

# Access to Justice for **FEMALE**

VICTIMS OF CRIME IN ZIMBABWE:

Challenges and Options



Nyaradzo Dorcas Shumba

# Access to Justice for Female Victims of Crime in Zimbabwe: Challenges and Options

NYARADZO DORCAS SHUMBA

ISBN 978-1-77928-086-2  
EAN 9781779280862

©ZEGU Press 2025

Published by the Zimbabwe Ezekiel Guti University (ZEGU) Press  
Stand No. 1901 Barrassie Rd,  
Off Shamva Road  
P.O. Box 350  
Bindura, Zimbabwe

**All rights reserved**

**DISCLAIMER:** The views and opinions expressed in this book are those of the authors and do not necessarily reflect the official position of funding partners”

#### **SUBSCRIPTION AND RATES**

Zimbabwe Ezekiel Guti University Press Office  
Stand No. 1901 Barrassie Rd,  
Off Shamva Road  
P.O. Box 350  
Bindura, Zimbabwe  
Telephone: ++263 8 677 006 136 | +263 779 279 912  
E-mail: zegupress@zegu.ac.zw  
<http://www.zegu.ac.zw/press>

## DEDICATION

The monograph is dedicated to my late parents; Dr. Sibangani and Dr. Jenny Shumba.

## ACKNOWLEDGEMENTS

I thank God for strength and guidance throughout this journey. My sincere gratitude goes to my PhD supervisor, Professor. T. O. Magadze, for his invaluable support and expert guidance. I deeply appreciate the contributions of the Girls and Women with Disabilities, the Ministry of Justice, VFU coordinators and officers, village heads, the Department of Social Development, disability organisations, and the Ministry of Women's Affairs. Thank you to my family, especially my parents Dr. S. and Dr. J. Shumba, my siblings Mufaro and Nyasha, my love; Simon, and my daughters, Anashe and Atidaishe, for their unwavering love and support. My sincere gratitude to my supervisor and mentor, Professor I. Chirisa. Finally, I extend my thanks to my academic mentors, Professors: Mushoriwa and Rembe, Mrs. Mushoriwa, Drs. Akinyemi, Chinhara, Malinga, Chitsamatanga, Singende, and Mathwasa, and my Fort Hare Family for their unwavering support.

## BOOK SYNOPSIS

The monograph utilised a thematic content analysis, critically examined how significant barriers affect Mashonaland Central girls and women living with disabilities as victims of crime from accessing justice. Zimbabwe is an optimal case to apply this study, due to its contradictory legislation and evidence of high rate of human rights violations. Mashonaland Central Province is an ideal case study due to the extant records that indicate that it has the highest incidences of violence against women. This study is therefore contextualised within a Victimological epoch with the aim to fill in the research gap in the canon of scholarship within the purview of acknowledging the process of accessing justice as an important step for protecting and promoting human right. By analysing interviews conducted with three different women aged 18-65 and three girls living with disability who were under the age of 18, through the theoretical frameworks of basic human rights theory and victim dynamics, the monograph contributes to the existing body of knowledge, with suggestions of how these barriers which are inclusive of societal and cultural structures, tend to affect the participants' everyday lives and, in a most pertinent manner, towards their right to access justice. The monograph is also governed by the perspectives of key actors in the judicial process including, but not limited to, the Victim Friendly Unit. The theoretical framework is also operationalised into themes and criteria that are then applied to analyse the conducted interviews. The emerging findings illuminate that there is a discrepancy between government policy surrounding girls and women living with disabilities and the practical experiences of the participants. The participants experienced a lack of accessibility to basic rights, such as health care, the law, and to sex education – which are all rights ensured by government policy. Identified consequences included: discouragement in seeking justice due to fears of cultural and social stigma, discouragement in reporting crimes, and receiving adequate support, and information from second-hand sources. This study therefore concludes that lack of access to justice is a violation of security of person, human dignity and rights to health and life to women and girls living with disability.

**Keywords:** victimology, disability, justice, women, Zimbabwe.

# TABLE OF CONTENTS

I	Dedication
II	Acknowledgements
III	Book Synopsis
V	List of Tables
VI	List of Figures
VII	Acronyms
1	Chapter One: The Concept and Context Of Justice
7	Chapter Two: Access to Justice Discourse for Women and Girls Living with Disabilities: A Review
82	Chapter Three: Study Design and Methodology
105	Chapter Four: Data and Evidence
142	Chapter Five: Discussion
172	Chapter Six: Conclusion and the Future Direction
183	References

## LIST OF TABLES

5	TABLE 1.1 Medical and Social model of disability.
15	TABLE 2.1 Medical and Social Model of disability
87	TABLE 3.1 Forms of Triangulation
105	TABLE 4.1 Table 4.1 Research participants by category and data collection method
106	TABLE 4.2 Codes for Participants
106	TABLE 4.3 Distribution of Participants by Sex.
107	TABLE 4.4 Distribution by highest level of educational qualification.
107	TABLE 4.5 Distribution of VFU Officers by Type of Training
109	TABLE 4.6 Common crimes against girls and women with disabilities.
112	TABLE 4.7 Commonest perpetrators of violence against girls and women with disabilities
145	TABLE 5.1 Crimes against GWWD: Location, Perpetrator and Vulnerability Factors



## LIST OF FIGURES

38	FIGURE 2.1 Does the Constitution explicitly guarantee equality or non-discrimination for persons with disabilities
--	FIGURE 2.2 Informal Justice Systems Disability Toolkit on Africa
56	FIGURE 2.3 The disability and poverty cycle: poverty as leading to disability
57	FIGURE 2.4 The disability and poverty cycle: disability as leading to poverty
60	FIGURE 2.5 Social model of disability
74	FIGURE 2.6 Graphical Model of Routine Activity Theory
86	FIGURE 3.1 Concurrent Triangulation
118	FIGURE 4.1 Barriers to Access Justice for GWWD
136	FIGURE 4.2 VFU Recommendations for improvement of justice delivery for GWWD
181	FIGURE 6.1 Access to Justice model for GWWD

## ACRONYMS

ACDEG	African Charter on Democracy, and Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AYC	African Youth Charter
CSO	Civil Society Organisations
DPA	Disabled People's Act
DPO	Disable Persons Organisation
GWD	Girls with disabilities
GWWD	Girls and Women with Disabilities
HRBA	Human Rights Based Approach
JSC	Judicial Services Commission
MoJ	Ministry of Justice
MoPSE	Ministry of Primary and Secondary Education
MoWAGCD	Ministry of Women's Affairs Gender and Community Development
NGO	Non-Governmental Organisations
PEP	Post Exposure Prophylaxis
PP	Public Prosecutors
UN	United Nations
UNCRC	United Nations Convention on the Rights of the child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation

UNW	United Nations for Women
VAW	Violence Against Women
VAWG	Violence Against Women and Girls
VFC	Victim Friendly Court
VFS	Victim Friend System
VFSC	Victim Friendly Sub Committee
VFU	Victim Friendly Unit
WWD	Women with Disabilities
ZRP	Zimbabwe Republic Police

# CHAPTER ONE: THE CONCEPT AND CONTEXT OF JUSTICE

---

Justice is of paramount importance to every human being. It is the route by which fairness and equality are fundamentally realised. The importance of justice cannot be over-emphasised. It is one of the most essential aspects of human existence as advanced by Rotkangmwa and Lalu (2016) who posit that it is one of the most essential social services that every human being in spite of their culture, race, region, sex, tribe, religion, disability should have access to. United Nations Convention on the Rights of Persons with Disabilities CRPD (2006) describes disability as the “social effects of the interaction between individual impairment and the social and material environment” (:4.). Studies tend to suggest that disability remains a pertinently ‘taboo’ issue particularly in Zimbabwe. Culture is noted as a significant driver in the marginalisation of persons with disabilities and this renders them ‘invisible’ and voiceless.

The interest in access to justice for women and girls, particularly those with disabilities, is a recent concern in Zimbabwe and many studies point out a plethora of issues that affect their access to justice. An earlier study by Lang and Charowa (2007) suggest that the plight of women and girls with disabilities in Zimbabwe is precarious because they are invariably subjected to victimisation, harassment and sexual exploitation. Nyakanyanga (2007) provides an example of a case of Tanya Munyoro, a young girl in Zimbabwe with speech and hearing impairment, who was raped and impregnated by a known perpetrator.

Despite the perpetrator being known, the justice system failed to assist her due to barriers such as lack of sign language expertise. In view of this, this study brought to the fore the fact that persons with disability feel left out and unrepresented in the justice system. The findings of the study by Nyakanyanga (2007) further suggest that it is fine for women with disabilities to be abused because they are regarded as of no use and amount to nothing. The study by Lodenius (2020) depicts that women and girls living with disabilities are still misconceived to be unimportant. It is therefore

necessary that the study sought to explore the nexus of the two; access to justice and disability in the context that encompasses girls and women. Girls and women living with disabilities suffer a triple blow, borne out of the fact that they are disabled, female and largely live-in poverty. As argued by Hayashi & Naomi (2004), women with disabilities all over the world experience multiple disadvantages due to gender and disability. Considering the aforementioned, documents like the UNCPRD and CEDAW amongst other international human rights instruments, were ratified.

This study focuses on the often-overlooked situation of women and girls with disabilities to access justice and how women and girls, more so with disabilities, and are considered the most vulnerable groups in society, are treated when it comes to access to justice. There are concerns such as those highlighted above that have piqued the interest of the researcher. It is from studies such as these that the researcher bears a keen interest on the phenomenon under study. Persons with disability as posited by the World Report on Disabilities in 2011, were placed within the category of the less privileged in society. This is a victim-oriented study which also sought to establish if there, are pockets of good practices and brings out new knowledge on access to justice in relation to women and girls living with disabilities in Zimbabwe. Zimbabwe still faces challenges in the provision of access to justice. In an effort to address challenges in access to justice, certain legal reforms were adopted such as provision of logistical support for witnesses to attend court. However, observations are made that there are loopholes within the Zimbabwean Justice System and this has, in the process, affected how women and girls living with disabilities' access to justice. Therefore, it is cogent to argue how this is an analysis of the justice system in Zimbabwe in response to victims and perpetrators who are women and girls living with disabilities. Though legislation and policies are put into place, concerns are raised that women and girls living with disabilities continue to encounter barriers in accessing justice. Moreover, though these policies are implemented, scholars in a recent report by the United Nations Women's Trust Fund titled "Final Evaluation: Access to Justice for Girls and Women with Disabilities in Zimbabwe" highlights the challenges faced by women and girls with disabilities in accessing justice in Zimbabwe. The report emphasizes the lack of monitoring and evaluation mechanisms for existing

policies and programs aimed at improving access to justice for this vulnerable group: highlighted lack of monitoring and evaluation of these. Hence there exists a gap in scholarship between what is stated in the policy and what is on the ground.

Many reports are made to date in Zimbabwe, concerning the plight of girls and women with disabilities. Choruma (2007) posits that persons with disabilities in Zimbabwe are a “forgotten tribe”, despite legislation and conventions ratified and put into place. She notes that out of the Millennium Development Goals only the right to education for persons with disabilities is highlighted and the other goals hardly pay any particular attention to persons with disabilities and their rights to access services such as justice systems. SDG 5 pinpoints key issues for women and girls with disabilities and advocates for the closure of data gaps on gender and disability. Browne (2017) elucidates in target 5.1 of SDG5 that women and girls with disabilities lack legal capacity and, in turn, have reduced power and status. Browne (2017) postulates that in target 5.2 “while affecting women generally, women and girls with disabilities are disproportionately at risk of violence due to factors relating to systematic discrimination and stigma” (:3). The author underpins the fact that the 2030 Agenda for Sustainable Development, needs to mainstream the rights of women and girls with disability into all efforts to promote gender and disability equality. Statistics show that there was a rise in the number of reports on the barriers that affect women and girls with disabilities to access the Justice System from 2015-2017. One particular report, a Sunday News report dated 17 December 2017, brought to light that there were 200 girls and women living with disabilities that are abused in Zimbabwe. Such reports show the lack of attention that victims with disabilities receive especially their failure to access justice. These reports influenced the researcher to conduct this victimology study to document the experiences of victims and use the data collected to influence policy attention to the sector.

This study investigates the barriers girls and women with disabilities face in accessing justice in Zimbabwe. It explores the factors influencing their access, how the Zimbabwean justice system responds to their needs as crime victims, and community perceptions of their ability to obtain justice. The

research aims to pinpoint these influencing factors, describe the justice system's role in supporting crime victims with disabilities, investigate the lived experiences of women and girls with disabilities navigating the justice system, and understand community attitudes towards their access to justice.

The following questions ground this study:

1. What are the factors that influence access to justice for girls and women living with disabilities?
2. What is the role of the Zimbabwean Justice System in dealing with people who are living with disabilities?
3. How do communities perceive access to justice for women and girls living with disabilities?

The research objectives informing this study were:

1. To identify factors that influence access to justice for girls and women with disabilities;
2. To describe the role of justice system in dealing with people who are victims of crimes living with disabilities;
3. To explore access to the justice system by women and girls living with disabilities in Zimbabwe.
4. To establish how the community reacts towards access to justice for women and girls with disabilities.

The purpose of this study is to critically analyse the access to a fair and equitable justice system that ensures an adequate protection of the human rights of girls and women living with disabilities, whether as accused persons, victims or witnesses of crime (see Box 1.1). It also aims at raising awareness of the different barriers to access to justice for girls and women living with disabilities in Zimbabwe.

In light of the limited research on this subject, this research sought to fill the information gap on the experiences of girls and women living with disabilities to access justice. The findings of this study are poised to benefit the formulation of laws and policies which may bear a positive impact on girls and women living with disabilities as either victims or witnesses of crime. Formulation of such policies and legislature burgeons on the availability of

relevant information. Therefore, policy makers and legislators might benefit from the findings of the study and be in a position to review the current of justice system in Zimbabwe so that it benefits everyone regardless of gender. The findings of this study might also be of significant importance to stakeholders such as NGOs in the implementation of access to justice programmes for persons living with disabilities particularly girls and women. The findings of this study might also influence the responses for women and girls with disabilities and result in their voices being heard.

#### Box 1.1: Definition of Key Terms

This box provides the definition of key terms as they are used in the study. These include; disability, victimology and justice:

**Disability:** Francis and Silvers (2016) argue how, the term “disability” means, with respect to an individual --(A)a physical or mental impairment that substantially limits one or more major life activities of such individual;(B) a record of such an impairment; or (C)being regarded as having such an impairment (:10). In the context of this study disability refers to physical and mental conditions that hinder one’s ability to participate in life events.

**Victimology:** is an academic scientific discipline which studies data that describes phenomena and causal relationships related to victimisations. This includes events leading to the victimisation, the victim’s experience, its aftermath and the actions taken by society in response to these victimisations. Therefore, victimology includes the study of the precursors, vulnerabilities, events, impacts, recoveries, and responses by people, organisations and cultures related to victimisations.” (Dussich, 2006:118). In the context of this study, the emphasis is placed on the victim who are GWWD, their experiences and actions taken after their victimisation.

**Social Justice:** Hulbert and Mulvale (2020) conceive of social justice as, ideas, practice and values that guarantee that all groups and individuals participate in decision-making, practice mutual respect and care for one another and exist in ways that protect and sustain. In the context of this study social justice is studied in the context of GWWD.

The monograph consists of six chapters namely:

**Chapter One:** The Concept and Context of Justice –The chapter presents the background to the study and the foundations of the research. It articulates the statement of the problem, the research questions and objectives.

**Chapter Two:** Access to Justice Discourse for Women and girls living with disabilities: A Review- the chapter lays the theoretical framework that



anchored the study and the literature review that created the basis on which the research questions were answered. It lays the foundation on which the debate was built.

**Chapter Three:** Study, Design and Methodology –This part of the monograph provides a description of the methodology that was adopted to analyse and investigate the research problem. This section also depicted and explored the various methods of data collection. It sought to answer two main questions, how the data was collected and generated and how it was analysed.

**Chapter Four:** Data and Evidence –data presentation and analysis as well the findings of the research are outlined in the chapter.

**Chapter Five:** Discussion –Which entails an analysis of what was found against existing theory and knowledge.

**Chapter Six:** Conclusion and the Future Direction–presents the conclusion of the findings and proffered recommendations in line with the emerging results of the study. It also illustrates any models that may be designed out of the findings of the research.

The overarching argument of the monograph is based on the accessibility of justice for female victims of crime in Mashonaland Central Province of Zimbabwe.

The chapter covered the introductory component of the study. It includes; background to the study, statement of the problem, research questions, research objectives, purpose of the study, significance of the study, definition of key terms and the envisaged structure of the monograph. The next chapter proffers the literature review in two parts; literature related to research questions and literature based on theoretical frameworks.

## CHAPTER TWO: ACCESS TO JUSTICE DISCOURSE FOR WOMEN AND GIRLS LIVING WITH DISABILITIES: A REVIEW

---

The access to justice discourse for women and girls living with disabilities continues to gain intellectual purchase the world over, but especially in Southern Africa. Being a woman, with a disability, renders them defenceless victims in the face of abuse. Chapter 1 provided a description of the background to the study, the research problem, purpose and objectives, approach and significance of the study. The current chapter takes a close peek at literature that underpins the study. To fully explore the issues at hand and enable better understanding, the chapter begins with a conceptual framework, takes deep and diverse look at literature as guided by research questions before concluding with the theoretical framework adopted for the study.

The concept of justice can be elusive. Justice can be viewed from various perspectives and what might be just for one person in one situation may not be just for another in a different situation (Parnami, 2019). In the case of sexual violence perpetration, the subject of this study, the abuser, abused and even their respective families would view justice differently, each likely to look at their own side of the argument. The author goes further to suggest why laws are then set, to regulate these diverse views and prevent society descending into chaos.

As argued by McGlynn and Westmorland (2018), the question of justice ordinarily starts off with a 'trigger'; an event or incident from which the search for justice begins. Often, what follows is a sequence of events in a criminal justice system. When this process is followed with a definite end, such as conviction is reached, justice is said to have been realised (Goodmark, 2015). In the case of the current study, an act of rape of a woman or girl with a disability could be the spark that triggers the search for justice. Until the perpetrator is brought to book, justice has not been served.

The foregoing perception of justice is criticised on the basis of its assumption that the events leading to justice are sequenced in linear fashion and that

justice is served through a formal system, yet it is well known that the road to justice can be complex. McGlynn and Westmorland, 2018: 180) present what they call the victim-survivor perspective which views:

Justice as a constantly shifting pattern, justice constantly refracted through new experiences or understandings; an ever-evolving, lived experience.

Several questions do arise: At what point is justice served? To what extent is access to that service called justice available? In the case of girls and women with disabilities, is such access available? Would it be different if the victim did not have a disability? While, this study may not provide all the answers, it seeks to draw attention to and alert situations that may call for interrogation of the very concept of the realisation of substantive justice to women and girls living with disabilities.

A fundamental principle that underpins justice, at both international and national levels, is equality before the law and the right to justice: Rawls (1999: 3-4) stresses that:

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason, justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore, in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.

Human Rights Law recognises equal rights for all and these rights are enshrined in conventions and stated in declarations, the latter being a legally binding documentation. These are rooted in the Universal Declaration of Human Rights (1948); Rights of Disabled persons (1975) and Rights of the Child (1989), respectively.

However, when all these international human rights instruments were put in place many African countries were not member states due to the fact that they were still under colonialism. Conventions on the other hand rose significantly after the gaining of independence of some African countries with

Ghana after attaining independence in 1957, being the first in 1964 to accede to the Convention on the Elimination of all Forms of Racial Discrimination (CEFRD) in (1966:1) that observes how:

Considering that, all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination.

This is of significant importance to this research in the sense that persons from marginalised groups have the right to be given equal recognition by the law. Many Conventions were ratified after 1966 that specifically focused on marginalised groups in the world such as the, Convention of the Rights of the Child (CRC) (1989) and Convention on the Elimination of Discrimination against Women (CEDAW) (1979). The latter seeks to give voices to the women who are constitutive of some of the most marginalised categories of persons. Although various marginalised groups ranging from racial minorities, to immigrant labourers and children had conventions covering them, it took 40 years to produce a convention with a focus on persons with disabilities as an entity on its own considering many problems that they face. It took even longer for some countries to ratify this convention, let alone domesticate it into their national laws. To date, there is a need to further investigate rights of persons living with disabilities and to create conventions specific to gender and age of the persons living with disabilities. It is important before discussing access to justice to take a closer look at girls and women living with disabilities. Ortoleva (2011:282) argues that:

Persons with disabilities have often been denied access to fair and equal treatment before courts, tribunals, law enforcement officials, prison systems, and other bodies that make up the justice system in their country, because they have faced barriers. Additionally, persons with disabilities are discriminated against in terms of attaining positions as lawyers, judges, and other officials in the justice system. Such barriers not only limit the ability of persons with disabilities to use the justice system, but also limit their ability to contribute to the administration of justice to society and to the community as a whole.

It is in light of such findings from the foregoing scholar that this research lays its foundations. Ortoleva further conceptualises disability not as a medical ailment, but as a source of societal discrimination, a societal construction.

Zimbabwe boasts of a plural justice system. It consists of the formal system, modelled around those of former colonial powers, even though some have since been adapted into home grown systems and a traditional system that is largely informal and has its origins in the pre-colonial period. These are discussed in the following sections.

The traditional and customary laws in Zimbabwe run parallel to the laws of the state. These constitute largely the family court, community court and chiefs' courts. The traditional justice system dates back to pre-colonial Zimbabwe where in both Shona and Ndebele cultures chiefs held sovereign and absolute power. Saki and Chiware (2007) posit that this changed with the start of the colonial era in 1889 and the subsequent introduction of a constitution and new laws. Colonialism in Zimbabwe brought new judicial structures, formalised by the introduction of the court system including, magistrates, judges, evidentiary rules, legal fees (Legal Resources Foundation, 2020). These were alien to the African population and made worse by the exclusionary nature of colonialism. The end of colonialism left the newly independent Zimbabwe with a quasi-traditional system. The Constitution of Zimbabwe (2013) recognises African customary law as part of the law that can be administered. Saki and Chiware (2007) further argue how other pieces of legislature exist under customary law namely: Customary Marriages Act; Administration of Deceased Estates Act an assumption and Local Courts Act. In support of the foregoing, Matavire (2012) observe that:

Traditional jurisprudence seeks to bring justice to persons who are unjustly treated. Africans have all law described as corrective whereupon it is used in correcting civil cases such as theft, assault raft level. Cases like murder before they are reported further to formal courts. Traditional courts use compensatory justice since there are no custodial sentences (:218).

Traditional justice systems are limited to a large extent and tend to focus mainly on domestic issues. This type of court is usually used by women. Encourages inclusiveness and social justice and in some cases birth homes and is predominant in rural Shona settings. This system of justice bears significant gender stereotypes and discrimination. Matavire (2012:218) supports, the above and avers:

.... the Shona is a patrilineal society where major decisions are made by men. Women regarded as a weaker sex, inferior to men and boys such that they are supposed to be protected. They are given lighter sentences at traditional courts because their position is slightly higher than that of children.

Matavire (2012:222) further advances the fact that:

... traditional jurisprudence operates within parameters and guidelines of Unhu (person hood). Despite these guiding principles, there are several limitations and challenges to the traditional jurisprudence. Traditional court system excludes women in decision-making because they are regarded as minors who are represented by their husbands or fathers in matters affecting them. In most cases, their opinions are not represented well. During court proceedings, women are in a weaker position to challenge men because they always override women's decisions. The fact that there are no legal representation costs heavily on individuals who are not eloquent and those who cannot argue their cases out.

The UNDP cited in Human Rights and Traditional Justice systems in Africa (2016), states traditional and indigenous systems of justice refer to the types of justice systems that exist at the local or community level which have not been set up by the State. It can also be seen as a system of justice that usually follows customary law or an uncoded body of rules of behaviour, enforced by sanctions, varying over time. Linked with the foregoing, this study sought to investigate access to justice for girls and women as a largely 'voiceless' group to justice at both traditional and judicial levels. Women in this light were 'victims' of crimes levelled against them and research shows that they were not given positions to speak up in the largely patrilineal traditional justice systems that they existed in. Of importance were the Women and girls living with disabilities who were only alienated because they were female but also because they are disabled (Lodenius, 2020). The analysis of the traditional system is of significance to this study in terms of assessing the extent to which these are still in use and how they handle access to justice for women and girls with disabilities.

Zimbabwe's formal justice system is grounded in its Constitution, the supreme law of the land (Constitution of Zimbabwe, 2013). The Constitution (section 162) establishes that judicial authority originates from the Zimbabwean people and is exercised through a court system encompassing the Constitutional Court, the Supreme Court, the High Court, the Labour

Court, the Administrative Court, magistrates' courts, customary law courts, and any other courts created by or under an Act of Parliament.

Saki and Chiware (2007:24), in support, argue how, the justice system in Zimbabwe comprises the following elements: The Supreme Court, the High Court, the Administrative Court, Magistrates' Courts, the system for the administration of the courts, the office of the Attorney General and associated public prosecutors, and the legal profession.

The goal of the Justice System is to ensure the smooth flow of the rule of law in Zimbabwe. It is at the apex of ensuring that separation of powers is observed and practiced. The judiciary provides for checks and balances in the exercise of power by the other two arms of state namely, the executive and the Legislature.

Other aspects of the justice system emanate from legislature although it must get Presidential assent before it becomes effective. Madhuku (2010) observe that the law in Zimbabwe starts from Parliament but must get Presidential approval before it becomes operational. There is also an attorney general and four types of courts namely; high court, supreme, magistrate and specialised courts. The Constitution of Zimbabwe observes that, "The President is the head of state and government" (:16) and his ability to pass law is enshrined in the constitution. The Zimbabwean Republic Police are also an integral part of the justice system as enforcers of the law. The victim friendly component of the latter works particularly with victims of abuse.

In the context of the current study, any meaningful discussion on access to justice is inconceivable without unpacking the disability concept itself. This section explores the underlying disability issues; including the concept, the evolutionary aspects, the types and models and why these are important for girls and women with disability.

Due to its evolving and supple nature, there are no universally agreed definitions of the concept disability, yet its importance in enhancing research need not be over-emphasised (Ghoshal, 2018).

In its International Classification of impairments, disability and handicap of 1980, WHO (1980) provided an interesting conceptual framework in its effort to explain disability. They argue it has to do with three related issues that are interrelated and overlapping; impairment, disability and handicap;

Impairment, disability, and handicap are distinct but related concepts. Impairment describes a problem with a body part or its functioning, representing a deviation from a typical biological or psychological state. This could involve missing limbs, sensory deficits like blindness or deafness, or cognitive impairments like intellectual disability. It focuses on the anatomical or physiological abnormality. Disability, in contrast, describes the functional limitation or restriction in performing activities that arises from the impairment. For example, an individual with a leg amputation (impairment) may experience difficulty walking (disability). The focus shifts from the body part itself to the individual's ability to perform specific tasks. Finally, handicap describes the social disadvantage experienced by an individual as a result of the impairment and resulting disability. It represents the barriers encountered in society that limit participation in roles considered normal based on factors like age, sex, and cultural context. A person using a wheelchair (related to impairment and disability) might experience a handicap if buildings lack accessible ramps, limiting their access to employment or social events. Essentially, impairment is the problem within the body, disability is what the person can't do because of it, and handicap is the social disadvantage they face as a result.

In concurrence, Oliver (2017) stresses how the understandable medical inclination of the WHO definition, in light of their mandate. However, this view is criticised on the grounds that it is narrowly conceived since disability has a lot more to do with non-medical conditions. When the UNCRPD (2006:4) provided its own definition, it sought to broaden the disability perspective. It observes how:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.



This is a much broad and more inclusive definition that allows for consideration of different dimensions of disability. It also shows the contested nature of the disability definition with meanings that are constantly evolving. In addition to highlighting physical and mental components, it goes further to embrace a social dimension ... 'hinder their full and effective participation in society on an equal basis with others'. This provides the foundations of the notion of two models of disability discussed in a later section of this report. This recognises that disability arises from the results of the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others (UNCRPD, 2006:1). These definitions are of special significance to the current study as they equally broaden and inform the scope of interventions in the search for access to justice when the core category is those who are not only women but also with disabilities.

As argued by Wasserman, Asch, Blustein, and Putnam (2016), the medical model of disability portrays the notion of a health condition that is best dealt with by medical professionals. In light of this definition, 'disability' is seen as a problem of the individual who is in need of being fixed or cured:

The medical model understands a disability as a physical or mental impairment of the individual and its personal and social consequences. It regards the limitations faced by people with disabilities as resulting primarily, or solely, from their impairments ... (para 12).

Kahane and Savulescu (2009:53), as argued by whom disability is:

... a stable physical or psychological property of subject S that tends to reduce S's level of well-being in circumstances C, when contrasted with a realistic alternative, excluding the effect that this condition has on well-being that is due to prejudice.

The social model of disability sees "disability" as a socially created problem and a matter of the full integration of individuals into society. Retief and Letsosa (2018:3) concur:

[D]isability is a situation, caused by social conditions that requires for its elimination, (a) that no one aspect such as incomes, mobility or institutions is treated in isolation, (b) that disabled people should, with advice and help of others, assume control over their own lives, and (c) that professionals, experts and others who seek to help must be committed to promoting such control by disabled people.

The social model is contrasted with the medical model by emphasising the relationship between individuals and their social environment. Someone may already have a physical and/or mental characteristic but it is their exclusion from major domains of social life that highlights the essence of the social model of disability (Wasserman *et al*, 2016).

The medical-social characterisation of disability is useful for this study on access to justice for women and girls with disabilities. The women and girls with disabilities have diverse disabilities that span across the two main models. Putting a ramp on a building will not necessarily address the needs of someone who does not require a wheel chair, neither will counselling be the only answer to someone who has a broken bone. A holistic response will therefore be needed and can only come after such a broad understanding of disability. Table 2.1 shows the key tenets of each model considered around certain issues and questions.

**Table 2.1: Medical and Social Model of disability (Haegele and Hodge, 2016: 194)**

Topic	Medical Model	Social Model
What is disability?	An individual or medical phenomena	A social construct that is imposed on top of impairments by society; a difference
Access to treatment and services	Referral by diagnosis	Self-referred, experience Driven
Targets of intervention	Fixing the disability to the greatest extent possible, 'normalizing'	Social or political change in an effort to remove environmental barriers and increased level of understanding.
Outcome of intervention	Normalized function: functioning member of existing society	Self-advocacy, changes in environment and understanding, social inclusion.
Agent of remedy	The Professional	Can be the individual, an advocate or anyone who positively affects the arrangements.
Effects on individuals who are typically functioning	Society remains the same	Society evolves to be more inclusive
Perceptions towards individuals with disability	The individual is faulty	The individual is unique
Cognitive Authority	Medical model, scientists and doctors	Academics and advocates with disabilities
Perceptions of disability	Being disabled is negative	Being disabled in itself is neither positive or negative.

The analysis shows how one can bring in issues such as the inquiry: who is responsible? What is their role? Neither model on its own will provide the perfect answer to issues encountered on the ground. A bit of both looks more appropriate, hence the suggestion in the next section.

Rohwerder (2015:5) posits that the human rights model of disability is, to a large extent, based on the social model and also seeks to transform unjust systems and practices. It takes the UNCRPD (2006) as its main reference point. It sees people with disabilities as the 'central actors in their own lives as decision-makers, citizens and rights holders' (Al Ju'beh, 2015).

As argued by Kett & Twigg (2007), most of today's disability policies and practices are based on the social and human rights models. Alienation of the models is not how to manage them but to 'help [them] to see that barriers are a more helpful and respectful lens with which to view disability' (Al Ju'beh, 2015:23). In explaining the Human Rights Model, WHO and World Bank, (2011:9) have this to observe how:

Disability is a human rights issue because: ■ People with disabilities experience inequalities – for example, when they are denied equal access to health care, employment, education, or political participation because of their disability. ■ People with disabilities are subject to violations of dignity – for example, when they are subjected to violence, abuse, prejudice, or disrespect because of their disability. ■ Some people with disability are denied autonomy – for example, when they are subjected to involuntary sterilisation, or when they are confined in institutions against their will, or when they are regarded as legally incompetent because of their disability.

In the communities of Mashonaland Central Province, the study encounters women and girls with physical disabilities, social disabilities, a combination of both physical and social and those whose rights are at stake. An analysis of these models helps to bring that awareness that the template of analysis needs to be broad based, to take into account issues from all models. Only then are we able to approximate more closely the solutions that we recommend.

Disability is also seen as a complex, dynamic, multidimensional and contested phenomenon that is evolving over several decades, taking into consideration

contributions of disabled people's movement, World Reports on Disability and researchers from the social and health sciences. Disability has effectively transformed from an individual, medical perspective to a structural, social perspective; describing the transformation as the shift from a "medical model" to a "social model" in which people are viewed as being disabled by society rather than by their bodies. The medical model and the social model are often presented as dichotomous, but disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience problems arising from their health condition. A balanced approach is needed, giving appropriate weight to the different aspects of disability. Interaction models, which take a bit of both, recognise that disability should be seen as neither purely medical nor purely social, as people with disabilities can experience problems arising from the interaction of their health condition with the environment (WHO and World Bank, 2011). Proponents for a mixed view believe in the use of a combination of both the medical and social models of disability.

The medical versus social dimensions are the most paramount and attracting much of the debate, some researchers warn of the dangers of ignoring some underlying features. Goodley *et al.* (2019), for example, consider disability to be a scrutiny of inequality. The argument goes further to highlight powerful perceptions of disabled people's organisations that regard as a phenomenon associated with the discrimination of people with sensory, physical and cognitive impairments (Goodley *et al.*, 2019 and WHO & World Bank, 2011).

A study on association between disability and discrimination (Krnjacki, Priest, Aitken, Emerson, Llewellyn and Kavanagh, 2017), showed that nearly 14% of Australians with disability reported disability-based discrimination in the previous year. Further analysis showed disability-based discrimination was more common among people living in more disadvantaged circumstances and associated with higher levels of psychological distress.

A separate study, based in review of literature that sought to determine access to reproductive health services for women with disabilities in eleven low-and middle-income countries in Africa and Asia is reported by Casebolt (2020). It found that women with disabilities experience many barriers to reproductive

healthcare, including negative attitudes from family, the community, and providers. The review also found limitations in the areas of transportation, infrastructure, and communication; leading to the conclusion that indeed women with disabilities were discriminated against and prompting proposals to develop policies that mandate inclusion of people with disabilities and provision of accessible and disability-friendly facilities and transportation (Casebolt, 2020). Is discrimination an issue in the current study on access to justice for women and girls with disabilities? This is part of what this study is trying to answer towards appropriate recommendations for action.

Ableism is another important concept in the disability discourse. Fenny (2017) calls it ableism, describing it as nothing other than discrimination in favour of non-disabled people. Its opposite, dis-ableism, refers to discrimination against disabled people. Both terms describe disability discrimination, but the emphasis is different.

Fenny (2017) observes how ableism, meanwhile, provides a framework for considering why environments and activities are constructed in particular ways and which embodiments (and which abilities) are currently assumed and valued. Therefore, consideration of ableism, using Campbell's definition, can be complementary to a social-relational approach to disability.

Physical barriers: such as a lack of ramps, elevators, no sidewalks, no push-buttons for doors and so on.

Design barriers: such as poorly designed rooms that are difficult for people with mobility aids to navigate, furniture that is bolted down or too heavy to move, door knobs that are hard to open, doors that are too heavy to push open, elevators that are hidden and difficult to find etc.

Forced segregation of disabled people in society: disabled people historically, and currently, are segregated from abled people. Story lines often write disabled characters to be angry, difficult, as predator, as “super cripp” and, as someone who is disabled that is highly accomplished, or that they only want to be “cured”.

Invisibility of disability culture and community: disability rights history is not taught to many students, and there is little visibility of disability culture or disability pride movements.

There is an understanding that the ableism discourse is located in the field of disability and can be viewed as stereotyping, prejudice, discrimination; but also, as outright social oppression towards people with disabilities (Bogart & Dunn, 2019).

More specifically:

Ableism refers to a network of beliefs, processes and practices that produce a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability then is cast as a diminished state of being human (Campbell, 2001:44).

As argued by Bogart & Dunn (2019), ableism can also be conceptualized by “othering” of disabled people: ableism is “ideas, practices, institutions and social relations that presume able-bodiedness, and by so doing, construct persons with disabilities as marginalised ... and largely invisible ‘others’”.

Considering all the foregoing perceptions about ableism, people with disabilities are left with disturbing experiences of ableism, some of them with more negative consequences than the other “isms” (racism, sexism, ageism); Of course, it must be said that while negative experiences of ableism appear to be commonest, it is not every disabled person who recognises them as unacceptable; ... with Dirth and Branscombe (2019) finding that people with disabilities were more likely to recognise ableism when they had a positive disability identity and endorsed the social model. However, in the majority of cases, this has resulted in significant health and well-being consequences (Branco, Ramos and Hewstone, 2019). Thus, an understanding of these concepts will not only assist in the analysis of issues and processes in the current study but also provide insights into response options peculiar to some behaviour patterns.

McBride (2009) observes that access to justice is interested in the means of securing individual rights, specifically through the use of courts and tribunals

a position supported by Beqiraj, McNamara and Wicks (2017) who show how access to justice is a fundamental right in itself. Nkhata (2020: 132), in further support, states, "...access to justice is a fundamental right in itself and also an essential prerequisite for the protection and promotion of other rights". LRF (2020) observes that access to justice is, "the system by which people may vindicate their rights and/or resolve their disputes under the auspicious of the state. This system must be equally accessible to all, and second it must lead to results that are individually and socially just" (:5). The Chief Justice of Canada on the occasion of the 7<sup>th</sup> Annual Pro Bono Conference Vancouver in British Columbia on the 8<sup>th</sup> of October as cited in LRF (2020:7) remarked:

Whenever I think about access to justice, a quote from Honoré de Balzac comes to mind. He said that, 'Laws are spider webs through which the big flies pass and the little ones get caught.' To me, that image perfectly captures not just the inequities in our legal system, but the tangible effects those inequities have on people. While the system is meant to treat everyone equally, some people get stuck, and expend a great deal of time and energy to break free. Others breeze through to resolution and move on with their lives. Giving people access to justice is like giving them the tools to free themselves from the spider's web.

