

The State of Children’s Rights and Initiatives to Protect Them in Zimbabwe

By

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And they were bringing children to Him so that He might touch them, but the disciples rebuked them. But when Jesus saw this, He was indignant and said to them, “Permit the children to come to Me; do not hinder them; for the kingdom of God belongs to such as these” (Mark 10:13-16)

Abstract

This paper argues that Zimbabwe has adequate legislation (local and international) to deliver and protect children’s rights, but that what is lacking is putting such legislation into practice.

Keywords: *Children’s rights, legislation, government*

The Child’s Right to be heard

The Convention on the Rights of the Child (CRC: Article 12)¹ requires governments who are signatories to the Convention, such as the Government of Zimbabwe, to ensure that any “*child who is capable of forming his or her views [has] the right to express those views freely.*” Culture and tradition in Zimbabwe place children at the bottom of society’s hierarchy and expect children to be “seen but not heard.” A child who speaks his or her mind is considered disrespectful, rude, unmannered, or unruly. Children are socialised to accept whatever an adult person says or does to them, even when the child knows that it is wrong. As a result, children are abused in various ways, including through cultural practices, and they feel bound by tradition and culture to keep quiet about it.

¹ The Convention on the Rights of the Child (CRC) (Article 12)

Article 12 of the Convention establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity.

Attempts to fulfil the child's right to be heard include the provision of the Child free-helpline 116 ²and drop-in centres³ where children can walk in and have their issues of violence and abuse heard by a trained and sympathetic adult. Childline Zimbabwe, a non-governmental organisation (NGO) provides free telephone helpline and drop-in centres for children to report cases of child abuse. UNICEF Zimbabwe has acknowledged these measures saying that it is the responsibility of duty bearers to ensure that children have a critical role to play in the realisation of their rights because they are the greatest advocates of issues affecting them. (UNCRC Zimbabwe Commemoration: Harare)⁴

The Child's Right to an Identity and Citizenship

Article 7 of the CRC⁵ advocates *the child's right to a name and a nationality from the moment of birth*. This right requires governments to register children at birth, certify that they have a name and nationality, and protect and support the family relationships that ensure their survival and healthy development. The 2014 SOS Report on Alternative Care for Children in Zimbabwe Noted: "The Government of Zimbabwe's (GOZ) enactment of the Births and Deaths Registration Act, Chapter 5:02, was an important step in establishing the legal framework for the registration of births in Zimbabwe. Despite the availability of this legal instrument, many children do not have birth certificates throughout the country. It is estimated that in 2009, 45% of children under five in urban areas and 70% in rural areas did not have birth certificates. This means that all these children did not have a legal name, nationality, or citizenship rights." The provision for registration of all children at birth in Zimbabwe is thus still a major challenge as evidenced by the long queues at the birth registration offices nationwide. As noted above, it has been estimated that in 2009, 45 percent of children

² Child free helpline 116 *Zimbabwe* works in partnership with the Government to STOP *child* abuse It is a nationwide *helpline* service dedicated to *children*. The free helpline runs 24 hours toll *free* and is reachable from any phone on any network in Zimbabwe.

³ Childline *Zimbabwe* has an established network of *Drop-In Centres* in all 10 provinces of *Zimbabwe*. The *Drop-in Centres* operate normal working hours, from 8:30am till 4:30pm from Mondays to Fridays.

⁴ UNCRC Zimbabwe Commemoration: Harare 12/04/2019)

More than a thousand children came together to celebrate the 30th *anniversary* of the U.N Convention on the Rights of the Child (*UNCRC*) in *Harare*

⁵ *Article 7 of the UNCRC* says that all children and young people have the right to a name and nationality, which they should be granted at birth. It also says that they have a right to – as far as possible – know and be cared for by their parents.

under the age of five in urban areas and 70 percent in rural areas did not have birth certificates. ⁶ For a child to be registered for a birth certificate in Zimbabwe, among other bureaucratic hurdles, the father of the child or a relative bearing the same surname as the child is required to be present. On her own, the mother of the child cannot register her child for a birth certificate, even while in the maternity ward everyone can see that the infant is her child. Grown-ups too, even when they are above eighteen years of age, cannot register and obtain a birth certificate on their own. The United Nations Country Team (UNCT)⁷ has therefore recommended that Zimbabwe removes barriers and ensures access to birth certification and other civic status documentation, with particular emphasis on the most vulnerable children. *Mavambo*, translated into English as *Beginnings*, an NGO run by the Catholic Church, works to give children the right to identity at the “beginnings” of their lives by helping them work through the red tape that would otherwise prohibit them from getting registered for a birth certificate. Together with other NGOs such as the Legal Resources Foundation, *Mavambo* helps trace children’s relatives for this purpose and advocates for less cumbersome birth registration procedures and the empowerment of mothers for the registration of children.

