

**Initial Report of the Government of the Republic of Zimbabwe under the African Charter on the
Rights and Welfare of the Child**

2013

PART I: INTRODUCTION

Preamble

Zimbabwe submitted its Common Core Document (**HRI/CORE/1Add.55**) in March 1995. In line with the Harmonised Guidelines, an update has become necessary. This addendum contains information on the developments that have taken place in Zimbabwe since 1995.

1. General factual and statistical information

A. Demographic, economic, social and cultural characteristics of the State

The People

According to the 2012 Census the population of Zimbabwe was slightly under 13 million (12 973 808), 52% of which is female. The annual population growth rate was at 1.1 percent between 2002 and 2012. Seventy percent (70%) of the population lives in the rural areas, and the remaining thirty percent (30%) live in urban areas. There are 16 official languages in Zimbabwe namely Chewa, Chibarwe, English, Kalanga, Koisian, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa.

The Land

Land in Zimbabwe covers 386,848 square kilometers, while water covers 3,910 square kilometers and of total land area, 85 percent is agricultural land, the rest consisting of national parks, state forests and urban land.

The country is divided into 10 administrative provinces.

The Land Reform Programme

Zimbabwe inherited a skewed land tenure system from the colonial era as a result of the Lancaster House Agreement of December 1979 which was only made possible by certain substantive pledges made by the then Conservative Government in Britain and the USA Government to provide full funding for land reform in Zimbabwe.

The British Government, the USA and other western countries on the other hand, pledged financial support towards the land reform programme. Between 1980 and 1997, the British support came in trickles, but it was enough to maintain a façade of British commitment. When Prime Minister Tony Blair took over office in 1997, his Government unilaterally abrogated all provisions that were crucial for the delicate compromise reached at Lancaster House and cut all funding previously directed at Land Reform. It declared an abandonment of the policy of ‘containment’ pursued by the Tories for one of ‘intrusive confrontation’ and categorically denied any British responsibility to compensate the white farmers in Zimbabwe or the colonial excesses of their ancestors. In a letter addressed to the Zimbabwean Minister of Agriculture and Land on 5 November 1997, the Secretary of State, Clare Short stated that Britain had no special responsibility to meet the cost of land purchase in Zimbabwe, as there was in place a new Government from diverse backgrounds without any links to former colonial interest. Further, although Ms. Short admitted, with some degree of doubt, that the land reform could be an important component of

a programme designed to eliminate poverty, she asserted that it was not possible for her Government to support a programme of rapid land acquisition. The USA Government, on the other hand, repeatedly made new pledges, which were not fulfilled.

On the ground, not many of the white farmers were willing to sell land to the Government. They instead, conspired to systematically hike the unit price of land beyond the reach of the supposed 'willing buyer', the Government, which had to make do with the little money availed from national savings.

As a result, very little land actually changed hands towards addressing the colonial land tenure imbalances in Zimbabwe prior to 2000. Therefore, the Zimbabwean Government ordered the law enforcement authorities to arrest the farm occupiers and bring them to book. By 2000, however, the farm occupations had become nationwide, assuming revolutionary proportions. Government was compelled to enact legislation to accommodate the wishes of the people. In order to remedy this, the Government embarked on a fast track land reform programme in 2000 to ensure that the indigenous people of Zimbabwe have access to land.

However, the fast track land reform programme caused the country to be put under the international negative attention and untold criticism on the country, and leadership. It has led to Zimbabwe's suspension from the Commonwealth and Zimbabwe's consequent decision to withdraw from the same body. Furthermore, it has also led to the imposition of sanctions against the country and travel bans against the country's political and business leadership. The Zimbabwe Democracy and Economic Recovery Act was enacted by the USA Government, thus strengthening the economic entanglement on the country. The aid that was being received by the Government of Zimbabwe was ceased. Meanwhile the IMF and World Bank have withheld balance of payments support to the Government. It is a fact that the issue of land in Zimbabwe is a social economic imperative that cannot therefore be separated from the human rights record of the country. It is for this reason that the land issue should be understood in its proper context.

The undeclared and declared sanctions imposed on Zimbabwe, caused investor flight, shortage of basic commodities, a range of externally generated inflationary pressures and the sustained diplomatic isolation orchestrated by Britain and its allies against Zimbabwe negatively impacted on Zimbabwe's security, political and economic well-being. Clearly, the land issue is central to the problems bedeviling the country, a fact that other African leaders have recognized. In his statement published in 'ANC Today, Volume 3 No. 18 of 15 May 2003, the former President of South Africa Mr. Thabo Mbeki stated that:

“Contrary to what some in our country now claim, the economic crisis affecting Zimbabwe did not originate from the desperate actions of a reckless political leadership or from corruption. It arose from a genuine concern to meet the needs of the black poor without taking into account the harsh economic reality that in the end we must pay for what we consume. The longer the problem of Zimbabwe remains unresolved the more entrenched poverty will become. The longer this persists, the greater will be the degree of instability as the poor try to respond to the pains of hunger. The more protracted this instability the greater will be the degree of polarization and generalized social and political conflict.”