While there appears to be agreement that access to justice has much to do with promotion and protection of rights, Shughuru (2013) bemoans lack of consensus regarding what he considers a proper definition of the concept. Two approaches have nevertheless been used to describe the concept; the narrower and the broader approach. Shughuru (2013) further elucidates that the narrow approach regards access to justice as being concerned with the means for securing vested rights, particularly through the use of courts and/or tribunals. On the other hand, the broader approach seeks a firm conjunction of procedural and substantive aspect of justice. Accordingly, access to justice requires a construction that best ensures just, equitable and inclusive legal and judicial outcomes. In further analysis of the concept of access to justice, Nkhata (2020:132) observes that:

The expression 'access to justice' marries two intellectually loaded concepts 'access' and 'justice'. Because of the 'marriage' that the expression creates, a full understanding requires equal focus on both 'access' and 'justice'.

Therefore, the enjoyment of one's human rights also impacts on one's ability to access justice. Francioni (2007) in Liefwaard (2019) opines that, at the same

time, it can be argued that access to justice is acknowledged by regional human rights courts and treaty bodies as a human right in the context of domestic law and under international human rights law. As argued by the United Nations High Commissioner, access to justice for children ‘applies to civil, administrative and criminal spheres of national jurisdictions, including customary and religious justice mechanisms, international jurisdictions, and alternative and restorative dispute resolutions’ (United Nations High Commissioner, 2013, para. 4). It covers ‘all relevant judicial proceedings, affecting children without limitation, including children alleged as, accused of, or recognised as having infringed the penal law, victims and witnesses [of crimes] or children into contact with the justice system for other reasons. UNICEF in Liefwaard (2019) observes that access to justice is the right to obtain a fair, timely and effective remedy for violations of rights, as argued by national and international norms and standards, through adapted processes that protect children’s dignity and promote their development.

Simply put, access to justice refers to access to the legal procedures undertaken at all levels of reporting a crime, from inception of the report till the completion of the sentencing of the perpetrators. Shughuru (2013), further observes that, from the key elements of the above definition, it is important to note that the cumulative effects of these elements would result in an inclusive, participatory and barrier-free criminal justice system. The UN High Commissioner for Human Rights (UN High Commissioner:2013) defined access to justice for children as ‘the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the Convention on the Rights of the Child (CRC).

The concept of access to justice was brought up in the 1960s as a means of suggesting that inadequate levels of access to justice result in deep rooted inequalities and has made great strides over the last 50 years. McNamara and Beqiraj (2015) posit that, access to justice for all is a key priority for development and one of the SDG goals. They go on to argue how, ensuring effective access to justice serves two complementary functions: a redress function when laws and rights are violated by public institutions and/or



private parties, and a preventive function against further violations, including through increased public trust in the justice system.

Accordingly, access to justice is both an essential precondition for the effective functioning of institutions governed by the rule of law, and an individual right that is constitutionally guaranteed and part of international customary law and human rights principles. Effective access to justice is at the same time essential for the realisation of a range of other civil, cultural, economic, political and social rights and is an invaluable tool for empowering the most vulnerable groups to escape the 'vicious circle of impunity, deprivation and exclusion' (UNHCR press release, 2012, para.1).

Begiraj and McNamara (2016) also posit that, access to justice is essential to the establishment and maintenance of the rule of law because it operates as an empowering instrument, enabling the most vulnerable groups to have their voices heard and to exercise their rights. It serves both a redress function when public institutions and private parties violate laws and rights, and a preventive function against repeated violation of human rights.

Flynn (2015) avers that, the concept of access to justice contributes to an array of legal and political human rights theories. Cappelletti and Garth (1978) in Maldonado (2020) argue that access to justice has had three stages: in the first, access to justice meant the right to have a day in court; in the second, access to justice also meant strategic litigation of structural social problems, and in the third, it meant alternative methods for attaining justice. As argued by Nyenti (2013) the concept of access to justice, has evolved over the years from a narrow definition (that refers to access to legal services and other state services) to a broader one (which includes social justice, economic justice and environmental justice), a reading of the right protected in section 34 of the Zimbabwean Constitution (the resolution of disputes in a fair public hearing by a court or another independent and impartial tribunal or forum) suggests access to justice in the sense of access to the courts or tribunals that adjudicate or mediate. The concept in relation to this research depicts access to the panoply of justice systems as the means to which justice is achieved for persons living with disabilities particularly girls and women. Maher et al. (2018) argue how, justice begins with the assertion that people

with disability are bearers of human rights. In this research both women and girls living with disability are considered as subjects of human rights law on an equal basis, with legal capacity that must be affirmed and supported. The concept of access to justice is therefore an evolving concept that changes with time and human rights approaches and relevant needs of the time. However, for the purposes of this research Maher (2018)'s assertion above aligned with the meaning of justice within the context of this research.

To many the right to access justice takes a backseat to other factors to access such as shelter, food and financial stability. The right to access justice is often deemed as unimportant. However, this aspect is cardinal and core to the accessing of other rights. There are many factors that limit access to justice for disabled persons. These include: physical, discriminatory, financial issues, and lack of knowledge and education (Chikate, 2020). Bornman *et al.*, 2020:1) opine that:

Persons with disabilities are generally at greater risk of experiencing violence than their peers without a disability. Within the sphere of disability, individuals with severe communication disabilities are particularly vulnerable and have an increased risk of being a victim of abuse or violence and typically turn to their country's criminal justice system to seek justice. Unfortunately, victims with disabilities are often denied fair and equal treatment before the court .

Andrae (2017), in support, observe that children with disabilities, especially girls, tend to experience multiple forms of violence by many perpetrators within their extended family and wider community, with extremely limited opportunities to get help:

The above barriers not only limit access to justice but to other essential services such as health. The goal of access to justice is to widen participation and to overcome geographical, social and economic barriers. Such limits deny persons living with disability their basic human rights. These are discussed in greater depth in the following sections.

Access to justice is not only a fundamental right for every human being, but also a core requisite for the preservation of all other human rights. Legal Resource Foundation (2020:2) in support opine that:

Article 2 of the International Covenant on Civil and Political Rights (ICCPR) refers to the right to an effective remedy for all the rights in the covenant. This implies access to justice because one needs to access justice delivery institutions to obtain an effective remedy.

As argued by the Disability Toolkit for Africa (2011), for persons with disabilities to fully access justice there is need for accommodation of the different and specific special needs to be met that are a requisite at different stages of the justice process. There is need for any existing barriers to be lifted to ensure accessibility.

Nkhata (2020: 137) observe that “Access to justice for persons with disabilities is both a means and an end”. It is a means in the form of a transport mechanism that provides PWDs with an “opportunity to realise their rights” (Nkhata, 2020: 136). Edwards *et al.* (2012) acknowledge that, the literature emanating from the study of victims of crime, or ‘victimology’, has yet to address people living with disabilities as a specific category of victim. Neither has there been much engagement within disability studies regarding people with disabilities as crime victims, or regarding their experiences with the criminal justice system. Edwards *et al.* (2020) argue how, many people living with disabilities would reject terms, such as ‘victim’ and ‘vulnerable’. Such language can feed into constructions of disability which emphasise individualised notions of personal tragedy.

Beqiraj *et al.* (2017) notion of access to justice as a fundamental right in itself and as a precondition of the enjoyment of all other rights is especially crucial for this category of vulnerable persons, and provides a unique tool to counter the discrimination (and often disrespect, lack of dignity or even violence) that they face. For example, persons with disabilities are frequently denied legal capacity and have difficulty accessing courts and quasi-judicial bodies. Paradoxically, however, those who need effective access to justice are the ones who frequently encounter barriers to it. Beqiraj *et al.* (2017) give a gloomy picture. They argue how persons with disabilities face disproportionate socio-economic marginalisation, resulting in poorer health and medical treatment, lower quality of education, limited employment prospects and generally broad-ranging restrictions on their community participation. These negative outcomes are exacerbated by barriers to access to justice specifically

experienced by persons with disabilities. This excludes the importance of access to justice for persons with disabilities above all other rights.

Wulandari (2018) posits that the relationship between access to justice and girls and women living with disabilities lies in the fact that, women have a higher chance to be victims; this problem is worsened by existence of patriarchy culture which is still very strong in a majority of communities. Women are considered vulnerable, moreover those who have disabilities. Thus, observations are made that women living with disability are less likely to be able to protect themselves from the violence. These problems are related to lack of access to justice for those women who are victims of violence. Maher *et al.* (2018) share that, there are three main stages or processes for victims in the criminal justice system, namely, reporting the crime; accessing justice through the courts; and experiences after the trial.

The extant literature at international level shows that people living with disabilities experience barriers in all of the aforementioned stages of the criminal justice system. They also experience barriers during other intermediary processes such as accessing healthcare in response to crime. The underlying nexus between access to justice and victimology, therefore lies within the notion that the women and girls living with disabilities as victims of crime may seek justice as recourse for crimes perpetrated against them. Access to justice is therefore, simply more than improving a person's access to court. Ndedi and Mua (2017) argue how, "access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards"(:6). It is therefore a foundation of the enjoyment of other rights.

LRF (2020) observe that, whilst there is no perfect judicial system in the world access to justice in Zimbabwe for all persons and in this particular case, women and girls with disabilities, is riddled by diverse factors including; gender, poor funding, illiteracy and economic factors. Edwards, Harold's and Kilcommmins (2012) argue how "a significant amount of international research has demonstrated that people with disabilities are more likely to be victims of crime than their able-bodied counterparts" (: 11) Maher *et al.* (2018) supports this assertion and goes on to argue how girls and women living with

disabilities may have the same offence committed against them but their disabilities place them in a unique situation. Lodenius (2020) goes on to argue how girls and women living with disability GWWD become victims of crime and most often marginalised from accessing justice and judicial services.

Fiduccia as cited in Wulandari (2018) observes how, disabled women and girls are of all ages, all racial, ethnic, religious, and socio-economic backgrounds and sexual orientations; they live in rural, urban and suburban communities. Disabled women and girls live at the corner of disability and womanhood-with two 'minority' identities, a double dose of discrimination and stereotyping and multiple barriers to achieving their life goals. While many women with disabilities derive enormous strength, resilience and creativity from their multiple identities, they also face the consequences of discrimination. Yet, the self-defined needs of women with disabilities remain on the margins of the social justice movements that should represent them, - the women's movement, the disability rights movement, and the civil rights movement-leaving disabled women and girls of all backgrounds essentially invisible. This places women and girls living with disabilities into unfair conditions.

Guided by the parameters of international law as provided for in the global conventions, each country has gone on to develop its national legislation. These are expected to reflect differences in the content of the legislation and the manner in which they see things at the practical level. This section takes a look at access to justice as seen through the lenses of different countries. There was no particular formula used to select the countries. They serve illustrative purposes, with the aim of drawing some comparisons and drawing lessons for the country study.

The broader global community refers to the countries outside Africa, usually referred as first world countries. In most cases, this category belongs to those that have participated in the development and early ratifications of most of the early global instruments that guide theory and practice of justice today. Much of the access to justice issues are carried in the Convention for the

Rights of Persons with Disabilities the CRPD in 2006. This section covers India, Australia and Canada.

The situation for women and girls with disabilities in India is not different from the situation worldwide. As argued by the Guidelines and Protocol for Medico-Legal Care for Victims/Survivors of Sexual Abuse (2014), girls and women with disabilities face particular barriers in reporting sexual and other forms of abuse. Medico-Legal Care for Victims/Survivors of Sexual Abuse (2014:15), observe that:

...because of the obvious barriers to communication and their dependency on caretakers who may also be abusers. When they do report, their complaints are not taken seriously and the challenges they face in expressing themselves in a system that does not create an enabling environment to allow for such expression.

Women with disabilities are not only treated as invisible in the communities they reside in but there are no records of attacks and abuses of girls and women with disabilities. In 2014 a report by Rashida Manjoo shows that there was a lack of data on cases involving violated women with disabilities and she stated that this renders the violence committed against women with disabilities “invisible”. It is therefore evident that despite the ratification of the CRPD and legislature such as the Criminal Law (Amendment) Act 2013 against sexual violence, such violence still persists, especially among the girls and women living with disabilities. The critical issue about the Indian scenario appears to be attitudinal. In spite of increasing violence perpetration, there is little care about this vulnerable group: to the extent of not bothering to collect data that would otherwise inform responses.

Barriers prevent effective access to justice. For instance, high levels of discrimination and stigmatisation are levelled against persons in charge that are supposed to enable access to justice for women and girls living with disabilities. An example given by the Human Rights Watch (2018) stated that after a victim had reported the case to the police, they had asked her how she had felt and if she had enjoyed it. They called her mentally unstable due to her psychosocial disability based on the preceding sentiments. The researcher is of the view that there is need for further research in this area to obtain hard data that can be used to sensitise lawmakers and the community at large to

better assist girls and women living with disabilities towards access to justice.

Larson (2016), posits that no nation has met the challenge of successfully ensuring access to justice for persons with disabilities. McCullock *et al.* (2020) explore the meaning of justice for girls and women with disabilities who have experienced various levels of crime and family violence. They paint a picture of women with disabilities as still being a largely marginalised group and her persistence (by 2020) of a perception previously purported by Chenoweth (1996:6) when she posits:

Women with disabilities typically occupy positions of extreme marginalisation and exclusion that make them more vulnerable to violence and abuse than other women. There is a profound silence around the lived experiences of many women with disabilities that has meant that the violence in their lives is largely invisible and unknown.

Ortoleva and Lewis (2017) also paint a grim picture of the fulfilment of access to justice for girls and women with disabilities in Australia. McCullock *et al.* (2020) go on to argue how 20 to 30 per cent of women who experience violence in Australia have disabilities. The researcher undertook the current study with a desire to answer some of these previously held views and practices. The take away from the Australian experience is one of extreme marginalisation, even though there is evidence of high levels of perpetrations among Australian women with disabilities.

McCullock *et al.* (2020) paint a rather disturbing picture of the Canadian Justice System in response to a crime committed against a mentally unstable woman who had been abused and the perpetrator was one of her guardians. The case offers a poignant of challenges that women and girls with disabilities face in law courts. In this case study the victim gave a videotaped description of what her step father had done to her, the perpetrator in turn challenged her level of competency to testify and due to the judge feeling she had unsatisfactorily answered questions the perpetrator was acquitted.

Such poignant disregard for the rights of girls and women living with disabilities was further challenged by the Canadian Supreme court and the

case was retried, after inclinations were made that the court should be more accommodating to the needs of girls and women living with disabilities. This has led to recent research by McCulloch *et al.* (2020), suggesting that the supreme court highlighted that "questions should be phrased patiently, in a clear and simple manner", to accommodate persons living with disabilities. In essence, this is viewed as a starting point accommodating women and girls with disabilities while testifying in Canadian justice system. This provides important lessons to learn for Zimbabwean justice system.

Disability has largely been a taboo in the African context. Persons with disabilities are voiceless and ostracised within African communities. Most African countries have not fully accepted and enforced the rights of persons living with disabilities in general and those of girls and women in particular. This section provides insight into African Union (AU) and Southern African Development Community (SADC) and cases of a few countries, selected on the basis of regional representation for illustrative purposes.

Africa appears to have progressed in terms of change of mentality about women and girls with disabilities. Whereas traditionally these vulnerable groups were shunned and even hidden away, it looks like the arrival of CRPD may have changed the dynamic with Article 7.1.3 of the protocol stating that:

State parties shall recognise that persons with disabilities are equal before and under the law and entitled without any discrimination to equal protection and equal benefit of the law

In keeping with the letter and spirit of that Convention that most heads of African states have ratified, Africa Union (AU) heads of states adopted the Protocol to the African Charter on Human and People Rights on the Rights of Persons with disabilities in Africa in 2018, with the last signatory signing it in 2020. Muridzo and Chikadzi (2020) argue how, the protocol covered issues affecting Persons with Disabilities (PWDs) The Disability Rights Protocol tries to accommodate the privileges of people with disabilities as argued by an African viewpoint, considering the lived real factors of people with disabilities on the continent. The study, in part assesses how these developments have influenced practices in the province of Mashonaland Central.



The SADC protocol on Gender and Development (2008) observe that member states should abolish the minority status of women and ensure equality of access, that is not compromised by any laws or policies. The Protocol seeks to ensure that all women in Southern Africa have access to justice. As argued by the SADC Gender and Development Monitor (2016:4;

the SADC Protocol on Gender and Development seeks to ensure that women have access to justice including equity in judicial, quasi-judicial and other proceedings including customary and traditional courts , affordable legal services and equitable representation in the criminal justice system

Article 7 of the Protocol on Gender and Development (2008) speaks to “equal legal status and capacity” for all women in SADC member states. While the protocol is clear on its intentions, it remains to be seen to what extent this has cascaded down to practice. Through its various tools and instruments, the study collects data that hopes to provide the answers.

The development of the Nigerian system is showing mixed attention to the issues of rights of persons with disabilities. For example, the 1993 Nigerian Disability Decree was already showing some awareness. The Nigerian Disability Decree (1993:2) provides that:

The purpose of this Decree is to provide a clear and comprehensive legal protection and security for Nigerians with disability and establish standard for enforcement of the rights and privileges guaranteed under this decree and other laws applicable to the disabled in the Federal Republic of Nigeria.

As argued by Rotkangmwa and Lalu (2016), subsequent policies and legislature appeared to have retrogressed. For example, the 1999 Nigerian Constitution provides no special mention to persons with disabilities or their rights. That constitution was largely blamed for its silence on issues on disability. However, subsequent versions of the constitution (in 2011 and 2017) made reference to disability issues, even though it is argued that implementation was given little attention. Ewanga (2019) observe that Nigeria confirmed the United Nations Convention on the Rights of People with Disabilities (CRPD) in 2007 and its Optional Protocol in 2010. From

that point forward, common society gatherings and individuals with disabilities have approached the public authority to incorporate it. In 2011 and 2015, the National Assembly passed the Discrimination Against Persons with Disabilities (Prohibition) Bill 2009., However, the then President declined to sign it into law. The bill for the new law was passed by the House of Representatives and the Senate joint board of trustees in November 2016, only to have it signed in 2018. Umogbolu (2021) cites, lack of commitment on the part of the government “to attempt and implement the needs of disabled persons which are hindrances to access to justice for the disabled persons in Nigeria” (:29). Lessons to take from here include lack of political will on the part of the Government and hiccups in terms of implementation, a situation that renders girls and women with disabilities largely voiceless and marginalised. Some of the impediments behind lack of progress include education, structural accessibility, cost of justice, communication, discrimination and non-enforcement of bills, laws and treaties.

In Uganda, Human Rights for disabled people are enshrined in the Ugandan Constitution under section XVI, it is stated that “Society and the State shall recognise the right of persons with disabilities to respect and human dignity” (:23). is to be applauded as the first country in the world to recognise use of Sign language as an official language in its constitution even though there is some negativity levelled against that country. Global Accessibility News (2013) highlighted the experience from National Union of Disabled Persons of Uganda (Nudipu), an umbrella organisation of persons with disabilities, showing that the term Justice was far-fetched as far as people with disabilities are concerned, and may not hold water by any standard.

South Africa acceded to many conventions at international and regional level and has one of the most watertight constitution Act 108 of 1996. However, the country is largely characterised by a significant number of discriminatory practices. These mostly affect the marginalised and poorer classes of the South African society. Discrimination against persons with disabilities in particular girls and women persists.

Holmes and Rule in ADRY 6 (2018) suggest that there are many constitutional protections against unfair discrimination. The promotion of substantive equality and access to justice means that persons with disabilities have the same rights as non-disabled persons. They have their disputes heard in procedurally and substantively fairways in all courts in South Africa, including traditional courts. In spite of this observation, critics such as Backup (2009), still see persons living with disabilities as having difficulties in exercising their fundamental social, political and economic rights.

Access to justice for disabled persons in Zimbabwe is a fairly recent phenomenon, borne out of the need to address Human Rights violations and disability rights. However, despite ratifying and being part of different Global protocols such as the Convention on the Rights of Persons with Disabilities (CRPD), access to justice of women and girls living with disability remains questionable. For instance, Zimbabwe is one of the countries largely criticised for flagrantly violating the same conditions that it agrees to uphold, that of promoting, protecting human rights for all, especially girls and women with disabilities (Chikate, 2020).

There are many conventions, laws and protocols which were ratified by the Zimbabwean government in good faith to increase access to all services and equality for persons with disability with those without and reduce the context of ableism. Earlier research by Choruma (2007) highlights how persons living with one form of disability or another in Zimbabwe are a largely 'forgotten tribe' and little is done to advocate for their rights apart from the signing of paperwork that speaks of their rights with little progress on enforcement. An example is the National Disability Act of 1992 which was passed and a disability board created to oversee it, but to date, little implementation progress has taken place.

The Government of Zimbabwe has since taken other policy and legislative steps that show commitment to promoting the rights of persons with disabilities. As argued by SIDA (2014), in terms of international instruments, the Zimbabwe government signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in

September 2013 and sent its first report on the Human Rights of Persons with disabilities thereafter. The Protocol on Multi Sectoral Management of Sexual Abuse and Violence in Zimbabwe introduced in 2003 and revised in 2012, was put in place to strengthen and clarify the roles and responsibilities between service providers and agencies that have statutory and thus obligatory responsibilities in the delivery of age, disability and gender sensitive, survivor-centred services thereby enhancing their accountability and credibility. Enshrined in the protocol is the Victim Friendly System a multisectoral forum made up of social workers, medical doctors, nurses, the police force and role players within the justice system such as magistrates, prosecutors, counsellors, educationists and psychologists (Multi sectoral Protocol, 2012). These professionals offer distinctive but complementary interventions to child survivors of child sexual abuse the government also signed and ratified other relevant conventions such as the UNCRC.

Despite the aforementioned, Mandebvu (2015) underscores the loopholes in the Zimbabwean justice system especially when it comes to girls and women living with disabilities. She goes on to argue how, girls and women living with disability have an inter-sectional marginalisation born out of being women, vulnerable, economically poor and also disabled. Lodenius (2020) further cements that, “the 2013 constitutional reform, is heavily inspired by the CRPD and therefore embodies the ideology of inclusivity” (Lodenius,2020:19). However, on the ground there are no concrete implementation processes to ensure access for women with disabilities and access to justice is not an exception”. Beqiraj, McNamara and Wicks (2017:14) share that justice systems are both formal and informal and posits that:

.... It starts with the existence of rights enshrined in laws, and awareness and understanding of those rights. It embraces access to dispute resolution mechanisms as part of justice institutions that are both formal (i.e., institutions established by the state) and informal (e.g., traditional or religious authorities, mediation and arbitration). Effective access includes the availability of, and access to, counsel and representation.

To backtrack it is necessary to note important policies and legislation put into place for disabled persons within the Zimbabwe Justice System. Manatsa (2015) speaks to the issue of the Disabled Persons Act (DPA) [Chapter 17: 01],

the major law that sought to address disability in Zimbabwe. The DPA of 1992 of Zimbabwe covers two main areas prohibiting discrimination against PWDs namely; access to public premises, services and amenities and employment. The DPA also establishes the office of Director for Disabled Persons Affairs and constitutes the National Disability Board (NDB, hereinafter the Board). The Director formulates proposals and other measures that are submitted to the Board. The Board then develops measures and policies that concern PWDs in the country as provided for in terms of sections 5 (b) (i) to (xiii) of the DPA. The Board is also responsible for registration of PWDs and associations, institutions and organisations including state institutions dealing with the welfare of PWDs. The Board submits its reports to the appropriate Minister in terms of section 6 of the DPA as part of its modus operandi established under the DPA. In the years of its inception, the PWDs and disability organisations hailed the DPA as a great landmark in terms of furthering the rights of PWDs. However, due to lack of positive change, PWDs became disenchanted with the DPA. Manatsa (2015) notes that the DPA has morphed into a liability agency incapable of addressing the pressing needs of PWDs. Manatsa further suggests that DPA should be scrapped from the list of statutes because the use of “Disabled persons”, is pejorative and unpleasant . The following observation buttresses the foregoing:

Whereas scholars such as Mandipa advance that the use of such terminology “reflects a medical and diagnostic approach to disability which ignores the imperfections and deficiencies of the surrounding society”. In support of the foregoing, Nyirinkindi further opines that terms and labels become significant in colouring perspectives and determining what rights may be attached to PWDs. It is argued that the DPA is overtaken by events at the international level as its terminology is now at variance with that used in the CRPD which is “persons with disabilities.” (Manatsa, 2015:27).

Hence, it can be said that the DPA is not in conformity with the CRPD. Manatsa (2015:27) goes on to argue how the definition of a disabled person as proffered by the DPA leaves a lot to be desired. The DPA (2016:2) states, a disabled person is a person with:

...a physical, mental or sensory disability, including a visual, hearing or speech functional disability that give rise to physical, cultural or social barriers inhibiting

him from participating at an equal level with other members of society in activities, undertakings or fields of employment that are open to other members of society

The DPA provides disability in the medical sense of the term but also makes reference to what scholars refer to as social disability. Manatsa (2015) suggests that though the DPA should be commended for establishing the National Disability Board, the definition that it uses is now archaic in that it fails to capture the fact that disability is not only limited to individual impairments but also to barriers caused by both attitudinal and environmental factors. Literature such as the above exposes the good and bad aspects of legislation and policies surrounding disability and disabled persons' rights issues. It also provides a glimpse into the placement of importance by the Zimbabwean Government on disability issues. Manatsa (2015:25) paints the image that:

Zimbabwe was once viewed as a model country for disability rights in Africa and the world over. It was one of the first countries to adopt disability related legislation through the promulgation of the Disabled Persons Act (DPA) of 1992 .

The Zimbabwean Justice System is multi sectoral in nature. Each arm of the system stands on its own but in total dependence on the next aspect for it to function. Also writing within the Zimbabwean context, Chikate (2020) observes that Zimbabwe is one of the first countries in the world to historically dignify the lives of disabled people with legislative and constitutional representation. In 1992, 14 years before the signing of the CRPD, Zimbabwe had already signed into law the Disabled Persons Act (DPA).

In conclusion, Zimbabwe has progressed in terms of ratifications and development of local instruments and programmes to take care of the needs of people with disabilities. However, implementation appears to be its largest undoing. The study in Mashonaland is not only seeking to confirm or otherwise these trends but also to seek out lessons that might be useful in response initiatives. Prior to the 2013 constitution, Zimbabwe's stance on rights of people living with disabilities was not only questionable but barely significant. The African Disability Rights yearbook (2013), depicts the 2005

constitution as having insignificant mention of persons with disabilities by only adding physical disabilities under the non-discrimination clause. Prior to the 2005 constitution there was no mention of persons with disabilities let alone girls and women living with disabilities.

Phiri (2019:6) observes that many acts and amendments are made as positive strides to accommodate women with disabilities in Zimbabwe. For instance: The Domestic Violence Act (2006) helps to protect women with disabilities from GBV in Zimbabwe. The definition of domestic violence extends protection to women and girls with physical, mental, sensory, visual, hearing and speech disability (Domestic Violence Act 2006, section 3(1)(n)).

The Sexual Offences Act (2003) also prohibits immoral or indecent acts with intellectually handicapped persons (Sexual Offences Act 2003, section 4(2)(b)). Punishment ranges from a fine to imprisonment of not more than ten years or to both (Section 4(2)(b)) and;

The Mental Health Act [Chapter 15:12], paints a picture of rights for persons with mental disabilities and governs treatment of the aforementioned persons.

Criminal Law and Codification Act [Chapter 9: 23] to advocate for justice for crimes against the person, particularly sexual crimes committed against young or mentally incompetent persons [Chapter 5.3].

However, with the economic challenges the country is currently facing the implementation of these laws is poor. The CEDAW Committee in its concluding observations on Zimbabwe noted that the Anti-Domestic Violence Council which is responsible for the implementation of the Domestic Violence Act does not receive adequate monetary and human resources for it to effectively function (CEDAW 2012, paragraph 23). The following section will offer some of the best practices that are being employed to help curb the violence against women and girls living with disabilities.

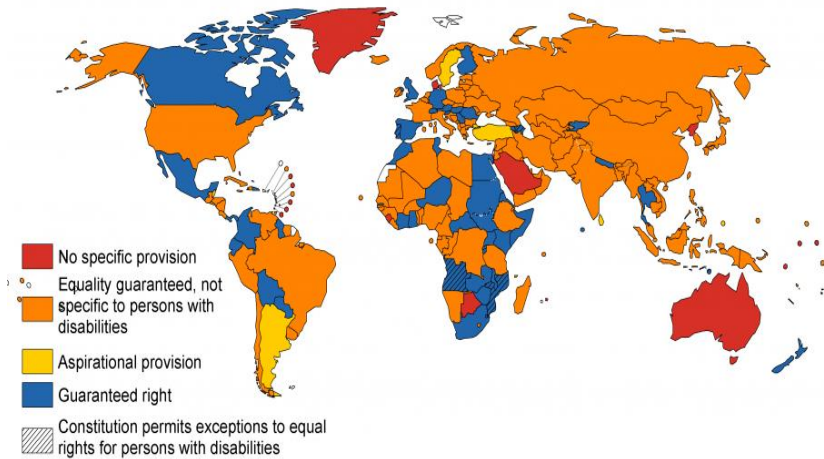
Zimbabwe has a long way to go in terms of enforcing the rights of persons with disabilities (Chikate, 2020). However, in April 2013, the enforcement of the new constitution depicted the first step towards disability rights enforcement in Zimbabwe. It placed Zimbabwe on the constitutional reforms map depicting that equality is a guaranteed right for all persons with disabilities, including women and girls. Section 22 shows the Government's aim to remove all barriers to access for People with Disabilities (PWDs) by providing that all institutions and agencies of the government at every level must recognise the rights of persons with physical or mental disabilities, particularly their right to be treated with respect and dignity. Meanwhile, Section 83 of the Zimbabwean Constitution emphasises on implementation and further enshrines the enforcement of equal rights for persons with disabilities. Furthermore, Section 83 shows great strides in constitutional reforms, particularly in the acknowledgement of persons with disabilities as an arm of the community that requires necessary protections that are awarded to all members of the community. Thus, despite limited resources made available to ensure that persons with disabilities realise their full mental and physical potential, The Constitution of Zimbabwe (2013) strives for the following measures women with disabilities:

- a) To enable them to become self-reliant;
- b) To enable them to live with their families and participate in social, creative or recreational activities;
- c) To protect them from all forms of exploitation and abuse;
- d) To give them access to medical, psychological and functional treatment;
- e) To provide special facilities for their education; and
- f) To provide State-funded education and training where they need it.

The major loophole of the Constitution of Zimbabwe (2013) in reference to persons with disabilities is that it enshrines the rights of persons with disabilities in writing but does not emphasise adequately the role that government should play in enforcing these rights, in alignment with the CRPD. As such Figure 2.1 depicts some of the pertinent questions that continue to arise in line with the phenomena on under study.



## Does the constitution explicitly guarantee equality or non-discrimination for persons with disabilities?



*Figure 2.1:* Does the Constitution explicitly guarantee equality or non-discrimination with disabilities? (Heymann, Sprague and Raub, 2020: 157)

Figure 2.1 above shows countries that have constitutions that are non-discriminatory to persons with disabilities, it also portrays the countries where equality is guaranteed and no specific provisions are made for persons with disabilities.

In terms of achieving substantive access to justice for women and children living with disabilities, Zimbabwe still faces a debilitating task. There is a large representation that shows that girls and women living with disabilities fall into the crevices of intersectional marginalisation simply because they are women, poor and disabled. This has led to scholars such as Dziva, Shoko and Zvobgo (2018) proposing that section 83 of the constitution should move from theory to practice since it directs the state to advance PWDs' issues by coming up with concrete measures that will ensure that women and girls living with disabilities are not marginalised. Thus, inclusion of PWDs' rights under the Bill of Rights in Zimbabwe's constitution is a positive step towards showing the importance accorded to PWDs in society.

The Zimbabwean Justice System largely dominated by the courts is bound by the constitution that pushes for a justice for all regardless of race, gender or creed. In many countries, Zimbabwe included the formal state administered justice systems coexist with informal systems of community conflict resolution and justice. The constitution as previously stated, in section 83 stands for the equal access to services and access to justice in this case for all persons with disabilities. The Zimbabwean justice system is also comprised of traditional systems of justice .

Lodeni (2020) observe that the traditional system led largely by a patriarchal setup in Zimbabwe is riddled with its own biases against women and the disabled. Coupled with traditional justice systems led by traditional leaders, the judicial system and traditional justice systems face a panoply of their existence and exclusion from society events due to complications brought about by their differing forms of disability.

The Zimbabwean Justice System has, however, taken strides towards accommodating persons with disabilities at the courthouses by modifying existing physical structures and creating what is described as disabled access friendly spaces. An example is the provision and construction of wheelchair ramps and in some cases provision of sign language interpreters stationed at court houses such as at the Bindura Magistrates Court.

It is imperative to note that the Zimbabwean Justice System falls under the Victim Friendly System. These systems comprise of but are not limited to the ZR: Ministry of Health and Child Care, Department of Child Welfare and National Prosecuting Authority and civil organisations. As argued by Muridzo and Chikadzi (2020:257):

...the Victim Friendly System is a confluence of multisectoral and multi stakeholder professionals from different governmental and nongovernmental organisations that offer integrated and coordinated services targeting primary, secondary and tertiary levels of child sexual abuse prevention and mitigation. The Victim Friendly System has made significant strides in providing better service delivery outcomes to direct and indirect victims of child sexual abuse .

The Victim Friendly System was formed to provide and deliver comprehensive and specialised case management services through offering mental health and psychosocial, medical, legal and referral services to survivors of sexual abuse and violence. (Chikadzi, 2020; Save the Children, 2015. :2)). It is from this initiative that Victim Friendly Police units were formed (VFU) that are manned by officers who have specific responsibilities to provide a space for child and adult survivors of sexual abuse and violence. The VFU Officers are trained to take all allegations of abuse and violence seriously and provide support for boys, girls, women and men who are survivors of violence to attend court. The Victim friendly system is a co-dependent system that provides referrals to each arm of the system from the VFU to health service providers to the courts and Department of Social Development in no particular order. For example, all survivors of abuse and violence can be referred to any of the victim friendly services at which time they can be supported to access any services within the system relevant to their protections, care and support.

Though the foregoing paints a picture of a solid VFU which caters for all towards access to justice, Chikate (2020:37) paints a totally different a picture and observes that there is still a long way to go in terms of legislative reforms when she quotes a disability N.G.O representative as having stated that:

Yes, we are signatories of these treaties, and our constitution argues that we are protected, but there is a lack of enforcement of the actual treaties. The people are given a document that observes how, 'you are protected' but when push comes to shove, we are nowhere near protected.

Chikate further observes that this quote elaborates the difficulty of legislative implementation despite having all the necessary paperwork in place.

Literature, such as Rotkangmwa and Lalu (2016) has on record examples of specific types of types of violence against women and girls with disabilities. In summary, these include psychological and emotional abuse, neglect, financial abuse or exploitation, and physical or sexual abuse. Some of these are linked not only to the type of disability of the victim but also their age. In

confirmation of this argument, Day (2021) observes that disabled children and adolescents were especially vulnerable to sexual abuse.

Sexual violence or abuse encompasses any uninvited or coerced sexual contact, such as rape and threats of violence or coercion in relation to sexual behaviour (Ozemela, 2019). Domestic violence is another common form of victimisation for girls and women with disabilities (Rugoho and Maphosa, 2015; Jones, 2007). Jones (2007:207) reports the results from a Canadian national assessment of women under domestic abuse treatment programme that showed that:

10% of ... had physical disabilities, 7% had mental retardation or developmental disabilities ('MR/DD'), 21% had mental illness, 2% had vision impairments, and 3% had hearing impairments (:207) ... since the data only includes women who have reported domestic violence, they may underestimate the true frequency of domestic violence against women with disabilities. Disabled children and adolescents are especially vulnerable to sexual abuse and re-victimisation.

There were also reports of other common crimes against women and girls with disabilities. In Canada, it was mainly intimate partner violence Savage (2021), while in Brazil, it was abuse of a physical or sexual form (Passos *et al.*, 2019). Passos *et al.* (2019) attribute these trends to the patriarchal nature of Brazilian society. So, it appears that certain trends can be discerned and these can go a long way to 'advise' on prevention and response initiatives.

When crime is perpetrated, it may not be enough just to deal with the perpetrator and leave it there. The question of who perpetrates can provide useful leads on future solutions in prevention and response efforts. Literature and studies have shown that perpetrator is rarely someone totally unknown to the victim. In their writings, Martin, Ray, Sotres-Alvarez, Kupper, Morocco, Dickens and Gizlice (2006) have found that physical and sexual assault are mostly perpetrated intimate partners or other persons known by the victim.

This position is supported by Human Rights Watch (2010) that argues that caregivers constitute a sizeable proportion of perpetrators, either at home or in institutional settings. There is also another angle where females with

disabilities are often trapped by violent partners or family members because they are financially and socially dependent on them for survival (Human Rights Watch, 2010). In situations of reliance on caregiver support with routine activities, victims may choose not to disclose authorities or anyone else out of fear that they will have no one to provide essential care for them.

In view of the foregoing, it appears the pattern of most crimes against girls and women with disabilities are linked to someone very close. Such information should help in prevention strategies such as not leaving a victim under the care of one individual alone.

Does the place where the crime takes place matter? Are there specific patterns of locations where such sexual violence acts do occur? This was an issue of interest to the study since patterns matter in occurrence of events. The case of abuse perpetrations taking place in the home or institution where the victim lives is mostly linked to the caregiver-turned perpetrator. This is a case where the dynamics of the routine activity theory could have set in Drawve *et al.* (2014). In this case, the caregiver is made 'absent' by the sudden decision to transforms into the offender.

In a study of French Police database involving 1829 women, an analysis of pre-crime, crime, and post-crime patterns of abuse perpetrations against women challenged by either disability or old age, findings show the pre-crime phase being most significant and pointing to most occurrences taking place in the victim's residence (Chopin & Beauregard, 2019).

The legal and policy framework is the first step towards promotion of access to justice for women and girls with disabilities, together with enabling guidelines and supporting programmes. The framework sets out the parameters around which any practices can occur. Even though it bemoans the need for improvements in the areas of coordination, capacity building and continuous review of policies, Namibia has reportedly made good progress towards meeting the country's access to justice needs, especially provision of medical and social needs. (Shumba, 2018).

