondent spectrum, and GWWD themselves, while acknowledging that important role, bemoaned the 'less than enough commitment' to see these through in terms of adequate resource allocations.

By far, the most organised structure in the justice system, designed by Government of Zimbabwe with the support of Civil Society Groups, is the Victim Friendly System. It brings together the courts, the police, Health services and the broader communities with the overall defined role of ensuring the protection and active participation of survivors in the criminal justice system, including girls and women with disabilities. Apart from documented evidence in the protocol, there was a general understanding coming out of the discussions with the different target respondent groups (RM1, DSI, SOs, VFU Officers, DOI, DSDI) and, to a lesser extent, the Community Leader and GWWDs themselves. The specific roles would be better understood via a close look at each of the key components of this Victim Friendly system.

These have the overall national mandate to try suspects in cases brought to them, and, if found guilty, sentence them. RM1 indicated that, often, this follows arrest of culprits by the police and gathering all the evidence, including Health affidavits, needed to adjudicate over the case. This shows that there is interdependence of functions for cases to be processed. As RM1 indicated,

“Of course, we are human and errors can be made from time to time but we do not judge cases on emotions but on evidence. This is where we are misunderstood by the public when we release a suspect on the basis of no or insufficient evidence” (RM1).

For all vulnerable witnesses, including minors and those with disabilities, the courts have special provisions and arrangements the purpose of which is to make the court atmosphere as friendly as possible, including modification of court, police stations and hospitals to ensure accessibility for persons with wheelchairs. Diverse programmes were already running to enhance access to justice for GWWD in Zimbabwe as a whole and in Mashonaland province. The Regional Court in Bindura, for example, has made progress to accommodate the GWWD to access justice. They have introduced measures that are pivotal to the development of trust in the court processes to ensure victims who are GWWD are more comfortable in the court space. Provision of a sign language interpreter at the Regional Court as a flagship initiative depicts the initial strides made by the institution to lift essential barriers such as communication between themselves and the GWWD. Modification of the buildings to include wheelchair ramps also curtails the 'alienation' of GWWD from a justice system that had previously not accommodated them.

The study found consensus that strides were being made to enhance and ensure access to justice for GWWD. However, these efforts barely sufficed due to loopholes in the system and demand for support from a system that is not fully capable or ready to do so. They pointed to the need for additional measures at the practical level, otherwise justice suffers a still birth or is miscarried. Besides, the GWWD themselves need to understand the reasons behind decisions that the court makes. WWD3 had this to observe how:

“We are not always saying that the court is wrong. At times we do not understand why the suspect is released, for example, as no one takes the trouble to explain. When we suddenly hear or see the perpetrator back in the community, we think the court has failed. Those things that they do not explain would go a long way to educate us for future cases” (WWD3).

Besides court processes, the courts have other roles to play in the justice delivery system to educate and bring general awareness about the system. In addition to attendance of Victim Friendly System coordination meetings, the

officials indicated that they participate in trainings conducted by the system and carry out community outreach alongside their counterparts such as the police, health and social welfare in an effort to improve access to justice for these vulnerable witnesses.

As argued by SPOs and VFU officers, the police were mandated to provide surveillance services on any acts of violence against women and children, particularly sexual offences and domestic violence. It carries out this function through VFU officer, who are personnel specifically trained to handle vulnerable witnesses. Once cases are reported, they carry out investigations, arrest of offenders, compile dockets and make necessary referrals. According to the VFU18,

The critical aspect of our role is to ensure that the reporting environment, during investigation processes, is conducive, private and friendly and that confidentiality is maintained throughout. This is why we are christened the Victim Friendly Unit. The proper performance of such a function comes through exposure to training (SO4).

The performance of this role has often come under heavy criticism from communities who feel that VFU officers have remerged on their promise of keeping investigations friendly and confidential because they are being subjected to all forms of influences, including bribery and corruption. VFU officers themselves attribute underperformance to other reasons:

We experience all sorts of criticism but the public does not appreciate that we work under extreme hardships, including lack of resources (money, transport, stationery) to get to sites and do our job. Besides, the VFU position is allowed to be loosely defined, like any other policing duty. As a result, the officers are deployed to any other duties outside the station and when cases are reported during their absence, they are handled by any other officer who may not be knowledgeable about VFU principles (VFU18).