The Child’s Right to be Protected from Labour Exploitation

Article 32⁸ of the CRC provides for children’s *rights to health and protection from abuse and exploitation*. Zimbabwe has also promulgated the Children Protection and Adoption Act (CPAA) which *prohibits the exposure of children to hazardous and harmful conditions and from using them for begging on the streets*. Notwithstanding the existence of such legislation, culture and tradition have made exploitative child labour an accepted norm. Zimbabwe’s streets are strewn with children begging from motorists, either on their own or holding the hand of a blind adult. Such children are denied the opportunity to go to school, to play with other children, and in short, to grow up the way children should, just to be children. To counter the labour exploitation of children, research and advocacy have been employed to expose such practices and for Government and other institutions to take action for the protection of children.

⁶ Zimbabwe Universal Periodic Review

⁷ The United Nations Country Team (UNCT) is an inter-agency body which consists of the representatives of 20 UN organisations working in the country. Under the leadership of the Resident Coordinator, the UNCT provides overall leadership to the work of agencies in that country.

⁸ Article 34 of the UNCRC protects children and young people from *sexual abuse*. And exploitation

Chikwanha⁹, as cited in the Sunday Mail Newspaper, does this by highlighting the prevalence of exploitative child labour on farms. Other researchers have done the same. The ILO Committee of Experts¹⁰ has also expressed its deep concern at the large number of children under the age of 14 found to be working, especially in the agricultural sector and in households. Advocates are arguing that such practices defeat the need to end Child labour as identified in the Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO, and they call for change to protect children.

The Child's Right to be Cared for, Respected, and Included, *Children's Right to Health (Article 24)*

Article 24,3 of the CRC requires governments to *ensure that the fundamental right to health and well-being of the child is recognised*. In Zimbabwe, efforts to recognise this are being made through the National Health Strategy which addresses issues on equity and quality of health across all ages including children and ensures that health facilities are located within a 5km-8km radius. The government also provides free health services at public institutions to persons below 5 years through the Assisted Medical Treatment Orders (AMTOS) from social services. These aim at fulfilling the children's right to health. While such provisions are good on paper, the reality on the ground is different. Health services in Zimbabwe have all but collapsed with shortages of medicines and medical equipment. Doctors and nurses constantly embark on industrial action/strikes demanding that Government provides medicines, medical equipment, basic accessories including personal protective equipment (PPE), and a living wage to enable them to do their work. The government has responded in a heavy-handed manner by firing and re-hiring medical staff, and the impasse has persisted. Children are among the soft targets adversely affected by this deterioration in the provision of health services in the country. In addition, some parents or guardians use cultural, religious, or ideological beliefs to refuse life-saving treatment to children, even in situations where the child pleads with them. Dodzo, Mhloyi, Moyo, and Dodzo¹¹ concur with this citing as an example, Apostolic sect members who

⁹ Chikwanja, Happiness. Child labour thrives in farms; The Sunday Mail 25, 2017;

¹⁰ ILO Committee of Experts, Individual Direct Request concerning Worst of Child Labour Convention. 1999 (No. 182) Zimbabwe (ratification 200 Published:2017)

¹¹ Dodzo, MK, Mhloyi, M, Moyo, S and Dodzo, - Masawi, M (2016) Praying until death: Apostolicism, Delays and Martenal Mortality in Zimbabwe; Plots One, Journal

believe that only God can cure illness and thus deny their children medical treatment resulting in deaths, sometimes of whole families.

Children's Right to Education

The Zimbabwean government also tried, especially in the first decade after independence, to enhance the right to education through compulsory primary education, Early Childhood Development, schools-fees assistance, and the establishment of schools within a 5km-8km radius, and satellite schools in rural areas. For instance, the government enhances the child's rights at Early Childhood Development to meet the U.N. Committee's General Comment No. 7 (GC-7) on Implementing Child Rights in Early Childhood. George¹² acknowledges that even "the very youngest children" must be "respected as persons..." Again, the reality on the ground is different. In the face of Zimbabwe's deteriorating economic situation, the massive gains achieved in the education of children in the 1980s are getting lost, especially with the re-introduction of school fees in primary school. Many children are dropping out of school. The Coronavirus pandemic has exacerbated the situation as schools in Zimbabwe remained closed for the entire academic year in 2020. The online learning that was encouraged benefitted only a few children from elite families. Even for them, internet connectivity, power outages, and the exorbitant cost of data bundles remained and continue to remain serious impediments to online learning.

In addition, cultural practices of early marriages deny the girl child an opportunity to pursue and fulfil the right to education. Welbourne and Dixon¹³ agree with this saying that cultural practices like early marriages are detrimental to the girl child. In some cases, parents are influential in these early marriages as they force the girls under 18 to get married to get financial or material support. A report prepared by the Zimbabwe Youth Council (ZYC)¹⁴ for 2014, provides empirical evidence that children in Zimbabwe are affected by these cultural practices, thus failing to heed the cry of the

¹² George, S. (2009). *Too young for respect? Realising respect for young children in their everyday environments: A cross-cultural analysis* (Working Paper in Early Childhood No. 54).