The CRPD states, in no uncertain terms, that there should be no barriers to access to justice for persons with disabilities. Article 13 of the CRPD, for example, observe that, states/government political parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations. This is meant to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceeding, including at investigative and other preliminary stages. The article (13 of the CRPD:11)further elucidates:

To help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Despite these declarations and despite article 6 of the CRPD being signed and ratified by 187 countries, international evidence, manifesting through literature, suggests that people with disabilities experience barriers in all the three stages of the justice system (Harold *et al.*, 2012). This has resulted in literature depicting a state of gaps, with many 'promises' still to be fulfilled and put into action. The CRPD has laid a foundation for, amongst these efforts, the removal of barriers that limit access to justice.

Liefgaard (2019), writing from the child angle, observes that children, in particular, face unique barriers when accessing justice; posing specific challenges. Such barriers relate to the complexity of justice systems that makes it difficult for children to get access and to participate effectively. Liefgaard (2019:203) further argued that:

Some of these barriers are general and affect children in the same way as they affect adults. Poverty and economic status, for example, can mean that an individual cannot afford a lawyer. Other general barriers include procedural costs, location of courts, physical access that for instance has relevance for individuals with disabilities, and legal barriers, such as statutory limitations and the denial of legal standing

Maher *et al.* (2018), observe that barriers in the justice system such as those in the Australian legal capacity framework further isolate persons with disabilities from accessing justice. It is therefore necessary to note that such

frameworks depart from the goal of the CRPD that seeks to ensure that all people have the right to equal recognition before the law in particular, in article 6 where it notes that:

...women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

Several key barriers hinder access to justice for women and girls with disabilities (GWWD) in Zimbabwe. These barriers, identified in various studies (Beqiraj et al., 2017; Kilcommins, 2012; Maher, 2018; Shughuru, 2013), can be broadly categorized as follows:

- **Normalisation of Violence**-A culture that tolerates violence within service systems and society at large creates a significant obstacle for GWWD seeking justice.
- **Structural Barriers**-These barriers exist at multiple levels, including traditional and socio-cultural systems. They encompass physical barriers in the built environment, as well as intellectual and cultural dimensions.
- **Procedural Barriers**-These relate to the processes and procedures within the justice system itself, which may be inaccessible or difficult for GWWD to navigate.
- **Attitudinal Barriers**-Negative attitudes and prejudices held by individuals within the justice system and the wider community can prevent GWWD from being taken seriously or receiving appropriate support.
- **Lack of Knowledge**-Both GWWD themselves and those working within the justice system may lack knowledge about disability rights, available support services, and appropriate procedures.

Specifically, structural barriers in Zimbabwe manifest in various ways. They include, but are not limited to, traditional and socio-cultural norms that may discriminate against GWWD. These barriers also encompass physical obstacles in the built environment, making it difficult for GWWD to access justice facilities. Furthermore, structural barriers include intellectual and cultural dimensions that can further marginalize GWWD within the justice

system. The Convention on the Rights of Persons with Disabilities (CRPD), particularly Article 5(3) regarding non-discrimination, mandates that States Parties take "all appropriate steps to ensure that reasonable accommodation is provided" (CRPD: 7). Article 2 of the CRPD defines reasonable accommodation as "necessary and appropriate modification and adjustments..." These provisions highlight the importance of addressing structural barriers to ensure equal access to justice for GWWD. Beqiraj *et al.* (2017) further acknowledge the need for modifications in the physical setups in courts for persons with physical disability and observe that, in the context of access to justice for persons with disabilities (both physical and intellectual), it may be that a 'reasonable adjustment' could require a change of venue for court hearings for a person with disability. Similarly, visual or hearing impairment may also impede physical access and related adjustments need to be introduced (Larson, 2014 & Holness and Rule, 2015).

Adjustments are crucial to guaranteeing access to justice in practice, but the scope of 'reasonable' adjustments based on disability grounds (for example, building a ramp for wheelchair users or changing a venue in specific cases) may vary considerably across jurisdictions (Ortoleva, 2011). The case of jurors with a visual or hearing impairment provides an interesting example. While the prohibition of disabled jurors participating in a criminal trial is increasingly being challenged, the main problem relates to the 'reasonable adjustments' during court proceedings, in particular around the acceptability or not of support during jury deliberations. Since the effective participation of sight or hearing-impaired jurors may require a third-party joining discussion in the jury room, there is debate (Byrne, Elder and Schwartz, 2021).

It has already been noted that structural barriers are not limited to the physical barriers but they extend to what Edwards *et al.* (2012:10) describe as, the criminal justice system can be understood as a structure comprising many interrelated institutions. Structural barriers can evolve where there is a lack of communication between institutions, or lack of clarity within an agency in terms of who takes responsibility for dealing with victims of crime who may have impairments.



Meanwhile, with regard to the traditional courts, Mandebvu (2015:54) observes that, disabled women are often denied the opportunity to access justice based on socio-cultural considerations. When they are sexually assaulted, the matter is taken to Village Heads or Chiefs who sometimes disregard the importance of reporting the case to the police but rather favour settling the matter at the Village Court level. In most situations, if the perpetrator is found guilty, he has to pay compensation in the form of money or livestock (Transitional Justice Policy Brief Series1, 2016). This does not solve the underlying problem. The victim neither benefits from the compensation nor will it reverse her drastic experience. If anything, perhaps the caregivers are manipulated by the compensation and thus disregard taking the matter to the police station. The victim deserves some form of justice. Justice can only prevail if the matter is handled in court. Therefore, cultural considerations such as settling the matter in the village only protects the perpetrator and does nothing to bring him to book. The least that the victim deserves is the access to justice. Lodenius (2020) highlights that some structural barriers that exist limit access to buildings. Choruma (2007) acknowledges this and indicates that most modern buildings have disability modifications but some are not up to standard and some do not have labels and directions to show the disabled persons where their modified points are.

Edwards *et al.* (2012) assert the following, structural barriers: the criminal justice system can be understood as a structure comprising many interrelated institutions. Structural barriers can evolve where there is a lack of communication between institutions, or lack of clarity within an agency in terms of who takes responsibility for dealing with victims of crime who may have impairments.

This aspect of the study is massively relevant to this study. In a system where the ramp may be the only known means to remove barriers, it is of interest to understand what is available, else could be introduced and what the overall implications for the system are.

Women and girls with disabilities (GWWD) face compounded marginalization. As highlighted by Disability Awareness in Action, women are already a marginalized group due to pervasive patriarchal societal

structures. GWWD, therefore, experience a "double blow" of stigma stemming from both their gender and their disability. Disability often restricts their social inclusion and participation, creating social barriers that increase their vulnerability to abuse and limit their access to support systems, including justice mechanisms. This situation is exacerbated in countries lacking adequate legislation or advocacy for disability rights. Indonesia, for example, ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2016, but has yet to make significant progress in promoting access to justice for people with disabilities, particularly GWWD.

Furthermore, a lack of accessibility within the justice system itself poses a major obstacle. This includes inaccessible police stations, a lack of information in accessible formats, and communication barriers. For instance, Deaf individuals may struggle to contact the police during emergencies due to the absence of sign language interpreters or other accessible communication methods.

Edwards *et al.* (2012:2) also outline the following procedural barriers as affecting women and girls living with disabilities. The Criminal Justice System comprises a complex number of procedures and processes. People with disabilities have often been shown to lack information about these procedures, from reporting a crime through to giving evidence and seeking compensation post-trial, where relevant. These procedures can appear intimidating and confusing to all crime victims. Lack of accommodation in terms of making these procedures accessible, including practical adjustments such as ensuring court premises are accessible, or that communication supports are provided, have acted as barriers to people with disabilities. It is also widely noted in literature that the common law justice system which characterises Ireland and countries such as the United Kingdom, United States of America, Australia and New Zealand is based on an adversarial process in which the principle of orality is key: in itself can disadvantage people with disabilities who are not able to communicate in a clear and persuasive manner. Until the system allows other means of providing evidence, access to justice may still remain a pipedream for many a victim with a disability.

People with disabilities face an onslaught of unfavourable attitudes and opinions concerning the nature and characteristics of their disability. Attitudinal barriers, as argued by Rohwerder (2015), are one of the most significant barriers to achieving equality of opportunity and social inclusion. These commonly appear as: non-disabled individuals' inability to look past the impairment by removing their ableist lenses; prejudice; fear; bullying; and low expectations of people with disabilities.

As argued by Edwards et al. (2012), there are attitudinal barriers because the criminal justice system includes several professional organisations and personnel, such as police or Garda, barristers, and judges. Attitudinal Barriers are negative attitudes and incorrect beliefs or assumptions on the part of key factors such as police, health workers, attorneys, and judges that may result in people with disabilities being considered and treated as less credible at all levels of the legal process, including when reporting a crime.

The CRPD (2016: para52) also observes how:

Women with disabilities face barriers to accessing justice, including with regard to exploitation, violence and abuse, owing to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations that can lead to their credibility being doubted and their accusations being dismissed. Negative attitudes in the implementation of procedures may intimidate victims or discourage them from pursuing justice. Complicated or degrading reporting procedures, the referral of victims to social services rather than the provision of legal remedies, dismissive attitudes by the police or other law enforcement agencies are examples of such attitudes. This could lead to impunity and to the invisibility of the issue that in turn could result in violence lasting for extended periods of time. Women with disabilities may also fear reporting violence, exploitation or abuse because they are concerned that they may lose the support required from caregivers

Women with disabilities face more abuse – Zimbabwe (2013),

The attitude of staff at institutions such as the police station and hospital, tends to be one of hostility towards people living with disabilities. In most cases a disabled rape victim is ridiculed and blamed. I personally know a situation where a police officer at a particular police station openly told a rape victim that she should thank the rapist because, if she was not raped, she was never going to enjoy the pleasure of sex in her life, (CRPD: para.7).

Human Rights Watch (2018:para.1) provides an example of how stakeholder attitudes can negatively impact women with disabilities who are victims of crime, recounting the experience of one such woman.

The police asked me very nasty things like how it felt for me. I told them I was totally unconscious, so how would I know? The police said things like, 'She's mental, why should I pay attention to her?'  
—Susmita, 26, a woman with a psychosocial disability from Kolkata, West Bengal, whom four males neighbours sedated and gang-raped in February 2014

A "lack of proactive conduct in expressing ideas and exercising their rights," which leads to further marginalization (PPUA Penca, 2013:12, 14-15), can also be a consequence of systemic barriers and societal attitudes that discourage or prevent women and girls with disabilities from asserting themselves.

These groups' assumptions about the talents and capacities of persons with disabilities are demonstrated to be problematic, whether in terms of reporting a crime or seeing individuals with disabilities as competent and reliable witnesses in court. Difficulties in the built environment and information: Procedural barriers that individuals with disabilities face are frequently exacerbated by barriers in the built environment, such as inaccessible courthouses or Garda stations, or a failure to offer information in accessible formats.

Larson (2014:220) backs up this claim, stating that "people with disabilities are frequently stigmatised by society and our legal systems." As argued by Holness and Rule (2014), disabled people's invisibility as subjects of human rights and equality law is an unavoidable result of their separation from the mainstream: a separation induced by their inability to access mainstream facilities due to physical and social impediments.

Cotter (2018) notes that women with disabilities are subject to various, sometimes contradictory, social and legal myths and attitudes when it comes to their sexuality. These range from the perception that women with disabilities are hypersexual and sexually deviant, to a tendency to treat women with disabilities as children, or a view that women with disabilities are entirely non-sexual (Benedet & Grant, 2014). Edwards *et al.* (2012) posit

that such attitudes about girls and women with disabilities are even assumed by law enforcement agents making women with disability more prone to abuse but less likely to report due to such stigma and assumptions. Attitudes, such as these can both place women with disabilities at a higher risk of sexual assault, and also serve to minimise or ignore the consequences or impacts of victimisation for women with disabilities. For instance, UNFPA (2018) observe that, legal capacity refers to the capacity to be both a holder of rights and an actor under the law. Legal capacity to be a holder of rights entitles a person to full protection of his or her rights by the legal system. Legal capacity to act under the law recognises that person as an agent with the power to engage in transactions and create, modify, or end legal relationships. This implies that, supported decision-making mechanisms may be necessary to empower persons with disabilities to exercise their rights to legal capacity.

Cotter and Savage (2019) in the above extract paints a grim picture of the depiction of women with disabilities and highlights the unique ideas that whether imagined or not fuel the rate of abuse and subsequent depiction of women and girls as victims of crime. Literature also reveals a deplorable picture of the experiences of victims of crime who are disadvantaged in more ways than one; who are marginalised and discriminated against in the communities they live in, who are women and thought of as the inferior sex and in this case, who also are disabled and therefore discriminated against. As argued by Groce and McGeown (2013) a total of 90 % of women living with disabilities have at some point or the other in their lives been sexually abused, this is largely due to their unique conditions such as mental challenges where one cannot refute or defend themselves and physical impairments that may prohibit them from running away. This coupled with other factors resulted in a high HIV/AIDS prevalence rate and limited access to justice due to their disability limitations and the fact that disability is mostly associated with poverty and this creates a barrier to accessing justice (Chikate, 2020; Lodenius, 2020).

Edwards *et al.* (2012:10) also contend that, though police are meant to be the gatekeepers to the criminal justice system, their attitudes and towards crime victims with disabilities have a significant bearing on those victims' experiences of seeking legal redress. Wulandari's depiction is of a

cantankerous judicial system that bears no respect for girls and women living with disabilities as victims of crime. The African Disability Rights yearbook (2013:74), paints a dull picture and observe that:

Women and children with disabilities in Zimbabwe suffer more human rights violations as they have other vulnerabilities. Women with disabilities suffer double discrimination, firstly as women, and secondly as persons with disabilities. Cultural beliefs and practices weigh too heavily against the realisation of the rights of women with disabilities. Poverty, misery, illiteracy, joblessness and social exclusion are some of the common plights that women with disabilities face in Zimbabwe. Similarly, children with disabilities are normally not sent to school, compared to their non-disabled counterparts. Without the requisite knowledge and skill, it is very difficult for the children to secure any form of employment when they grow up

Harold *et al.* (2012) support the above and argue how victims of crime who are largely disabled have a lower number of cases that are taken to court and that are tried or even prosecuted. These scholars give a grim portrayal of women and girls with disabilities within the Irish context and show that there is still a lot of work to be done if they are to be deemed equal in the court of law and throughout the justice system. Larson (2014) supports this and observe that victims of crime with disabilities face more barriers in accessing justice due to the special nature of their disabilities.

Maher *et al.* (2018) bring to light the fact that, women and girls with disabilities face particular challenges and sets of risks to their safety daily. They have the same rights to access justice with everybody else. Maher *et al.* (2018), give examples of women with disabilities who are victims of violence and who are keen to have their stories believed, and their decisions and desires respected as part of legal processes.

Negative perceptions held by police personnel regarding people with disabilities, and particularly people with intellectual disabilities that can lead to reports of crimes not being taken seriously. Police tend to hold stereotypical views about people with disabilities as lacking capacity and competence as witnesses;

Lack of knowledge also constitutes the widening of the gap. Holness and Rule (2014) make an assertion of legal awareness as the foundation for fighting

injustice. That position is well supported by Nkhata (2020) whose argument is about the poor and other disadvantaged people being unable to seek remedies for injustice because they lack knowledge about their rights and entitlements are under the law. Information on remedies for injustice must be intelligible to the public and knowledge provided to them must serve their practical purposes. Edwards et al. (2012:5) also observe that the criminal justice system can be intimidating for people with disabilities. Individual support, whether from a key worker, family member, or advocate, was seen as vital to enable people with disabilities to report crimes and follow the case through. Participants stressed the importance of attitudes and knowledge of the Gardaí at the reporting stage. Concerns were raised about the consistency of knowledge across the Gardaí in terms of working with people with disabilities as victims of crime. Issues of capacity were seen as a key stumbling block for people with disabilities in the criminal justice system (both at first reporting, and in terms of their progression to prosecution).

In the court setting, victims' experiences are very much influenced by the attitude of judges and barristers, and the way in which accessibility is understood (not just in terms of physical access, but also explaining the 'jargon' of the courtroom) (Edwards *et al*, 2012). Edwards et al. (2012) further asserts that the barriers during the reporting phase of a crime are often different from the barriers at the court phase of a crime. Beqiraj (2014) observe that, there are barriers in rural and remote areas that limit the effectiveness of using the media to raise awareness about rights.

In India rural villages may be isolated, with limited exposure to the media or to the wider country or the world. Even television that has generally permeated through to the village level, does not necessarily have an impact on the lives of people in many rural areas when it comes to awareness of legal rights. In rural Tajikistan attempts to raise women's awareness about rights through television or radio are strongly limited by electricity shortages. Tajiks in those remote areas receive only one to two hours of electricity per day, so few women can watch television or listen to the radio during this time. Lack of disability awareness of police personnel that can lead to a failure to identify people with disabilities as vulnerable witnesses, or recognise where they may need further support;

It remains a fact that lack of knowledge stands out as a barrier to accessing justice and all efforts must go towards breaking those barriers to open the streams of access.

Social and customary norms play a role in discriminating against disadvantaged populations. While customary practices might safeguard vulnerable groups, they can also be a source of prejudice. One such example is the second-class position accorded to women in many civilisations' social and customary rules. Culture has an important role in the marginalisation of people with disabilities. Disability is related with witchcraft in many Zimbabwean societies; they consider it a curse and the birth of a crippled child to be a bad omen for the family. Persons with disabilities face low social acceptance and isolation as a result of this adversarial attitude of disability.

It is common practice to draw attention to the double discrimination against both gender and disability that women with disabilities face on the job. If women with disabilities are universally at a disadvantage as a result of these stereotypes, their lives are often severely hampered throughout most of the developing world, where poverty and traditionally negative attitudes toward women and disability are widespread, if not universal (Groce,1997). This study is not meant to chronicle every known variation in attitudes experienced by women with disabilities, but rather to present an overview of some of the most notable concerns confronting women with disabilities in the world today. Choruma (2007) observes that in Zimbabwe, many negative ideas about the origins of impairments continue, such as the association of disability with witchcraft or maternal promiscuity. In Zimbabwe, disability is still regarded as a curse. Camilleri (2018) in support states impairment at an individual level, can be further compounded as a result of the disabling barriers evident in social, cultural and institutional environments . Lodenius (2020:94) alludes to cultural stigma and observe that sometimes, women with disabilities are forced to not report a crime and instead bear the brunt and live with the consequences of the crime. Camilleri (2018) in support states impairment at an individual level, can be further compounded as a result of the disabling barriers evident in social, cultural and institutional environments .



Lodenius (2020:25) provides two examples of such barriers and implications on women with disabilities, one example is by a 57-year-old woman named Tatenda who has psychosocial problems explained how her mother knew her stepfather started to rape her and her sisters at age 11 and started prostituting her at age 13 but did not report it to the police: “For seven years, no one including my mother or my grandparents talked about my step-father’s practices of sexual abuse, but they knew about it.” Another example of this is Danai, 37, a mother who has albinism and has visual impairment had a similar experience with her family when falling pregnant with the child of her rapist: “When my pregnancy started to show my father said I must quietly go to the village and deliver the baby in my parents’ care. My family decided not to report the rape to the police.” Maher *et al.* (2018) observe that Typically women with disability are conscious of the cultural bias against them and this can operate as a barrier to disclosure in the first place (Lodenius,2020:39)

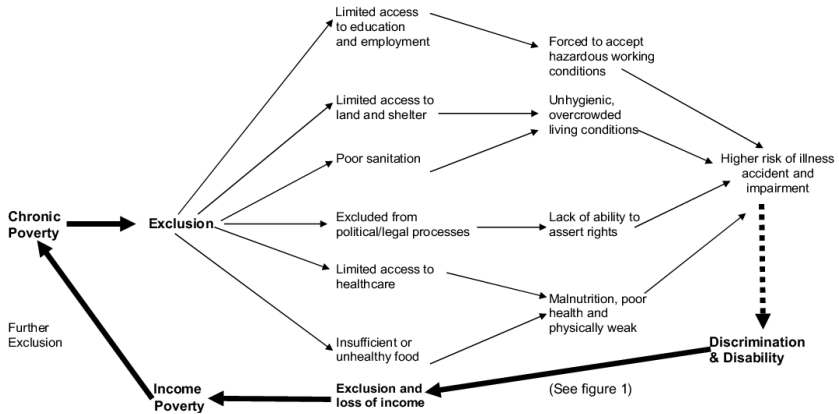
Lodenius (2020) also provides an example of a woman with a disability who upon being raped by her neighbour was forced to marry him. Such fear of cultural and societal stigma robs the GWWD of access to justice services and having to live with the consequences. Uncertainty on the part of people with disabilities, and third parties, regarding what constitutes a crime, and when reporting of an incident should take place. People living with disabilities can often believe that abuse does not warrant reporting and women and girls are not immune to this.

Harmful patriarchal attitudes are also a cultural impediment to girls and women with disabilities receiving justice. Patriarchal attitudes and notions about men's superiority over women, and the naturalness of segregated gender roles in which women are primarily caregivers and men are breadwinners, predominate (Chikate, 2020). Such gender and disability attitudes further marginalise girls and women with disabilities from access to services and justice. Chikate (2020) goes on to observe how when you combine this with the existing patriarchal forces, you have a vulnerable community for disabled women and girls. As argued by a national poll conducted in 2013, there are roughly 1.4 million people in Zimbabwe who live

with disabilities and of these 44% are women (Choruma, 2007). The same gender-biased perspectives support significant social tolerance or even justification of domestic abuse.

Beqiraj, McNamara and Wicks (2017) also assert that, vulnerability connected to and deriving from disability is partly inherent and partly generated, for instance, by societal, cultural, legal and physical barriers to the full enjoyment of human rights. Yet, international policy-makers and stakeholders have not historically recognised or prioritised disability issues within international development efforts. Rosmalinda and Arif (2018) also attribute the failure of accessing justice in Medan and Binjai areas of Indonesia to cultural, communication and financial barriers and give the following examples of cultural barriers. It was noted that both Australian Parliament House APH and legal aid provider staff could not speak sign language which is used by people with hearing impairment who need an interpreter. In this case the victim was never sent to school because as farmers the parents did not enough money to send their daughter to the Sekolah Luar Biasa (SLB), a special education school in Binjai, Indonesia. Lack of public transportation from their house which is in the palm oil plantation becomes the main consideration to not send the girl to SLB. As a consequence, the girl lacks education. Furthermore, when the girl finally had access to legal aid, no interpreter could understand her sign language as she used informal sign language while the interpreter used the formal one though her family members did understand her informal sign language. However, it was 'taboo' in the community for elder people talk directly to the girl about the incident of sexual harassment.

Yeo and Moore (2003), cited in Dziva (2018), depict disability and poverty cycles as contributory factors to lack of access to justice for women and girls with disabilities. Choruma (2007) and Dziva (2018) acknowledge that the economic situation in Zimbabwe, alongside poverty, makes the process of accessing justice for PWDs and WWDs difficult, due to the lack of disposable income to pursue the course of justice. Figure 2.3 shows the disability and poverty cycle.



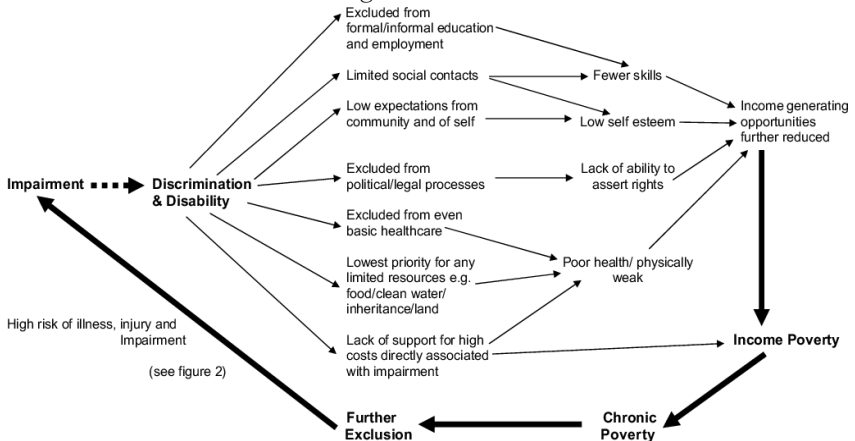
*Figure 2.3: The disability and poverty cycle: how poverty leads to disability (Yeo and Moore, 2003:572).*

Figure 2.3 above depicts poverty as leading to disability which increases the chances of individual victimisation. Yeo and Moore (2003) suggested that poverty, especially when it becomes chronic, triggers exclusion. That in turn leads to all sorts of negatives such as acceptance of hazardous work, living in crowded conditions, lack of ability to assert one's rights and malnutrition, poor health. Arising from this, again is higher risk of illness, accidents and impairment that ultimately generates disability. The process repeats with disability regenerating exclusion and poverty. The cycle goes on and on, unless some measures are taken to break it. Pinilla-Roncancio (2020:1) makes the following argument, in support of the poverty-disability trap:

It is estimated that around 15% of the global population lives with any type of disability and 80% of those, live in Low to Middle Income Countries. Understanding the relationship between disability and poverty has gained increasing attention. Lack of access to basic services due to poverty such as lack of finances to access to healthcare in some cases causes disabilities.

The author further postulates the strong relationship between vulnerable group and the measuring poverty on all its dimensions. These two aspects have increased the visibility of people with disabilities in the development agenda and also have made a call to calculate and analyse the levels of multidimensional poverty of this group: Figure 2.4 elucidates the assertions

made by scholar Pinilla-Roncancio and depicts that disability and poverty are linked and one often results in high incidences of the other.



**Figure 2.4:** The disability and poverty cycle: disability as leading to poverty  
Source: Yeo and Moore (2003: 573)

Figure 2.4 depicts disability as a causal factor of poverty. Choruma (2007), Shughuru (2015), Beqiraj *et al.* (2017) assert that, poverty and disability are synonymous and this results in the huge gap in terms of accessing basic human rights amongst these the right to justice. Beqiraj *et al.* (2017:26) advance the fact that the relationship between poverty and access to justice is in some respects rather straightforward. If an individual has limited financial ability, they are likely focused on basic survival and thus have little time and resources to pursue costly and/or lengthy legal proceedings, and engage and pay for quality legal counsel services. Unfortunately, lack of financial resources usually leads to increased vulnerability to exploitation, and the necessity of access to justice becomes correspondingly more crucial. Lodenius (2020) is of the view that financial barriers increase exposure of WWD to crime and not to attain justice due to being paid off due to family financial vulnerabilities.

Furthermore, lack of trust and fear by people with disabilities of the criminal justice system, and police as a source of authority is cited as some of the

examples that deny women and girls living with disabilities access to justice. Examples below cement the above assertions that:

- Lack of clear recording procedures for crimes as they relate to people with disabilities; and
- Variability in police policies and practices relating to who deals with people with disabilities when they report a crime.
- Edwards et al. (2012) outline the following as barriers faced when presenting evidence at court and police stations for women with disabilities:
- Lack of accessibility of many courtroom buildings. This may include physical accessibility and unclear information and signage.
- Lack of other adjustments made to accommodate people with disabilities: for example, lack of flexibility around hearing times, or not factoring in or not using frequent breaks during trials;
- Intimidating nature of court buildings and lack of separate waiting areas for victims and accused;
- Confusion due to the use of legal jargon in the court process, both inside and outside the courtroom; and
- Failure on the part of agencies such as the police to identify and communicate a person's impairment to court personnel that would facilitate putting in place special measures.

Rosmalinda and Arif (2018) posit that prior to 2016 there were many atrocities and abuses faced by persons living with disabilities particularly sexual violence towards women and children with disabilities. They found that the children with disabilities in the Medan and Benjai areas failed to access justice on the basis that, victims and witnesses of PWD or families of victims and perpetrators of PWD were afraid to advocate their rights due to the cost being very high. Results of the study further illuminate those issues such as poverty and distance needed to be travelled to city centre to report cases meant that a majority of cases remained unreported.

Singh and Fordham (2020) are of the view that there is a saying that in the United States: the justice one receives, is the justice one can afford. All too often, this saying that proves true for both lower- and middle-class individuals. For the greatly impoverished, the access to justice crisis is

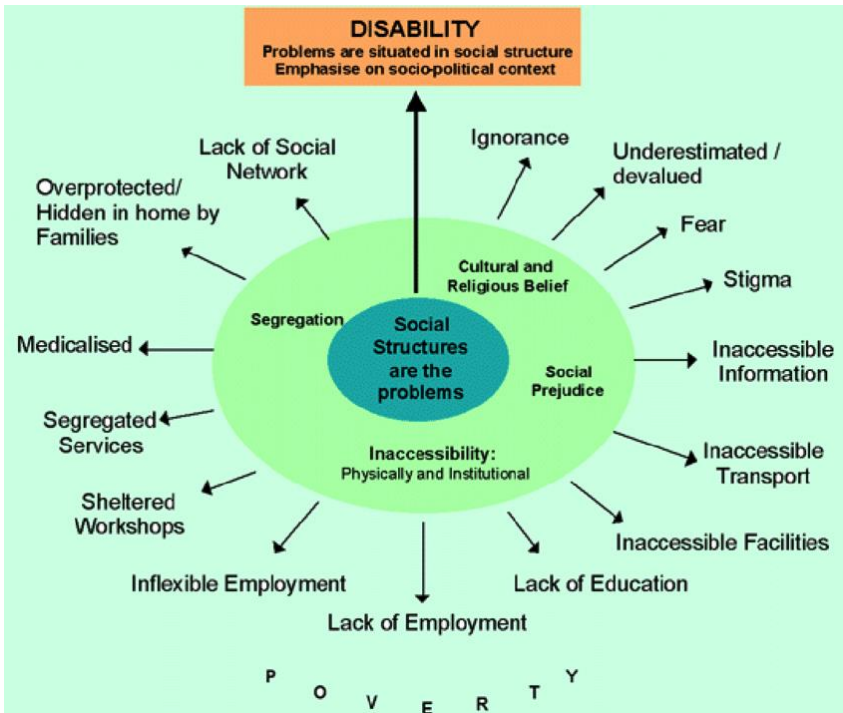
twofold: part of the problem is knowing when to seek legal help and another is ensuring adequate delivery of legal assistance on request. It is in this context that the researcher sought to gather information and assert whether findings in literature are relevant, relative to the situation of women and girls with disabilities in Zimbabwe context. This is presented in later sections on findings of the research project.

The emphasis in the adversarial justice system on ‘orality’ – giving evidence verbally in person – has the potential to disadvantage people with disabilities with communication difficulties, or who require specific supports to communicate (for example, sign language interpreters);

- Negative assumptions of legal personnel and jurors regarding people with disabilities’ capacities to be reliable witnesses. Studies have shown there is often uncertainty on the part of barristers and judiciary regarding how to best communicate with people with intellectual disabilities;
- Types of cross-examination questioning can significantly disadvantage a person with intellectual disabilities.
- Lack of clear guidelines to provide supports for people with disabilities as vulnerable witnesses; such as providing ‘supporters’ in court, allowing different modes of giving evidence, such as through CCTV or pre-recorded evidence.
- Lack of clarity in terms of determining the competence and capacity of certain groups of people with disabilities to be ‘reliable’ witnesses.

People with disabilities arguably face a range of other barriers in accessing courtrooms and premises. The intimidating nature of the court environment and premises can be compounded for people with intellectual disabilities. Edwards *et al.* (2012) also observe that women with disabilities face accessibility barriers, these are not particularly structural but lack of accessibility to law enforcers due to limitations in perception. Research from England highlights that people with learning disabilities “tended to mention that the formality and authority of the court building was intimidating” (Edwards *et al.*, 2012). As such, Maher *et al.* (2018:34) argue how in spite of all

these barriers there is a need, “to listen to the voices of women with disability and believe them”.



*Figure 2.5:* Social model of disability (Yokotani, 2001 in Cojocaru *et al.* 2015:42)

Yokotani (2001) cited in Cojocaru *et al.*, (2015:43) designed the social model as depicted in figure that is "mostly accepted in developing countries like Malaysia where the disabled people are structured with the socio-political and cultural contexts". Yokotani (2001) cited in Cojocaru *et al.*, (2015) mentions that, the social model puts emphasis on the socio-political context, and strongly suggests that problems are situated in the social structure which tends to exclude disabled people. It is because of both physical and institutional inaccessibility and altitudinal segregation with prejudicial views underpinned by cultural and religious beliefs. Rohwerder (2015) observes that the stigma towards persons with disabilities is also rooted in that,

Stigma of disabled people can also occur because of the expectation that people with disabilities are less able to contribute to the good of the family and the community, and the assumption that they are a burden.

Wulandari (2018) reflects the analogy that, a form of injustice is that women with disabilities as victims get various obstacles and difficulties in giving evidence; and often their evidence is questioned by the law enforcers. In addition, they also get intimidation from various parties, ranging from criminals to law enforcers. Another thing that happens is that people with disabilities are considered incapable of law, and the absence of an adequate translator in the court process. In addition, they often get intimidation from various parties ranging from criminals to law enforcers. This is inseparable from the influence of substance, culture and legal structure.

There are several stakeholders that play key roles on the road to justice. The roles are complementary, designed to ensure coherence and complementarity in the delivery of justice for all categories. Adekunle (2017) claims Coordination is essential in the pursuit of common goals in any system including more than one stakeholder. Individual duties conducted independently by different organisations must be coordinated and appropriately synchronized to fulfil justice sector objectives. UNDP (2005) supports this assertion and states the roles of the following stakeholders Parliament - Ministries of Foreign Affairs, Ministries of Law and Justice, National Human Rights Commissions, Law Reform/Legislative Commissions, Legal drafting cells of relevant ministries, Ministry of Education as being legal protection and legal awareness champions. As argued by Adekunle (2017:3), a typical criminal justice system comprises of many stakeholders such as the investigator, prosecutor, court, legal practitioners, and prisons. As a result, seamless coordination among essential stakeholders is required for the system to be effective and well managed. This section considers roles played by key stakeholders that participants were able to identify, in addition to the statutory ones. These include Government and its various arms, civil society and communities.

Like for any other service or function, the Government is the chief player in the delivery of justice to its citizenry. This is in accordance with its duty



bearer function. The primary duties of the government system emanate from the ratification of treaties and conventions, and the creation of laws and legislatures that safeguard individuals' rights and give solutions to aggression against GWWD. As argued by UNDP (2005:6), the government provides a normative framework that is defined as:

... individual, institutional and collective capacities to ensure that justice remedies to disadvantaged people are legally recognised, either by formal laws or by customary norms.

The fundamental function of government systems, albeit not the only one, is to offer legal protection. Treaty ratification and implementation of domestic law, constitutional law national legislation, implementing rules, and regulation. It is crucial to emphasise that Governments play different responsibilities in the access to justice process. As argued by Frohmader and Ortoleva (2014:9):

clear cross-cutting duty of States to eliminate discrimination and ensure substantive equality in the enjoyment of rights. This means that in addition to refraining from adopting discriminatory laws, policies, programmes and expenditures, States should take specific, deliberate and targeted measures (including gendered measures) to ensure rights are enjoyed equally, in practice and in law.

The Government is also responsible for establishing the machinery for implementation of the policies it sets on various issues. This includes structures and procedures and other programmes that facilitate the implementation process.

Formal or conventional law, or both, might confer legal footing. It involves establishing capacities to ensure that people's rights are recognised within the framework of legal institutions, and providing access to remedies through formal or customary procedures. Legal protection provides the legal framework for all following stages of the access to justice procedure.

The courts' primary function is adjudication.

UNDP (2005:7):

Describes the process of determining the most adequate type of redress or compensation. Means of adjudication can be regulated by formal law, as in the case of courts and other quasi-judicial and administrative bodies, or by traditional legal

systems. The process of adjudication includes a series of stages such as (i) investigation, (ii) prosecution, and (iii) decision ...

It is apparent that the court is the final arbiter in all criminal cases. Often, this is headed by a Presiding Officer, assisted by other court officials: prosecution, interpreters, legal aid personnel. This appears to be standard practice across many jurisdictions. As argued by the Judicial Services Commission, the Regional Magistrate would preside over such cases but is assisted by other officers such as the prosecution and interpreter.

In cases involving witnesses with disabilities, such as those covered by the current study, the courts have adapted the courts to ensure availability of victim friendly facilities, including modification of buildings to make them accessible, the availability of interpreters to bridge the communication gap between presiding officer and the witness (Fernandez-Molina et al., 2020; Judicial Services Commission, 2012). A free Government legal aid facility is also available. In Zimbabwe, the Victim Friendly Court, a specialised Court that is enacted by law to allow vulnerable witnesses to give evidence through closed circuit television, is instituted to support such victims. In spite of such efforts, much criticism is labelled against the courts on account of weak functionality (Fernandez-Molina et al., 2020). This study explores all these issues in the context of enhancement of access to justice for girls and women with disabilities.

The police in justice situations are the first respondent to a case and determinants of the progression of the case. Benedet and Grant (2012:3) posit that “Police and prosecutors decide whether their story is unfounded and whether there is a likelihood of conviction sufficient to warrant proceeding with the charge.”. Police also play the role of enforcer and are a core part of the law enforcement system. Enforcement systems are key to ensure accountability and minimise impunity, thus preventing further injustices (UNDP:2005).

Zimbabwe defines the role of the police in the delivery of access to justice as “to police violence against women and children, particularly sexual offences and domestic violence” (Protocol, 2012, p33). Whereas any police officer can carry out this duty, especially when it comes to matters of arresting suspects,

a specially trained police cadre 'specially trained to handle vulnerable witnesses (Protocol, 2012, p33). The VFU officers have a delicate balancing role to play. On the offender side, they are trained to investigate cases once reported, arrest offenders, compiling documents and making referrals where necessary. On the victim side, they are expected to ensure a conducive, friendly reporting that guarantees confidentiality (Protocol, 2012).

Besides the statutory duties of receiving reports, investigating, arresting and referrals, the police unit has additional special roles to execute. These include supporting (such as escorting) the victim to receive urgent medical attention, taking special measures if the victim is a minor or has a disability and ensuring referrals are made to social worker or psychologist. Questions of capacity to execute such a critical function in the justice process are raised amid accusations of dropping the ball. It is well documented that the well documented protocols may slacken due to resource challenges and lack of commitment from the police charter that does not create a clear career path for VFU officers, leading to high attrition rates due to transfers or other assignments outside the VFU functions for which they may not are trained (Chiweshe, 2021).

Health delivery systems are supposed to be Safe havens where women and girls with disabilities are supposed to receive medical assistance, particularly after experiencing violence and trauma. An interviewee in the Human Rights Watch (2018: para 51) argues that,

Instead, cases come to us from hospitals when girls come in for medical care. Social workers, journalists and child welfare committees are more often the ones to take cases to the police.