When questioned if there were any limitations that the VFU encountered when assisting the victims. It emerged from the results that access to essential services was a major hindrance to a majority of the victims as they came from poor backgrounds. VFU1 stated that the most prominent

limitation in accessing justice for GWWD was of financial nature. He added that most of the disabled victims came from impoverished backgrounds and this limited their access to essential services.

On the other hand, VFU5 felt that the role of the VFU officer was to play a guiding role in the process of seeking justice for victims of crime. VFU2 went further to support the statement, stating that the role of the VFU officer was to be the first port of call to reports; they are the face of the policing force when it comes to victims of sexual violence and they are expected to handle all cases with due care and diligence to ensure that justice is delivered swiftly. SPO2 reiterated the above and stated the following,

“As an arm of the law the role of the VFU officer deals with cases of a sensitive nature. Due to the sensitive nature of crimes committed against GWWD they have some interruptions in accessing justice for this group due to many unique demands that each case presents. He observes that, in such cases apart from the presence of a caregiver, officers are faced with challenges in communicating and in understanding the complex nature of some disabilities. An officer who may be well meaning may pass as aloof and cold due to being uncertain of how to act around a person with disabilities particularly GWWD. Indeed, they may be well informed but may come across as not caring yet they may have never are trained to and assist GWWD.”

This category was not part of data collection. However, their roles were well articulated by their counterparts in the Victim friendly System: The Magistrate, police, Social Development and the Disability Organisation. As part of their contribution to the management of violence and sexual abuse survivors, they were reportedly meant to provide medical services that included free medical care and support such as emergency medical examinations, enabling survivors to secure medical affidavits to as part of evidence in court. This also included psychiatric evaluation for those with mental disabilities to establish whether they can give statements in court. These services help not only to mitigate the negative health effects arising from the sexual violence and abuse experience but also the medical evidence needed in court. These services were reportedly more available after nurses were authorized to assess and issue medical affidavits which only doctors could previously provide.

From inception of the system, the groups were part of the proceedings as Women's pressure organisations and other rights activists strongly agitated for the system and worked collaboratively for its inception and establishment. Lobbying and advocacy are part and parcel of their role and so was taking the role of supporting both the other components and the survivors.

The case of GWDI, captured elsewhere in this report also underscores the important role CSOs play in efforts to access justice. After the rape, the police are said to have taken her to the Disability Organisation that is part of this study. The organisation stepped in to support with transport and money for visit for examination at hospital, where the hospital team was reportedly very helpful. Even though the post-rape pregnancy could not be stopped, the intervention helped to prevent other infections. The case is still pending as the perpetrator, who came under cover of darkness, has not been identified.

Civil society groups, including Non-Governmental Organisations and Community Based Organisations are involved as funders of training and other coordination meetings. The study established that the VFSC stakeholders and partners in Mashonaland Central Province went to great lengths to ensure awareness creation on human rights issues, GBV and other forms of violence at community level. Although awareness creation in this context was facilitated and spearheaded by the police VFU, the execution included all elements in the system, communities and civil society organisations and other partners, who also took it upon themselves to provide funding when Government was not able to do so. They have also provided technical support such as identifying and supporting experts to support the system (DOI).

Although this cannot be attributed solely to Civil Society, the findings on the issue of networking and collaboration showed that the strategy had been largely used due to the referral system initiated by the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe of 2012. The networking of government, civil society, and private stakeholders was borne out of the notion that their roles would be largely complementary. Findings showed that, collaboration and networking should be prioritised by members of the VFSC to ensure a smooth flow of referrals and a hastier

response to crimes. The key challenges found to be associated with networking with the Government officers was that of bureaucratic delays at different levels and over-reliance on the civil society component. Networking and collaboration of key partners in the VFSC ensured that all members were roped in from the implementation of any changes, and that they were involved in all sensitisations and trainings on disability that in turn enhanced their scope on disability issues.

As argued by VFU5 appreciated the role of NGO partners such as disability organisations. Once a case is reported to them, this eased the process because they have skills to counsel and render other services. VFU Officers at times fail to assist because of their “disability awareness and skills to adequately handle cases with GWWD.”

