

NGO Group for the Convention on the Rights of the Child
**Database of NGO Reports presented to the UN Committee on
the Rights of the Child.**

Document Title:

**NGO Commentary of The Government of Zimbabwe's Report on the
Convention On the Rights of the Child**

Region:

Southern Africa, Africa

Country:

Zimbabwe

Issued by:

Save the Children (UK)

Date of publication of NGO Report:

11/95

Date of presentation to presessional working group:

CRC Session

(at which related national state party report was submitted):

12th Session : May - June 96

Language:

English

Document Text

[Link to related state party report at UNHCHR \(in English\)](#)

NOVEMBER 1995

These comments refer to the section headings and page numbers used in the Government of Zimbabwe's (GOZ) report.

BACKGROUND AND CONTEXT:

As a general comment poverty is a cause of child exploitation, inadequate access to educational and health services, poor housing etc. The report avoids or misses detailing specific economic problems or measures that have had a negative or positive impact on children's rights. The detailing of these measures is particularly necessary especially to a UN forum. For example the introduction of school fees, retrenchment, liberalization of prices and withdrawal of subsidies have negatively affected the well being of many Zimbabwean children. A gross labelling of poverty is not instructive.

In this context the Government's progress towards developing a Poverty Alleviation Plan should

be highlighted. If well conceived, resourced, and implemented this Plan could be critical to the way many of the problems listed above will be solved in the future.

1.

SECTION 1 - DEFINITION OF A CHILD

Minimum Ages: (p.12)

The consensus view was that GOZ's legal definition of a child is acceptable, which is in line with Convention and the African charter, but there are contradictions within some Acts: eg the African Marriages Act, The Marriages Act, the Criminal Law Amendment Act. It was felt there should be an attempt to introduce uniformity across all legislation.

(c & d) Sexual Consent and Marriage (p. 12 & 13):

"Our Marriage laws are largely in conformity with the provisions of the Convention, especially as regards minimum age for marriage and the /pledging of young girls."

This statement was strongly disagreed with. Although in law the minimum age for the marriage of boys is 18 and for girls is 16, and below this all marriages must have the parent's consent and the Minister of Justice's approval, in practice the Criminal Law Amendment Act and the Marriages Act are difficult to enforce, and pledging and early marriages are still a very frequent occurrence in some areas.

It was felt that although GOZ are in the process of revising the Children's Protection and Adoption Act, this revision should be made a priority.

(i) Consumption of Alcohol and Other Controlled Substances (p. 13):

Legislation should be introduced to prevent the sale of alcohol to children. Currently children are not allowed entry to bars and bottle stores. But sale of alcohol in supermarkets and general stores to children is not prohibited.

There should be increased publicity directed at children (and parents) on the adverse effects of alcohol and tobacco.

Respect for the Views of the Child (p.14):

The group strongly supported GOZ's statement, and recognised that "communication breakdown between parents and children" often occurs. The group recommends a widespread awareness campaign on the value of opportunities and relevant fora for children to express their views.

Civil Rights and Freedom (p. 15)

Name and Nationality (see also Section 2, Family Reunification p. 21):

The group recommends that the Citizenship Act be reviewed in respect to the problems of nationality. A child born to a Zimbabwean woman and a non-Zimbabwean man does not automatically become a Zimbabwean citizen, regardless of whether the child was born in Zimbabwe and resides there.

The group commends the fact that a child can hold dual citizenship until the age of majority and then make a choice.

The Right not to be Subjected to Torture or other Cruel, Inhumane or Degrading

Punishment (p. 16):

While the report recognizes that the issue of "corporal punishment remains controversial", the group feels that there should be strong measures to enforce the current legislation relating to the control of corporal punishment in schools. The group considers that abuse under the guise of legitimate corporal punishment is widespread.

Refer also to the section above: Respect of Children's Views. In some families/communities children are still not expected to express themselves openly to adults.

2.

SECTION 2 - FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Children Deprived of a Family Environment (p. 23 & 24):

It was felt that while occasions may arise when it is in the best interests of the child to be removed from the family into a place of safety, state alternative care does not provide the range of facilities that allow appropriate forms of treatment, rehabilitation and counselling for the different needs of such children. This is because insufficient resources are made available to provide the full range of provision.

The skills and facilities for training in assessment and rehabilitation/counselling methods are widely available through the University, NGO sector, and government. However facilities to put these skills into practice are very limited. (See Section 5 below - Special Protection.)

Abuse and Neglect (p. 23):

The issue of how Zimbabweans see the issue of Children's Rights is critical - (see attached paper by Loewenson and Chikamba section marked *A, and also above comments on Respect of Views of the Child).