Healthcare providers serve a dual purpose in the reaction to sexual violence: they give therapeutic therapy while also assisting with criminal investigations. As argued in the Indian law, all hospitals, whether public or private, must give free first aid or medical treatment to survivors of sexual violence, and rapid medical assessment and reporting in accordance with established legal requirements (Human Rights Watch, 2018). In this case, the hospital not only serves as a location for receiving medical help following infractions, but also serves as a referral point in the court system.

To a large extent, the Indian requirements are not different from expectations of the health providers in Zimbabwe. As argued by the Judicial Services Commission (2012), Ministry of Health is mandated to ensure that survivors in cases involving sexual violence are given free medical attention and care within the prescribed standard of 72 hours. In all cases, their purpose is dual: to provide emergency medical and forensic examination and take measures necessary to mitigate the effects of the traumatic experience and to provide the medical affidavit that may be used as evidence in court (Judicial Services Commission, 2012). This is done to ensure safety of the victim while ensuring prevention of loss of evidence that may be interpreted as obstructing the course of justice. By virtue of their role, the health system makes an important contribution to access to justice. A special note of significance to this study is the requirement that in the case that the survivor is a child or person with a disability, special measures needed to ensure their access to justice is not compromised.

Judicial Services Commission (2012), through the Multi-Sectoral Protocol on the Management of Sexual Abuse identifies other Ministerial roles seeking to ensure access to justice service provision. Other Ministries and Departments that play complementary roles on the prevention and response side include; (a) Ministry of Public Service, Labour and Social Welfare, as the Custodian of the Children's Act, has a special role to protect children from all forms of abuse. In its case the Probation Officer provides that linkage role with all other service points and takes special care to ensure the victim is protected from further abuse, all meant to ensure smooth access to justice; (b) Ministry of Primary and Secondary Education, with access to the majority of children in schools, is tasked to ensure awareness of children's right to protection from violence and abuse. This widespread awareness is expected to enhance and strengthen prevention and reporting efforts when an abuse has occurred and (c) Ministry of Women's Affairs, Gender and Community Development mandated to handle issues related to the coordination of Gender Based Violence and community education on referral systems.

As argued by UNDP (2005:115), civil society actors carry out five functions to promote access to justice which are:

1. As campaigners and advocates pressing for reform.

2. As monitors, fostering accountability within the justice sector.
3. As disseminators and communicators of information.
4. As educators through legal empowerment and legal literacy initiatives.
5. As direct agents helping people access justice through legal aid and representation services.

Women and girls with disabilities who are victims of crime must be actively involved in all aspects of the legal system. Critically, the role of civil society organisations of disabled women and girls is critical in this process (Frohman and Ortoleva, 2014). Chaney (2020:376) seconds this assertion and argue how “role of civil society as a political space for resistance to oppression and the realisation of PWD rights”

Despite the vital role they play, NGOs and Disabled Persons' Organisations (DPOs) in low- and middle-income countries are often seen as simply plugging service gaps, raising community awareness, and reaching marginalized groups (Molefhe, Hanass-Hancock, Keakabetse, & Mthethwa, 2020). This perception overlooks the crucial watchdog and monitoring functions they perform in relation to the justice system (UND: 2005). Ultimately, strengthening overall accountability within the justice system often depends on the contributions of these civil society actors.

The Judicial Services Commission (2012) provides space of the participation of Civil Society Organisations (CSOs) in processes of providing access to justice for victims in general and girls and women with disabilities in particular. They bring on board Faith Base Organisations (FBOs), Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs) and other pressure groups found at all levels of society.

Due to their presence at various levels, they are well placed to identify cases of abuse, support survivors to access statutory services and through such means as psychosocial support, assist families and the survivor to cope with the situation. Facilitation of reintegration of survivors in their communities and holding service providers to account roles are key roles that have special significance in the quest for justice (Judicial Services Commission, 2012:62).

The former is often neglected as processes are deemed to end when perpetrator is incarcerated, with little attention being paid to: 'so what next' regarding the survivor. The watch dog function over service provision and alerting the authorities on any slip ups is critical to ensure services do not lapse and decay. Besides, CSOs are well placed to establish links with service providers at every level "from which they can negotiate and leverage social, economic and psychological resources that can address root causes of violence and abuse"

How these CSO roles as depicted in literature and in the protocol pan out is part of the purposes of this study. If already happening well, it will be time to maintain what is there but if there are lapses as well, recommendations will come up for improvement.

Most abuse cases take place at the community level, in the homes and other community facilities. It is anticipated that much of prevention efforts can happen at that level and when cases have occurred, it is also at the community level that response efforts can be most meaningful because they are closest to the scene of crime. There is, however, a complex mix of interaction of traditional and community leaders, ordinary community members, caregivers and the potential victims - girls and women with disabilities.

Governed by the Traditional Leaders Act (Chapter 29:17), traditional leaders preside over cases. However, they are expected to protect children from harmful practices and once cases are deemed to be of a criminal nature, they are expected to channel them to the formal justice system (Judicial Services Commission, 2012). They are also expected to establish linkages with other service providers to ensure smooth referral of victims through the system.

For the community and family level, the expectation is to prevent occurrence by ensuring basic safeguards such as not leaving the disabled persons alone at home. Spreading the word about the dangers of violence and abuse and prompt reporting of cases when they occurred is a basic expectation. Regrettably, this is where the ball is lost as communities in perceived efforts to avoid spoiling relations, they sometimes conceal perpetrations that have taken place. Of course, it goes without saying that the potential victims

themselves can make their contribution to prevention and response efforts to cases of violence and sexual abuse of the girls and women with disabilities.

Victims of crime can also play a significant role in their varying capacities. As argued by Benedet and Grant (2012), the position of GWWDD in the legal system is first that of a reporter of a crime that has occurred. It is logical to then assume that order for a case to occur, a victim must report the incident. However, some authors argue that victims sometimes do not come forward to report.

Sibanyoni (2018:89) buttresses the view that the extent of under-reporting of abuse in the disabled population is not known. Culturally, there may be shame associated with being either disabled or abused. On a social level, there may be fear of institutionalization of the child (and the potential of subsequent abuse) or under-reporting may be due to disenchantment and suspicion of the legal system. On an infrastructural level, raw data regarding disability are often not collected routinely due to financial, educational and time constraints. The lack of systematic gathering of information.

Nareadi (2013:626), observes that there is a tendency for under reporting of sexual abuse of mentally disabled teenagers to the following reasons, (a) teenagers' limited understanding and communication; (b) family's fear of stigma attached to disability; and (c) professionals' lack of expertise.

Edwards *et al.* (2012:69) contend that women with disabilities face difficulties in reporting due to fear of attitudes and power roles. Edwards *et al.* (2012) further argue how, the experience of reporting a crime can be a stressful process, in which people with disabilities can find themselves confronted with barriers. These barriers can mean that people with disabilities fail to report crimes. Lodenius (2020) observe that cultural societal fears also dictate whether girls and women living with disability seek justice after a crime is committed against them. Such barriers are at times aggravated and pushed by family fears of community perceptions.

Cotter (2018) asserts that women with disabilities are less likely to report violence committed against them out of fear of physical and emotional

consequences. Dziva (2018) observe that persons with disabilities are largely marginalised and voiceless. Dziva (2018) goes on to share that 70% of persons with disabilities live in rural areas. Their localities and nature of disabilities tend to render GWWD to be voiceless and not able to speak up against abuse.

Beqiraj *et al.* (2017:20) observe that, whether in religious texts, eugenics essays that or present-day media, persons with disabilities are repeatedly and erroneously portrayed as inherently 'wicked', 'abnormal' or 'deviant'. This means their access to justice is not an issue on account of their traits, suggesting that access to justice can be afforded to the able-bodied. Chikate (2020) asserts that accurate data on disabled people in Zimbabwe cannot be effectively collected given some social and cultural norms that have kept disability and disabled people highly stigmatised. The hiding, in homes and institutions, of disabled people often skews data, and an accurate count is difficult to establish. Choruma observes how many negative beliefs on the causes of disabilities persist in Zimbabwe, such as associating disability with witchcraft or maternal promiscuity. The culture in Zimbabwe is still to look at disability as a curse." There is, therefore, no way in which these populations can get access to justice because they are not easy to bring forward.

Access to justice will remain a pipedream for most of them. These cultural phenomena and the lack of complete social acceptance of disabled people in Zimbabwe are an active barrier against providing full access to disabled people. Lodenius (2020) in cognizance observe that, women with disabilities are further marginalised by fear of community perceptions. Lodenius (2020) provides an example of a woman with physical disabilities who is forced to marry her rapist instead of reporting the case to maintain social coercion. Social stigma is largely borne out of cultural connotations and discrimination. Rohwerder (2018:2) lists the following, key findings as drivers of disability stigma:

Lack of understanding and awareness regarding the causes of disabilities and their resulting characteristics is a key factor in the stigma experienced by people with disabilities.



Misconceptions about the cause of disabilities often result from cultural or religious beliefs. Disability is often blamed on: misdeeds of ancestors; misdeeds of parents; misdeeds of the person with disabilities; supernatural forces such as demons/spirits; witchcraft; or punishment or fate from God. Rohwerder (2018:2) lists the following, key findings as drivers of disability stigma:

As a result, people with disabilities may be thought to be not quite human or a source of shame that has serious consequences for how they are treated. Misconceptions about the nature and abilities of people with disabilities, including that they are unable to contribute financially; that they are not able to have a normal relationship; that they will be unable to report sexual abuse; that their disability is contagious or they bring bad luck; that their bodies have magical powers; or that they are witches, also contribute to the stigma, discrimination and abuses they experience. Discriminatory legislation and policies reinforce prejudice and discrimination, while segregation of people with disabilities perpetuates negative stereotypes. Attitudes towards disability are not the same within countries, communities, or even families.

The above may be focusing on disability as an issue but the inference is that as long as these perceptions persist, the opportunities for accessing justice will remain diminished. For access to prevail, the perceptions must be right in the first place.

Mapuranga, Musodza and Gandhari (2017), suggest that some communities perceive disability as being born out of promiscuity and witchcraft and community members tend to distance themselves from persons with disabilities and their families. Rohwerder (2018) also elucidates that, cultural beliefs about the causes of disability often underpin stigma towards disabled persons. Rohwerder provides a detailed account and listing of negative cultural and religious beliefs about disability in Africa stating the following:

*Ancestors:* Research in Cameroon, Ethiopia, Senegal, Uganda and Zambia indicates that beliefs about the causes of disability include that it is an ancestral curse (DSPD, 2016:5; see also: Mostert, 2016: 9; Aley, 2016:15; Parnes *et al.*, 2013,: 24; Groce and McGeown, 2013: 4).

Another study in Uganda and Kenya found that many communities believed that disability was a curse resulting from transgressions of former generations in the family (Aley, 2016).

In Nigeria false beliefs about the causes of disability include that it is due to ancestral violations of societal norms (DSPD, 2016).

*Actions of the disabled person:* A study in Uganda and Kenya found that some communities believed that people became disabled because they had caused accidents and not been properly cleansed (Aley, 2016:14). In Nigeria disability is sometimes thought to be due to simple misfortune (DSPD, 2016:5).

*Supernatural – demons/spirits:* Research indicates that beliefs about the causes of disability in Cameroon, Ethiopia, Senegal, Uganda and Zambia include that it is due to demonic possession and that people with disabilities are not really human (DSPD, 2016, see also: Mostert, 2016; Aley, 2016; Parnes *et al.*, 2013, Groce & McGeown, 2013,4).

*Witchcraft:* Disability has also been attributed to witchcraft and magic (Mostert, 2016, Stone-MacDonald & Butera, 2012, Groce & McGeown, 2013,). In Nigeria false beliefs about the causes of disability include that it was caused by witches and wizards (DSPD, 2016). Many Kenyans believe that a disability results from witchcraft spells placed on the family or the disabled individual (Mostert, 2016); McConkey *et al.*, 2016; Parnes *et al.*, 2013).

*God – punishment/fate:* In Nigeria false beliefs about the causes of disability include that it is a curse from God (DSPD, 2016). Research in West Africa also found common beliefs about the causes of disability were that it was a curse from God or was the child's "fate" (Parnes *et al.*, 2013:24). In Nepal, some parents believe that the disability of their child is due to fate and God's will (Inguanzo, 2017).

These different understandings of causes of disability give often result in negative reactions towards PWDs thus reducing their access. Rugoho and Maphosa (2015) indicates that strides to reduce stigma of girls and women with disabilities are seen and some conducted in the form of awareness

campaigns that advocate for GBV rights amongst all women including those with disabilities.

Women Enabled (2019) argue how girls and women with disabilities make up almost a fifth of the world's population. Despite the large representation, women and girls with disabilities that are marginalised due to the fact that they are both female and disabled, there are barriers due to harmful gender and disability stereotypes that hamper the justice process for girls and women with disabilities (UNDoc comment on CRPD, 2016).

It is at this juncture imperative to note that there is a disparity and despite the large representation in the populace their representation in accessing justice is does not correlate with their numbers. In addition, there is a large disparity in representation of girls and women with disabilities as compared to their male counterparts or to any other group (Women Enabled, 2019).

Harmful gender stereotypes as barriers that place the girls and women living with disabilities to a disadvantage in receiving any valuable knowledge. They are discriminated against when it comes to attending school and marginalised not only on the basis of their gender but also of their disability (Maruzani & Mapuranga, 2016) Lwiindi (2020) goes on to argue how the marginalisation of girls and women with disabilities is largely borne out of feminist intersectionality and social model of disability underpinnings. This sets them apart and marginalises them further from receiving information necessary for their thought processes and general knowledge that able-bodied counterparts receive.

Shumba and Zhou (2018) drive home the fact that, despite numerous efforts made by the Zimbabwean government and other partners on addressing gender-based violence for girls and women, through legislation, policies and programmes, the scourge remained widespread and appears to continue without abating, especially for girls and women with disabilities. Seemingly in agreement Manatsa (2015,) also observe that, from the foregoing, one can discern that apart from the Constitution of Zimbabwe; other laws addressing disability in the country have more weaknesses than strengths. The picture that has emerged above is that almost all of Zimbabwe's disability laws make

reference to physical and mental disability to the exclusion of other types of disabilities which are currently recognised under Article 1 of the CRPD at the international level. It has also been shown that most statutes addressing disability rights in Zimbabwe predates the CRPD. Access to justice is not a unilateral process. Women Enabled (2019) observe that, access to justice also depends on the fulfilment of other rights—realisation of the right to accessibility, for instance, will often determine whether women with disabilities have effective access to the justice system.

Kivunja (2018:46) argues:

A theoretical framework comprises the theories expressed by experts in the field into which you plan to research that you draw upon to provide a theoretical coat hanger for your data analysis and interpretation of results. Put differently, the theoretical framework is a structure that summarizes concepts and theories that you develop from previously tested and published knowledge w you synthesise to help you have a theoretical background, or basis for your data analysis and interpretation of the meaning contained in your research data.) Analysis of the definition reveals the need for sets of tried and tested theories in the field of research interest, that one can draw upon to guide the research processes, from design to analysis and interpretation of research data. The theoretical framework can facilitate an orderly and efficient process of bringing things together in a coherent manner. Evans, Coon and Ume (2011) conceived the notion and use of theoretical framework as an academic tradition that serve as organisational "hooks" on which research initiatives might be 'hung'. The implication is that any study undertaken without a theoretical framework is weakened from the onset.

The current research on “Access to justice for female victims of crime: A Study of Girls and Women with Disabilities in Mashonaland Central Province” is based on two theoretical frameworks: The Routine Activities Theory and the Human Rights Approach.

As argued by the International Encyclopaedia of the Social & Behavioural Sciences (Second Edition), (2015), the Routine Activities Theory has become one of the most cited in the field of criminology, emphasising crime opportunity as a key theoretical construct. It was first proposed by Cohen and Felson, as part of their explanation of crime rate changes in the United States between 1947 and 1974 (Cohen and Felson, 1979). In essence, the theory revolves around three issues: “potential offender, a suitable target, and

the absence of a capable guardian” (Bottoms and Wiles, 1977, p 320). Reiterating; Drawve *et al.*, (2014:21), put issues differently as (a) an accessible target (b) the lack of capable guardians who could intervene (c) the existence of a motivated perpetrator. The three components must come together to define the occurrence of any criminal activity. Figure 2.6 shows the elements of the Routine Activity Theory.

The theory stipulates three necessary conditions for most crime; a likely offender, a suitable target, and the absence of a capable guardian, coming together in time and space. The lack of any of the three elements is sufficient to prevent a crime which thrives on offender-victim contact, while their presence might help to reduce the level of crime.



The theory stipulates three necessary conditions for most crime; a likely offender, a suitable target, and the absence of a capable guardian, coming together in time and space. The lack of any of the three elements is sufficient to prevent a crime which thrives on offender-victim contact, while their presence might help to reduce the level of crime.

**Figure 2.6:** Graphical model of routine activity theory (Perera, 2024)

The Routine Activities Theory revolves around environment specific conditions. In their submission, Fennelly and Kitteringham (2020) argue that the Routine activity theory employs the same rational choice framework as situational crime prevention strategies. In this study it is important to note that, the targets of crime, girls and women with disability find their core

“protector” role being portrayed by guardians while the perpetrator is a male potential abuser. As long as the environment does not allow offender-victim contact is prevented, crime is unlikely to occur. How such contact can be prevented is part of the answers that this study is seeking.

Branic (2015), provides further insights into the Routine Activities Theory - an ecological, place-based explanation of crime where the behavioural patterns and crossroads of human influence when and where crimes occur. From another perspective, it depicts essentials of a crime management tool where probability of occurrence varies with environmental dynamics. In the communities of Mashonaland Central, cross-roads of human existence have to happen on an ongoing basis. Opportunities for crime and, in turn, crime patterns are a function of the routine activity patterns in society. Whereas other criminological theories suggest changes to the social, economic, and political institutions of society to alter the factors that motivate people to commit crimes, routine activities theory indicates that shifts in the availability of suitable targets; the characteristics of places; and the presence of capable guardians, place managers, or handlers can produce immediate reductions in crime (Ivyapanda, 2020). The question is: what should it take for crime to be reduced?

Charity and human rights perceptions have heavily influenced disability and victim studies. Charity approaches, for example, were premised on the belief that beneficiary communities were less capable of participation in decision-making and philanthropists, there were available to make ‘good’ decisions on behalf of beneficiaries. However, with the Universal Declaration of Human Rights in 1948, among other revolutionary changes, the dynamic began to change and give way to Human Rights Based Approaches (HRBA) (UNICEF, UNESCO, 2007).

The following excerpt summarises the essence of human rights and human rights approaches to development:

The first - and arguably most essential - aspect of human rights-based development is the employment of the concept of rights. Human rights are rooted in the recognition of the inherent dignity and equal worth of all human beings, regardless of their social background, gender, age, religion, health status, sexual

orientation or disability the second important characteristic of a human rights-based approach to development is that it only makes sense to talk of a 'right' if there is a corresponding obligation. In other words, a party who has a right must be able to assert this right against another party who holds a duty mirroring that right. In practice the duty-bearer will almost always be a public authority, that is, the state. A human rights-based approach to development therefore presupposes that it is possible to invoke the right against a sufficiently well-functioning state. (Broberg and Hans Otto 2017: 667).

In essence, the HRBA is about the basic human rights of each individual that cannot be taken away from them under any circumstances. As argued by some protagonists (Oxfam, 2014); the approach sits on three core pillars:

- a) The laws as defined in various United Nations Instruments;
- b) The Government's legal and moral duty and obligation to protect those rights;
- c) The empowerment of individuals and communities to claim their rights.

The human rights-based approach is particularly well suited to ensuring that the most vulnerable individuals have access to critical services such as health care, water, sanitation, and education. Broberg and Hans-Otto (2017) note that the approach is based on human rights, there is a natural emphasis on the employment of legal procedures in development assistance and development policy in general. 31 Advocates for a human-rights-based approach point out that such an approach ensures that individuals or groups are given legal instruments to help improve their circumstances. Fourth, research indicates that developing countries in transition from dictatorships to democracies are more likely to adhere to international obligations not to commit gross violations of human rights (such as torture and other cruel, inhuman, or degrading treatment or punishment), and that this adherence to international obligations is likely to persist. This compliance with international human rights does not appear to be due to 'rewards' provided by other states – for example in the form of development aid. Rather, a possible explanation seems to be that these states concede to (domestic and international) rights proponents.<sup>32</sup> Fifth, and finally, more widespread campaigns for a human rights-based approach can contribute to promoting legislation that benefits the poor or groups that are discriminated against

The human rights-based approach more generally makes those people in developing countries, who are the ones who are the worst off, aware that they have rights that can be enforced. First and foremost, the human rights-based approach is particularly suitable for ensuring that the weakest citizens have access to essential services such as health care, water, sanitation and education.

The routine activities theory highlights that, accessible targets in this case are girls and women living with disabilities need to be protected by active guardians; these can be parents, justice system, caregivers and community members. Therefore, this theory sought to establish the root causes of abuse of girls and women with disabilities that eventually force them to access justice. The theory also highlighted areas that guardians that are within the justice system and community can prevent further occurrences of abuse through sensitisation training, awareness campaigns and other methods of knowledge dissemination (Shumba, 2021)

Equal access to justice, a fundamental human right, ensures that all individuals can effectively claim their rights, safeguard their interests, and seek redress for exploitation (Drawve *et al.*, 2014). This principle is essential for upholding human rights obligations. Taking a human rights approach to access to justice cannot be examined in a singular lane. A multi-faceted phenomenon can be examined in relation to components that make up an individual, in this case girls and women with disability rights.

The emergence of the Rights Based Approach, a way of thinking that is guided by legal standards found in the range of international human rights treaties and conventions, and the values and principles that inform them (Oxfam 2014). These took place against the backdrop of shortcomings of its predecessors: with development actors viewing it (rights-based framework) as a catalyst that can transform the practice of development from a focus on identifying and meeting needs to enabling people to recognise and claim their rights (Nyamu-Musembi & Cornwall, 2004:54).

As argued in such thinking, taking a rights-based approach is considered 'best practice' from the perspective of design and management of development



programmes (Oxfam, 2014). This means that provision of education and enabling social protection services should not be viewed as acts of benevolence but a fulfilment of their claim to those rights. The current study on access to justice in part, sought to understand the delivery of justice system to girls and women with disabilities in Zimbabwe. For the purposes of this research, the researcher makes inferences to both perspectives to encompass the unique perspectives that each provides to this study.

Access to justice is a human rights requirement under international law. Access to justice must be provided in accordance with standards set out in various human rights instruments. The first human rights 'standards' document, the Universal Declaration of Human Rights (UDHR) (United Nations, 1948), was adopted by the United Nations in 1948. Among provisions relevant to this study, it guarantees the right of all persons to 'equal protection of the law' (article 7) and 'right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him [or her] by the constitution or the law' (article 8) and the right 'in full equality to a fair and public hearing by an independent and impartial tribunal' (article 10) (UNDHR, 1948); '(Durojaye, Mirugi-Mukundi and Adeniyi 2020 :227). It emphasises the equality of all and freedom from discrimination of all before the law. On the other hand, the ICESCR reiterates the obligation of states to uphold rights in a non-discriminatory form. This will require that states put in place mechanism that will enable everyone, including disadvantaged groups to seek redress for the violations of their rights.

The United Nations has enacted many human rights treaties that address the concerns of specific groups of people in terms of access to justice. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>7</sup> and the Convention on the Rights of Persons with Disabilities (CRPD) are two examples (2006). <sup>8</sup> CEDAW is the defining instrument in international law that promotes women's rights in general, and specifically their freedom from discrimination and access to justice. Furthermore, the CEDAW Committee (2015) released General Recommendation 33 on Women's Access to Justice that "includes suggestions on enhancing access to legal aid services for women, including women with

disabilities.” (Durojaye *et al.*, 2020:228). The adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2006 directly addresses these concerns by making clear that disabled people are rights-holders. Byrne, Elder and Schwartz (2021:74)

The state is the main duty bearer in the fulfilment of the rights in accordance with human rights law. Often, non-state actors also participate as duty bearers when the state does not have enough capacity to execute its function. In the case of the current study on access to justice for women and girls with disabilities, the state is expected to deliver on this mandate through its various arms (judiciary, police, health providers). On the other hand, are the individuals who, as rights holders, can make claims on those rights, from duty bearers. In the case of the current study, rights holders are the girls and women with disabilities and their communities who are seeking access to justice.

The engagement process between individuals (rights holders) and the state (duty bearers) is a perpetual one to meet desired needs. The right holder must be empowered enough to make those legitimate claims on rights. Meanwhile, the duty bearer needs empowerment to strengthen its accountability obligations in fulfilling its obligations. Much of this empowerment should be done by the Government itself or non-state actors through training and awareness creation. The result should be change for the better in the enjoyment of those rights. This current study asks the question of roles and responsibilities of each one in enhancing access to justice for girls and women with disabilities in Mashonaland Central Province of Zimbabwe.

The literature identified six human rights principles for consideration when using HRBA to programming and responses. These include: (i) Universality and inalienability; (ii) Indivisibility; (iii) Inter-dependence and inter-relatedness; (iv) Accountability and the rule of law; (v) Participation and inclusion; (vi) Equality and non-discrimination.

Human rights are for all members of society and cannot, for any reason, be given away (UNICEF and UNESCO, 2007). In Mashonaland Central, women and girls, particularly those with disabilities, may well be having their access

to justice rights withheld or compromised for a variety of reasons; either through their own actions or those of others. Universality and inalienability are also breached for those who, due to their circumstances, are unable to exercise these rights.

The essential idea is that human rights are interdependent. Enjoying one right may well be contingent upon the fulfilment of another. When a person with a disability is denied the opportunity to be seen or heard, the likelihood of their right to justice being infringed increases. It has previously been stated that because vulnerabilities might be such a complicated mix, an isolated reaction may not give the solution. Thus, an understanding of that complex may be necessary to appreciate the access to justice right

All human beings are created equal, and there should be no grounds on which anyone should be discriminated against. This is the 'war cry' for proponents of the HRBA theory. With much of literature suggesting that people with disabilities are discriminated against just on the basis of their disability (Casebolt, 2020; Krnjacki *et al.*, 2017; Goodley *et al.*, 2019), the question for this study is whether or not the subjects of this study might be an exception. If any discriminatory tendencies are found, real or potential, HRBA should have mechanisms in place to address the sources of discrimination. The study was particularly interested in, and sought to assess, the application of this principle in the delivery of justice and the associated justice-related services, particularly in the context of girls and women with disabilities who face different circumstances and are exposed to different types of vulnerability.

The right to participation is a fundamental principle when it comes to matters that effect people. Everyone is entitled to that right, no matter their origins and circumstances. That participation must not only be voluntary and meaningful but must also touch areas such as decision-making (UNICEF & UNESCO, 2007 and Bromberg and Hans-Otto, 2017). Byrne *et al.*, (2021) observe that involving people with disabilities in research is more than just a matter of 'best practice' or a *à la carte* choice for so-called creative research procedures. Both Article 4(3) and Article 33(3) of the UN Convention on the Rights of the Child require full and effective participation. In its General Comment, the Committee on the Rights of Persons with Disabilities noted

that by ensuring the participation of organisations of persons with disabilities, persons with disabilities would be able to better identify and point out measures that could either advance or hinder their rights, yielding better outcomes for such decision-making processes. The current study probed participation in all access to justice related activities while guaranteeing their key role in research processes. What were the consequences of involvement, or lack thereof, on the efficiency of justice programs and the promotion of the right to justice?

Can the officials explain and justify their actions, or non-actions, to the public? Is there a mechanism for doing that? What institutional systems are available to enable that accountability? This is the gist of what the accountability principle is about. The study explores these roles as a means of revealing gaps or otherwise with a view to addressing them in respect of access to justice for women and girls with disabilities.

A human rights approach advocates for the development and growth of structures that allow people to demand accountability. Internal disciplinary procedures, special parliamentary commissions, the media, and other legally sanctioned avenues for demanding accountability or seeking retribution may be among these tools. Accountability of non-state actors, such as private institutions and individuals, should also be emphasised. (UND: 2005:4).

## CHAPTER THREE: STUDY DESIGN AND METHODOLOGY

---

The previous chapter dealt with the literature review and canvassed the theoretical perspectives informing the study. This chapter outlines and explores the methodological standpoint and paradigm in which this research is located. This segment covers the research paradigm, research approach and research design. It also discusses highlights sampling issues and procedures and techniques for data collection and analysis. The section ends by discussing a summary of the research ethics. A research paradigm is a set of assumptions on how things work. Kivunja and Kuyini (2017) conceive of research paradigm as a set of shared beliefs that informs the meaning or the interpretation of data. They go on to argue how the paradigm defines a researcher's philosophical orientation and this has significant implications for every decision made in the research undertaking. This study adopted a transformative emancipatory paradigm but also utilised elements of the pragmatic paradigm.

For the purposes of this research, the researcher made inferences to both perspectives to encompass the unique perspectives that each provides to this study. Transformative emancipatory approach to research in victimology is research that transforms the lives of individuals by hopefully inventing or pushing for the creation for legislature that can transform the outlook and circumstances of vulnerable groups; in this case girls and women with disabilities.

The Transformative Emancipatory approach was borne out of the need to collaborate research with minority and marginalised groups. As argued by Mertens (2010), this approach is used in disability studies that focus on power and voice dynamics at community levels that so often depict power and voice dynamics at most levels in a national setup. Shannon Baker (2017) provides another notion, arguing that this approach responds to the need of the researcher to that enables working to achieve social justice with marginalised groups. Thus, this approach was appropriate for this study

whose purpose was to explore access to justice for girls and women with disabilities, a largely marginalised group.

The researcher drew aspects from the pragmatic stance to emphasise and identify practical solutions to research findings. Creswell (2003) posits the pragmatic perspective places the research question at the centre of the study, by taking a few core tenets of the aforementioned perspectives the researcher seeks to give. In addition, Kivunja (2017) reiterates the pragmatic approach as a realistic and unique individual interpretation of one's reality. Furthermore, Kivunja (2017) also observe that its combines well with the Transformative Emancipatory approach, one of whose aspects is that it is biased towards the examination of conditions and individuals in a situation, based on social positioning.

A research approach is the structure of the research, the glue that holds the research together (Trochim, 2006). Meanwhile, Maree (2007) goes on to identify three different types of research approaches; namely the qualitative, quantitative and mixed methods approach, to which Creswell (2003) comments that the difference in the research approaches comes as a consequence of answers sought by the researcher to the following three questions:

- ☐ What knowledge claims does the researcher make?
- ☐ What strategies of enquiry will inform the procedures?
- ☐ What methods of data collection and analysis will the researcher use?

The mixed method approach to research is what Creswell (2009) has aptly described as, a pragmatic worldview that combines both qualitative and quantitative views to research. In the current study, the researcher sought to analyse the context under a transformative emancipatory mixed methodology. This approach as argued by Creswell (2009), seeks to examine issues of discrimination and oppression, a relevant element in relation to girls and women with disabilities who are victims of crime.

Flick (2018) observes that the mixed method approach is the continuous collection of both sorts of data. Kumar (2019) observe that mixed methods are the process of collecting data using both qualitative and quantitative data collection methods. The overall purpose and central premise of mixed methods studies is that it provides a better understanding of research problems and complex phenomena than either approach alone (Creswell, Klassen, Smith & Plano Clark (2007) cited in Molina-Azorin (2016). The rationale for this approach as argued by Molina-Azorin (2016) was to enhance validity and complementarity.

In this monograph, the larger share of use went to the qualitative with the quantitative playing more of a supportive role, due to the desire to 'listen to the voices of the participants' (Shumba 2021,105). Additionally, this was also influenced by more reliance on qualitative research questions over the quantitative aspect of research to deeply understand the phenomena under study. Quantitative data was used to test a hypo monograph and in this study the focus was on crimes against girls and women. Quantitative data in this study assisted the researcher to access a more reliable form of data that could generalise findings from the largest component of the research population, Victim Friendly Unit officers.

Quantifiable data in this research was generated in the form of survey questionnaires to obtain information pertaining to the knowledge of justice trends and of issues affecting GWWD. Survey questionnaires were administered to VFU officers. After data collection it became easier for the researcher to arrange the large amounts of data into graphs, tables and charts making it easier to categorise information and at the same time present information that directly responded to the research questions. The mixed method approach was a good fit for this study which was premised on getting a deeper understanding of the “**what**” and “**how**”, when it came to access to justice for GWWD in Mashonaland Central Province of Harare.

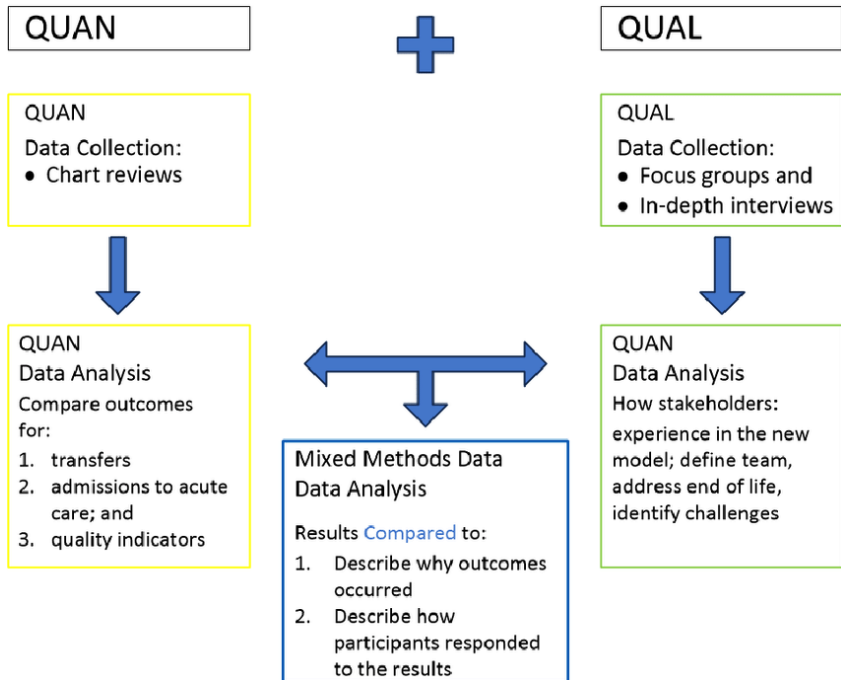
A research design essentially answers to the question: how is the study to be carried out? (Trochim, 2006). It is the backbone of the study that provides a

clear picture of what the researcher seeks to study and how he or she will carry out the study. Creswell (2006) observe that, rigorous research designs are important because they guide the methods and decisions that researchers must make during their studies and set the logic by which they make interpretations at the end of their studies. Kumar (2019) contends that a research design is the flow of the research that joins all elements of research together from inception to completion of the research process. On another note, Tashakkori and Teddlie (2003) identify four basic mixed method designs, namely: explanatory design, the exploratory design, the triangulation design, the embedded design and concurrent triangulation design. This study adopted the concurrent triangulation design that is briefly explained in the following paragraphs.

In this design both qualitative and quantitative data were collected concurrently as illustrated in Figure 3.1. This ensured that neither of the designs was given precedence over the other. The use of two different methods was an attempt to confirm, cross- validate or corroborate findings within a single study (Tashakkori & Teddlie, 2003). This enhances the researcher's understanding of the phenomena under study due to the fact that the researcher would look at the phenomena from various angles.

Alexander (2020) insinuates that the concurrent triangulation design enables the researcher to collect both quantitative and qualitative data at the same time to better understand the phenomena under study. Gul (2018) suggests that the concurrent triangulation design is premised on the notion to paint a clear picture of the intended subjects and at the same time portraying an empirical juxtaposition of the data collected. Gul (2018) further contends that it is imperative to have concurrent triangulation to achieve clearer research. In unison, Pardede (2019) notes that mixed methodology is quickly growing as a preferred method of inquiry. The integration of quantitative and qualitative data collection and analysis in these designs effectively facilitates triangulation that offers a fuller account of the research problem and, thus, enriches a study's conclusions.





*Figure 3.1:* Concurrent Triangulation (Marshall *et al.*, 2011:4)

From what figure 3.1 depicts, concurrent, triangulation indicates that this mode of data collection allows for a plethora of data collection tools and methods. Scholars such as Noble and Heale (2019) have defined and explained triangulation as a method used to increase the credibility and validity of research findings. While, credibility refers to trustworthiness ‘believability’ of a study; validity is concerned with the extent to which a study accurately reflects or evaluates the concept or ideas being investigated.

Kelle, Kuhberger and Bernhard (2021:10) portray triangulation in two different ways: as a validation of results by applying different methods and as a combination of methods and/or data with the aim of describing a research field or topic more comprehensively and explaining it better with the help of different but complementary results. Noble and Heale (2019) depict a plethora of weaknesses in triangulation and state, triangulation offers

richness and clarity to research studies but also has limitations. Firstly, it adds to the complexity of the research, making it more time-consuming. Additionally, researchers may not adequately explain their techniques for blending results when used as a method for combining research methodologies. However, Alexander (2020) denotes that concurrent triangulation allows the researcher to collect both qualitative and quantitative data and that it allows for a wealth of data collected differently. Noaks and Wincup (2004) provided the illustration shown in Figure 3.2 below which is more conversant to criminological research. Method, triangulation depicted in Figure 3.2 depicts the collection of data by different tools or methods.

**Table 3.1 Forms of triangulation (Noakes and Wincup 2004:96)**

Form of Triangulation	Alternative names (if any)	Definition
Data triangulation		Collection of Different types of data on the same topic using the same method or different methods
Investigator Triangulation	Researcher triangulation, team triangulation	Collection of data by more than 1 researcher
Method Triangulation	Technique Triangulation	Collection of data by different methods
Theoretical Triangulation		Approaching data with multiple perspectives and hypothesis in mind

Fig 3.2 depicts multiple forms of triangulation in research and denotes the ‘method triangulation’ that is adopted by this study. Method triangulation was used in this study to collect data with different methods in a fluid relationship with data triangulation that saw different types of data collected on the same topic. Noaks and Wincup (2004:11) argue how, the literature advances numerous advantages to persuade researchers to adopt a multi-method approach, and the overarching theme is that combining methods increases the validity of the findings. The researcher for the purposes of this research used the mixed method approach to increase validity and apply fitting data collection methods to different facets of the research population.

The adoption of both methodologies maintained a check and balance system where the study complimented the strengths and weakness of each individual methodology.