As explained by a senior police officer,

“The experiences with partners and fellow stakeholders in handling GWWD cases are varied but mainly play a positive role in accessing justice; from provision of interpretation services, disability expert services and support person services. The role of these disability Organisations is paramount. The main limit to such support from external actors is when funds run out or programs end, such as when Leonard Cheshire funds were running out last year (2019). Decentralization of service provision from partner organisations allows easy access to justice where players such as Justice for Children Trust assisted those failing to attend court cases because of lack of funds. Other organisations such as Roots also assist within the province. An example is of a case in Mushumbi when a deaf and dumb girl was beaten by the father, they provided a sign language interpreter, funding for medication and assisted the girl to relocate to Mazowe where she stays with her sister” (SPOI).

From the foregoing narrations, one gets the impression that even if funds to support GWWD are at times unavailable and inconsistent, civil society remains an important ally in the delivery of justice to women and girls with disabilities.

NGOs play a pivotal role in assisting communities especially from impoverished areas with many essential services. The findings of this study

show that NGO actors played a vital and complementary role to their (VFU and Senior Police Officers) efforts in ensuring access to justice for GWWD. SPOI observe that, NGOs have played a pivotal role in supporting access to justice for GWWD by providing a financial support structure for GWWD in need. This came as a response to a growing need for transport fares to access basic services for GWWD and their caregivers including but not limited to accessing hospital services, for psychiatric evaluation, transport fares to and from court and provision of a support person or disability specialist.

As argued by SPOI, NGOs also provided a communication structure that helped lift communication barriers by providing support of persons and disability experts who could help to decipher what was being said by the GWWD victim to the medical experts or in court. The study found that such actors, promoted the tenets of the HRBA and Transformative paradigm through pushing for justice procedures to continue by provision of skilled disability experts. As argued by SPOI breaking down the existing communication barriers was a "game changer" and made it easier to comprehend what GWWD with hearing impairments or mental challenges want to put across.

RMI observe that NGOs have helped by breaking down barriers in the courtroom and by sensitising the VFSC on issues to do with GWWD and disability. One such organisation is Leonard Cheshire Disability Zimbabwe (LCDZ), who often sent their staff to conduct sensitisations of the VFSC on GWWD unique needs and what needs to be put in place in terms of policy and legislature to assist GWWD. RMI observe that it is out of such initiatives and need that a permanent sign language expert was placed at the Bindura Regional Magistrates Court to ensure that those with hearing impairments are assisted including modifications to the courtrooms through provision of wheelchair ramps to reduce physical barriers when seeking justice.

Although these categories may appear to occupy the lowest rung of the justice delivery ladder, they are the first line of defence to the survivors. They live with the survivors and experience a strong interface with them. They can do much on the preventive side by taking measures such as not leaving GWWD

alone and generally being vigilant on who visits. When an abuse of a sexual nature is perpetrated, they can also do much by promptly reporting the cases to the relevant points of the system. The lack of capacity to do so remains an issue of concern. At times they have no phone or airtime to facilitate reporting and lack of means to travel is also a major constraint to reporting.

The role of the survivor entails reporting to the caregiver or take such measures as screaming in the event of an attack. This study ascertained that the value of awareness creation was acknowledged across the board when it came to participants. The idea is that if knowledge is not disseminated amongst the community and target groups, violence and abuse would continue to take place without any knowledge on how to prevent report or even mitigate it. However, the findings also showed that communities, families and GWWD themselves were the least knowledgeable of measures that existed to ensure access to justice and there was predominantly no knowledge of key stakeholders until they had been introduced to them.

Perceptions of the 'access to justice' determine how seriously stakeholders take the issue, especially as it relates to girls and women with disabilities. This section explores these perceptions around three key dimensions of access: meaning of access to justice, achieving access and actions to enhance access to justice. This section looks at the views of girls and women with disabilities and those of other stakeholders.