The laws in relation to child sexual abuse are covered in the GOZ Report in a relatively superficial manner (see *B in the Loewenson and Chikamba paper) and recommendations on action to take in this respect have been presented by the "Child in Law Project" (see *C in the same paper).

Periodic Review of Placement (p. 24):

"Presently the maximum period a child can be permitted to remain in an institution, or a home without court review is three years." GOZ is attempting to amend this maximum period to two years.

The commendable work being done by staff in the Department of Social Welfare sometimes under difficult circumstances is noted. However if due to the shortage of staff in the Department three year reviews are currently not carried out regularly how then will a two year maximum be effected?

The staff shortage in combination with non-supporting parents and relatives results in this provision not always being easily effected.

If Government was willing to utilize the services of NGOs to complement their work this provision might be made realistic.

Currently there is no legal channel through which the children themselves can request for review of their situation. Children should have the opportunity to voice their opinion on their current circumstances.

Recovery of maintenance for the Child (p. 24 & 25)

The report refers specifically to recovery of maintenance from a person living abroad. However it does not address the inadequacies of the system for recovering maintenance from persons living within Zimbabwe.

3.

SECTION 3 - BASIC HEALTH AND WELFARE

It was generally agreed that the report addresses the issues of physical health effectively. However the report ignores the broader definition of health (WHO) which includes psychological and socioeconomic aspects of health and well being.

There was also general agreement that the statistical information used in the GOZ Report needs to be updated, in particular the statistics relating to HIV/AIDS. Because of this the size of the problem of HIV/AIDS is not reflected in the report, although in practice it is a major area of government and public concern.

While the report acknowledges a decline in the provision of health services since 1991 in its introduction, in the main body of text there is insufficient detail on the factors leading to this decline, and insufficient discussion of the GOZ's commitment and measures to reverse this trend. (See also our opening comment in Background and Context.)

Programmes in place:

HIV/AIDS (viii p. 28):

There is an Orphan Care Policy paper currently under debate, but there is no integrated HIV/AIDS policy place although one is currently being formulated. This should be a priority.

Environmental Health Programmes (ix p. 29 & 30)

Provision of Safe Water (p. 30):

The position on water and sanitation, as presented in the report, is in variance with currently known information. In a recent survey carried out in Mashonaland Central Province of the 503 farms 39 (8%) of the farm worker communities have over 80% access to sanitation, ie Blair or pit latrines, while 104 farms (21%) have between 40% and 80% access to sanitation, and 61 farms (12%) have no sanitation facilities at all. Access to protected water supplies however is enjoyed by 226 (45%) farm worker communities.

In spite of the municipal bye laws relating to sanitation and safe water supplies, 66% of the population of Harare are living with extended family members, lodging, and sleeping in the streets or squatting. Occupation rates in high density suburbs in Harare and Chitungwiza range from 9 to 30 per 200 to 300 square metre plots. Can these people who share one toilet and one tap be considered to have 100% access to safe water and sanitation?

In addition to this the 110,000 squatters in and around Harare have access neither to toilet facilities nor adequate water.

Children With Disabilities (p. 32 & 33):

Under the Health Section the report discusses provision for Disabled Children in some detail. It is interesting that educational provision and teacher training is also discussed in this section. However under Section 4 - Education, Leisure and Cultural Activities, special education is discussed briefly, outlining the number of special school facilities in the country. However no

mention is made in Section 4 of the importance of integrated education, and the fact that it should be seen as the most appropriate and main form of provision for the majority of children with special educational needs. Thus comments in this section also refer to Section 4.

In general terms government policies are in place and appropriate. However resources to implement policies are lacking. Basic issues which need to be addressed are:

- a. physical access to ordinary schools for physically disabled children;
- b. increased availability of education facilities for disabled children;
- c. all teachers undergoing formal teacher should be provided with basic skills enabling them to work effectively with disabled children in the ordinary classroom;
- d. there should be improved parent support facilities.

The report recognises the importance of the role of NGOs in this sector. The NGO group recognised that full implementation of government policy is an extremely expensive option.

4.

SECTION 4 - EDUCATION, LEISURE, AND CULTURAL ACTIVITIES

Early Childhood education and Care (ECEC) - (p. 50 to 54)

The report acknowledges the many constraints to establishing an adequate ECEC programme, and acknowledges the important role played by the NGO sector.

(f) The Priorities and Specific Future Goals outlined in the report are laudable but there has to be some indication of targets and time frame in achieving them. This must be addressed.

Primary Education (p. 54 to 58)

The Education states that "... every child in Zimbabwe has a right to primary school education and that no child in Zimbabwe shall be refused admission on any grounds what so ever. (p. 54)"

The reality is for many children is different. E.G.:

1. In the commercial farming areas the distribution of schools is such that some farm worker communities are well served and others have no opportunity to send children to school because of distance to be travelled.
2. The need for payment of an education levy excludes children from schools. These levies are determined by the parents themselves, and payment is mandatory.