1. What knowledge claims does the researcher make?
2. What strategies of enquiry will inform the procedures?
3. What methods of data collection and analysis will the researcher use?

This ensured that collection and analysis of data provided a holistic interpretation of findings in the study.

Majid (2018) observe that the population of interest mainly refers to the entire target group that research intends to study. The same view is shared by Kombo and Tromp (2006) who define population as the “*entire group of persons or elements that have at least one thing in common*” (p135). Thus, a population can refer to a group of people that share one or more characteristics from which data can be gathered and analysed. In the case of the current that focused on GWWD in Zimbabwe, the common interest would be their roles and interest in the access of GWWD to justice when crime is perpetrated against them. The geographical area of interest is three policing districts in Mashonaland Central, one of the ten provinces of Zimbabwe.

In the context of the current study, the population of prime interest was that of girls and women with disabilities. Efforts to get statistics of this group did not yield much as neither the police nor the court would provide accurate figures, a result of gaps in record keeping. Besides, even if they had the records, these would only be for those that had come forward and not those who, though violated, would not be in their records. The researcher was only able to get some numbers after reconciliation of numbers from the Disability Organisation and Victim Friendly Office that showed a total of 15 GWWDs (6 girls and 9 women). This was the defined population for this critical group. with an understanding of possibility of more still unreported in communities.

For other respondent groups, the populations (as per records) comprised of the following: 112 VFU officers, five senior police officers; one Regional Magistrate, 1 Disability Organisation representative and 1 Disability specialist, an officer from Social Development.

Majid (2018) defines a sample as part of a defined population that selected for purposes of the study. Often, the researcher selects a portion of the population because the entire population may consist of too many individuals for any research project to include all of them. Sampling then becomes the process of selecting that portion of the population for purposes of carrying out the study. A good sample should allow the researcher to relate the finding from the sample to the population (Creswell, 2009). For quantitative studies, statistical representation is usually a major preoccupation. However, for the more qualitative studies, only a few can be chosen since the focus is on in-depth narratives and experiences of participants (Majid, 2018). Sampling usually falls into two distinct categories: probability and non-probability sampling (Given, 2008).

A sampling technique normally associated with quantitative studies (James & Simister, 2017) undertaken in such a way that every member of a population has an equal chance of selection into the sample (Etika and Bala, 2017), suggesting there is less reliance on human judgement. If the sample is done correctly, the researcher can have greater confidence in generalising findings to the general population. Given that the population in the area of study was largely fluid, the study did not use this sampling method. This is associated with qualitative studies, and arises because the research requires in-depth understanding of certain issues. Lawrence (2015) posits that purposive sampling becomes the most direct technique associated with nonprobability sampling. The thrust is analytics rather than statistical generalisability. Non probability sampling also includes convenience sampling.

The study used purposive and convenience sampling methods to select participants that advance GWWD issues for the qualitative component of the data. These would provide in-depth narratives and experiences. Convenience sampling was used to direct the researcher to those wards and villages with GWWD, whereas purposive sampling was mainly used to recruit representatives from state and non-state actors that are familiar and knowledgeable on disability issues.

As argued by Etikan, Mussa and Al Kassin (2016), purposive sampling technique, also called judgmental sampling, is the deliberate choice of a participant due to the qualities the participant possesses. It is a non-random technique that does not need underlying theories or a set number of participants. Simply put, the researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of knowledge or experience. This type of sampling is typically used in qualitative research. Additional insights on purposive sampling include: reliance on the judgement of the researcher when it comes to selecting the units (people, case/organisations, events, pieces of data) that are to be studied (Sharma, 2017) and researcher strategy on whom, where and how one does their research (Palys, 2008).

With reference to the current study, purposive sampling was used to select most of the participants for the study due to their knowledge of and experience in the subject of the study. Their roles in the justice sector were well known, thus giving them good authority to speak about issues related to access to justice for GWWDs. Purposive sampling was used in the selection of the five senior police officers, the Regional Magistrate, Disability Expert, Department of Social Services officer.

Etikan and Alkassim (2016:2) define convenience sampling (also known as Haphazard or Accidental Sampling) as:

a type of non-probability or non-random sampling where members of the target population that meet certain practical criteria, such as easy accessibility, geographical proximity, availability at a given time, or the willingness to participate are included for the purposes of the study.

In a support, Alvi (2016:29) provides typical characteristics of convenience sampling as:

- ☐ Any member of target population who is available at the moment is approached;
- ☐ He or she is asked for participation in the research;
- ☐ If the person shows consent, the investigation is done

So, convenience of respondent selection has much to do with accessibility and availability. The researcher chooses the method to select participants with ease, such as avoiding excessive movement, and limiting financial strain. Convenience sampling was used to identify GWWD participants and VFU officers whose availability was determined by circumstances such as availability at a given time.

For GWWDs, diversity of disabilities was an important consideration and age to ensure inclusion of those less than 18 years (girls) and those above 18 years (women). Challenges of interfacing with some of the participants were faced in the case where they could not communicate effectively and caregivers would assist during interviews. For GWWDs informed consent was sought for minors and granted to the researcher by the participants' caregivers in this study. A total of 6 GWWDs were selected using this method where the source was VFU provincial databases and information from the disability organisation. Room was left for snowballing, in case of the community indicating knowledge of any other GWWD victims of crime in their area.

The selection of VFU officers was concluded through a combination of both convenience as they were conveniently located within their stations but also purposive in that they had been 'information rich' as they were key players associated with the subject of the study. Although paper records show that there are 112 VFU officers in the three policing districts of Mashonaland Central Province, a lot of these were dropped from consideration on the basis of doing duties other than those designated for a VFU officer. These included clerical, administrative and managerial duties at police stations. Effectively, therefore, they were not performing VFU duties that entailed field activities and direct victim interaction and assistance. The target came down to 50 VFU officers deemed to be doing VFU Officer duties across the three policing districts.

To seek access to the information the researcher needed at both levels without facing any challenges, initial consultations were done through meetings with gatekeeper representatives at both district and provincial levels. Meetings were conducted with the Senior Police Officer Commanding Mashonaland Central Province and the Victim Friendly Unit Provincial Coordinator in the provincial Capital Bindura. Such an initiative was

undertaken as introductory and gate keeping protocols. Subsequently, introductory meetings were done at each police station with the officer in-charge before the researcher was allowed to speak to the District VFU Coordinator and his/her subordinates.

Data Collection is the process by which data is obtained for the research through the use of different data collection tools (Kumar, 2019). The researcher employed concurrent triangulation (mixed methods approach) technique throughout the data collection process. Use was made of Interviews (in-depth interviews and semi-structured key informant interviews). In addition, the researcher used a questionnaire, in-depth case interviews and personal experience of introspective life stories as an integral part of the data collection process.

For the purposes of this research, interviews were conducted at varying levels. The process of key informant interviews involves talking to select group of individuals who are likely to provide needed information, ideas, and insights on a particular subject. Kumar (1989) and Jill, Petticrew, Yoganathan, Petkovic, (2018) emphasise that, key informant interviews are conducted with knowledge users that contribute to a better understanding of the effects of an intervention. Key-informant interviews were conducted with high-ranking police officers, the Regional Magistrate, DSDO, Disability Organisation Representatives and Public Prosecutors in Mashonaland Central Province. This was done to bring out key issues at senior official level, and to get a gist of their perceptions/ understanding of issues pertaining to access to justice for girls and women with disabilities.

The study employed in-depth interviews during the data collection process. As argued by Gabler (2013), this is a form of non-standard or semi structured interview with a large freedom base afforded by the interviewer. Cox and Adams (2008) support this assertion by stating that researchers use interviews when they seek to gather thorough and more detailed information. In depth interviews are a form of data collection that calls for direct questions that necessitate sub questions borne out of responses given by the participants. Brouenèu (2011) observes that in depth interviews are done to learn of one or an individual's perspective. In-depth interviews were

conducted with girls and women with disabilities who were victims of crime. This was done to give the girls and women and, in some cases, their guardians freedom to answer without unnecessary 'intimidation' from paper work. In some cases, it was possible to do these interviews face-to-face. That interaction permitted the researcher to see nonverbal cues communicated by the research subjects.

Such interviews are personal by nature and necessitate an exploration of a participant's thoughts and feelings about the topic at hand. In-depth interviews were conducted with GWWD and GWWD caregivers. Six (6) GWWD were selected for in-depth interviews, where 3 GWD participants with varying disabilities (mental and physical) were aged below 18 years of age and another 3 WWD participants with varying disabilities that include; mental and physical impairments were aged 18 years or older.

In some instances, interviews were collected over the phone due to inaccessibility of some areas arising from COVID-19 induced lockdown experienced during the period of data collection. As argued by Lobe, Morgan and Hoffman (2020) this posed a unique set of challenges for the qualitative researcher.

Interviews, if conducted face to face, capture verbal and non-verbal cues. This provides the researcher an innermost view on the body language and emotions and behaviour which cannot be seen through other modes of interviews. Alshenqeeti (2014) highlighted that, "interviews compared to questionnaires are more powerful in eliciting narrative data that allows researchers to investigate people's views in greater depth" (:39). Berg (2007) in Alshenqeeti (2014) paints a positive attribute of interviews when he observes that, "participants in interviews speak in their own voice and express their own thoughts and feelings" (:39). Therefore, part from giving a narrative directly from the source of the information, interviews enable the researcher to denote their feelings.

Face to face interviews have a few disadvantages, one of these is that the nature and setups of interviews may be time consuming. Doody and Noonan (2013) indicated that interviews take place in a social context and this affects



the relationship between the interviewer and participants. Haralambos and Holborn (2008) contend that interviews have many setbacks and that the responses given may not be accurate and may not reflect real behaviour. Doody and Noonan (2013) suggest that an interview should take place in a suitable, familiar environment for the participant to express their feelings freely.

This may not be the most convenient setting for the researcher if the participant is far away or due to restrictions enforced such as the lockdown during the COVID 19 pandemic. In this study, the researcher had to travel long distances to conduct interviews due to network challenges that restricted telephonic interviews in some places. Oltman (2016) is of the opinion that, "many authors hold face-to-face interviews to be the gold standard, or the assumed best mode in which to conduct interviews" (:1). Oltman (2016) further indicated that, there is an increase in telephone interviews for various reasons. Scholars such as Novick (2008) imply that the use of the telephone could undermine quality when reporting. However, due to the prevailing circumstances imposed by the pandemic, telephones were used in place of face-to-face interviews only, when necessary, coupled with strict adherence to measures to curb the spread of the pandemic. Four telephonic interviews were conducted due to Covid 19 lockdown restrictions, contact numbers were provided via the databases provided by the VFU and from VFU offices for senior officers who were not physically available. The researcher made use of this type of interview partially, due to the global pandemic.

Interviews, as highlighted by Alshenqeeti (2014), offer researchers a powerful tool for gathering rich, in-depth data. The interactive nature of interviews allows for flexibility, enabling researchers to adapt questions and delve deeper into interesting responses, fostering a personal connection with participants and facilitating clarification of any ambiguities. However, interviews are not without their drawbacks. They can be time-consuming and costly, potentially introducing interviewer bias and the risk of social desirability influencing responses. Additionally, the findings from interviews may not be generalizable to a larger population Alshenqeeti, (2014) contends that there are a significant number of advantages and disadvantages in

interviews. They can provide rich information sourced from participants but it may take time to get the returns from participants that may restrict time available for other activities. Wincup (2017), implies that in depth interviews allows for full detailed accounts of events.

A questionnaire is a document that seeks to ask direct questions concerning the issue under investigation. A questionnaire can be structured, unstructured and semi structured (Huerta, Goodson, Beigi & Chlu: 2016). To fully explore the issue at hand the researcher adopted a semi structured, self-administered questionnaire. This was primarily targeting relevant stakeholders (VFU officer) who in one way or the other influenced access to justice for girls and women victims of crimes with disabilities, 50 of the 112 VFU officers were targeted through questionnaire.

A questionnaire provides a large amount of quantifiable data that can be analysed. Roopa and Rani (2017) are of the contention that a questionnaire is a series of questions asked to individuals to obtain statistically useful information about a given topic. In light of this, the researcher used the questionnaire to obtain pertinent information from police officers in the VFU section on access to justice for girls and women with disabilities.

Haralambos and Holborn (2008) postulate that the use of a questionnaire is a practical way to collect data and this can be used to collect large quantities of data from a considerable number of people over a relatively short period of time. In this study, this aspect was useful in that the researcher managed to target 50 VFU officers located within different geographical areas. This was time-saving (Maree, 2007).

The other advantage of using questionnaires was that the results from this research could be easily quantified, analysed quickly and easily through the aid of computers (Creswell, 2002; Leedey and Ormroad, 2005). It was easy to administer group questionnaires since it was quick (time saving) and at the same time it was easy to clarify issues to participants as observed by Cohen, Manion & Morrison (2007). It was convenient and fast to collect completed instruments back from police officials. During the course of this study the

researcher managed to collect rich information VFU officers and that also gave a leeway for statistical representation of data.

Muzenda (2014) observes that despite the reliability of questionnaire data, one major disadvantage is that it lacks validity since some participants may be unwilling or unable to give full and accurate responses to questions or they can simply provide false information. Participants may interpret questions differently or wrongly if the researcher is not careful enough with wording (Cohen et al., 2000; Merrian, 1998). It is also an expensive method of data collection especially if the data is to be collected from a large number of participants. The use of questionnaires in this study proved to be an expensive and time-consuming exercise. For the larger part, the researcher had to physically move around police stations handing out questionnaires and collecting them due to the unavailability of courier or postal services during the Covid-19 pandemic. Other questionnaire copies were left with the Officer in Charge for distribution and collection.

As argued by Yin (2018), case studies come into the fold when the questions why and how come into play in research. Yin and Davis (2007) in Yin (2018) argue how a case study is an empirical method that investigates a contemporary phenomenon (the “case”) in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be evident. In other words, a case study is conducted to understand a real-world case with the assumption that such an understanding is likely to involve important contextual conditions pertinent to one’s case.

Cases studies have also been defined by Creswell (2013) as phenomena that “explores a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information and reports a case description and case themes”. (:93)

Gustaffson (2017) observes that there are two types of cases studies, single and multiple cases studies. Furthermore, Gustafsson (2017) has indicated that the difference between a single case study and a multiple case study is that in the latter, the researcher studied multiple cases to understand the differences

and the similarities between the cases. For the purposes of this study, two case studies were brought about and given a real, world picture of the issues and challenges faced by girls and women with disabilities as victims of crime seeking justice. For the purpose of this research, the researcher found it important to illustrate two case examples of GWD and WWD victims using firsthand experience with crime. These cases were special interest stories that emerged during engagements with the communities and VFU officers during informal conversations. The intention was to draw one from each district due to their unique characteristics, however only two stories were told. In the absence of case studies from courts which are not released to the public, cases from special interest stories give in depth insight into the participants' experience. This was done to give an in-depth look into the victims and enhance the study of victimology. The first case study represented the unique experience of a girl with disabilities seeking justice and the second case represented the unique experiences of a woman with disabilities who, as a victim of crime, seeks reprieve in the form of justice.

Owen (2014:8) observe that document analysis is, like Bardach (2009) reminds us, "almost all likely sources of information, data, and ideas fall into two general types: documents and people". The researcher determined that document analysis was a good source for data collection. Yanow (2007) cited in Owen (2014) asserts that document reading can also be part of an observational study or an interview-based project. Documents can provide background information prior to designing the research project, for example prior to conducting interviews. They may corroborate observational and interview data, or they may refute them, in which case the researcher is 'armed' with evidence that can be used to clarify, or perhaps, to challenge what is being told, a role that the observational data may also play. The great relevance to this study is to access documents that focus on access to justice for GWWD in Zimbabwe. The study used reports from implementing partners, crime reports, journal articles, policy and legislative documents. It also used Internet sources, giving thorough consideration before selection.

Creswell *et al.* (2007) have highlighted that primary sources of data are unpublished. These include a letter in a newspaper or a company report that the researcher has gathered from the participants or organisations directly

(for instance, minutes of a meeting, reports, correspondence). In other words, these are the original sources of data. Secondary sources refer to any materials (books, articles) based on previously published works. The researcher checked for evidence of GWWD as victims of crime and their processes in seeking justice. The researcher further checked for documents on rights violations for GWWD in Zimbabwe. All the documents stated above served to substantiate the evidence from other sources.

The main advantage of documentary research is that it is economical in both monetary and time terms. In the context of the current Covid-19 pandemic, document analysis provided a safer non-contact way of gathering information on the perceptions and experiences of participants. This study used both primary and secondary sources of data to enhance understanding of issues of girls and women with disabilities covered by the study. As argued by Owen (2014) the use of documents as a data collecting technique enables the researcher to obtain a lot of data on the perceptions, values and beliefs of participants. Document analysis in this study complemented interviews and questionnaires in the data collection process and informed the researcher on pertinent issues.

Bowen (2009) observes that documents are sometimes not retrievable. As Yin (1994) has noted, access to documents may be blocked as often happens on Internet sources. An incomplete collection of documents suggests 'biased selectivity' (Yin, 1994, 80). In an organisational context, the available (selected) documents are likely to be aligned with corporate policies and procedures and with the agenda of the organisation's principles. However, they may also reflect the emphasis of the particular organisational unit that handles record keeping (e.g., Human Resources). The time factor was also an important variable that could influence decisions on documents that one can use in the study. Maree (2007) posits that before selecting which documents to use, the researcher has to verify the publication date, lest one will be dealing with a phenomenon that has changed in recent years. This is particularly true when it comes to study of victimology, policies, and pieces of legislation that affect victims.

Whereas validity and reliability are important considerations in conducting quantitative research (Trochim, 2006), qualitative research should prioritise trustworthiness and credibility. Having opted for mixed method design, the researcher provides brief insights into both validity and reliability and trustworthiness and credibility.

Validity has to answer questions as to whether the instruments used in the study are measuring what they ought to measure (Silverman, 2010). The research questions to be answered by the study become an important source in developing the instruments; so that there is a connection between provide direct answers to the research questions. That connection is important (Zohrabi, 2013).

In the current study, development of research instruments was based on the specific research questions as guides in such a way that each questionnaire or interview question provided a contribution to answering the research question. In addition, the researcher shared the developed instruments with people knowledgeable in research and used comments obtained to improve on the questions, hence improving the validity.

When instruments are used repeatedly with similar samples, each time producing consistent results, then the instruments are said to be reliable (Creswell, 2014; De Vos *et al.*, 2013). The research piloted the instruments once their development was complete, allowing similar participants to give feedback. This led to improvement of the instruments, thus increasing reliability.

In simple terms, Baloyi & Naidoo (2016) explain trustworthiness and credibility as having to do with whether or not we can believe the results we have found. Guba and Lincoln (1988) stated that trustworthiness in research included the other criteria of credibility, transferability and dependability of research results.

Credibility is very important and is measured from the perspective of the participant, making him/her best placed to answer the question of whether the results can be believed. One strategy used to check for credibility was

bouncing the finding off some selected participants. For confirmation that they reflected what had transpired during data collection (Creswell, 2014). No respondent raised any queries on the research findings, so the researcher took the findings to be credible. The study also achieved credibility through use of various data collection methods (triangulation). Bwalya and Kalu (2017) suggest that as a sound strategy to balance data obtained through interviews and questionnaire.

Dependability was a key consideration in this study. It has to do with consistency of research findings and resembles the reliability aspect in quantitative research (Rossouw, 2003). The emphasis is on the researcher accounting for the context in which the research takes place. Responsibility for describing those changes and how they affect the way the research approached the study rests with the researcher. As argued by Finlay (2006), this can provide the evidence needed should outsiders want to scrutinise at a later time. To achieve dependability, the researcher followed all standard laid down procedures for carrying out a study, including providing a thick description of the research methods and an audit of data consistency. Dependability shows that the findings are consistent and can be repeated (Cohen & Crabtree, 2006).

Triangulation in research occurs when a researcher seeks convergence and corroboration of results from different methods when studying the same phenomenon (Johnson & Christensen, 2012). This can substantially increase the credibility or trustworthiness of a research finding. The study employed key informant and, in-depth interviews and questionnaires and observations and document analysis in carrying out the study processes. The use of multiple sources of data helped to deal with the problem of unclear issues as these provided answers to the main research question through responses from research instruments. The researcher regularly discussed any issues arising during the research with the supervisor.

Akaranga and Makau (2016) indicate that during research, a researcher must promise to protect the information given by the respondent in confidence. If any information has to be revealed, consent must be sought from the respondent. This enhances honesty towards the research subject by

protecting them from physical and psychological harm thereby ensuring that the researcher does not pose awkward questions.

Participants have the right to privacy whilst participating in research. Goodwin and Goodwin (2016) highlighted the need to keep participants anonymous as a matter of right. This protects them and their way of living. The researcher ensured participants' right to privacy and participation through exclusion of their actual names and providing pseudonyms or nom de plumes instead.

It is necessary for the researcher to ensure confidentiality for the research participant. Madhushani (2016) observe that in almost all research the participant is guaranteed confidentiality, to ensure that identifying information will not be available to anyone who is not involved in the research.

In research, the right to confidentiality and the right to anonymity puts the participants at ease to give information that might otherwise be regarded as sensitive. Hence, it was important in this study that participants were given an assurance of the researchers' adherence to issues of confidentiality and anonymity. As argued by Cohen *et al.* (2000), confidentiality means protecting the privacy of participants by keeping the data sources as confidential as possible while anonymity deals with disguising the identity of the participants. Fleming (2018) observe that it is important that the identity of participants is kept confidential or anonymous and that such assurances extend beyond protecting their names but should also include the avoidance of using self-identifying statements and information. Anonymity and confidentiality are an important step in protecting the participants from potential harm.

As a result, this study ensured that no names of participants were taken or recorded. This was done to protect the respondent's identities and give them an opportunity to give their honest opinion without the fear of victimisation. Akaranga and Makau (2016) contend anonymity refers to keeping secret by not identifying the ethnic or cultural background of participants, refraining



from referring to them by their names or divulging any other sensitive information about a participant.

It is imperative that during the research process no participants are harmed in any way. Vanclay, Baines and Taylor (2013) suggest that this means participants must not be exposed to pain or danger in the course of the research. Bwalya and Kalu (2017) further argue that, "research can present risks to participants and therefore the researcher has an obligation to ensure that their wellbeing is safeguarded throughout the research process" (:32). This is particularly important in cases that include victims of crime and minors.

Informed consent is often referred to as the cornerstone of research particularly when it comes to minors and persons with mental disabilities that require caregiver assistance. This has to be sought particularly where minors are concerned in the research process. Ryen in Silverman (2016), observe that codes and consent particularly 'informed consent' are essential for research. Therefore, prior to the commencement of research, participants were fully informed about the research and were told that they could choose to participate and have the freedom to withdraw.

Promoting the wellbeing of all the persons involved in the research is imperative. To ensure adherence to this, the researcher at all stages of the research was considerate of the wellbeing of the participants and did not coerce them to answer questions that they were not comfortable with. As argued by the Ethical Guidance for Research with People with disabilities (2009), promoting wellbeing is achieved by upholding the rights of the participants of the research at all times. Fleming and Zegward (2018:210) states, the aspects of 'informed consent' should include clear explanation on:

- ☐ Who the researcher(s) are,
- ☐ What the intent of the research is,
- ☐ What data will be collected from participants,
- ☐ How the data will be collected from participants?
- ☐ What level of commitment is required from participants?
- ☐ How this data will be used and reported, and
- ☐ What are the potential risks of taking part in the research? (

The informing aspect of consent is often undertaken using a short introduction by the researcher on who they are and introducing the purpose of their research. This is an important step that places emphasis on obtaining truthful information. Akatanga and Makau (2016) indicate that, for example, when executing a questionnaire or employing focus group discussions, the participants are at liberty to respond to issues raised on their own volition. In this regard, a researcher must affirm to the respondent the need for observing the principle of voluntary consent or willingness to participate in research. And, for a respondent to make informed consent, a researcher should explain clearly the truth about the purpose of the research being conducted.

Research allows for participants to emanate from vulnerable groups including persons with disabilities amongst them GWWD. If data is to be collected from vulnerable groups, it is important to note that, "If this is done, then the researcher must obtain due consent from their parents or guardians to involve them in the investigations" (Mugenda & Mugenda, 2003). The researcher sought the permissions of parents and primary caregivers of GWWD to access information from them. Permissions were also sought to gain insight from Police officers in reference to GWWD and their cases which are of a sensitive nature.

The researcher should respect and accommodate the difference of persons with disabilities during the course of the research. As argued in the Ethical Guidance for Research with People with Disabilities (2009), the researcher should by all means provide interview spaces that are accessible and comfortable for persons with disabilities and should provide interpreters in sign language to promote effective commission. This was done to ensure accessibility and adequate communication. The researcher had to create a concrete sample and be sure of the persons that participated and what special needs that they had. The researcher in this study ensured that there was ease of communication by allowing caregiver presence to ensure a smooth flow of information where the respondent was not able to adequately answer.

The chapter has focused on the methodology that was used in this study. The mixed method approach was identified and justified for use in this study. The chapter also explained the population of interest and how and why the

sample was drawn u: Consistent with mixed methodology, the study employed use of a questionnaire and key informant and in-depth interviews for data collection and explained data analysis techniques that were to be used. The chapter concluded with a discussion of credibility and trustworthiness and how ethical considerations were taken into account.

## 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).

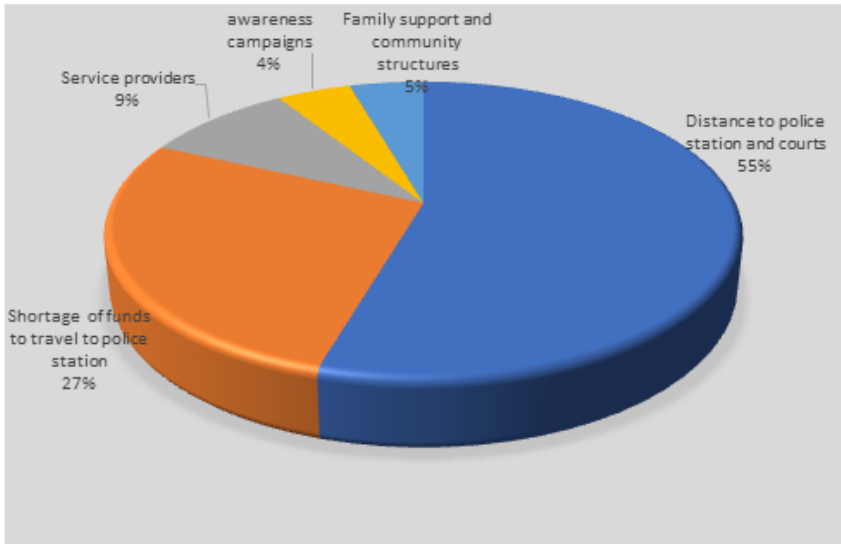
The story of factors affecting access to justice cannot be complete without the voice of the GWWDs themselves. The question put to them was identifying those aspects that facilitated or hindered their access to justice. One GWD, who had been a victim of rape told her story:

"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” (WWD2).

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).

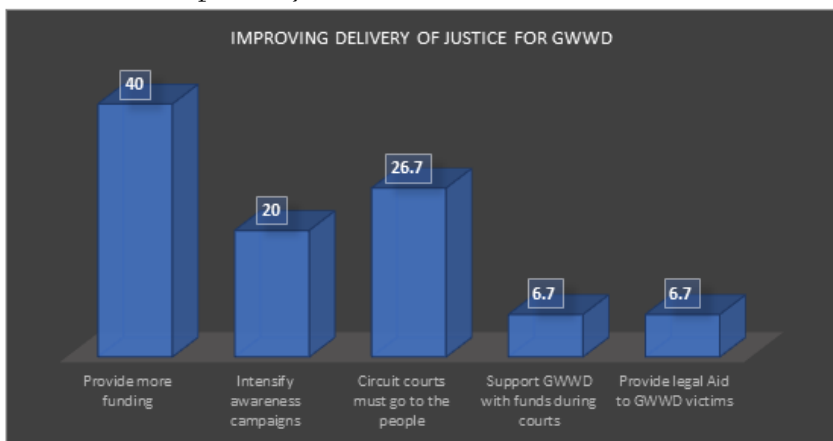
On the same question, VFU26 went on to give a brief list of challenges the VFUs faced in aiding GWWD to access justice,

- '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” (CL1).

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.



## CHAPTER FIVE: DISCUSSION

---

The previous chapter has focused on presentation and analysis of findings from this study. The current chapter discusses the key findings of the study in relation to access to justice for girls and women with disabilities. The discussion is structured along the main themes of the study organised around research questions. Essentially, these include girls and women living with disabilities as victims of crimes as they relate to their right to access justice. Four main themes were identified in this study: equality, accommodations, participation and training of professionals. This chapter will also look at the justice delivery system and the extent to which their essence and delivery strategies and management supports GWWD rights and access to justice. The discussion is undertaken in the context of knowledge that already exists about girls and women with disabilities in relation to the right to justice.

In spite of increased need for access for GWWDs, Zimbabwe still faces problems in the provision of that service. Overall, the study found varied responses to violence against girls and women with disabilities. The study offered different points of view on girls and women with disabilities access to justice, one of which being the understanding of the concept and context of components of justice that is at the heart of this study, was necessary to inform measures to navigate the study processes. Besides, it offered an important take-off point for the study whose essence was the issue of access to justice. These issues were best answered by the survivors themselves.

In the context of violence perpetration, the study found the justice concept was understood although it was explained differently (in non-technical language). They analysed it using the concepts of the 'wronged' and the 'wrongdoer', together with the feeling that some measure(s) of a punitive nature needed to be meted out to the 'wrongdoer' to realise justice. This finding is supported by McGlynn and Westmorland (2018) who argue that a trigger must exist to define the path to justice that although it can continue to shift, is pursued in the search for resolution.

The 'wronged' (current subjects of the study), would fall into the realm of 'victimology' – the study of victims of crime, an important dimension though

not sufficiently addressed for people with disabilities as a specific category of 'victim' (Madriaga & Mallett, 2010). UNDP (2004) in Beqiraj *et al.* (2014), makes reference to the growing recognition within victimology that the experience of many a woman in this situation is that of being a victim, largely because of their disability which constrains them from doing much to help themselves out of crime situations. This is a notion affirmed by Edwards *et al.* (2012) when they state that 'disabled people are significantly more likely to be victims of crime than non-disabled people'. The findings of this research revealed that many factors pushed GWWD into becoming victims of crime. This was largely borne out of their disabilities that limit them. The GWWD are as argued by the findings of this research often neglected and left alone for long periods of time due to their disabilities. The study established that GWWD assume victim status when a crime is committed against them and this crime is in turn brought to light.

Vulnerable individuals who experience crime often identify as victims. Their understanding and perception of justice (how they "feel" justice) is significant to this study because that understanding should, theoretically, improve their access to it. Furthermore, while these individuals readily understood and could explain their own disabilities, their understanding was limited to their personal experiences and lacked exposure to the broader spectrum of disability. They easily identified the "disadvantages" of their specific disabilities, focusing on what they could not do. This aligns with the United Nations' understanding of disability as a continuum of impairment, disability, and handicap: and reflects a medically-focused perception of disability, as described by Wasserman *et al.* (2016). This limited perspective is important to note, as it highlights the need for a more comprehensive understanding of the multifaceted challenges faced by people with disabilities, which extend beyond purely medical concerns.

The researcher found that access to justice is defined as, access to justice is an important component of a legal and democratic state. It implies the right to an effective remedy, the right to equal access to courts, the right to legal aid measures that improve access to courts and access to legal representation to ensure effective implementation of the law and practical enjoyment of rights by individuals. Access to justice "refers to the various elements leading to

appropriate redress against the violation of a right". The requirement of equality, including gender equality, is at the centre of the meaning, the exercise and the fulfilment of the right to justice. Women's rights and women's full and effective access to justice are integral parts of the overall justice system that should exclude any discriminatory activity (Markaryan, 2015).

This was pivotal to the study aimed at exploring the barriers that people living with disabilities who report crime and abuse face in accessing the criminal justice system in Zimbabwe. Moyo (2018) observe that, "every person has the right of access to the courts, or to some other tribunal or forum established by law for the resolution of any dispute" (: 39). The UNDP (2004) cited in Beqiraj (2017) observe that access to justice is, considerably more than simply increasing an individual's access to the courts... It must be defined in terms of achieving just and equitable legal and judicial outcomes.

The findings of this research show that access to justice is pivotal to access of other key rights. From the findings it emerged that some parents and caregivers of GWWD feel that access to justice was elusive and some of them may not even report crimes against GWWD and seek access to justice due to fears of social stigma and to notions of a corrupt justice system.

The section of the study took off by examining some contextual abuse perpetration patterns that included most prevalent crimes, the perpetrators and commonest locations of crime perpetration. Are most prevalent. of the factors, sought to unpack, in the view of the different groups, what these factors were, understanding that would enable response to the factors by the concerned parties.

The study found that rape and attempted rape were the commonest crimes perpetrated against women and girls with disabilities. Some GWWDs added gender-based violence and stigmatisation. These findings were not unique to this study as Ozemella *et al.* (2019), also confirm their findings that commonest among crimes perpetrated against women and girls with disabilities were sexually inclined crimes such as rape. On the other issue, familiar people in the family or community environment, were identified as

main perpetrators of such crimes that also happen to frequently occur within the home setting or nearest surroundings, a finding endorsed by Lodenius (2020) who concluded that perpetrators against girls and women with disabilities were dominated by those from the immediate environment of the victim (family and community). Subsequently, that closeness, she argues, may influence the action that social structures, especially the family take; such as downplaying the crime. It is further argued that some families even go on to receive money in lieu of reporting the case to the police (Lodenius, 2020). In agreement, Chikate (2020) found that GWWDs are mostly attacked by abusers in their immediate environment, especially the home. The assessment of crime category, perpetrator and location were extended to all groups under this study and the pattern of findings was unanimously agreed.

The findings of this study revealed crime pattern dimensions that include perpetrator identify, type and location of crime. Ozemela *et al.* (2019) argue that the interplay among these dimensions. Table 5.1 depicts the relationship between perpetrators, type of crime and location of crime.

**Table 5.1:** Crimes against GWWD: Location, Perpetrator and Vulnerability Factors (: Ortiz and Urban, 2019:10-11)

Location of violence against GWWD	Perpetrator(s)	Factors that Increase Vulnerability
Social Groups such as family	Family Members	Negative public attitudes about disability
Residential settings such as the home, apartment or boarding home	Paid caregivers/personal assistant	Social isolation of persons with disabilities with their families
Service settings such as hospitals, group homes, institutions	Other people with disabilities, especially those closest with their victims in service settings	Reliance of people with disabilities on others for care
Public spaces	.....	Lack of support for family members who assist people with disabilities
		Lack of opportunities for people with disabilities to develop social skills through typical social interaction.
		Nature of the disability
		Gender, particularly with

		reference to sexual abuse (where women face a very high risk of victimisation)
		Poverty and other economic factors; affecting people with disability
		Lack of control or choice of people with disabilities over their personal affairs
		Perceived lack of credibility of people with disabilities when they report or disclose abuse
		Socialisation of people with disabilities to be compliant; learned helplessness
		Alcohol and drug abuse by perpetrators
		Ineffective safeguards

The diverse variables all coalesce to create a complex web of conducive conditions that can favour crime perpetration against women and girls with disabilities. In the context of the position that the GWWD are exposed to vulnerable conditions, this study should provide useful insights into what might be needed to address the issue of crime perpetration against women and girls with disabilities.

This aspect of the study took interest in those factors that had a positive influence on access to justice for women and girls with disabilities. It was found that legal and institutional efforts set up by the Government were, at least potentially, promotive of the access to justice agenda. Makaryan (2018) is in agreement with prior scholarly assessments, referring to these governmental actions as "national good efforts and practices," acknowledging their positive contribution at the national level, even if they are not comprehensive or fully effective

In spite of all efforts and good work that may be done by various players, access to justice remains a pipe dream for many survivors of sexual violence. Many barriers stand in the way and the study found the following common ones.

The study has found that this to be a critical barrier identified by all participants, because, by virtue of geographical location, service points are beyond the reach of many survivors. This has capability as well cost implications for travel to those sites and the nature of the disability can make it impossible for the survivor even to try which costs associated with such travel can have a prohibitive effect. In support of this finding, Beqiraj & McNamara (2014), make reference to what they term the physical factor of access to justice delivery in which they highlight its manifestation as “insufficient and unequal geographical distribution of justice institutions”. OECD (2016), groups these related factors simply under “geography”. This incorporates distance to the service, physical location, general issues to physical access to justice services, including condition of the road that makes transport providers to shun the routes to the detriment of access to justice services.

The effects of this barrier, together with its associated factors on access to justice cannot be wished away in a Province like Mashonaland Central where research data shows that there is only one regional court (and correspondingly one regional magistrate and one sign language interpreter) mandated to try sexual violence crimes. This creates a situation of massive movement of the population across difficult terrains, to access this court. The sentiment is well summarized by Mutanana and Gasva (2015) who argue that in predominantly rural areas, the distance from communities to reporting centres, or even for service to travel for evidence gathering is a barrier in itself. Besides, the nature of the disability itself may be a limiting factor to movement. It goes without saying that access to justice for girls and women with disabilities might remain a pipe dream as long as these conditions are allowed to remain the way they are. This study carries some recommendations seeking a redress of the current conditions.

On this aspect, the study found that suitable logistical support was considered paramount, especially in the context of the long-distance barrier. Examples identified included transport and inadequate funds to support GWWD to travel to police stations, clinics and courts and, reciprocally, justice services to go out to the people. Economic circumstances, cited as the root cause of this predicament, were a thorn in the flesh. It saw some cases

going unreported or, worse still, families and caregivers opting to be paid damages or compensation in lieu of reporting the case to responsible authorities. In their study of Barriers and Consequences of Reporting Cases, Mutanana & Gasva (2015) confirmed the inadequate support provided to Victim Friendly Unit (VFU) officers, specifically citing a lack of transportation and financial resources to effectively handle cases. This lack of support results in cases remaining un-investigated, hindering further action and obstructing justice delivery.

To benefit from a system, awareness of the system and knowledge of its workings should be a basic requirement. Knowledge and information about the justice system and the services it provides should be empowering enough for those seeking those services. In solid support of this argument are Beqiraj & McNamara (2017) who opine that information sharing, raising awareness and spreading good practice are pre-requisites towards efforts to improve access to justice. However, this study found that the community and family levels were the most ignorant in terms of such awareness, a situation that denies them access to justice.