The question of access to justice was included as part of the in-depth interviews undertaken with each of the GWWD (GWD1, GWD2, GWD3, WWD1, WWD2 and WWD3) that were core subjects of this study. A scenario that would enable meaningful responses, triggered the discussion. **The scenario:** *If you, or anyone in your situation, were to get abused (such as being raped), what needs to happen for you to observe how: you have had access to justice?*

Diverse responses came up: each of which brought a different perception as to what access entails in the context of perpetration against someone with a disability. This discussion highlights the six responses obtained:

GWD1	"When you get the opportunity to have your case taken up through the police to the court, with minimal impediments, culminating in fair trial and perpetrator sentence".
GWD2	"When the magistrate has sentenced the abuser to a long prison term".
GWD3	"When the abuser is caught and dealt with severely so he does not repe.at again"
WWD1	"When the conditions in the processes permit your case to be heard".
WWD2	"When the child who is raped gets treated so that she does not get sick and the abuser also gets arrested".
WWD3	"When you get to be assisted, including compensation, to get your life back to normal".

These look like simple stories but they illustrate different angles of the access to justice concept. The six GWWDs, all survivors expressed the following sentiments.

GWD2 considers access to justice as achieved when a sentence is meted out to the perpetrator who has committed the abuse. This response does not devote time to the process that gets the case there; neither does it look at the survivor of the abuse. This is likely triggered by emotive reactions concerning the perpetration, hence the reference to a long sentence. Both RM1 and the police think this is a rather narrow perception precipitated by the traumatic experience during the perpetration of the crime. They argue that this does not suggest that other players in the delivery of justice are unimportant. Rather, it focuses on intensity on the survivor.

GWD1 appears to have a broader view of the justice system. She brings in both the survivor and the perpetrator in the equation (having their case taken up and perpetrator sentenced). Besides, she identifies the police as one station on the route to court. She omits the medical services for the medical affidavit that needed in court. Aware that there are often impediments en route to the court, GWD1 speaks to minimal impediments and fair trial.

GWD3 does not observe how: who catches the abuser and how that abuser is 'severely dealt with'. These are implied notions but puts stress on the severity of the punishment ... so he does not repeat again.

WWD1 is fully aware that the ultimate destiny is for the case to be heard but wraps a lot under process conditions. This emanates from challenges experienced on the way.

WWD3 takes a focus on the survivor and only makes an implied reference to the perpetrator. Compensation envisaged is not clear what but reference to RMI revealed an option usually not taken by survivors - approaching the civil courts to claim damages. There was an admission that this was not taken largely due to ignorance or for fear of the experience of the courts. DOI argues that,

“... Survivors generally do not exercise that option because they either do not know about it, or due to the costs involved or some are so afraid of the court system that they want to go away from them as quickly as they can. This is a case where awareness falls short in its curriculum content” (DOI).

DSD1 also comes up with the Social Development Dimension where assistance can come in the form of counselling that should normally be provided at pre-trial and post-trial stages. As argued by DSD1, the situation gets worse when the perpetrator is either acquitted or released after serving their time in prison and comes back to the community. Survivors are not only psychologically tormented but live in perpetual fear of repeat ‘revenge’ abuse.

WWD2 provides the last response, suggesting the victim to be a child but also recognising access to justice can go via a health facility but ending to perpetrator incarceration. The police are implied but not mentioned. Could it be that she has known previous victims to be mostly children?

Emerging from this analysis is that perceptions of what constitutes access to justice are varied and depend on the survivor’s experience. The perceptions range from a sole focus on the perpetrator, or on the process or on the survivor. As argued by all other stakeholders, justice is about the entire range of services for survivors of sexual violence and abuse (community, clinic, police, social welfare and the courts). This is also supported by the Multi-Sectoral Protocol Multi-Sectoral for the Management of Sexual Abuse and Violence in Zimbabwe (2012).

An equally important perceptual dimension was whether, in the view of GWWDs, access to justice is being achieved. This was a fundamental question and in the main sought to collect the views of GWWDs, based on their experiences. In making the assessment, one must be mindful of the protocol as a generic document with little reference to disability. So, the question does not stop at access for women and girls but those with disabilities. By virtue of their place in the 'access to justice' discourse, the GWWDs deserved to take centre stage in relating their post-perpetration experiences.