The use of the word compulsory in "the government's policy of free and compulsory primary education." (p. 58) is questioned because without adequate provision and with the introduction of levies etc compulsory education cannot be enforceable.

There is evidence of a proportional reduction in enrolment since the introduction of ESAP. The group would question what the GOZ is setting by way of targets to address this critical situation, and strategies they would use to achieve this. The right to free primary education is a fundamental right.

Secondary Education (p. 58 to 60):

(b) Vocational Training and Guidance (p. 60):

This section tends to imply that much of the secondary school curriculum has a significant vocational bias which prepares pupils for life and gives "the practical skills that encourage self reliance." However there was general agreement that in reality secondary education has a very sharp academic focus and there is a marked absence of this practical orientation.

5.

Section 5 - SPECIAL PROTECTION MEASURES

Physical and psychological Recovery and Social Reintegration (p. 73 & 74):

Given the statement that "Rehabilitation activities ensure that children receive appropriate treatment for their recovery and social reintegration" and the admission in the report that "some institutions are staffed by untrained personnel these rehabilitation measures are at time not entirely effective." The group feels that more emphasis in the report should be placed on the value and development of systems of community based care.

Children in Conflict with the Law (p. 74):

There are a number of important Human Rights organizations active in Zimbabwe (eg Legal Resource Foundation, Catholic Commission for Justice and Peace, Zimbabwe Rights etc). However these organizations tend to act as Human Rights "watch dogs", rather than being involved at a project level in partnership with government agencies such as the probation or prison services to bring about change of practice. Clearly there is a need for operational NGOs to become involved in this type of activity.

At this point in time there is little or no information available to the NGO sector on specific problems for children in the various remand institutions, and the extent to which children find themselves placed inappropriately in adult prisons. However information on this may be available in the near future.

Economic Exploitation, Including Child Labour (p. 75):

The group feels it is a priority that the GOZ introduces more comprehensive legislation relating to child labour, as recommended by the Government commissioned study, and that this distinguishes between child labour and child exploitation and arrives at acceptable minimum ages for the different forms of employment. The government should commit itself to a time frame for this process.

In addition there should be legislation preventing children being present in dangerous working environments such as tobacco barns. The owners of such places should be made responsible for ensuring that children are excluded.

We recognise that monitoring activities relevant to this legislation would be difficult to implement. However if the Commercial Farmers Union and other representative bodies were involved in the drafting then some responsibility could be placed with them to ensure supervision of their membership.

6.

Section 6 - Implementation and Monitoring of the Convention of the Rights of the Child.

Existing or planned mechanisms to coordinate policies and for monitoring implementation mentioned in this section confirms that there is no mechanism for ensuring the coordinated implementation of the Convention by both government, the private sector, communities and NGOS.

The GOZ Report recommends that coordination and monitoring be done by the National Plan Of Action Secretariat, the Inter-Ministerial Committee on Human Rights and International Law, but with the more detailed input being done by the Ministry of Public Service Labour and Social Welfare (MPSLSW) which would also report yearly to Cabinet. In view of the current situation where the MPSLSW is already very overburdened and references to this have been made, could the same Ministry take on this mammoth task?

We recommend a relatively independent structure along the line of a national commission for children headed by a commissioner/ombudsperson to monitor implementation of the Convention, receive complaints of violations of children's rights (including those from children themselves) with GOZ, NGOS, and children being represented.

As yet copies of the report that were submitted to the Committee on the Rights of the Child are not widely available to the public. We recommend that the Convention and the Report are made more available, and that these are made accessible through translation into vernacular languages, and as necessary in summarized or simplified forms.

Most NGOs felt that the Report was a final document and were unaware of the process of review and updating. Neither were they aware of their potential role in supporting this review.

The Committee for the National Plan of Action acknowledged that while selected NGOs were consulted at various stages in the compilation of the report, there could have been wider consultation with the NGO community.

The committee acknowledged that the current consultation with NGOs which has produced this commentary is a valuable process.

The NGOs themselves felt that more time should have been made available for. considered comments. Responsibility for this must lie with the UN Committee's method of communicating with a limited number of NGOs at the initial stage, rather than through a recognised coordinating body, or a general distribution to many NGOS.

November 1995

[Home](#)

The NGO Reports Database on Children's Rights includes all existing and public reports submitted to the Committee on the Convention of the Rights of the Child by NGOs and NGO Coalitions. The copyright of the reports are retained by the authors and use thereof must be duly acknowledged.

The database is the property of the Liaison Unit of the NGO Group for the Convention on the Rights of the Child and is managed by that unit. For further information or other enquiries please contact the Liaison Unit at dci-ngo.group@pingnet.ch.