Information and knowledge gaps among communities and the survivors is not a new phenomenon as Women Enabled (2018) found out, subsequently arguing: “Women with disability often lack knowledge about their rights and the justice system due such information not being made available in alternative format (e.g. braille, plain language, text to speech or easy read)” (p1). Equally, this may arise from different levels of understanding and access to the information (LRF, 2021). In a related argument, Human Rights Watch (2018) also argue that information accessibility may be an issue affecting actions of women and girls with disability. To buttress their position, they give examples of those with intellectual and psychosocial disabilities who may not be aware that non-consensual sexual acts, for example, are criminal and should be reported. This is the bad side of lack of accessible information.

When people are deprived of information, they remain ignorant and some of the consequences include lack of reporting begin, a kind of behaviour that denies them their right to access justice.

It was established that GWWD lacked information concerning their rights and the procedures to follow even to make a report to the police station. In other cases, the information, though available, may not be easy to comprehend. As a result, GWWD remain unsure of 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".

Questions of why categories of the justice system (communities, survivors) should remain, unaware and ignorant in a system that has pledged to carry out such activities at the very minimum, continue to be asked. Although the judiciary explained this as lack of the means to go out on awareness outreaches, civil society believes there is also lack of commitment and political will. This finding is particularly relevant to this study which seeks to leave no stone unturned in its quest to provide answers to why problems continue to manifest in the system.

There is an argument about the effects of extensive discrimination on certain members of society, the reason of which may be simply their structural and inherent characteristics (Beqiraj, 2017). Legal and informal discrimination or stigmatisation in practice can impose obstacles based on grounds such as ethnicity or migration status. Such discrimination can occur at all levels, the courts, the police, the community and even within the family. With reference to the current study, people with disabilities, especially girls and women with disability, can find themselves in this predicament, based on both gender and disability stereotypes (Women Enabled, 2018); yet the right of equality that appears to be blatantly violated, under the law must prevail (Holness and Rule, 2015).

The Constitution of Zimbabwe (2013) goes to great lengths to expose some practices as gross violations. As argued by the Constitution of Zimbabwe (2013), "Every woman has full and equal dignity of the person with men and this includes equal opportunities" (:38). It goes further to argue:

Every child, that is to observe how: every boy and girl under the age of eighteen years has the right (a)to equal treatment before the law including the right to be heard (:38)



Underscoring the above position, Waddington and Broderick (2017) define equality as being the “same rules” (:10) applying to a person with disabilities and one without. Lawson and Beckett (2021) argue:

... disabled persons are entitled to equality by virtue of their equal humanity, not because they satisfy sameness norms and ‘antidiscrimination and equality measures’ demanding the investment of resources are recognised. It emphasises the ‘indivisibility’ and the ‘process and outcome of human rights’ (:360).

The findings of this study established that GWWD, as victims of crime, become victims due to lack of equal opportunities with their peers. GWDI observe that,

*Handina kuenda kuchikoro nenyaya yekuti ndanga ndisingakwanisi kufamba ndega. Vamwe vangu vakaenda kuchikoro nevadiki vangu vanoenda kuchikoro. Ndinoswera pamba kazhinji ndega:* [Translation: I did not go to school because I could not walk to school due to my disability. My siblings went to school. I usually stay at home.

Worm (2012), in support, states,

In many countries, the capabilities of children and youth with disabilities are not recognised and their views not taken into account. They are often denied access to education or vocational training and are more vulnerable to violence and abuse than their non-disabled peers. (:7)

There is a nexus between access to justice for GWWD and the access to other rights. By accessing justice GWWD particularly girls with disabilities are given leeway to speak. The goal of equality for persons with disability is described as follows:

The goal is to achieve a barrier-free society for persons with disabilities which accommodates a wide spectrum of individual abilities and not a society which simply expects all to conform to one hypothetical, typically fictional ‘normalcy’ standard before they ‘fit in’. Equality seeks to attain an environment whose old barriers are removed and where new barriers are prevented before they are created, in which persons with disabilities are fully included as of right, free from stereotype or other impediment, with full respect for their dignity and worth as individuals, and with full, effective and timely accommodation (Holness and Rule:1909)

This research established that there is an imbalance in terms of equality for GWWD and other victims who are not disabled.

Nkhata (2020) observe that for persons with disabilities it is important to note that equality before the courts requires that actual efforts are made to ensure that barriers in the justice system are removed. Ortoleva and Lewis (2012) state, women with disabilities remain unequal in the justice system due to the barriers that limit them including; stigma, discrimination and lack of decision-making capabilities. The researcher found that there many barriers such as these tabulated below for GWWD.

The study that identified negative attitudes and discrimination to be strong systemic barriers to access to justice for women and girls with disabilities, goes on to call for a change in such attitudes. These were said to prevail at the level of courts, the police and other institutions that are responsible for the uptake of the cases. Sometimes even what the system observe how: to the reporting survivor can literally destroy the witness' prospects of pursuing their case (Human Rights Watch, 2018), such as how a woman with an intellectual disability was treated when she presented herself at reporting: "the police said, she is mental, why should I pay attention to her?" (para, 1). The issue is also confirmed Manjoo (2012), whose study concluded that police and the judiciary showed negative perceptions of women with disability, particularly women with intellectual limitations. Regrettably, as argued by the author, the woman with intellectual disability may be the only evidence of the crime taking place.

The Access to Justice for Persons with Disabilities Toolkit for Disability for Africa (Nd) adds its voice to the debate about negative attitudes and false beliefs or assumptions being a strong attitudinal barrier that diminish or totally deny access to justice for women and girls with disabilities. They list those accused of holding such beliefs as including the police, lawyers and judges, who are meant to be in the forefront of facilitating fair access to justice. As argued by their argument, the result can easily be that of considering and treating persons with disabilities as less credible at all stages of legal processes

... “including when reporting a crime, in terms of whether one can serve as a witness or in making legal decisions, seeking remedies for alleged violations of their rights, or otherwise participating in legal proceedings” (p7).

The study also found out that some attitudinal related barriers also emanate from the community side. In large measure, these manifest as non-reporting of cases that involve GWWD. This is because the community marginalises and dehumanizes some GWWDs, especially those who roam around or are dirty. Even when they do report a committed crime, it is done in the form of anonymous tip offs due to fears of being labelled as ‘sell outs’ or ‘gossipers’. There are also categories of GWWDs, such as those with hearing, speech or intellectual impairments, who are normally perceived as not comprehending what the perpetrator has done. As a result, such survivors continue to experience high levels of abuse. Lodenius (2020) brings a fine argument regarding stigma arising from within the family set u: His argument is simple: heightened stigma within family they try to hide the crime in an effort to reduce the shame and discriminations associated with the victim disability and the crime itself. It is also confirmed that in some parents, especially in rural areas, go to the extent of hiding their children that have disabilities to avoid being shamed or shunned due to stigma surrounding disability. Others get to the extent of leaving their children at home while they work or cultivate fields, “sometimes for days at a time, and sometimes tied up so that they don’t wander off”. 35, 36 Aley (2016) and Andrae (2017)

The finding of attitudes as a barrier that pervades the entire justice system should be unsettling enough for a system that should be supporting the women and girls with disabilities. It raises the question: who should they look up to for support? Whereas the answer appears to lie in lobby and advocacy efforts within all justice circles, refusal to accept that they actually hold these attitudes might be a barrier in itself. Nevertheless, the study makes the recommendation that these should be addressed as part of the process of inevitable change if the plight of girls and women with disabilities is going to ease off.

Institutions and infrastructure must remain accessible if justice is to be readily available for people with disabilities. In support, Beqiraj *et al.* (2017) argue how physical accessibility is necessary to remove barriers to accessing

of services. However, this study found that access was limited, because most of the physical structures at justice delivery sites throughout the system remain inaccessible. Although some modifications had been made at the regional court to accommodate wheelchairs through the construction of ramps, the feeling was that this was not even near enough. Ortoleva and Lewis (2012) posit, physical access to the justice system is not limited to the court house but extends to police stations and hospitals. Besides, even those that have received some modifications to accommodate ramps are often not up to standard (Chikate, 2020; Choruma 2007). This finding signals a justice accessibility gap that should call for concerted efforts to rectify.

Besides physical accessibility, the justice system needs other important resources to make it function. Some of these include finances, material and human resources. Beqiraj and McNamara (2014) concur when they cited “insufficient financial and human resource allocations to justice institutions that create shortcomings in the effective functioning of the justice system” (p18). In addition, OECD (2016) bemoans the situation of too few legal officers to meet demand of cases and challenges of retaining those staffs. The study discovered that there were insufficient numbers of suitable specialists that hamper delivery of services between witnesses and the justice system. For example, inadequacy or outright absence of language specialists at hospitals and police stations become a barrier to communication.

These issues could not be more relevant to the situation of the current whose findings concur with those of the researchers’ earlier findings. It would appear, therefore, that the issue of shortages of resources is not a new phenomenon. In this study, it is highlighted that disability specialists are in short supply while the administration of the VFU position remains insensitive to the plight of the courts with willy-nilly transfers taking place at the expensive of the critical role that the officers must play. The net effect is the same, the disruption of delivery of justice services for girls and women with disabilities. The study raises these challenges hoping for corrective interventions.

Accommodations refers to the provision of appropriate support suited to persons of different ages and disabilities. Article 13:1 of the CRPD (2006) observe that,

1.State parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including investigative and preliminary stages (:11)

Msipa (2015) observe that,

In the criminal trial setting, the question should not be whether a person is competent to testify; rather it should be what types of accommodations are required to enable the person to give effective testimony? (: 89)

Protocol on the Multi Sectoral Management and Sexual Abuse and Violence in Zimbabwe, ensures that the relative bodies work fluidly to get an adequate response to accessing justice. Victim Friendly system, ensures that women and girls as vulnerable groups get access to important services such as health care and counselling after they are victimised. The Victim friendly system makes an allowance for all persons with disabilities Zimbabwe Constitution 2013 and the subsequent introduction of the day of the disabilities and the DPA also plays a significant role in the creation of legislature for persons with disabilities.

Through government developments and amendments in the constitution such as the Victim Friendly Sub Committee knowledge dissemination between non-government actors and government actors has become more fluid. for instance, VFU03 stated that the referral protocol has become clearer due to the Protocol on the Multi Sectoral Management and Sexual Abuse and Violence in Zimbabwe of 2012 and subsequent trainings on the referral process. Further to this, trainings and sensitisation campaigns held by partners in the VFSC also elucidate the concept of disability and disability specific responses to disabled persons who are victims of crime.

Such sensitisations held by LCDZ and MoWAGCD as argued by SVFU01, enlighten VFU officers and other partners on how to respond adequately to GWWD as victims of crime. The study found that sensitisation training workshops ensure that there is a steady flow of the justice system by arming the necessary partners with adequate information on who to contact for assistance be it in deciphering the information being said or seeking basic services that are required during the judicial process. The study also

established that the VFU they have their own methods of knowledge dissemination; one such method is through awareness campaigns held by the VFU and in some cases held together with other partners.

Participation is the effective role as direct and indirect participants in the justice process.

Participation is both a means (participatory approach) and an aim (the right to participate). It entails empowering rights-holders such as persons with disabilities to articulate their expectations towards the State and other duty bearers, and to claim their rights. This principle is summarized in the central slogan of the disability rights movement, 6 “Nothing about us without us”. In this way, participation goes beyond a methodology for quality programming and becomes the central idea of disability inclusiveness (Worm, 2012:8)

White *et al.* (2020) states “A barrier and recurring obstruction to witness participation is the victim’s level of disability and ability to be a competent witness” (:9). Nkhata (2020) strongly argues that persons with disabilities should be allowed to testify and participation in this way shows lack of discrimination against them. Ortoleva and Lewis (2012) in support state,

Witnesses play a crucial role in the justice system, and for witnesses who are also a victim of the crime at issue, they may offer the only evidence that a crime occurred. Stereotypes about the competency and believability of witnesses with disabilities compounded by the fact that in many cultures’ women are not viewed as credible, works systematically deny women with disabilities access to the witness stand (:115)

The findings of this study show that GWWD are allowed to testify depending on psychiatric evaluation reports that are supposedly determinant of their competency to articulate issues.

The CRPD, particularly in Article 13, pinpoints the importance of persons with disabilities being active participants as witnesses in the court process. Edwards *et al.*, (2012) argue how “creating coordinated access and personalized support for people with disabilities who are victims of crime “(:6) is a crucial step in enhance participation of GWWD as victims of crime during the judicial process. Ortoleva and Lewis (2012) in support argue how, women with disabilities are not only excluded as witnesses due to their

difficulty in communication with police and court officials, but stereotypes about women with disabilities operate to exclude or discount their testimony

Edwards *et al.* (2012) opine that provision of intermediaries or disability experts lifts barriers to communication at any stage of the reporting of the crime and referrals made thereafter. White *et al.*, in support observe that the intermediary can act as a support person during the court process and a mouthpiece to communicate where communication barriers exist .The researcher found that the use of disability experts in the assistance of GWWD eases the process.VFU06 observe that, the availability of a disability expert when there is a communication barrier assist in taking down of statements, during the reporting phase .It also assists when the victim is taken to hospital for either psychiatric evaluations or post trauma treatments to be able to ease communication

Promotion of appropriate knowledge dissemination through trainings and sensitisations. Article 13:2 of the CRPD (2006) observe that, to help to ensure effective access to justice for persons with disabilities. States parties shall promote appropriate training for those working in the field of administration.

Awareness creation is a necessary model of knowledge dissemination. SFVUO3 argue how,” when awareness is created on issues such as GBV there is an increased response in reports about GBV. It is a necessary tool to make people aware of their rights and in turn motivates them to seek justice”.

The study established that awareness creation is of paramount importance in accessing justice for victims and for prevention of violence against potential victims Awareness creation lies in the opines of knowledge dissemination for systems that propagate justice. Awareness on disability rights was found to be imperative for Law enforcers, health personnel, policy makers and GWWD themselves. It is within the precipice of the transformative approach that awareness is indicated for essential support systems to ensure that access to rights such as justice are fulfilled in general and in this study for GWWD victims of crime.

The study found that the main issue arising for GWWD as victims of crime were rooted in systems that are not entirely capacitated and ready to fully assist GWWD in their bid for justice. The study also brought to light gaps in policies and legislature that prevented real change from taking place for GWWD. The Human Rights Based Approach (HRBA) demands for the fulfilment of all rights for an individual and as the pillars of the CRPD for all persons with disabilities. The Transformative approach plays a complimentary role in this study and sought to give a voice to knowledge held by the array of participants that contributed to this study in the hope of bringing GWWD as victims and part of marginalised groups and bring change.

As depicted in the literature above access to justice for GWWD is enshrined in the CRPD. An article A Human Rights Based Approach to Disability corresponds with this assertion and observe that, “HRBA demands more than simply adding persons with disabilities to the target groups of development programmes. It means adhering to and promoting the core human rights principles that underpin international human rights law.” (:5). The article also enshrines that,

Persons with disabilities have long been seen as passive recipients of aid, often reduced to their impairment-related health needs. A human rights-based approach to disability implies that all people are active subjects with legal claims and that persons with disabilities need to participate in all spheres of society on an equal basis with their non-disabled peers” (:4).

The current study found that Zimbabwe has developed legislature, policies and boards whose purpose was to guide fulfilment of rights for Persons with Disabilities (PWDs), The legislature embedded in the constitution and complementary documents such as the Disabled Persons Act, creation of a disability Board and the ratification of the CRPD were all positive and progressive strides. The situation on the ground depicts that GWWD are largely unaware of their rights and their basic human rights are still to be met.

The study found that the aim of these largely is to spread awareness on GBV issues reporting procedures and to bridge the gap that exists between the police and the community. Musuguri (2018) observe that community policing strategies should focus more on awareness creation, capacity building and



assisting the community. The study further found that the aim of these largely is to spread awareness on GBV issues reporting procedures and to bridge the gap that exists between the police and the community. Musuguri (2018) observe that community policing strategies should focus more on awareness creation, capacity building and assisting the community.

partner training and sensitisation conducted by civil society disability organisations has set the map for a more accommodative stance towards persons with disabilities in the justice system. The findings of this study elucidate that the trainings and sensitisations at VFSC level sought out to uproot barriers in the justice system for persons with disabilities and in this case GWWD. Training was conducted by LCDZ as a way of flattening the curve and reducing barriers to accessing justice. It was found that despite the efforts already made there are still significant changes that need to be made to address barriers to justice at community, police station and court level.

Moyo in an article by the Zimbabwean (Women with disabilities face more abuse,2013) observe that, the attitude of staff at institutions such as the police station and hospital, tends to be one of hostility towards people living with disabilities. In most cases a disabled rape victim is ridiculed and blamed. I personally know a situation where a police officer at a particular police station openly told a rape victim that she should thank the rapist because, if she was not raped, she was never going to enjoy the pleasure of sex in her life (par. 9). The findings of this study show that there are significant barriers that still need to be attended to such as attitudinal barriers that make accessing justice difficult for women and girls living with disabilities.

The study results found that significant strides had been made to train VFU officers on disability issues and had seen the training of some VFU officers in sign language to better enable communication between deaf victims of crime and the police. Lodenius (2020) shares that training of VFU officers on disability issues is important to ensure a smooth flow of their part in the justice process. Chihambakwe (2016) also shares that for the VFU system to fully assist persons living with disabilities it is necessary for them to be trained on the relevant schools. The author observes that VFU are capacitated

with necessary counselling skills and require capacitation to adequately and effectively communicate with GWWD.

Lodenius (2020) bemoans the lack of sign language and observe that, the first reason, and criteria for this theme, is an institutional issue discussed in the previous theme – lack of sign language. A 32-year-old deaf woman named Saru explains this issue is particularly problematic when trying to report a crime:

If I am raped it's hard to report". The police are not using sign language. Some of my deaf friends, both the mother and the child are raped, but the police cannot use sign language, so we just keep quiet. When I accompanied my friend to report rape, the police could not observe how: anything in sign language and there was no interpreter (Peta, 2017).

Communication barriers as cited by Edwards *et al.* (2012) also create a bridge between the victims of crime who are GWWD from the law enforcement agents that are meant to assist them.

VFU officers received sensitisation training through NGO stakeholders during monthly VFSC meetings. Though this was done there is need for a further impetus to train police even those who are not in the VFU to better relate and communicate with GWWD victims of crime. The findings of the study showed that sometimes victims are met with negative attitudes from officers who are not adequately trained and this puts a hamper on them and some may end up not reporting.

The study found that VFSC had been sensitised on issues affecting persons with disabilities and in particular GWWD. VFU officers and senior officers unanimously agreed that they had undergone sensitisation training concerning disability issues to make them more aware and more sensitive to disabled persons when they report crimes levelled against them. RMI observe that,

There are sensitisation meetings conducted by VFSC stakeholders whose main focus is on disability issues. These have made the other stakeholders aware of the specific needs of persons with disabilities when seeking justice. This enables us as stakeholders to garner adequate responses. (RMI)

It was found that LCDZ had conducted these sensitisation sessions at the regional court and from these discussions of disability related issues the VFSC in its different facets took strides to accommodate persons with disabilities. One such stride was the hiring of a sign language expert at the Bindura Regional Magistrates Court as a direct response to enabling effective communication by persons with disabilities. Culmination of sensitisation by civil society organisations on disability issues is embedded in taking up of issues of violence against GWWD at awareness campaigns by VFU officers as a direct response to sensitisation.

The findings of the study revealed that some efforts had been made to ensure networking and collaboration of all stakeholders in the Victim friendly. subcommittee This was achieved through the inception of the Multisectoral protocol which introduced a clear referral system which any member could refer a victim who is a GWWD to seek assistance. The findings revealed that it is imperative to further sensitise VFSC members on disability issues to ensure that they have full knowledge. UNAIDS (2012) acknowledges that to reduce all forms of stigma and discrimination there is need for sensitisation of law makers and law enforcement agents. Sensitisation and rights-based training with law enforcement officials. This study further established that despite sensitisation workshops being done at VFSC level there is need for more of these as refresher courses and a need to introduce them to the greater police body to ensure that PWDs can fully access justice without discrimination from the very people meant to help them.

The study results revealed that as a country Zimbabwe has made significant strides to accommodate persons with disabilities. The constitution of 2013 enshrines their rights and enforces the rule of law on those who violate those rights. the study results further note that there is still a long way to go in terms of ensuring full access of rights for PWDs and in particular GWWD. The level of discrimination and stigma rooted in a largely cultural society such as is in the Zimbabwean context needs further uprooting if PWDs are to fully access justice.

The study further established that discrimination and marginalisation of disabled persons is still emanant in Zimbabwean social circles despite

modernization and globalization progress. Pearce, Paik and Robles (2016) argue how while the pervasive effects of gender inequality affect all women, other factors including ethnicity and race, class, religion, age, sexual orientation, and disability also contribute to multiple layers of discrimination (Moodley & Graham, 2015; Erevelles & Minera 2010). Lodenius (2020) paints the image of cultural stigma or rather fear of and from the community results in most crimes against GWWD going unreported. For GWWD their marginalisation and discrimination emanate from the point that not only are they women, residing in a largely oppressive patriarchal setup that marginalises women and sets them up to be secondary owners of property but they are also disabled which further marginalises them and limits their access to justice.

The study found that more girls with disabilities than women with disabilities are violated. Pearce, Paik and Robles (2016) in support argue how, Research in non-humanitarian settings underscores the fact that violence is pervasive in the lives of persons with disabilities, and that the prevalence of sexual abuse is higher for adolescents with disabilities. Pearce *et al*, (2016) goes on to argue how, as children, both girls and boys are more vulnerable than adults to various human rights abuses. ACPF (2010) in Pearce *et al*, (2016) also states Studies have also called attention to the unique vulnerability faced by adolescent girls with disabilities, given not only their disability but also their age and the gender norms and stereotypes in society. Surveys of adults with disabilities in Ethiopia, Senegal, Uganda, and Zambia found that all participants had experienced some form of sexual violence as children: 37 percent of participants reported being raped; more than 90 percent reported that sexual violence occurred when they were between 10 and 17 years of age; and girls were more likely than boys to repeatedly experience such violence.

The data presented in Chapter 4 depicts a multifaceted justice system, an indication of the need to embrace all players and strategies to make it work. This section discusses roles of different players as identified in chapter four of this report. These include the Government of Zimbabwe, the Courts, the police, civil society, communities and the survivors themselves.

Governments have specific obligations under international law to respect, protect, and fulfil the right of women with disabilities to access to justice. Governments must:

- **Respect:** This obligation requires States—including any state actors—to refrain from impeding access to justice. The State must enact laws and regulations to safeguard effective access to justice, for instance by ensuring that everyone enjoys full legal capacity.
- **Protect:** This obligation requires States to protect the access to justice of women with disabilities from interference by private actors, for instance by ensuring they can safely report violence against them without intervention or risk of retaliation by legal guardians.
- **Fulfil:** This obligation requires States to take necessary measures to ensure that women with disabilities can be equal and active participants in the justice system, including, for example, by ensuring that women with disabilities can testify in courts with appropriate support as needed. [Women Enabled International; Access to Justice for Women and Girls with Disabilities, FACTS: [www.womenenabled.org](http://www.womenenabled.org)]

In summary, the role of the Government is identified as that of providing the legal and policy environment and other institutional structures and programmes within and around which the rest of the implementers can do their work. It was noted that in carrying out this role, the Government must recognise its place within the family of the global and regional community. To that end, it signs to and gets direction from various international and regional agreements. Those that relate to the current issue of access to justice for women and girls with disabilities are identified in chapter four. Once the necessary ratifications have taken place, the Government endeavours to domesticate the provisions into national laws, an exercise that begins with the national constitution and specific instruments.

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 up: 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 to 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 GWWDD themselves, while acknowledging that important role, bemoaned the 'less than enough commitment' to see these through in terms of adequate resource allocations.

As argued by the findings of this study, the arresting role was the most mentioned across respondent groups. Related roles such as ‘watching over any acts of violence against women and children’ also featured in the conversations. Given the development of the system in line with the principle of friendly delivery of service, the establishment of the special unit, the VFU, in the context of the Victim Friendly System did not go unnoticed, attracting responses such as ‘to handle vulnerable witnesses. The reporting process attracted focus since this was a critical determinant of whether the case would collapse or succeed. The essence of the discussion entailed ... reporting case, conducting investigations, arrest of offenders, compile dockets and make necessary referrals. However, institutional challenges (*lack of resources - money, transport, stationery and limited training opportunities on specialised skills*) were identified as aspects that were diminishing performance of the Victim Friendly Unit.

The findings summarized above were consistent with those defined in various guidelines and findings from studies. Gupta and Kandelwal (2021) acknowledged the decisive role play as they were the first to arrive on the scene of the crime. Gathering evidence examination of witnesses and other relevant materials that inform the evidence and this was undertaken in a disciplined way and within the confines of the law.

Various scholars have written on various roles that the police play, reflecting diversity. Whereas Matunhu and Matunhu (2021) argue how the police are divided into well synchronized units focusing on different aspects of law governance with the VFU in focusing on victims of crime, Katsinde (2021) denotes the police as having political power conferred on them by the constitution to serve as both law makers and human rights agents. Thus, the police are faced with a uniquely important role in the initiation of a process of justice (Charman and Williams, 2021).

Human Rights Watch (2018) Lack of documentation in police reports precludes women and girls with disabilities from receiving specific need-based support from the police and judiciary. Even in cases where women and girls had visible physical disabilities or identified their disabilities, police

failed to include specific details in the First Information Report (FIR), the document that sets the criminal justice process in motion.

Debashree Sabuj, deputy police commissioner for women in West Bengal, attributed many of these shortcomings to lack of training and information among police officers:

We have had no training. Though the investigating police officer tried to do the right thing by calling a support person, lacking access to proper guidance from a special educator, he misinterpreted Pooja's intellectual disability

Chiweshe, Mushayavanhu and Bhatasara (2021: 44) The police are the first point of contact for victims of SGBV Police reporting mechanism in the judicial system. Role of the police is to respond to the SGBV crime against victims. The police are also an integral part of the referral system to other stakeholders in the Multisectoral protocol Role of the VFU is to provide a conducive environment where victims and witnesses are able to report in a private friendly and confidential manner (:44).

Women and girls with disabilities face multiple barriers in accessing SRH services. The widespread misconception of their asexuality result in healthcare providers ignoring their SRH needs despite the fact that they are just as likely as anyone else to engage in sexual activities. Physical access to healthcare facilities is also a critical issue as many are not equipped with ramps or assistive communication devices such as braille signs; as a result, disabled women and girls face numerous difficulties in receiving proper services. Moreover, the mere act of getting to a facility is challenging as accessible transportation itself is limited, and even when disabled women and girls manage to receive transportation, many face abuse. Despite the lack of SRH rights and heightened vulnerability to GBV, women and girls with disabilities have limited access to justice. (Advancing the Rights of Women and Girls in Zimbabwe; UNESCO).

In low-income and middle-income countries women and girls with disabilities are more likely to experience violence than those without



disabilities. Non-governmental organisations (NGOs) and disabled people's organisations (DPOs) can help to address this. However, in countries like Botswana we know little about the preparedness of NGOs and DPOs to increase inclusion in and access to programmes addressing violence.

This qualitative study explored the capacity and preparedness of 17 NGOs and Disabled Persons' Organisations (DPOs) in Botswana to ensure women and girls with disabilities can participate in and access programs addressing violence. Interviews revealed significant gaps: both NGOs and DPOs often lacked universal design principles and reasonable accommodations, rendering their programs inaccessible to some individuals with disabilities. While some NGOs addressed violence against women, they lacked the skills and resources to effectively include people with disabilities. Conversely, DPOs, while working directly with people with disabilities, lacked a specific focus on violence against women with disabilities. Participants identified several opportunities for improvement, including policy adaptations, structural changes, staff training, mainstreaming disability across all programs, developing disability-specific interventions, and strengthening inter-organisational networks. The study concludes that while Botswana's NGOs and DPOs are well-placed to address this critical issue, they must prioritise increased accessibility, improved staff knowledge and skills related to disability inclusion, and greater participation of women with disabilities within their organisations. Targeted training, resource allocation, and meaningful involvement of women with disabilities are crucial for driving progress in this area. The positive impact of peer support groups for young women with disabilities on their sense of belonging is under investigated. We conducted in-depth, semi structured interviews with nine members of a well-established empowerment support group for young women with disabilities to explore how the group might foster a sense of belonging to the general community and a sense of shared womanhood. Results revealed that self-confidence and disability pride stemming from participation in the group were essential in helping the women counteract exclusionary messages from the outside world. The group provided an opportunity to develop a positive disability identity and to gain new information regarding the ability and right to identify as women.

This research in turn juxtaposed the roles of the government agencies and civil society with the reality of disabled women and girls in Zimbabwe who are raped or sexually assaulted to identify gaps and recommend best practices and ways to fill those gaps.

Judicial system in Zimbabwe as found in this study is multifaceted due to the multi sectoral nature of the Victim Friendly System. This research found that the government of Zimbabwe has taken many policy and legislative measures to try and accommodate persons with disabilities Including the creation of the Disabled Persons Act of 1992. As previously stated, the Zimbabwean government was amongst the first countries to make positive strides towards disability reforms. This study however found that despite these efforts, significant gaps still exist such as those postulated by Ortoleva and Lewis (2012), including lack of adequate instituting of pro disability legislature.

Traditional justice systems were found to be wanting by scholars such as Lodenius (2020) and Mandebvu (2015) who established that due to the largely patriarchal voices in this setup women were rendered voiceless and decisions would be made about them without their participation.

The findings of this research elucidate that women's roles in the justice system are limited, the data depicted that the participants who are main actors in the justice system were largely male. There are more male VFU officers, Male interpreter, a male magistrate and 2 out of 6 senior police officers was female. Ortoleva and Lewis (2012) suggest there is a need for increased female participation in the justice system particularly women with disabilities. Ortoleva and Lewis (2012) argue how there is a need to adopt a "Nothing About Us Without Us" (NIAU) approach such as the approach used during the formation of the CRPD, to ensure access to services and justice. Markaryan (2018) in support postulates that, there is limited existing data that shows the involvement of women particularly those with disabilities in the formation of laws, policies and programmes. Ortoleva and Lewis (2012) argue how,

without training key players in the justice system, addressing, accessibility concerns, using clearer language when necessary and generally acknowledging the

implicit and explicit biases facing people with disabilities will not be full and equal players in the justice system. (:115).

Following presentation and analysis of the findings on the building blocks around justice in section 4.4, the study took a focus on: what does it take for someone to be said to have accessed justice and whether they felt they were accessing it. The discussion is undertaken around two key issues: the perception of access to justice and whether or not that justice is being accessed.

This research revealed diverse understandings of access to justice, likely shaped by individual experiences. Some participants focused on punishing the perpetrator, while others emphasized support for the survivor. Many felt that the process connecting survivors and perpetrators in seeking resolution was crucial, not just identifying them. While each perspective offers valuable insight, it represents only a partial understanding of justice. However, the perspective of GWDI offered a more comprehensive view of the justice system.

“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 the perpetrator sentenced” (GWDI).

The different perceptions should not be surprising as some researchers have already found. In support of the comprehensive meaning, the Concept Note emanating from the Half Day General Discussion (53rd Session) of the Committee on the Elimination of Discrimination against Women refers to the justice chain as the processes and institutions that women have to navigate in their quest to seek redress. Legal Resources Foundation (2020) weighs in on the definition; access to justice “refers to the various elements leading to appropriate redress against the violation of a right” (:7).

Markaryan (2015), also takes a look at the concept of access to justice and sees it as carrying an equality dimension. As argued by him, this explains why there is so much emphasis on the rights of every citizen, including those marginalised groupings such as the women in general and women and girls with disabilities in particular. His argument goes further to suggest that women’s rights and women’s full and effective access to justice are integral

parts of the overall justice system that should exclude any discriminatory activity. This point is of significance to this study, given its entire focus on access for women with disabilities. Whereas access to justice is an important component of a legal and democratic state, it implies the right to an effective remedy, the right to equal access to courts, the right to legal aid measures that improve access to courts and access to legal representation to ensure effective implementation of the law and practical enjoyment of rights by individuals. As argued by Moyo (2018), "every person has the right of access to the courts, or to some other tribunal or forum established by law for the resolution of any dispute" (: 39). The UNDP (2004) cited in Beqiraj (2017) also perceives access to justice as much more than improving an individual's access to courts... It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable.

The access to justice debate was pivotal to the study. The different perceptions show the possible gaps that exist in how it is seen, pointing to the need to establish, through training, awareness of other means, of a common frame of reference if the surrounding challenges are truly going to be addressed.

The question that this study sought to answer was whether or not women and girls with disabilities were enjoying access to justice. Although perceptions also came from other participants, the GWWD were considered to be the prime focus related to this question since they are the ones best placed to assess their 'feel' of access to justice.

The findings of this study were clear and categorical – that access to justice was still a pipe dream. They highlighted several challenges that made it difficult for access to be realised, mostly drawn out of their traumatic experiences when they were violated. Even the one who pointed to satisfaction with her case, because the perpetrator had been incarcerated, there was an admission that there were various associated challenges. Among them: lack of resources and lack of knowledge and information.

The findings were hardly surprising when considered against literature on that speaks to compromised access for girls and women with disabilities. As argued by Benedet and Grant (2012), access to justice can be compromised due to adversarial trial processes. They make reference to cases of sexual assault complainants with mental difficulties. As argued by their account, these women get subjected to rigorous cross-examination ... “with repeated and leading questions, in a manner that is confrontational and accusatory” (p1). In such cases, access to Justice cannot be achieved because accurate stories of sexual assault are prevented from being heard. Rather, this could leave the women’s credibility undermined but also lead to unfair acquittal. In such cases, the authors recommend the assistance of intermediaries to support the witness, who may not always be available.

Nkatha (2020) argues the case of compromised access to justice for persons with disabilities, arising from defects in the provisions in the justice system of Malawi. This included demeaning language on persons with disabilities in the criminal law and procedures guiding trials that did not accommodate reasonable avenues for accommodation. In view of this, recommendation was to audit statutes in criminal justice system to inform legislative reform and to carry out continuous disability-rights training for all actors.

Tyagi (2021), presents some stunning arguments on how access to justice for women and girls with disabilities can dissipate at the hands of several barriers. As argued by the writer, socialisation and role assignment can militate against access to justice because it reinforces those cruel practices against women and leads to their subordination, coupled with situation of what is termed gender justice, where women are made to suffer violence, discrimination, and oppression, just because they are women. Above all these, women can be their own worst enemies due to their reluctance to take action against the various wrongs committed against them. Thus, the combination of the societal biases, patriarchy, social structure, and gender stereotypes against women that come together in different ratios, impact negatively on the psychology of the women seeking justice and the result of which is undermined access to justice (Tyagi, 2021).

Access to justice could suffer at the community level. In what the authors refer to as targeted violence, the article examines how local community members can inflict attacks on women with disabilities as a form of hate crime. Drawing on interviews with women with disabilities in Australia, experiences of physical, sexual, psychological, emotional and financial violence were reportedly perpetrated by members of their local communities (McGowan & Elliott, 2029). They experience further trauma when they reported to the police, who showed indifference. These were cases of prejudice in which their lives were portrayed as less worthy, limiting adequate responses to their cases. The access to justice space was very limited.

The current study on the issue of access to justice for women and girls with disabilities is relevant in its entirety to the situation in the Mashonaland Central Province in Zimbabwe. The general tone of the findings, that access to justice is not being enjoyed, raises many questions on the intervention front. Additionally, the situations that stand in the way of access, as depicted in the literature, together with solutions proposed equally show that much need to be done to make their (women and girls with disabilities) dreams come true. In a separate section of this report, the study comes up with recommendations in the hope they can trigger activity in addressing the challenges.

The chapter presented the discussion of the findings of this study related to understanding of the basic concepts of justice, factors that affect access to justice, the roles played by different stakeholders and the perceptions held about access to justice as it relates to women and girls with disabilities. The next chapter focuses on the summary and recommendations emanating from the findings.

## CHAPTER SIX: CONCLUSION AND THE FUTURE DIRECTION

---

Many research questions were set at the commencement of the study. Much of the research efforts centred on finding answers to those research questions. This chapter provides a summary of the main findings in accordance with the set research questions. This should assist in addressing the issue of access to justice for girls and women with disabilities as victims of crime in Mashonaland Central Province. The chapter also presents recommendations based on the findings of the study.

This study sprang from the position that GWWDs were failing to realise their substantive fundamental right of access to justice due to their vulnerability status. Rooting it on building questions on, among other issues, the type, scope and pattern of crimes committed, the perpetrators of the crimes and the recourse to justice, the study took an in-depth analysis of factors affecting access to justice. The study also addressed the issue of roles and perceptions on access to justice as it relates to GWWD who constitute the Victimological perspective as victims of crime. It was hoped that answers to these questions/issues would inform review of practices and legislature to better support vulnerable GWWD in the province while stimulating further thought and reflection on the issues that affect access to justice for GWWD.

An assessment of the understanding of basic concepts underpinning access to justice was undertaken across stakeholder groups. This was because access to justice, considered in the context of crime perpetration, was the anchor and point of departure for this study. Appreciation of the concepts was satisfactory, suggesting more could be done to train and sensitise across stakeholder groups. Descriptions such as defenceless, fragile were used to describe GWWDs while 'being able to get it' was used to describe access.

Crime type and scope, common crime environments and perpetrator identity were critical parts of the access to justice discourse. The study found rape, attempted rape and domestic violence to be the main crime types perpetrated

against girls and women with disability. The study also confirmed the home and community to be the common environments associated with perpetration of such crime, while people within the family or communities fell into the main perpetrator categories. They take advantage of conditions conducive to perpetration such as the nature and extent of disability and absence of caregiver and leaving victim alone as conditions promoting crime perpetration. The Victim Friendly Unit also cited external people as perpetrators of crime. Most of the participants said there were no major differences in the nature of crimes committed against GWWD compared to those without disabilities but only in terms of extent and frequency.

This the cornerstone of the study. Any factors identified would form the basis for intervention to support more favourable access. The study found both enhancing and impeding factors ranging from the individual level, at the family/community level and those at the justice system level.

From an enabling perspective, the study found that laws and policies and defined structures, set with good intentions, were in place to promote access to justice. Software aspects such as training and awareness were generally part of the package set out in national and sub-national plans. However, they tend to suffer at implementation due to resource challenges.