GWD2 is of the view that there is no justice for GWWDs. This contention is borne out of the fact that her experience with the justice system was traumatic and the perpetrator was not charged. She has this to observe how:

"... The system failed me because I have not received any justice. I was discriminated against at the police station because of how I look and my disability. In courts there was no one to assist me with interpretation and therefore my experiences were not heard. I feel robbed and believe that the perpetrator should not be set free... I think there was foul play because at some point the police said the docket was missing, only to be found later".

GWD1, also bases her assessment on her unique circumstances;

"I feel justice was not served in my case due to the fact that the perpetrator, whom I believe lives within my local area, is still at large and unknown. Lack of knowledge on where to go for help and fear of discrimination of being labelled by the community as 'the disabled girl who was raped' is also intimidating when it comes to reporting crime".

GWD3 underscores what GWD2 already stated to the effect that "justice was difficult to come across for girls with disabilities due to fear of not being believed and being discriminated against".

WWDs did not observe how: much about whether or not they thought there was access to justice. For once, WWD2 believes the justice process was fair and she was given access and full hearing, leading to the arrest and incarceration of the perpetrator. No reference to her own situation after arrest and imprisonment were complete. However, WWD1 believes the justice process is "riddled with problems, the main complaint being that her child

was taken away from her on grounds of perceived incapacity to take care of the child". For WWD3, it was a denial of justice due to the fact that the neighbour was released.

So, the question is: is access to justice possible and is it being enjoyed appears to yield, in the view of the GWWD participants, the answer is in the negative. This is an area that might require research with a larger sample to get a more comprehensive perspective.

Although GWWDs seem to agree that access to justice is not being realised, this study found that other participants had different views. Access is at the heart of this research. Given its bearing on the right to justice, an understanding of police perspectives and insights was considered a key enabler of meaningful engagement with how access to justice is supposed to be for GWWD. VFU officers provided insights on what they considered the good and the bad aspects of the justice system in relation to GWWD. SPO2 stated in an interview that,

"The process for accessing justice for girls and women with disabilities has started, but we are still far from achieving an all-inclusive justice model" (SPO2).

On the same question, VFU26 went on to give a brief list of challenges the VFUs faced in aiding GWWD to access justice,

- 'Access to justice for girls and women with disabilities is limited due to the lack of knowledge on how to communicate on both sides of the scale (the police and the victim). Officers are faced with the challenge of not having being trained for specialised communication with disabled persons. There is need for sensitisation and trainings to better communicate with girls and women with disabilities who are victims of crime;
- The VFU in the district and province at large face challenges with sourcing transport for victims of crime. It is particularly difficult travelling with persons with disabilities without reliable transport or funding support;

- Information does not travel freely when it comes to issues of abuse of girls and women with disabilities. This is both sensitive and highly secretive.

Although this study ends up with recommendations in chapter six on how the justice system might adapt to make it more accessible for GWWDs, it was important to get a sense of measures that different categories of participants think should be taken to improve access to justice for girls and women with disabilities.

One category that expressed their views was VFU Officers, even though less than half of them responded to the question. Figure 4.2 shows the distribution of responses by recommended action.

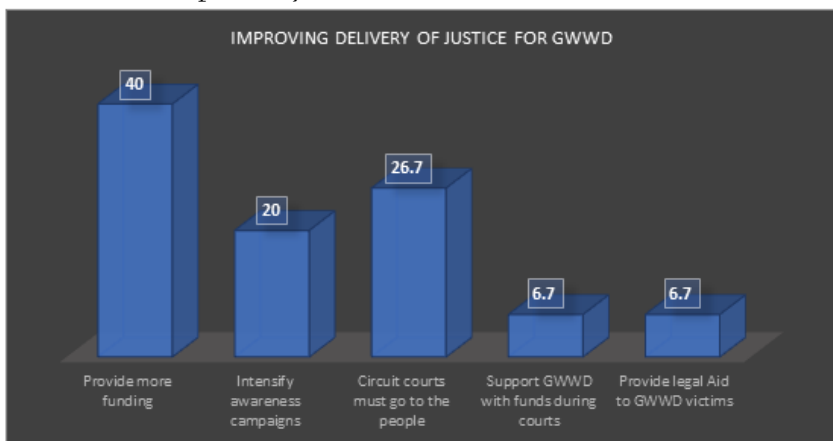


Figure 4.2: VFU recommendations for improvement of justice delivery for GWWD

The responses show 40% indicating the need for increased funding to improve the delivery of justice to GWWD in the three policing districts of Mashonaland Central Province. The issue of resource constraints has consistently come up in all previous conversations with the support of literature from elsewhere. This certainly looks like an important intervention area, with all fingers pointing to the Government to provide such support.