¹³ Welbourne, P and Dixon, J (2015) Child protection and welfare cultures, policies, and practices; *European Journal of Social Work* Volume 19, 2016 Issue 6 (Article)

¹⁴ Zimbabwe Youth Council (ZYC) Report (2014) *"Eliminating harmful social and cultural practices affecting children: our collective responsibility,"*

girl child. The UNCT concurs with this saying that the primacy of customary law as per section 23 of the Constitution perpetuates the marginalization and exclusion of children in some spheres of society. Several NGOs, such as Justice for Children Trust and Campaign for Female Education (CAMFED), advocate against such injustice and in some cases, perpetrators, including conniving parents, have been prosecuted in the courts.

The Rights of Children with Disabilities

The rights of children with disabilities (Article 23 of the CRC) and as contained in document CRC/C/66 advocates for the priority to *ensure that they have equal opportunities to participate fully in education and community life, including the removal of barriers that impede the realization of their rights*. The Government of Zimbabwe attempts to meet this through the policy of inclusivity. Despite the government's efforts, the Zimbabwean culture does not fully embrace the disabled. Makamure (2017) concurs with this saying that the Zimbabwean culture marginalises the disabled in society. Some parents even prefer not to send the disabled child to school feeling that it might not be worth it, or they may prefer sending the child, if they can afford it, to the specialised schools which are expensive and segregated for persons with disability, thereby negating inclusivity. These decisions for disabled children are made unilaterally by the parents or guardians without any input from the affected children. Again, several NGOs advocate for the implementation of the Government's policy of inclusivity and the popularization of the dictum: *"disability is not inability."*

Religious and Cultural Practices and Their Impact on the Girl Child's Rights

Welbourne and Dixon¹⁵ argue that some traditional cultural practices place children at risk, especially the girl child, cultural practices such as *Chiramu* or sexual dalliance where the seemingly innocent verbal sexual banter between a married man and his wife's unmarried younger sisters is carried too far and the man ends up taking

¹⁵ Welbourne, P and Dixon, J (2015) Child protection and welfare cultures, policies, and practices; European Journal of Social Work Volume 19, 2016 Issue 6 (Article)

advantage of the innocent girl child. Mhlangeni¹⁶ and Raman & Hodes¹⁷ argue that cultural issues contribute to child maltreatment. Some religious practices also expose the girl child to exploitation by older men, especially among some Apostolic sects, practices such as private prayer or healing sessions where so-called religious healers ask to be left alone with the girl child. The Herald (27 April 2016)¹⁸ states that girls also experience sexual abuse and rape through religious practices in some Apostolic sects, leading to early marriages to old polygamous men in the church when the minor falls pregnant.

Traditional Cultural Healing Practices Abusive to Child Rights

Shoko¹⁹ argues that traditional healing practices such as the treatment of '*biripiri*'²⁰ (measles) which requires the child to stay indoors are malpractice leading to child abuse, especially for the girl child. Another example is the use of '*Kutemwa nyora*'²¹ (incision) to treat children suffering from '*buka*'²² (convulsions), leaving cicatrice marks on the face which the child carries for the rest of his/her life. The child is not consulted when all these practices are perpetrated on him/her, thus denying the child his/her rights. Several NGOs work with vulnerable children to address these traditional, religious, and cultural practices that deny children their rights. The SOS Villages concept in which "conventional family life" is practically re-enacted with foster parents to vulnerable children is an effective innovative approach to addressing children's right to shelter and family life in Zimbabwe. The Zimbabwe National Council for the Welfare of Children (ZNCWC) is the umbrella body that coordinates the child rights sector in Zimbabwe, which sector includes such organizations as the Girl Child Network, Childline Zimbabwe, Child Protection Society, Save the Children, UNICEF, the

¹⁶ Mhlangeni, LS (2018) Developing a Strategy to curb gangsterism

¹⁷ Raman, S. & Hodes, D. (2012) *Cultural issues in child maltreatment; Journal of Paediatrics and Child Health; PubMed*

¹⁸ The Herald (27 April, 2016) Impact of some social, cultural practices on children in Zimbabwe

¹⁹ Shoko, T (2007) Karanga Traditional Medicine and Healing

²⁰ In the Karanga Indigenous in Zimbabwe, measles is referred to as '*biripiri*'. This Shona culture requires that any child whose symptoms have been interpreted as "*biripiri*." stays indoors as part of the treatment

²¹ '*Kutemwa nyora*' is a Shona cultural practice referring to incisions or slight cuts on the surface of the skin especially on and then rubbing medicinal herbs on it. These incisions are believed to be an outlet for the illness.

²² '*Buka*' is a Shona belief referring to medical convulsions or "*seizure*." During "*buka*" a person has uncontrollable shaking that is rapid and rhythmic, with the muscles contracting and relaxing repeatedly.

Zimbabwe Human rights NGO, Care International, Justice for Children Trust and others. These organizations work in various capacities to address aspects of child rights as discussed in this paper, ranging from issues of identity and citizenship at birth, education, protection from harmful traditional, cultural and religious practices, poverty leading to children living and working on the streets, HIV AIDS and health in general, to issues of justice for children. What these organizations need is multi-sectoral support from the Government of Zimbabwe and the international community to create an environment that promotes the practice and actualisation of child rights as provided for in local and international legislation and conventions.

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