The majority of factors identified were on the impediment side, suggesting that the path to access to justice for GWWD could be compromised. Long distances to service centres, coupled with related logistical challenges, including limited funds on the part of victims, curtailed their capacity to report cases or to access other services within the broader system. This points to the position that as long as the necessary measure are not taken, access to justice will remain curtailed. Lack of awareness of legal services, rights and procedures and negative attitudes at every level also remain a threat to access to justice for GWWDs. Attitudinal change at the individual, family, community and broader system level is needed. There was an admission shared across respondent groups that inefficiencies often delayed and, sometimes, led to outright denial of access to justice for girls and women with disabilities. Structural and Accessibility Barriers, including physical and



perceptual barriers needed to go away to allow better access to justice. Based on the evidence of findings of this study, it is the contention of this study that aggressive measures are needed to surmount the barriers.

The role in supporting the justice system rests with the Government, the principal duty bearer, through its various Ministries and departments. However, assistance also comes from its various partners and stakeholders that include civil society, communities and families and the Girls and Women with Disabilities themselves.

It was confirmed in this study that the Government took the lead through providing the legal and policy framework within which implementers on the ground can operate. In addition to ratifying international and regional Conventions and protocols on handling people with disabilities, it has also developed laws, policies and programmes at the local level to that effect. Many these were cited in the discussions. All this framework is meant to champion the rights of people with disabilities, including GWWD, however, it also emerged that the efforts suffer from implementation hiccups due to inadequate allocation of resources and the political will to make this happen.

All these efforts go to show the role of Government as leading the way in terms of providing the framework within which implementers can confront the problems. At the broader level, the Government ratified important international and regional Conventions and protocols in an effort to promote access to justice. At the national level, many policies, including the constitution were developed to domesticate provisions of the national instruments. The Government also set up structures that would handle different aspects of the justice delivery system; including the Victim Friendly System that hosts the Victim Friendly Courts, the Victim Friendly Unit in the police force and the health systems). It also introduced programmes such as the National Case Management System (to facilitate handling of children's cases 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. The study found that, in spite of these efforts to enhance access to justice for GWWD, these barely sufficed due to implementation challenges characterise by loopholes in the system.

Strides are made by Regional Court in Bindura 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. The physical modification of court seeks to ensure accessibility for persons with wheelchairs. Provision of a sign language interpreter at the regional court was a flagship initiative to lift communication barriers between the courts themselves and the GWWD. It also emerged that the courts had made a deliberate decision that cases of sexual abuse were categorised as urgent ahead of other cases. Even with these developments, the court system is still found wanting in terms of delivery justice to these vulnerable witnesses. Resources challenges, including too few manpower to meet the demand was a threat to access to justice.

Victim Friendly Units at police stations are units that set up at all police stations throughout the country with the core purpose of providing specialised support and services to victims of crime, particularly vulnerable individuals like women, children, and people with disabilities. Their aim is to create a more sensitive and supportive environment within the criminal justice system, recognizing the unique needs and trauma experienced by victims. Its purpose is to handle, through VFU officers, vulnerable witnesses. Once cases are reported, they carry out investigations, arrest of offenders, compile dockets and, where necessary, make referrals. The unit is severely constrained in the performance of its functions. Resources challenges to facilitate movement of witnesses is the prime one, but also routine and indiscriminate transfers within the police force which renders functionality of the unit unsustainable. Often, VFU officers are not always available at their stations because they can be deployed to any other police duty outside the station. Cases that report to the station do not always find the right officer to manage their case.

Health institutions are meant to be available to render free medical care and support such as emergency medical examinations and enabling survivors to secure a medical affidavit to support criminal prosecution of the perpetrator. They are also mandated to carry out psychiatric evaluation for those with mental disabilities to establish whether they can give statements in court. They also work under pressure and, at times, fail to cope to meet performance expectations. Staff, equipment and other resource shortages all work against efficient justice delivery efforts.

This category of stakeholders that includes nongovernmental organisations and other pressure groups, has become a vital cog in activities designed to support the justice delivery system. They also include specialised sub-categories such as Disability Organisations and women's pressure groups. Findings show that part of their mandate is to advocate relentlessly for the rights of women and women and girls with disabilities. From inception, they were part of the agitation for the victim friendly system and worked collaboratively for its inception and establishment.

They assist survivors with transport and other material needs to push their cases through the system. Through funding and technical support, they support awareness creation and networking and collaboration and training of officials of the system on various issues related to access to justice of these survivors. Their role was confirmed by all categories from the court, the police and the GWWDs. The main downside of their efforts is that their funding is project based and sometimes dries up leaving beneficiaries in dire need.

Part of the study sought to establish how different respondent categories understood the concept of access to justice. Any similarities or differences would help in the explanation of how it was managed in all research dimensions. A diversity of 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.

The perceptions range from a sole focus on the perpetrator, or the process or on the survivor. Others also considered it to embrace the entire range of

services for survivors of sexual violence and abuse (community, clinic, police, social welfare and the courts). It also includes all linkages between these services, a position supported by the Multi-Sectoral Protocol Multi-Sectoral for the Management of Sexual Abuse and Violence in Zimbabwe (2012). These variations do not augur well for the navigation of access to justice and the answers survivors are seeking.

An equally important perceptual dimension is whether, in the view of GWWDs, access to justice is being substantially achieved. Citing different reasons drawn from their experience, the consensus among GWWDs was that access to justice was not being achieved. However, others argued that considering efforts that have gone into transforming both courts and the 'road to the courts', efforts towards justice realisation were well underway. It was just the road to justice was fraught with many challenges, some of which were cited as inadequacy of resources, communication challenges and negative perceptions about both girls and women with disabilities and the feeble efforts courts were putting into their cause. It might be necessary to invest efforts into bridging the perceptual differences between GWWDs and the other stakeholder.

Although this study ends up with recommendations in another section of this report, it was necessary that, in the context of negative perceptual feelings, the participants be given a chance to express what they felt about what needs to be done to improve access to justice for girls and women with disabilities. The injection of resources was on almost everyone's mind, necessary to address issues of long travel distances and means to travel to the different office in the course of pursuing the cases. Capacitation, in terms of training and awareness raising, was considered essential at both national and community levels. These are not entirely new actions required. The fact that the gaps persist suggests something has to change fundamentally, maybe a stronger policy position coupled with innovative approaches such as taking the services to the people. The agitation for stiffer sentences for perpetrators may also need to be considered.

The study has attempted to examine the main research question which read as follows: Are GWWD as victims of crime able to access justice? It was established that the delivery of justice systems is marred by a myriad of problems. These had been aggravated by the fact that legislature in place did not match the actions on the ground when it comes to access to justice for GWWD as victims of crime. This acts in detriment for the GWWD who are at the receiving end and do not adequately access justice. Findings affirm that there are many barriers that reduce the chance to access justice, including but not limited to social perceptions. The study established that GWWD access to justice is still a work in progress.

Based on the findings of this study, the researcher advances the following recommendations in the process of accessing justice for GWWD who are victims of crime:

To reduce incidences of crime and victimisation amongst GWWD, there is a growing need to emphasise education, knowledge dissemination and awareness. Their level of awareness should be heightened. The researcher notes that though some NGOs and Police campaigns are conducted and trainings on GBV issues are done there is still a huge gap that needs to be filled. There is need for advocacy and awareness for GWWD to be brought to trainings and campaigns. There is also need for GWWD to be funded to attend schools and gain insights and fill in the existing a knowledge ga:

The study also found that although there is policy and legislative interventions in place for PWDs, however, these need to be followed by solid 'infrastructure' in the form of actual strides to change the narrative for GWWD. Policy reviews and implementation of measures by government and stakeholders should be put in place to be a more proactive prevention or safeguarding measure of violence against GWWD and response to Violence against GWWD. Legislature proposing stiffer penalties for violence against GWWD.

There is a need for redress and reformation in archaic pieces of legislature. One such piece of legislature the Mental Health Act of 1995 to ensure equal rights for women with mental disabilities who are capable of marrying be allowed the right to do so. This may reduce their risk and exposure to unsolicited violence by men and offer them safety within the marital institution.

There is need to remove the financial barrier to accessing justice by creating a fund through different stakeholders of the Victim Friendly System that provides a source of financial aid for GWWD if and when the need arises to seek justice. The victims of GWWD should have a financial safety net so that they can access health, justice, education and all-round comprehensive quality care and support at any given time.

Apart from sign language interpreters for survivors of abuse and violence (GWWD) during the court trial process there is need for more disability experts. Government appointed disability experts show that a great stride was made in lifting the communication barrier in the court house. Therefore, there is a need to have varying disability experts at the courts behest when need arises i.e. mental health experts who can comprehend what the mentally impaired victim is saying that.

Whilst the provision of "disabled access" in some courts in Zimbabwe is a positive site: it's crucial to expand accessibility improvements to other key locations. The installation of more disability-friendly ramps at all medical centres, clinics, and police stations is essential to further reduce physical barriers that hinder access to justice for people with disabilities. This broader approach will ensure that individuals can not only navigate the court system itself but also access the vital services (medical care, police assistance) that often precede or are intertwined with seeking justice.

To address attitudinal barriers in the community amongst the health care providers, police units and other parties there is need; for continued

sensitisation on issues affecting GWWD particularly as victims of crime. The researcher found that in VFSC such sensitisation was conducted but felt that a huge gap still existed mainly to other police units that are not in the VFU and other stakeholders who are not privy to this knowledge. Therefore, further sensitisation and awareness on issues affecting GWWD to reduce their level of victimisation remain vital.

Organisations that can pitch in to assist in communication with persons with disabilities are paramount. These can assist by providing sign language experts, mental health experts and conducting training exercises for all VFU officers.

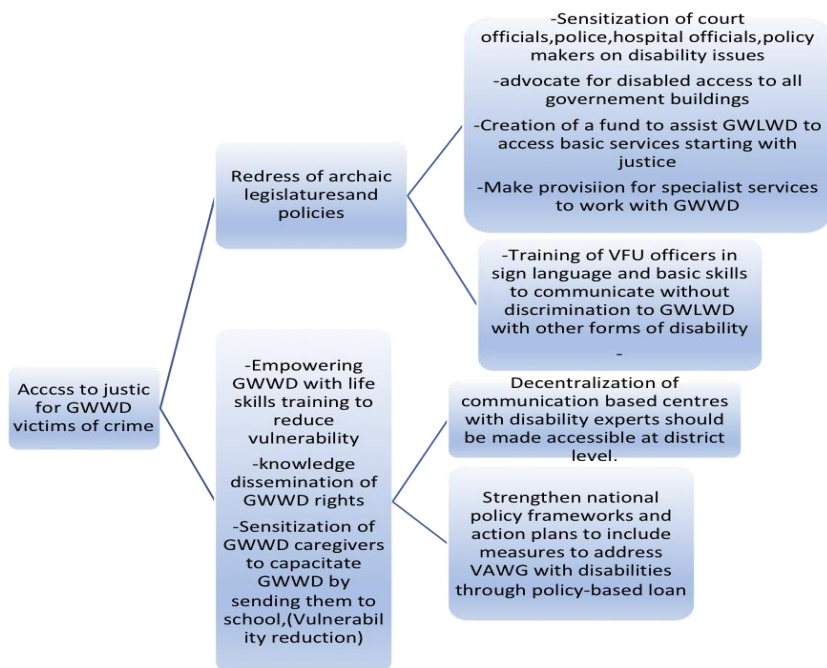
Ongoing disability focused awareness campaigns to enhance knowledge amongst the community on how to assist girls and women with disabilities especially when they are victims of crime should be implemented.

Provision of transport for girls and women living with disabilities should be readily available so that they can be assisted medically and taken to court when need arises.

Decentralization of communication-based centres with disability experts should be made accessible at district level.

The study established that there was still a long way to go in terms of access for GWWD concerning their rights, particularly with a sway to their right to justice. Most challenges that GWWD face as victims of crime emanated from barriers in the justice system such as lack of knowledge on rights and justice. It argued here that, though there are strides in fulfilling the rights of GWWDc, there was still a long way to go in addressing their needs as victims of crimes who were marginalised threefold; for being victims, female and disabled. The unique nature of the situation that GWWD find themselves in as victims of crime call for further studies, recommendations and responses are still pertinent for GWWD as victims of crime. As a result, there was need

for the researcher to come up with a model which would act as a roadmap in the delivery of justice for GWWD as victims of crime



*Fig 6.1: Access to justice model for GWWD (Own Design)*

It is of note that this proposed model shown in figure 6.1 bears a resemblance to the Transformative Emancipatory paradigm which is the pillar of this study which places emphasis on the experiences of marginalised groups, power dynamics that have led to marginalisation and links research findings to actions intended to attain substantive social justice.

The model is also hinged on the principles of the rights-based perspective which places the “victim”; women and girls with disability at the centre as the right holder, in this case their right to access justice. The study elucidates that the state is the rightful duty bearer in upholding GWWD rights, the systems



underpinning that is in motion outline how access to justice comes in various ways. It is not penultimate about financial support from NGOs but from all other means that include a support person at trial, disability experts, being heard counselling or otherwise and victim support.

The findings of this study establish that there are some areas which require further research. Therefore, this study has proposed the following as areas for future study in the lines of access to justice and victimisation of GWWD: The relevance of prevention and mitigatory measures to reduce victimisation of GWWD. Such a study would give a compelling holistic picture on why GWWD are victimised and incite adequate responses to reduce victimisation of GWWD. Such a holistic picture can influence policy in the area of access to services and justice for GWWD. Since the current study was conducted at provincial level, there is need to conduct the study at national level, it is also recommendable for there to be a comparative study on access to justice for GWWD within another province in Zimbabwe. Such a study would paint a clearer picture for the delivery of justice for GWWD in Zimbabwe as victims of crime.

## REFERENCES

---

- Abend, G. (2008). The meaning of 'Theory.' *Sociological Theory*, 26(2), 173–199.  
<https://doi.org/10.1111/j.1467-9558.2008.00324.x>
- Ableism 101 Part One: What is Ableism? What is Disability? | Disability Resources*. (n.d.). University of Arizona. Retrieved August 24, 2021, from <https://drc.arizona.edu/cultural-center/ableism-101-part-one-what-ableism-what-disability>
- Adekunle, A. (2017, July 3–12). *Justice Sector Coordination: The Role of Stakeholders* [Paper Presentation]. Induction Course for Newly Appointed Judges and Kadis, Abuja, Nigeria.
- Akaranga S.I. and Makau B.K. (2016). *Ethical Considerations and their Applications to Research: A Case of the University of Nairobi*. *Journal of Educational Policy and Entrepreneurial Research* Vol. 3, NO.12. Pp 1-9
- Al Ju'beh, K. (2015). *Disability inclusive development toolkit*. Bensheim: CBM.  
<http://www.cbm.org/article/downloads/54741/CBM-DID-TOOLKIT-accessible.pdf>
- Alexander, D. S. (2020). *Concurrent Triangulation Mixed Methods Research: Designing and Conducting a Childhood Obesity Study in a Rural Setting* [Doctoral dissertation]. <https://digitalcommons.georgiasouthern.edu/cgi/viewcontent.cgi?article=2085&context=etd>
- Aley, R. (2016). An Assessment of the Social, Cultural and Institutional Factors that Contribute to the Sexual Abuse of Persons with Disabilities in East Africa. *Advantage Africa*.  
<https://www.advantageafrica.org/file/advantage-africa-full-research-report-sexual-abuse-ofpersons-with-disabilities-pdf>
- Alshenqeeti, H. (2014). Interviewing as a data collection method: A critical review. *English Linguistics' Research*, 3(1), 39-45.  
[doi:10.5430/elr.v3n1p39](https://doi.org/10.5430/elr.v3n1p39)
- Alvi, M. (2016). *A manual for selecting sampling techniques in research*. University of Karachi, Iqra University
- Andrae, K. 2017. *Disability and Gender-based Violence – Peer Research in Kibaha and Mkuranga, Tanzania*. Action on Disability and Development International.

- Backu: S. (2009). *The Price of Exclusion: The economic consequences of excluding persons with disabilities from the world of work*. International Labour Organisation. [https://www.ilo.org/wcmsp5/groups/public/---edema/---ifp\\_skills/documents/publication/wcms\\_119305.pdf](https://www.ilo.org/wcmsp5/groups/public/---edema/---ifp_skills/documents/publication/wcms_119305.pdf)
- Banks, L. M., Kelly, S. A., Kyegombe, N., Kuper, H., & Devries, K. (2017). "If he could speak, he would be able to point out who does those things to him": Experiences of violence and access to child protection among children with disabilities in Uganda and Malawi. *PLOS ONE*, 12(9), e0183736. <https://doi.org/10.1371/journal.pone.0183736>
- Bardach, E. (2009). *A practical guide to policy analysis: The eightfold path*. Washington, DC: CQ Press.
- Benedet, J., & Grant, I. (2014). Sexual assault and the meaning of power and authority for women with mental disabilities. *Feminist Legal Studies*, 22(2), 131-154. <https://doi.org/10.1007/s10691-014-9263-3>
- Beqiraj, J., McNamara, L., & Wicks, V. (2017). *Access to justice for persons with disabilities: From international principles to practice*.
- Beqiraj, J., & McNamara, L. J. (2014, October). *International Access to Justice: Barriers and Solutions: Bingham Centre for the Rule of Law Report*. British Institute of International and Comparative Law. [https://www.biicl.org/documents/485\\_iba\\_report\\_060215.pdf](https://www.biicl.org/documents/485_iba_report_060215.pdf)
- Beqiraj, J., & McNamara, L. J. (2016). *Children and Access to Justice: National Practices, International Challenges*. International Bar Association. [https://www.biicl.org/documents/1355\\_childrenandaccesstojusticenationalpractices\\_finaloctober2016.pdf?showdocument=1](https://www.biicl.org/documents/1355_childrenandaccesstojusticenationalpractices_finaloctober2016.pdf?showdocument=1)
- Beresford: (2020). 'Mad', Mad studies and advancing inclusive resistance. *Disability & Society*, 35(8), 1337-1342.
- Berg, B. (2007) An Introduction to Content Analysis. In: Berg, B.L., Ed., *Qualitative Research Methods for the Social Sciences*, Allyn and Bacon, Boston, 238-267
- Berne:, Morales, A.L., Langstaff, D., & Invalid, S. (2018). Ten Principles of Disability Justice. *WSQ: Women's Studies Quarterly* 46(1), 227-230. doi:10.1353/wsqr.2018.0003.
- Bogart, K.R., and Dunn, D.S. (2019), *Ableism Special Issue: Introduction*. <http://onlinelibrary.wiley.com/doi/10.1111/josi.2019.75.issue-/issuetoc>

- Bottoms, A., & Wiles: (1997). *The Oxford Handbook of Criminology by Mike Maguire (31-Aug-1997) Paperback* (2nd ed.). Oxford University Press; 2nd Revised edition (31 Aug. 1997).
- Bottoms, A. and : Wiles (1997) Environmental criminology. P: 305–349 in M. Maguire, R. Morgan and R. Reiner eds, *The Oxford handbook of criminology* second edition (Oxford: Clarendon Press
- Bottoms, A. and : Wiles (1997) Environmental criminology. P: 305–349 in M. Maguire, R. Morgan and R. Reiner eds, *The Oxford handbook of criminology* second edition (Oxford: Clarendon Press
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/qrj0902027>
- Branco, C., Ramos, M., & Hewstone, M. The association of group-based discrimination with health and well-being: a comparison of Ableism with other “isms.” *Journal of Social Issues*, 74(3), 814–846.
- Branic, N. (2015). Routine Activities Theory. *The Encyclopedia of Crime and Punishment*, 1–3. <https://doi.org/10.1002/9781118519639.wbecpx059>
- Broberg, M., & Sano, H. O. (2017). Strengths and weaknesses in a human rights-based approach to international development – an analysis of a rights-based approach to development assistance based on practical experiences. *The International Journal of Human Rights*, 22(5), 664–680.
- Browne, S. (2017). Making the SDGs count for women and girls with disabilities (Issue Brief). United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).
- Bruce, A., Quinn, G., Degener, T., Burke, C., Quinlivan, S., Castellino, J., ... & Kilkelly, U. (2002). *Human rights and disability: The current use and future potential of United Nations human rights instruments in the context of disability*. United Nations Press.
- Byrne, B., Elder, B., & Schwartz, M. (2021). Enhancing Deaf People's Access to Justice in Northern Ireland: Implementing Article 13 of the UN Convention on the Rights of Persons with Disabilities. *Scandinavian Journal of Disability Research*, 23(1), 74–84. DOI: <http://doi.org/10.16993/sjdr.744>
- Camilleri, M. (2019). Disabled in rural Victoria: Exploring the intersection of victimisation, disability and rurality on access to justice.

- Campbell, F. (2001). Inciting legal fictions: 'Disability's' date with ontology and the ableist body of the law. *Griffith Law Review*, 10(1), 42– 62.: 44).
- Cappelletti, M., & Garth, B. (n.d.). Digital Repository @ Maurer Law | Maurer School of Law: Indiana University Research. <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=2140&context=facpub>
- Casebolt, M.T., (2020), Barriers to reproductive health services for women with disability in low- and middle-income countries: A review of the literature; *Sexual & Reproductive Healthcare*, Volume 24, June 2020, 10048
- Cedaw 29th session 30 June to 25 July 2003. (n.d.). Welcome to the United Nations. <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe]*, 22 May 2013, available at: <https://www.refworld.org/docid/51ed090f4.html> [accessed 8 September 2021]
- Chaney: (2020). An institutionally Ableist State? Exploring civil society perspectives on the implementation of the convention on the rights of persons with disabilities in India. *Journal of Civil Society*, 16(4), 372-392.
- Charman, S., & Williams, E. (2021). Accessing justice: The impact of discretion, 'deservedness' and distributive justice on the equitable allocation of policing resources. *Criminology & Criminal Justice*, 174889582110130. <https://doi.org/10.1177/17488958211013075>
- Chenoweth, L. (1996). Violence and women with disabilities. *Violence Against Women*, 2(4), 391-411. <https://doi.org/10.1177/1077801296002004004>
- Chihambakwe, W. (2016). *An assessment of the effectiveness of the victim friendly legal system legal in Zimbabwe: a case study of Harare Metropolitan Province* [Doctoral dissertation]. <http://www.lis.zou.ac.zw:8080/dspace/bitstream/0/356/1/Chihambakwe%20DPhil%20Monograph.pdf>
- Chikate, (2020). *Disabled women in a dictatorial regime: Sexual assault and disability in Zimbabwe* [Master's monograph]. <https://cornerstone.lib.mnsu.edu/etds/1033>

- Chiweshe, M. K., Mushayavanhu, D., & Bhatasara, S. (2021). An Assessment of the Formal Justice System in responding to Sexual and Gender Based Violence (SGBV), Harmful Practices (HP) and Sexual Reproductive Health Rights (SRHR) in Zimbabwe.
- Chopin, J., & Beauregard, E. (2019). Elderly Sexual Abuse: An Examination of the Criminal Event. *Sexual Abuse*, 32(6), 706–726. <https://doi.org/10.1177/1079063219843899>
- Choruma, T. (2007). *The forgotten Tribe: People with disabilities in Zimbabwe*. Progressio. Harare
- Cohen, L. E., Felson, M. (1979). "Social Change and Crime Rate Trends: A Routine Activity Approach". *American Sociological Review*. 44 (4): 588–608
- Cohen, L., Manion, L., & Morrison, K. (2002). *Research methods in education*. Routledge.
- Cohen, L., Manion, L., & Morrison, K. (2007). *Research methods in education* (6th ed.). Routledge/Taylor & Francis Group.
- Cojocar, S., Nath, B., & Islam, M. R. (2015). Child Rights Practice among the Indigenous Communities in Bangladesh. *Asian Social Work and Policy Review*, 9(3), 195–209. <https://doi.org/10.1111/asw.12058>
- Cotter, A. (2018). Violent victimisation of women with disabilities, 2014. Women, U. N. (2018). A practitioner's toolkit on women's access to justice programming.
- Cotter, A., & Savage, L. (2019, December 5). *Gender-based violence and unwanted sexual behaviour in Canada, 2018: Initial findings from the survey of safety in public and private spaces*. <https://www150.statcan.gc.ca/nl/en/catalogue/85-002-X201900100017>
- Cox, A., & Adams, A. (2008, January 1). *Questionnaires, in-depth interviews and focus groups*. ResearchGate. [https://www.researchgate.net/publication/42795848\\_Questionnaires\\_in-depth\\_interviews\\_and\\_focus\\_groups](https://www.researchgate.net/publication/42795848_Questionnaires_in-depth_interviews_and_focus_groups)
- Creswell, J. (2002). *Educational research: Planning, conducting, and evaluating Quantitative and Qualitative research*. Upper Saddle River, NJ: Merrill Prentice Hall.
- Creswell, J. W. (2003). *Research design: Qualitative, quantitative, and mixed methods approach*. SAGE.

- Creswell, J. W. (2005). *Educational research: Planning, conducting, and evaluating quantitative and qualitative research*. Prentice Hall.
- Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five approaches*. SAGE.
- Creswell, J., & Plano Clark, V. (2007). *Designing and Conducting Mixed Methods Research*. Thousand Oaks, CA: Sage
- Creswell, J.W., (2009), *Research design: Qualitative, quantitative, and mixed method approaches*, 3rd edn., Sage, Los Angeles, CA.
- Creswell, J. W., Klassen, A. C., Plano Clark, V. L., & Smith, K. C. (2011). Best practices for mixed methods research in the health sciences. *Bethesda (Maryland): National Institutes of Health*, 2013, 541-545.
- Creswell, J. W. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE.
- Creswell, J. W. (2014). *Research design: qualitative, quantitative, and mixed methods approaches*. 4th ed. Thousand Oaks, California: SAGE Publications.
- Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE Publications.
- Curry, M.A., Hassouneh-Phillips, D. and Johnston-Silverberg, A. 2001. "Abuse of women with disabilities: An ecological model and review." *Violence Against Women*. Vol. 7, no. 1.: 60-79.
- Day, A. G. (2021). Sexual victimisation and intellectual disabilities among child welfare involved youth. *Child Abuse & Neglect*.
- Decker, M. R., Holliday, C. N., Hameeduddin, Z., Shah, R., Miller, J., Dantzler, J., & Goodmark, L. (2019). "You do not think of me as a human being": Race and gender inequities intersect to discourage police reporting of violence against women. *Journal of urban health*, 96(5), 772-783.
- DeKeseredy, W. (2020). *Violence against Women: Myths, Facts, Controversies*. Toronto: University of Toronto Press.  
<https://doi.org/10.3138/9781442604001>
- Dirth, T.: & Branscombe, N. R. (2019). Recognising ableism: A social identity analysis of disabled people perceiving discrimination as illegitimate. *Journal of Social Issues*, 75(3), 786– 813.

- Dowse, L., Soldatic, K., Spangaro, J., & Van Toorn, G. (2016). Mind the gap: the extent of violence against women with disabilities in Australia. *Australian Journal of Social Issues*, 51(3), 341-359.
- Doody, O., & Noonan, M. (2013). *PDF Preparing and conducting interviews to collect data*. ResearchGate. [https://www.researchgate.net/publication/236922140\\_Preparing\\_and\\_conducting\\_interviews\\_to\\_collect\\_data/link/56a5ec3f08aef91c8c16b92d/download](https://www.researchgate.net/publication/236922140_Preparing_and_conducting_interviews_to_collect_data/link/56a5ec3f08aef91c8c16b92d/download) 67
- Disabled Persons Act (1992, May). *Refworld | Zimbabwe: Disabled Persons Act*. Refworld. <https://www.refworld.org/docid/4c45b86b2.html>
- Domestic Violence Act (No. 24 of 2006). <http://jsc.org.zw/jscbackend/upload/Acts/2006/0516done.pdf>
- Drawve, G., Thomas, S. A., & Hart, T. C. (2017). Routine activity theory and the likelihood of arrest: A replication and extension with conjunctive methods. *Journal of Contemporary Criminal Justice*, 33(2), 121-132. <https://doi.org/10.1177/1043986216689747>
- Durojaye, E., Mirugi-Mukundi, G., & Adeniyi, O. (2020). Legal empowerment as a tool for engendering access to justice in South Africa. *International Journal of Discrimination and the Law*, 20(4), 224-244.
- Dussich, J.:J. (2006). The evolution of international victimology and its current status in the world today, a journal of victimology online ISSN 2385-779X, DOI:10.1287-RVJV-1-02/:37-81[Accessed 23 October 2022]
- Dziva, C. (2018) Advancing the rights of rural women with disabilities in Zimbabwe: challenges and opportunities for the twenty first century, University of South Africa, Pretoria, <http://hdl.handle.net/10500/24931> [Accessed 16 March 2022]
- Dziva, C., Shoko, M. & Zvobgo, E.F., (2018), 'Implementation of the 2006 Convention on the Rights of Persons with Disabilities in Zimbabwe: A review', *African Journal of Disability* 7(0), a389. <https://doi.org/10.4102/ajod.v7i0.389>
- Earce, E. (2013). *Disability Inclusion in the Syrian Refugee Response in Lebanon. Women's Commission*. [http://reliefweb.int/sites/reliefweb.int/files/resources/disability\\_inclusion\\_in\\_the\\_syrian\\_refugee](http://reliefweb.int/sites/reliefweb.int/files/resources/disability_inclusion_in_the_syrian_refugee)



- Edwards, E. (2012). *Access to Justice and Legal Needs Surveys*. Relief Web - Informing humanitariansworldwide. [https://reliefweb.int/sites/reliefweb.int/files/resources/Disability\\_Inclusion\\_in\\_the\\_Syrian\\_Refugee\\_Response\\_in\\_Lebanon.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Disability_Inclusion_in_the_Syrian_Refugee_Response_in_Lebanon.pdf)
- Edwards, C., Harold, G., Kilcommins, S. (2012) *Access to Justice for People with Disabilities as Victims of Crime in Ireland*, Dublin: National Disability Authority.
- Ethical Guidance for Research with People with Disabilities. (2009, October). <http://nda.ie/Policy-and-research/Research/Research-Ethics/Ethical-Guidance-for-Research-with-People-with-Disabilities.html>.
- Erevelles, N., & Minear, A. (2010). Unspeakable Offenses: Untangling Race and Disability in Discourses of Intersectionality. *Journal of Literary & Cultural Disability Studies* 4(2), 127-145. <https://www.muse.jhu.edu/article/390395>.
- Etikan, I. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1. <https://doi.org/10.11648/j.ajtas.20160501.11>
- Etikan, I., Musa, S. A., & Alkasim, R. S. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1. <https://doi.org/10.11648/j.ajtas.20160501.11>
- Evans, B. C., Coon, D. W., & Ume, E. (2011). Use of Theoretical Frameworks as a Pragmatic Guide for Mixed Methods Studies. *Journal of Mixed Methods Research*, 5(4), 276-292. <https://doi.org/10.1177/1558689811412972>
- Ewang, A. (2019, January 25). *Nigeria Passes Disability Rights Law*. Human Rights Watch. <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law>
- Fenney, D. (2017), Ableism and Disablism in the UK Environmental Movement. *Environmental Values*, 26(4), 503-522. <https://doi.org/10.3197/096327117X14976900137377>
- Fernandez-Molina, E. Bernmejo, M and Baz, ) (2020). Observing Justice Court rooms: Testing the Implementation of Guidelines on Child-Friendly Justice in Spain. <https://doi.org/10.1177/1473225420918027>

- Final Evaluation: Access to Justice for Girls and Women with Disabilities in Zimbabwe.* (n.d.-b). UN Women – United Nations Trust Fund to End Violence Against Women. <https://untf.unwomen.org/en/digital-library/publications/2022/08/final-evaluation-access-to-justice-for-girls-and-women-with-disabilities-in-zimbabwe/#view>, [Accessed 20 December 2024].
- Fleming, J. & Zegwaard, K.E. (2018). Methodologies, Methods and Ethical Considerations for Conducting Research in Work-Integrated Learning. *International Journal of Work-Integrated Learning*, v19(3) p205-213
- Francioni, F. (2007). *Access to justice as a human right*. New York: Oxford University Press.
- Francis, L.J.D & Silver, A. (2016). perspectives on the meaning of disability, *AMA journal of ethics, illuminating the art of medicine*, DOI:10.1001/journalofethics. 2016.18.10.pfor2-161.0.
- Fraser-Barbour, E.F., Crocker, R. and Walker, R. (2018), "Barriers and facilitators in supporting people with intellectual disability to report sexual violence: perspectives of Australian disability and mainstream support providers", *The Journal of Adult Protection*, Vol. 20 No. 1, p: 5-16. <https://doi.org/10.1108/JAP-08-2017-0031>
- Flick, W. (2018). *An Introduction to Qualitative Research* sixth edition, Freie Universität Berlin, Germany.
- Flynn, A. (2015). *Access to Justice: A Comparative Analysis of Cuts to Legal Aid* Monash University Faculty of Law Legal Studies Research Paper.
- Frey, B. (2018). Transformative paradigm, the Sage encyclopaedia of educational research, measurements and evaluation, DOI: <https://dx.doi.org/10.4135/9781506326139.n708>
- Friedman, C., & Owen, A. L. (2017). Defining Disability: Understandings of and Attitudes Towards Ableism and Disability. *Disability Studies Quarterly*, 37(1). <https://doi.org/10.18061/dsq.v37i1.5061>
- Frohman, C., & Ortoleva, S. (2014, July). The sexual and reproductive rights of women and girls with disabilities. In *ICPD International Conference on Population and Development Beyond*.
- Gabler, S. (2013). depth interviews and qualitative content analysis (by mayring), *Description of tools – Methods*.

- Ghoshal, S. K. (2018). *Concept of Disability – The Dynamic Trend. International Research Journal Commerce arts science*, Volume 9, Issue 4. Pp232-245.
- Gul, M. (2018) A review of occupational health and safety risk assessment approaches based on multi-criteria decision-making methods and their fuzzy versions, *Human and Ecological Risk Assessment: An International Journal*, 24:7, 1723-1760, DOI: 10.1080/10807039.2018.1424531
- Goodley, D., Lawthom, R., Liddiard, K., & Runswick-Cole, K. (2019). Provocations for Critical Disability Studies. *Disability & Society*, 34(6), 972–997. <https://doi.org/10.1080/09687599.2019.1566889>
- Goodley, D., Lawthom, R., Liddiard, K., & Runswick-Cole, K. (2021). Key concerns for critical disability studies. *International Journal of Disability and Social Justice*.
- Goodmark ,L (2015). ‘Law and justice are not always the same’: Creating community-based justice forums for people subjected to intimate partner abuse. *Florida State University Law Review* 42: 707.
- Goodwin, A.K., and Goodwin, C.J. (2016). *research in Psychology: Methods and Design*, 8th Edition ISBN: 978-1-119-33044-8.
- Guba, E.G., and Lincoln, Y.S. 1988. Do inquiry paradigms imply inquiry methodologies? In D.M. Fetterman. ed. *Qualitative approaches to evaluation in education: The silent scientific revolution*. p: 89-115, London, Praeger.
- Gustaffson, J. (2017). Single case studies vs. multiple case studies: A comparative study.
- Groce, N., Levy B., and Sidel V. (2013). *People with disabilities: Social injustice and public health*. New York: Oxford University Press.
- Groce, N., & McGeown, J. (2013). *Witchcraft, Wealth and Disability: Reinterpretation of a folk belief in contemporary urban Africa* (Working Paper Series: No. 30). Leonard Cheshire Disability and Inclusive Development Centre, UCL. <https://www.ucl.ac.uk/iehc/research/epidemiologypublic-health/research/leonard-cheshire-research/research/publications/document/s/workingpapers/wp-30.pdf>
- Haeghele, J. A., & Hodge, S. (2016). Disability Discourse: Overview and Critiques of the Medical and Social Models. *Quest*, 68(2), 193–206. <https://doi.org/10.1080/00336297.2016.1143849>

- Haihambo C. K., (2004). *Beliefs and Myths regarding Disability in Namibia*. Paper presented at NERA Conference, Windhoek, Namibia.
- Hall, M. C., & Zalta, E. N. (2019). The Stanford Encyclopaedia of Philosophy. *Critical disability theory*.
- Harold, G., Edwards, C. & Kilcommmins, S. (2012). Access to Justice for People with Disabilities as Victims of Crime in Ireland. School of Applied Social Studies and Centre for Criminal Justice and Human Rights, Faculty of Law. University College Cork.
- Haralambos, M., & Holborn, M. (2008). *Sociology: Themes and Perspectives*. London: Harper Collins Publications Limited.
- Hartley, C. (2011). Disability and Justice. *Philosophy Compass*, 6(2), 120–132. <https://doi.org/10.1111/j.1747-9991.2010.00375.x>
- Hayashi, R., & Naami A. (2014). The unemployment of women with physical disabilities in Ghana: Issues and recommendations University of Northern Iowa Cedar IA USA DOI: 10.1080/09687599.2011.644930.
- Heale, R., & Noble, H. (2019). Integration of a theoretical framework into your research study. *Evidence Based Nursing*, 22(2), 36–37. <https://doi.org/10.1136/ebnurs-2019-103077>.
- Held, M. B. (2019). Decolonizing research paradigms in the context of settler colonialism: An unsettling, mutual, and collaborative effort. *International Journal of Qualitative Methods*, 18, 1609406918821574.
- Heymann, J., Sprague, A., & Raub, A. (2020). *Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide* [E-book]. University of California Press. <https://doi.org/10.1525/luminos.81>.
- Holness, W., & Rule, S. (2015). Barriers to advocacy and litigation in the equality courts for persons with disabilities. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 17(5), 1906. <https://doi.org/10.4314/pelj.v17i5.04>
- Hubeau, B., Terlouw, A.B., & Westerveld, M. (2015). *Access to Justice: Yesterday, Today, Tomorrow*, Boom Juridische Uitgevers.
- Huerta, M., Goodson, Beigi, M., & Chlu, D. (2016). Graduate students as academic writers: writing anxiety, self-efficacy and emotional intelligence. *Higher Education Research & Development*, 36(4), 716–729. <https://doi.org/10.1080/07294360.2016.1238881>
- Human rights and traditional justice systems in Africa. (2016). UN.