Figure 4.2 also shows 20% of the VFU Officers proposing increased awareness campaigns at the community level. This is in response to the outcry over lack of knowledge and awareness at the community level highlighted in earlier parts of the report. This might see better response in the areas of prevention and response to abuse of GWWDs. Although these are already reportedly taking place, these may not be reaching enough communal areas, coupled with the reality that the campaigns are few and far between.

A good 26.7% suggested the idea of circuit courts going to the people, ostensibly responding to the issue of long travel distances and related costs of taking the service to the people. Logically,, this trend would be a good contribution if it also applies to the police and other services. The remaining 13% suggested financial support for survivors to access service points and/or legal aid for witnesses trying to access the courts.

Interview participants agreed in principle with the proposed main actions. Senior Police Officers buttressed the view of their junior colleagues (VFU), especially underlining the importance of resources to support the system. Much of the resources were expected to come from the Government of Zimbabwe, given its prime duty bearer status. The Disability Organisation was clear that this would be the root to take but would need intense lobbying to break through.

Based on their experience, GWWDs, who have participated in every aspect of the discourse, also provided their thoughts and insights. What needs to be done for access to be achieved? Below are some of the perspectives that emerged:

“What is really required we might never achieve because no one listens to us. The basic that is required is to ask for their (GWWDs) feedback, even though speaking objectively will not take them anywhere again, because the same people they complain against are those that receive the complaints and take them to next level, maybe never take them forward” (CLI).

There was strong agitation for stiffer sentences as a deterrent:

“Often, we do not get to know for how long the perpetrator is incarcerated. Much that we get to know, to our surprise, is that the culprit has served their sentence

and are back in the community. Trouble then starts because they can come for you again as a way of revenge. How do they come out in a short space of time when we understand there are mandatory sentences for crimes such as rape? Maybe life sentences or even castration can solve these problems. This would keep them there to minimise repeat of crimes. Why not just castrate so they have no way of repeating the crime" (WWD1).

In what appears to be putting a blemish on the system CLI argues:

... "remove corruption within the system. Unless this is done consistently and conscientiously, access to justice will remain a pipe dream" (CLI).

In conclusion to this section a response to the challenge GWWDs face, a senior police officer suggests that the answer lies in taking a focus on 'trouble' spots within the system: addressing all the challenges that are identified because:

"if victims with disabilities are consistently aided with support and barriers were reduced, access to justice would be attainable" (SPO3).

Forthcoming are some case narratives coming out of the study.

CASE 1

Chipo* a girl living with disability became a victim of sexual violence after being left at home without guardian supervision or protection. Her father was incarcerated for stock theft leaving her mother as sole guardian and caregiver. She was left at home with her younger siblings, whilst her mother had gone out to search for their only cow. The perpetrator entered the hut that they were sleeping in, covered her mouth and raped her. She did not manage to identify the perpetrator because it was dark and late at night. She was unable to scream for help or go after the perpetrator to see his face due to her physical disability.

Chipo* managed to report the assault to her mother when she got home and her mother sought transport in the form of a scotch cart from her neighbour. She managed to travel a significant distance before boarding a private lift to the nearest growth Point where they reported the case. The VFU officer on duty contacted LCDZ to seek financial assistance to take her to the nearest hospital with available PE. The victim and her mother were accommodated at

the police station for the night whilst a disability expert was being sent from Harare by LCDZ to attend to her immediate financial needs. The disability expert managed to provide her with financial support and reimbursed her transport expenses. They also provided support by taking her to the hospital and ensuring that she received urgent assistance. Access to justice for her was difficult due to the fact that the perpetrator is unknown. Ideas passed to conduct DNA testing of neighbours were not fruitful due to the prohibitive economic nature and financial constraints.

The complex issue of the dependence of GWWD on caregivers who are in some cases perpetrators complicates the delivery of justice. The case of Betty* below poignantly illustrates the complex interplay of dependence and fear that often prevents Girls and Women with Disabilities (GWWD) from reporting abuse. The dependence in this case can be multi-faceted; financial, physical and emotional. Reporting abuse in such instances may rouse fears of retribution from other family members.

CASE 2

Betty*, a woman living with a mental disability was repeatedly raped over many years by her father. Because of these abuses, she conceived and gave birth to three children. An anonymous tip off was made to the local police and VFU officers attended to the case. The officers managed to place the woman into Msasa Projects care through the referral system of the VFS and through counselling and questioning the nature of the abuse were revealed to the VFU officers. The victim received counselling and psycho social support from Msasa Project, one of the VFS non-governmental partners. The Bindura Regional Court apprehended and tried the father. In this case immediate justice was served and the perpetrator arrested, however after sentencing she was placed back into the care of her mother and brother who seemed to be knowledgeable and had turned a blind eye to the abuse over the years.

Several facilitators exist within the Zimbabwean context that offer a foundation for improving access to justice for Girls and Women with Disabilities (GWWD). The establishment of the Victim Friendly System (VFS) stands out as a crucial site: fostering coordination among various agencies like the police, courts, and social services, while also clarifying their

respective roles. This integrated approach aims to provide more comprehensive support to victims. The presence of Victim Friendly Courts, though not specifically tailored for GWWD, offers a more supportive environment for vulnerable individuals navigating the justice system. Furthermore, the introduction of sign language interpreters, albeit in limited numbers, represents a significant stride towards enabling GWWD to effectively communicate their experiences in court. The creation of the Victim Friendly Unit (VFU) within the police force, coupled with training and provision of relevant equipment, has enhanced the capacity of officers to handle cases involving GWWD. Multi-sectoral awareness campaigns, involving various stakeholders, have also played a role in raising awareness about GWWD's rights and encouraging reporting. Finally, the support provided by disability organisations, including assistance with transport, medical care, and legal representation, is invaluable.

However, significant opportunities exist to further enhance access to justice for GWWD. Specialised training for VFU officers on disability awareness, diverse forms of disability, communication strategies (including sign language), and the unique vulnerabilities of GWWD is crucial. Addressing the acute shortage of sign language interpreters through training and recruitment, along with standardizing sign language for court proceedings, is paramount. Strengthening the VFU system by creating a clear career path for officers and ensuring consistent deployment to VFU duties will enhance their experience and commitment. Increased resource allocation is also essential to support awareness campaigns, provide legal aid, and ensure the effective functioning of the VFS. Improving the accessibility of justice services by bringing them closer to rural communities or providing transportation assistance is vital. Addressing the complex issues of dependency on abusers and fear of retaliation through economic empowerment programs and safe reporting mechanisms is critical. Public awareness campaigns must go beyond simply informing GWWD about their rights and actively challenge societal stigma and discrimination. Strengthening collaboration among the justice system, disability organisations, social services, and community leaders is essential for providing holistic support. Finally, implementing robust monitoring and evaluation mechanisms will help track the effectiveness of interventions and identify areas for improvement. By

capitalizing on these opportunities, Zimbabwe can make significant strides in ensuring that GWWD have equal access to justice.

The chapter gave a thematic summary of the major findings of this research. The first section of this data presentation chapter focused on biographical data of the participants, mainly VFU officers that provided quantitative data obtained through the research questionnaire. The researcher presented data on participants' gender, academic and professional qualifications, and work experience. This helped to set the context in terms of one of the key respondent groups. The second part of the chapter presented data from responses from the varying interviews conducted with GWWD, caregivers, community and VFU and senior police officers and court officials around issues of main factors affecting access to justice, the roles of different stakeholders and perceptions of access to justice for girls and women with disabilities. The data collected gave a clear picture of experiences and challenges faced in the process of seeking access to justice for GWWD as victims of crime. The next chapter provides discussion of the findings of the study.