- Hurlbert, M. A. & Mulvale, J. : (2017). "Defining Justice". <https://fernwoodpublishing.ca/files/pursuingjustice.pdf> (Eriřim: 23.02.2020)
- Human Rights Watch: Invisible Victims of Sexual Violence. (2018, April 11). Human Rights Watch. <https://www.hrw.org/report/2018/04/03/invisible-victims-sexual-violence/access-justice-women-and-girls-disabilities>
- Inguanzo, I. (2017). The situation of indigenous children with disabilities. Policy Department, Directorate-General for External Policies, European Union. [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603837/EXPO\\_STU\(2017\)603837\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603837/EXPO_STU(2017)603837_EN.pdf).
- Irvine, R. (2017). Disabled justice? access to justice and the UN Convention on the Rights of Persons with Disabilities. *Disability & Society*, 32(4), 606–608. <https://doi.org/10.1080/09687599.2017.1294388>.
- IvyPanda. (2020, January 11). *Routine activities theory: A unique theory that attempts to explain both offending and victimisation*. Retrieved from [https://ivypanda.com/essays that/routine-activities-theory-a-unique-theory-that-attempts-to-explain-both-offending-and-victimisation/](https://ivypanda.com/essays-that/routine-activities-theory-a-unique-theory-that-attempts-to-explain-both-offending-and-victimisation/)
- Johnson, B., & Christensen, L. (2012). Educational Research (4th ed.). Los Angeles, CA: Sage.
- Jones, D. (2007). Domestic violence against women with disabilities: A feminist legal theory analysis. *Fla. A & M U L Rev.*, 2, 207.
- Jull, J., Petticrew, M., Kristjansson, E., Yoganathan, M., Petkovic, J., Tugwell: & Welch, V. (2018). Engaging knowledge users in development of the CONSORT-Equity 2017 reporting guideline: a qualitative study using in-depth interviews. *Research involvement and engagement*, 4(1), 1-13.
- Kahane, G., & Savulescu, J. (2009). The welfarist account of disability. In K. Brownlee & A. Cureton (Eds.), *Disability and disadvantage* (p: 14–53). Oxford: Oxford University Press,
- Kalu, F. A. (2017). What makes qualitative research good research? An exploratory analysis of critical elements. *International Journal of Social Science Research*, 5(2), 43. <https://doi.org/10.5296/ijssr.v5i2.10711>
- Kalu, F. A., & Bwalya, J. C. (2017). What Makes Qualitative Research Good Research? An Exploratory Analysis of Critical Elements. *International Journal of Social Science Research*, 5(2), 43-56. <https://doi.org/10.5296/ijssr.v5i2.10711>

- Kanyemba, R. (2013). Nature and Perception of Sexist Humour at Great Zimbabwe University,
- Kaplan, M. A., & Inguanzo, M. M. (2017). The social, economic, and public health consequences of global population aging: Implications for social work practice and public policy. *Journal of Social Work in the Global Community*, 2(1), 1.
- Katembo, A. (2015). Reducing cases of gender-based violence in Mashonaland central province: Zimbabwe, Durban University of technology, South Africa.
- Kelle, U., Kühberger, C. & Bernhard, R. (2021). How to Use Mixed-Methods and Triangulation Designs: An Introduction to History Education Research. *History Education Research Journal*, 1, 5–23. DOI <https://doi.org/10.18546/HERJ.16.1.02>
- Kelly, L. M., & Cordeiro, M. (2020). Three principles of pragmatism for research on organisational processes. *Methodological Innovations*, 13(2), 2059799120937242.
- Kett, M. & Twigg, J. (2007). Disability and disasters: Towards an inclusive approach. In World disasters report – Focus on discrimination. Geneva: IFRC. <http://www.ifrc.org/PageFiles/99876/2007/WDR2007-English-4.pdf>
- Kitteringham, G., & Fennelly, L. J. (2020, January 1). *Environmental crime control*. ScienceDirect. <https://linkinghub.elsevier.com/retrieve/pii/B9780128172735000193>
- Kivunja, C. (2017). Understanding and Applying Research Paradigms in Educational Contexts, University of New England, Australia, DOI: 10.5430/ijhe.v6n5p26.
- Kivunja, C. & Kuyini, A.B. (2017). Understanding and Applying Research Paradigms in Educational Contexts, *International journal of higher education*, DOI: 10.5430/ijhe.v6n5p26.
- Kivunja, C. (2018). Distinguishing between theory, theoretical framework, and conceptual framework: A systematic review of lessons from the field. *International Journal of Higher Education*, 7(6), 44-53.
- Kumar, R. (2019). Research Methodology a Step -by-Step Guide for Beginners fifth edition, University of Western Australia, Australia.

- Krnjacki, L., Priest, N., Aitken, Z., Emerson, E., Llewellyn, G., and Kavanagh, A. (2017). Disability-based discrimination and health: findings from an Australian-based population study, <https://doi.org/10.1111/1753-6405.12735>.
- Legal Resources Foundation. (2020, February). *Research Report on Paralegalism and Access to Justice in Zimbabwe* (No. 0). <https://lrfzim.com/wp-content/uploads/2021/03/Research-Report-on-Paralegalism-and-Access-to-Justice-in-Zimbabwe.pdf>
- Lincoln, Y., & Guba, E. G. (1985). *Naturalistic inquiry*. Newbury Park, CA: Sage.
- Lwiindi, L. (2020). *Participation of women with disabilities in local government decision-making structures* [Master's monograph]. <https://lu:lub.lu.se/student-papers/search/publication/9016130>
- Lwiindi, O. (2020). *Participation of women with disabilities in local government decision making structures : Unpacking the silent voice : A qualitative study conducted in Lusaka, Zambia*. LUP Student Papers. <http://lu:lub.lu.se/student-papers/record/9016130> [Accessed 20 December 2023]
- Lang, R., and Charowa, G., (2007). DFID scoping study: Disability issues in Zimbabwe, DFID, Harare.
- Larson, D.A. (2014). *Access to Justice for Persons with Disabilities: An Emerging Strategy*, Hamline University, USA DOI: 10.3390/laws3020220.
- Leedy:D. and Ormrod, J.E. (2005). *Practical Research: Planning and Design*. Prentice Hall, Upper Saddle River, NJ.<http://www.worldcat.org/title/practical-research-planning-and-design/oclc/53831701>
- Legal Resources Foundation. (2020, February). *Research Report on Paralegalism and Access to Justice in Zimbabwe* (No. 0). <https://lrfzim.com/wp-content/uploads/2021/03/Research-Report-on-Paralegalism-and-Access-to-Justice-in-Zimbabwe.pdf>
- Liefwaard, T. (2019). Access to Justice for Children: Towards a Specific Research and Implementation Agenda, *The International Journal of Children's Rights*, 27(2), 195-227. doi: <https://doi.org/10.1163/15718182-02702002>.

- Lobe, B., Morgan, D. & Hoffman, K.A. (2020). Qualitative data collection in the era of social distancing, international journal of qualitative methods, University of Alberta.
- Lodenius, L. (2020). 'I will never go back'. A thematic content analysis of Zimbabwean disabled women's sexual and reproductive rights, Uppsala University, Sweden.
- Lwiindi, L. (2020). Participation of women with disabilities in local government decision-making structures. [Masters Monograph: Lund University] ,<http://lu:lub.lu.se/student-papers/record/9016130>
- Madhuku, L. (2010). An introduction to Zimbabwean law, Published by Weaver Press, Box A1922, Avondale, Harare Zimbabwe.
- Madhushani, H.D.: (2016). Ethical Issues in Social Science Research: A Review. "Social Statistics", Journal of Social Statistics, 03(01), 26-33.
- Maher, J., Spivakovsky, C., McCulloch, J., McGowan, J., Beavis, K., Lea M., Cadwallader, J. and Sands, T. (2018). Women, disability and violence: Barriers to accessing justice, Monash University Australia.
- Maldonado, D.B. (2020). The Right to Access to Justice: Its Conceptual Architecture, Indiana Journal of Global Legal Studies, Indiana University Press India.
- Mandebvu, Y.:J. (2015). An assessment of the factors that contribute to the sexual abuse of disabled women in rural areas; the case of Bikita district ward 3, Gweru Zimbabwe.
- Madriaga, M. & Mallett, R., (2010). Images of Criminality, Victimisation, and Disability, DOI: 10.1201/EBK1420085471-c22 in book: International Handbook of Victimology (p:585-610).
- Majid, U. (2018). Research Fundamentals: Study Design, Population, and Sample Size, Research fundamental editorial series, University of Toronto DOI: 10.26685/urncst.16.
- Mapuranga, B., Musodza, B. & Gandhari, E. (2017). Empowerment Challenges Faced by Women with Disabilities in Zimbabwe.
- Marshall, E. G., Boudreau, M. A., Jensen, J. L., Edgecombe, N., Clarke, B., Burge, F., ... & Andrew, M. K. (2013). A new long-term care facilities model in Nova Scotia, Canada: protocol for a mixed methods study of care by design. *JMIR research protocols*, 2(2), e2915.



- Martin, S. L., Ray, N., Sotres-Alvarez, D., Kupper, L. L., Moracco, K. E., Dickens, A., ... & Gizlice, Z. (2006). Physical and sexual assault of women with disabilities. *Violence against women*, 12(9), 823-837.
- Manjoo, R. (2014, April 1). *Report of the special rapporteur on violence against women, its causes and consequences, addendum: Mission to India*. Refworld. <https://www.refworld.org/docid/53982c3e4.html>
- Maree, K. (2007). First Steps in Research. Van Schaik, Pretoria.
- Maruzani, N. & Mapuranga, B. (2016). Gender and Disability: A Review of Available Literature. *Research on Humanities and Social Sciences*. Volume 6(6) 2016 ISSN 2224-5766 :74-86.
- Matavire, M. (2012). Interrogating the Zimbabwean Traditional Jurisprudence and the Position of Women in Conflict Resolution. A Case of the Shona Tribes in Muzarabani District. *International Journal of Humanities and Social Science*, Vol. 2 No. 3; February 2012, Bindura Zimbabwe.
- Manatsa: (2015). Are disability laws in Zimbabwe compatible with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)? *International Journal of Humanities and Social Science Invention*. Vol 4, Issue 4, April 2015. PP 25-34.
- Manjoo, R.,(2012).Report of the Special Rapporteur on violence against women, its causes and consequences: women with disabilities, ¶¶ 42-43, U.N. Doc. A/67/227 (Aug. 3, 2012)
- McBride, J. (2009, January 24). *Access to Justice for Migrants and Asylum seekers in Europe*. Council of Europe. <https://rm.coe.int/1680597bla>.
- McCulloch, J., Maher, J., Walklate, S., McGowan, J., & Fitz-Gibbon, K. (Accepted/In press). Justice perspectives of women with disability: An Australian story. *International Review of Victimology*, 1-15. <https://doi.org/10.1177/0269758020906270>
- McGlynn, C. and Westmorland, N. (2018). Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice. *Social & Legal Studies* 2019, Vol. 28(2) 179–201. <https://doi.org/10.1177/0964663918761200>
- McGowan, J., & Elliott, K. (2019, September). Targeted violence perpetrated against women with disability by neighbours and community members. In *Women's Studies International Forum* (Vol. 76: 102270). Pergamon.

- McKenzie, J., Mji, G. & Gcaza, S., 2014, 'With or without us? An audit of disability research in the southern African region', *African Journal of Disability* 3(2), Art. #76, 6 pages. <http://dx.doi.org/10.4102/ajod.v3i2.76>
- McNamara, L. J., & Beqiraj, J. (2015). *International Access to Justice: Legal Aid for the Accused and Redress for Victims of Violence: A report by the Bingham Centre for the Rule of Law*. International Bar Association. [https://www.biicl.org/documents/749\\_international\\_access\\_to\\_justice\\_report\\_october\\_2015.pdf?showdocument=1](https://www.biicl.org/documents/749_international_access_to_justice_report_october_2015.pdf?showdocument=1)
- Medico-Legal Care for Victims. (2014). Guidelines for legal care for victims of sexual violence, World Health Organisation, Geneva.
- Mejias, N. J., Gill, C. J., & Shpigelman, C.-N. (2014). Influence of a support group for young women with disabilities on sense of belonging. *Journal of Counseling Psychology*, 61(2), 208–220. <https://doi.org/10.1037/a0035462>
- Mertens, D. M. (2007). Transformative paradigm: Mixed methods and social justice. *Journal of mixed methods research*, 1(3), 212–225.
- Mertens, D.M. (2010). Transformative Mixed Methods Research, Gallaudet University, Handbook of social research ethics (p: 85-102). Thousand Oaks, CA: Sage.
- Merriam, S.B. (1998). *Qualitative Research and Case Study Applications in Education*. Jossey-Bass Publishers, San Francisco.
- Moodley, J., & Graham, L. (2015). The importance of intersectionality in disability and gender studies. *Agenda*, 29(2), 24–33. <https://doi.org/10.1080/10130950.2015.1041802>
- Molefhe, M., Hanass-Hancock, J., Keakabetse, T., & Mthethwa, N. (2020). Preparedness of civil society in Botswana to advance disability inclusion in programmes addressing gender-based and other forms of violence against women and girls with disabilities. *African journal of disability*, 9(1), 1-13.
- Molina-Azorin, J.F. (2016). Mixed methods research: An opportunity to improve our studies and our research skills, *European journal of management and business*, DOI: 10.1016/j.redeen.2016.05.001 University of Alicante, Campus de San Vicente, Alicante, Spain.

- Mostert, M.: (2016). Stigma as a barrier to the implementation of the Convention on the Rights of Persons with Disabilities in Africa. *African Disability Rights Yearbook*, 2-24.[http://www.adry.u.ac.za/images/adry/volume4\\_2016/adry\\_20\\_4\\_chapter1.pdf](http://www.adry.u.ac.za/images/adry/volume4_2016/adry_20_4_chapter1.pdf)
- Moyo, N. (2013). Rising violence against women and girls in Zimbabwe on S. W Radio Africa. The Independent voice of Zimbabwe on short wave 4880 kHz. 26 November. Available:<http://www.swradioafrica.com/2013/11/26/rising-violence-against-womengirls-in-Zimbabwe>
- Muderedzi, J., Eide, A. H., Braathen, S. H., & Stray-Pedersen, B. (2017). Perceptions and treatment of children with cerebral palsy among the Tonga of Binga in Zimbabwe. *Cogent Social Sciences*, 3(1), 1418144. <https://doi.org/10.1080/23311886.2017.1418144>
- Mugenda, O. (2003). & Mugenda A.(2003). *Research methods: quantitative and qualitative approaches*.
- Musuguri, J. N. (2018). The impact of community policing in giving special attention to vulnerable groups: a social work perspective. *African Journal of Social Work*, 8(2), 102-108.
- Muridzo, N., & Chikadzi, V. (2020). Using a Multisectoral Approach in Tackling Child Sexual Abuse: Lessons from a Zimbabwean Case Study, DOI: <https://doi.org/10.25159/2415-5829/5251>.
- Mutanana, N., & Gasva, D. (2015). Barriers to and Consequences of Reporting Rape in a Rural Community of Zimbabwe. *Developing Country Studies*, 5, 15–21. [https://www.researchgate.net/publication/314104102\\_Barriers\\_to\\_and\\_Consequences\\_of\\_Reporting\\_Rape\\_in\\_a\\_Rural\\_Community\\_of\\_Zimbabwe](https://www.researchgate.net/publication/314104102_Barriers_to_and_Consequences_of_Reporting_Rape_in_a_Rural_Community_of_Zimbabwe)
- Muzenda, A. (2014). A Conceptual Model of the Determinants of Performance of Tourism Sector Small and Medium Enterprises (SMEs). *International Journal of Business and Management Invention*, 3 (1), 30-35.
- Nareadi: (2013). Sexual abuse of teenagers with intellectual disability: an examination of South African literature, university of South Africa.
- Ndedi, A. & Mau, K.K. (2017). The role of the rule of law in a developmental state in the African context. available at SSRN: <https://ssrn.com/abstract=2912828> or <https://dx.doi.org/10.2139/ssrn.2912828>
- Ngwena, C. G. (Ed.). (2013). *African Disability Rights Yearbook 2013*. Pretoria University Law Press (PULP).

- Nigerians with Disability Decree. (1993). Disabled workers Cornell University, ILR School, Gladnet Collection, USA.
- Nkhata, M. J. (2020). Access to Justice for Persons with Disabilities in Malawi: Exploring Challenges and Possibilities in the Criminal Justice System. *Afr. Disability Rts. YB*, 8, 124.
- Noaks, L. & Wincu: E. (2004). *Criminological Research—Understanding Qualitative Methods*. London: Sage, 208 pages, Cloth (ISBN 0 7619 7406 7) £60 / Paper (ISBN 0 7619 7407 5).
- Novick, G. (2008). Is there a bias against telephone interviews in qualitative research? *Research in Nursing & Health*, 31, 391-398. doi:10.1002/nur.20259.
- Nyakanyanga, S. (2007). The Disabled and Sexual Abuse. <http://www.sowetanlive.co.za/news/no2rape/2013/01/07/the-disabled-and-sexual-abuse>.
- Nyamu-Musembi, C., & Cornwall, A. (2004). Putting the 'rights-based approach' to development into perspective, Routledge Informa Ltd Registered in England and Wales, UK DOI: 10.1080/0143659042000308447.
- Nyenti, S. (2013). Access to justice in the South African social security: Towards a conceptual approach, Security Law, Faculty of Law, University of Johannesburg South Africa.
- Oliver, M. (2017). Defining impairment and disability: Issues at stake. In *Disability and equality law* (p: 3-18). Routledge.
- Oltman, S.M. (2016). Qualitative Interviews: A Methodological Discussion of the Interviewer and Respondent Contexts.
- Ortoleva, S., & Lewis, H. (2012). Forgotten sisters—a report on violence against women with disabilities: An overview of its nature, scope, causes, and consequences. (Northeastern Public Law and Theory Faculty Research Papers Series No. 104-2012). *Violence against Women with Disabilities Working Group*.
- Owen, G. T. (2014). Qualitative Methods in Higher Education Policy Analysis: Using Interviews and Document Analysis. *The Qualitative Report*, 19(26), 1-19. Retrieved from <https://nsuworks.nova.edu/tqr/vol19/iss26/2>.
- Oxfam. (2014). Time to end extreme inequality.

- Ozemela, L., Ortiz, D., and Urban, A-M. 2019. Violence Against Women and Girls with Disabilities, Latin America and the Caribbean. Policy Brief N IDB-PB-302. Gender and Diversity Division, Inter-American Development Bank.
- Palys, T. (2008). purposive Sampling In: The SAGE Encyclopedia of Qualitative Research Methods DOI: <https://dx.doi.org/10.4135/9781412963909.n349>.
- Pardede: (2019). *Mixed Methods Research Designs in EFL*. In: PROCEEDING English Education Department Collegiate Forum (EED CF) 2015-2018. UKI Press, Indonesia, Jakarta, p: 230-243. ISBN 978 623 7256 25 0.
- Parnami, K. (2019). Concept of Justice Difficulties in Defining Justice, International Journal of Law Management and Humanities; Volume 2, Issue 5.
- Parnes: Hashemi, G., Njelesani, D., Njelesani, J., Richard, D., Cameron, C., & Keachie, H. (2013). Outside the Circle - A research initiative by Plan International into the rights of children with disabilities to education and protection in West Africa. Plan International. <https://planinternational.org/publications/outside-circle#download-options>
- Participation of women with disabilities in local government decision-making structures: Unpacking the silent voice: A qualitative study conducted in Lusaka, Zambia.* (n.d.). Lund University Publications. <http://lu:lub.lu.se/student-papers/record/9016130>.
- Passos, R. L., Telles, F. S. :, & Oliveira, M. H. B. D. (2019). Da violência sexual e outras ofensas contra a mulher com deficiência. *Saúde Em Debate*, 43(spe4), 154–164. <https://doi.org/10.1590/0103-11042019s413>.
- Perera, A. (2024, February 13). Routine Activities Theory: Definition & Examples. Simply Psychology. <https://www.simplypsychology.org/routine-activities-theory.html>
- Peta, C. (2017). Gender Based Violence: A “Thorn” in the Experiences of Sexuality of Women with Disabilities in Zimbabwe. *Sexuality and Disability*, 35 (3): 371–386. doi:10.1007/s11195-017- 9485-9.
- Pearce, E. (2014). Disability inclusion: Translating policy into practice in Humanitarian Action.

- Pearce, E. (2015). "I see that it is possible" Building capacity for disability inclusion in Gender-Based Violence programming in Humanitarian settings. WRC & IRC Retrieved from: <https://www.womensrefugeecommission.org/resources/document/945-building-capacity-for-inclusion-in-gender-based-violence-gbv-programing-in-humanitarian-settings>
- Pearce, E., Paik, K., & Robles, O.J. (2016). Adolescent Girls with disabilities in Humanitarian settings: "I am a girl with a lot to share and offer" *Girlhood Studies*, 9.1 118-136/<http://dx.doi.org/10.3167/ghs.2016.090109>.
- Phiri, A.M. (2019). 'Building communities of trust: Challenges for disability', *African Journal of Disability* 3(2), Art. #77.
- Phiri, M.J. (2019). Are women with disabilities Treated with special concern? A Discourse About the interrelationship between Gender-Based violence and women with disabilities in Southern Africa. Available at SSRN <https://ssrn.com/abstract=3390040> or <https://dx.doi.org/10.2139/ssrn.3390040>
- Pinilla-Roncancio, M., Mactaggart, I., Kuper, H., Dionicio, C., Naber, J., Murthy, G., & Polack, S. (2020). Multidimensional poverty and disability: A case control study in India, Cameroon, and Guatemala. *SSM - Population Health*, 11, 100591. <https://doi.org/10.1016/j.ssmph.2020.100591>
- PPUA Penca (Center for Election Access of Citizens with Disabilities). (2013). Accessible elections for persons with disabilities in five Southeast Asian countries. USAID & AGENDA.[http://www.ifes.org/sites/default/files/accessible\\_elections\\_for\\_for\\_persons\\_with\\_disabilities\\_agenda.pdf](http://www.ifes.org/sites/default/files/accessible_elections_for_for_persons_with_disabilities_agenda.pdf).
- Ramanadhan, S. (2021, June 29). Pragmatic approaches to analysing qualitative data for implementation science: an introduction. *Implementation Science Communications*.<https://implementationsciencecomms.biomedcentral.com/articles/10.1186/s43058-021-00174-1>.
- Rawls, J. (1999). *A theory of justice: Revised edition*. Harvard university press.
- Retief, M., & Letšosa, R. (2018). Models of disability: A brief overview. *HTS Teologiese Studies/Theological Studies*, 74(1).

- Rohwerder, B. (2015). Disability inclusion: Topic guide. Birmingham, UK: GSDRC, University of Birmingham.
- Rohwerder, B. (2018). Disability stigma in the Disability Inclusion Development (DID) programme countries: an overview of the evidence, Institute of Development Studies.
- Rosmalinda, R., & Arif, A. (2018). Legal aid for person with disabilities in access to justice, Universitas Sumatera Utara, Medan, Indonesia DOI: 10.1051/e3sconf/ 20185200040.
- Rotkangmwa, B. J., & Lalu, J. D. (2016). Improving Access to Justice for Persons with Disabilities. *Journal of Education Research and Behavioral Sciences*, 5(5), 079–084. <http://apexjournal.org/jerbs/archive/2016/Sep/fulltext/Bodang%20and%20Lalu.pdf>.
- Romm, N.R.A. (2015). Reviewing the transformative paradigm: A critical systematic and Relational (Indegenous) Lens. *Syst Pract Action Res* 28, 411-427 <https://doi.org/10.1007/s11213-015-9344-5>.
- Roopa, S., & Rani, M.S. (2017). Questionnaire Designing for a Survey. *J Ind Orthod Soc* 2012;46(4):273-277.
- Rugoho, T., & Maphosa, F. (2015). Challenges faced by women with disabilities in accessing sexual and reproductive health in Zimbabwe: The case of Chitungwiza town, Harare Zimbabwe.
- SADC. (2016). *SADC Protocol on Gender and Development*. <https://genderlinks.org.za/wp-content/uploads/2016/01/ADOPTED-REVISED-PROTOCOL-ON-GAD.pdf>
- Southern African Development Community : SADC Gender and Development Monitor* 2016. (2016). SADC. <https://www.sadc.int/issues/gender/sadc-gender-and-development-monitor-2016/>
- Salkind, N. J. (2010). *Encyclopedia of research design* (Vols. 1-0). Thousand Oaks, CA: SAGE Publications, Inc. Doi: 10.4135/9781412961288.
- Save the Children Annual Report 2015*. (2020, July 9). Resource Centre. <https://resourcecentre.savethechildren.net/library/save-children-annual-report-2015>.
- Saki, O. & Chiware, T. (2007). the Law in Zimbabwe. [Online] Available: <http://www.nyulawglobal.org/globalex/Zimbabwe.html>.
- Sarrett, J. C., & Ucar, A. (2021). Beliefs about and perspectives of the criminal justice system of people with intellectual and developmental disabilities: A qualitative study. *Social Sciences & Humanities Open*, 3(1), 100122. <https://doi.org/10.1016/j.ssaho.2021.100122>.

- Seery, E., Arendat, A. C., & Oxfam. (2014). *Even it up: Time to end extreme inequality*.
- Sharma, G. (2017). Pros and cons of different sampling techniques, *International Journal of Applied Research* 2017; 3(7): 749-752, Professional University, Phagwara, Punjab, India.
- Shannon- Baker. : (2016). *Making Paradigms Meaningful in Mixed Methods Research* University of Cincinnati, Cincinnati, OH, USA. <https://doi.org/10.1177/155689815575861>.
- Shughuru, D. (2013). *Strengthening Judicial Integrity through Enhanced Access to Justice*, United Nations Development Programme (UNDP).
- Shumba, N. D. (2021, September 1). *Access to justice for female victims of crime: a study of girls and women with disabilities in Mashonaland Central Province of Zimbabwe*. [https://vital.seals.ac.za/vital/access/manager/Repository/vital:51994?site\\_name=GlobalView&view=null&f0=sm\\_subject%3A%22Victims+of+crimes%22&f1=sm\\_creator%3A%22Shumba%2C+Nyaradzo+Dorcas%22&sort=null](https://vital.seals.ac.za/vital/access/manager/Repository/vital:51994?site_name=GlobalView&view=null&f0=sm_subject%3A%22Victims+of+crimes%22&f1=sm_creator%3A%22Shumba%2C+Nyaradzo+Dorcas%22&sort=null).
- Shumba, S., & Zhou, S. (2018). Final Evaluation: “Access to Justice for Girls and Women with Disabilities – Zimbabwe.
- Shumba, T. W., & Moodley, I. (2018). Implementation of disability policy framework in Namibia: A qualitative study. *South African Journal of Physiotherapy*, 74(1). <https://doi.org/10.4102/saj.v74i1.400>.
- Sibanyoni, E.K. (2018). A Victimological analysis of physically disabled children as victims of violence in the Eastern Cape Province of South Africa.
- SIDA. (2014). *Gender Equality 2014 Mainstreaming gender equality and women’s rights*.
- Silverman, D. (2016). *Qualitative Research* University of Technology, Sydney and King’s College, London.
- Singh, S. (2020b). Access to Justice and Dispute Resolution Across Cultures. *Fordham Law Review*, 88(6), 2407–2424. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3740740](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3740740).
- Stafford, L. (2019, October 15). *Ableism and the struggle for spatial justice*. OpenDemocracy. <https://www.opendemocracy.net/en/transformation/ableism-and-struggle-spatial-justice/>



- Stone-MacDonald, A., & Butera, G. D. (2012). Cultural beliefs and attitudes about disability in East Africa.
- Sztobryn-Giercuszkiwicz, J. (2017). Critical disability theory as a theoretical framework for disability studies. *Oblicza niepełnosprawności w praktyce i teorii*, 29-35.
- Tashakkori, A. & Teddlie, C. (2003). *Handbook of Mixed Methods in Social & Behavioral Research*. Thousand Oaks: Sage.
- Tepper, B. J., Lockhart, D., & Hoobler, J. (2001). Justice, citizenship: and role definition effects. *Journal of Applied Psychology*, 86(4), 789–796. <https://doi.org/10.1037/0021-9010.86.4.789>
- Tepper, B. J., Lockhart, D., & Hoobler, J. (2001). Justice, citizenship: and role definition effects. *Journal of Applied Psychology*, 86(4), 789–796. <https://doi.org/10.1037/0021-9010.86.4.789>.
- The Mental Health Act [chapter 15:12] | Zimbabwe Legal Information Institute*. (1996). ZimLII. <https://zimlil.org/zw/legislation/act/1996/15>.
- Tongco, M.D.C. (2007). Purposive Sampling as a Tool for Informant Selection. *Ethnobotany Research & Applications*, 5, 147-158.
- Trochim, W. M. K. (2006). The Qualitative Debate. Research Methods Knowledge Base. <http://www.socialresearchmethods.net/kb/qualmeth.php>.
- Umegbolu, C. (2021). Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre as a Case Study (TDCC). *Social and Legal Studies*, 6(2), 1-29. <http://socialandlegalstudies.org/uncategorised/access-to-justice-for-people-with-disability-in-nigeria-therapeutic-day-care-centre-as-a-case-study-tdcc/>
- UN DSPD & DESA. (2011). *Disability Toolkit for Africa*. Welcome to the United Nations. <https://www.un.org/esa/socdev/documents/disability/Toolkit/Intro-UN-CRPD.pdf>.
- UNFPA. (2018). United Nations Population Fund Annual report. World Health Organisation & World Bank. (2011). World report on disability 2011. World Health Organisation. <https://apps.who.int/iris/handle/10665/44575>.
- Valan, M. L., & Srinivasan, M. (2021). The application of routine activity theory in explaining victimisation of child marriage. *International Review of Victimology*, 27(2), 211–226. <https://doi.org/10.1177/0269758020988218>

- Vanclay, F., Baines, J.T. & Taylor, C.N. (2013). Principles for ethical research involving humans: ethical professional practice in impact assessment Part I.
- Wasserman, D., Asch, A., Blustein, J., & Putnam, D. (2016). *Disability: Definitions, Models, Experience* (Stanford Encyclopedia of Philosophy/Summer 2016 Edition). Stanford Edu. <https://plato.stanford.edu/archives/sum2016/entries/disability/>
- Westerveld, M., Bernard Hubeau, B. & Terlouw, A. (2015). Access to justice: a dynamic concept." *Recht der Werkelijkheid* Vol 36(3): p169–72. <http://dx.doi.org/10.5553/rdw/138064242015036003015>.
- White, R. M., Bornman, J., Johnson, E., Tewson, K., & van Niekerk, J. (2020, April 1). *Transformative equality: Court accommodations for South African citizens with severe communication disabilities* | White | *African Journal of Disability*. Scielo. <https://ajod.org/index.php/AJOD/article/view/651>.
- Wilson, A.D., Onwuegbuzie, A. J., & Manning, L. (2016). Using Paired Depth Interviews to collect qualitative Data. *The Qualitative Report*, 21(9). 1549-1573. <https://doi.org/10.46743/2160-3715/2016.2166>
- Women with disabilities face more abuse - Zimbabwe. (2013, December 6). *ReliefWeb*. <https://reliefweb.int/report/zimbabwe/women-disabilities-face-more-abuse>. [Accessed 20 March 2020]
- World Health Organisation (WHO): International Classification of Impairments, Disabilities and Handicaps (ICIDH) in 1980. [https://apps.who.int/iris/bitstream/handle/10665/41003/9241541261\\_eng.pdf;jsessionid=](https://apps.who.int/iris/bitstream/handle/10665/41003/9241541261_eng.pdf;jsessionid=)
- WHO & World Bank. (2011). World report on disability. Geneva: WHO. [http://www.who.int/disabilities/world\\_report/2011/report.pdf](http://www.who.int/disabilities/world_report/2011/report.pdf).
- Women Enabled. (2019). Working to advance the human rights of women and girls worldwide especially women and girls with disabilities.
- Wright, J. D. (2015). *International encyclopedia of the social & behavioural sciences*. Amsterdam: Elsevier.
- Wulandari, C. (2018). Access to Justice for the Disability Women as Victims in the Criminal Justice System, Universitas Negeri Semarang, Semarang, Indonesia.
- Wincup, E. (2017). *Criminological Research Understanding Qualitative Method* second edition, Joseph Rowntree Foundation, UK, University of Leeds, UK.

- Yanow, D. (2007). Interpretation in policy analysis: On methods and practice. *Critical policy analysis*, 1, 109-121.
- Yeo, R. & Moore, K. (2003). Including Disabled People in Poverty Reduction Work: Nothing About Us, Without Us, World Development, Elsevier, vol. 31(3), pages 571-590, March.
- Yokotani, K. (2001). Promoting inclusive education in Neluwa, a tea plantation area in Sri Lanka, through the community-based rehabilitation programme. Unpublished Masters Dissertation, University of Sussex, Sussex, England. Retrieved June 23, 2008, from [www.asiadisability.com/~yuki/Theses9E.html](http://www.asiadisability.com/~yuki/Theses9E.html).
- Yin, R. K., (1994). Case Study Research Design and Methods: Applied Social Research and Methods Series. Second edn. Thousand Oaks, CA: Sage Publications Inc.
- Yin, R.K. & Davis, D. (2007). Adding new dimensions to case study evaluations: The case of evaluating comprehensive reforms. *New Directions for Evaluation* (113):75 – 93 DOI:10.1002/ev.216
- Yin, R.K. (2008) Case Study Research: Design and Methods. 4th Edition, Sage Publications, Thousand Oaks.
- Yin, R.K. (2018). Case Study Research and Applications Design and Methods sixth edition, COSMOS Corporation.
- Yin, R.K. & Davis, D. (2007). Adding New Dimensions to Case Study Evaluations: The Case of Evaluating Comprehensive Reforms, *New Directions for Evaluation*, 113 p75-93 Spr 2007.
- Zimbabwe Judicial Service Commission. (2012). Protocol on the multi-sectoral management of sexual abuse and violence in Zimbabwe, Government of Zimbabwe.

#### ADDITIONAL REFERENCES

- Bhattacharjee, A. (2012). *Social science research: Principles, methods, and practices*. CreateSpace.
- Burke, A. S., Carter, D., Fedorek, B., Morey, T., Rutz-Burri, L., & Sanchez, S. (n.d.). *SOU-CCJ230 Introduction to the American Criminal Justice System*. Pressbooks. <https://openoregon.pressbooks.pub/ccj230/>
- Cohen, L., Manion, L., & Morrison, K. (2002/2000). *Research methods in education*. Routledge.

- Duckworth, V., & Tett, L. (2019). Transformative and emancipatory literacy to empower. *International Journal of Lifelong Education*, 38(4), 366-378. <https://doi.org/10.1080/02601370.2019.1574923>
- Feltoe, G. (2018). The role of the criminal law in the protection of women against gender-based violence: Case Note on S v Jeri HH-516-17. *University of Zimbabwe Law Journal*, 11, 258-264.
- Forms of discrimination against women: A commentary*. Oxford University Press.
- Fuller-Thomson, E., & Brennenstuhl, S. (2012). People with disabilities: The forgotten victims of violence. *The Lancet*, 379(9826), 1573-1574. <https://doi.org/10.1016/s0140-67361260077-4>
- Ganle, J.K., Baatiema, L., Quansah, R. and Danso-Appiah, A. (2020). Barriers facing persons with disability in sexual and reproductive health services in sub-Saharan Africa: A systematic review. *PLoS ONE* 15(10): e23585. doi: 10.1371/journal.pone.023585.
- Guba, E.G., and Lincoln, Y.S. (1988). Do inquiry paradigms imply inquiry methodologies? In D.M. Fetterman. ed. *Qualitative approaches to evaluation in education: The silent scientific revolution*. p: 89-115, London, Praeger.
- McCarthy, M., Bates, C., Triantafyllou, S., Hunt, S., & Milne Skillman, K. (2018). "Put bluntly, they are targeted by the worst creep's society has to offer": Police and professionals' views and actions relating to domestic violence and women with intellectual disabilities. *Journal of Applied Research in Intellectual Disabilities*, 32(1), 71-81. <https://doi.org/10.1111/jar.12503>
- Muncie, J. (2004) *Youth and Crime: An introduction*, London, Sage.
- Shar, H. (2001). Steps towards justice for people with learning disabilities as victims of crime: The important role of the police. *British Journal of Learning Disabilities*, 29(3), 88-92. <https://doi.org/10.1046/j.1354-4187.2001.00135.x>
- Shumba, J. (2011). *Secondary School Children's Experiences of Bereavement: Implications for School Counselling in Harare Metropolitan Province* (Monograph). UFH.

## Synopsis

The monograph utilised a thematic content analysis, critically examined how significant barriers affect Mashonaland Central girls and women living with disabilities as victims of crime from accessing justice. Zimbabwe is an optimal case to apply this study, due to its contradictory legislation and evidence of high rate of human rights violations. Mashonaland Central Province is an ideal case study due to the extant records that indicate that it has the highest incidences of violence against women. This study is therefore contextualised within a Victimological epoch with the aim to fill in the research gap in the canon of scholarship within the purview of acknowledging the process of accessing justice as an important step for protecting and promoting human right. The monograph is also governed by the perspectives of key actors in the judicial process including, but not limited to, the Victim Friendly Unit. The theoretical framework is also operationalised into themes and criteria that are then applied to analyse the conducted interviews. The emerging findings illuminate that there is a discrepancy between government policy surrounding girls and women living with disabilities and the practical experiences of the participants. The participants experienced a lack of accessibility to basic rights, such as health care, the law, and to sex education – which are all rights ensured by government policy. Identified consequences included: discouragement in seeking justice due to fears of cultural and social stigma, discouragement in reporting crimes, and receiving adequate support, and information from second-hand sources. This study therefore concludes that lack of access to justice is a violation of security of person, human dignity and rights to health and life to women and girls living with disability.

## About the Author



**D**r. Nyaradzo Shumba serves as Dean of the Faculty of Heritage, Humanities, and Societal Advancement at Zimbabwe Ezekiel Guti University, providing strategic leadership and fostering academic excellence. Her comprehensive educational background includes a Bachelor of Arts from the University of Zimbabwe (UZ), a Bachelor of Science in Psychology from Women's University in Africa (WUA), a Master of Science in Development Studies, and a Doctor of Philosophy (DPhil) in Social Sciences from the University of Fort Hare. Dr. Shumba's research is deeply rooted in addressing critical societal issues, with a focus on child protection, victimology, and gender dynamics. Her work reflects a profound commitment to advancing social justice and contributing to the well-being of vulnerable populations. She brings a wealth of academic rigor and practical insight to her leadership role.