This was reiterated by His Excellency, the President of Nigeria Mr. Olusegun Obasanjo in 2003 in a letter to the Prime Minister of Australia, a member of the Troika Group of the Commonwealth, pursuant to the Abuja Declaration, when he said:

“In many of our previous meetings it had been admitted that the issue of land is at the core of the current crisis in Zimbabwe and that an appropriate solution to this problem would go a long way in bringing to early conclusion other associated issues.”

The SADC Heads of States Summit has also followed suit in emphasizing the need for Britain to honour its commitments to the land reform programme. Yet Britain and its allies believe that the ‘rule of law’ and ‘human rights’ will only be respected in Zimbabwe through a restitution of the 2000 land tenure.

With the land reform exercise, the Government has asserted the right of the people of Zimbabwe to self-determination, amid challenges in fully pursuing their economic rights. The Land Reform empowers the previously disadvantaged black majority, provides a firm basis for national progress and prosperity, and also sets the stage for comprehensively meeting the economic, social and cultural rights of the people of Zimbabwe.

Social and Economic Indicators

The Zimbabwean economy is recovering from the hyper-inflationary era. Agriculture is the principal economic activity with crops including maize (corn), cotton, tobacco, wheat, coffee, sugarcane as well as peanuts, and animals such as cattle, sheep, goats and pigs. Major natural resources include gold, nickel, copper, iron, coal, chromium ore, asbestos, lithium, tin, diamonds and platinum.

The Table below depicts the current social and economic trends

| INDICATORS | VALUE | SOURCE |
|---|---------------------|---------------|
| Gross Domestic Product (2011) | US \$8. 865 billion | ZIMSTAT |
| Currency | Multi* | |
| Foreign debt, 2010 | US \$ 7.050 billion | ZIMSTAT |
| Foreign debt as a % of GDP, 2010 | 94.9% | ZIMSTAT |
| Population of Persons Aged below 15 years 2011 LFS | 41.6% | ZIMSTAT |
| Population of Persons Aged above 65 years 2011 LFS | 4.4% | ZIMSTAT |
| Population in urban areas 2011 LFS | 31% | ZIMSTAT |
| Population in rural areas 2011 LFS | 69% | ZIMSTAT |
| Annual Population growth rate | 1.1% | ZIMSTAT |
| Population with disabilities | 3% | ZIMSTAT |

| | | |
|---|-------------------------|--------------------------|
| Life Expectancy at Birth in Years | 45 years | ZIMSTAT |
| Fertility rate 2010/11 | 4.1. children per woman | ZIMSTAT |
| Maternal mortality rate, 2010/11 | 960 per 100,000 | ZMPMS |
| Under five mortality rate, 2010/11 | 84 per 1,000 | ZDHS, ZIMSTAT 2010/11 |
| Infant mortality rate, 2010/11 | 57 per 1,000 | ZDHS, ZIMSTAT 2010/11 |
| Births with skilled assistance, 2010/11 | 66.2% | ZDHS, ZIMSTAT 2010/11 |
| Net enrolment ratio, primary school, 2010 | 91% | MoESAC |
| Lower secondary school, 2009 | 49% | MoESAC |
| Upper secondary school, 2009 | 35% | MoESAC |
| Universities and Polytechnics, 2009 | 40% | MoESAC |
| Literacy rate (2011) LFS | 92% | LFCLS, ZIMSTAT |
| HIV infection rate 2010/11 | | ZMIS, ZIMSTAT, |
| 15-19 years old | 3.8% | 2010/11 |
| 20-24 years old | 7.5% | |

*Zimbabwe adopted a multi-currency system as a measure to enhance economic recovery in 2009.

B. Constitutional, Political and Legal Structures

Political Structures

Zimbabwe has 23 political parties. Political parties are not required to register in order to operate. In line with the Political Parties (Finance) Act [*Chapter 2:11*] each political party whose candidates received at least five per centum of the total number of votes cast in the most recent general election is entitled, in each Parliamentary year, to receive from the State, moneys to the proportion of the total number of votes cast for its candidates in the election.

Zimbabwe held its harmonized elections on the 31st of July 2013 which saw the Global Political Agreement (GPA), signed on 15 September 2008 by the three political parties namely Zimbabwe African National Union Patriotic Front (ZANU PF) and the two factions of the Movement for Democratic Change (MDC), coming to an end. The ZANU PF party won the elections resoundingly with close to 62% (Presidential Votes) and 75% (Parliamentary votes).

The Executive

In terms of the new Constitution, executive authority is vested in and shared among the President, the two Vice Presidents and the Cabinet. Government Ministries are based on the following thematic areas: -

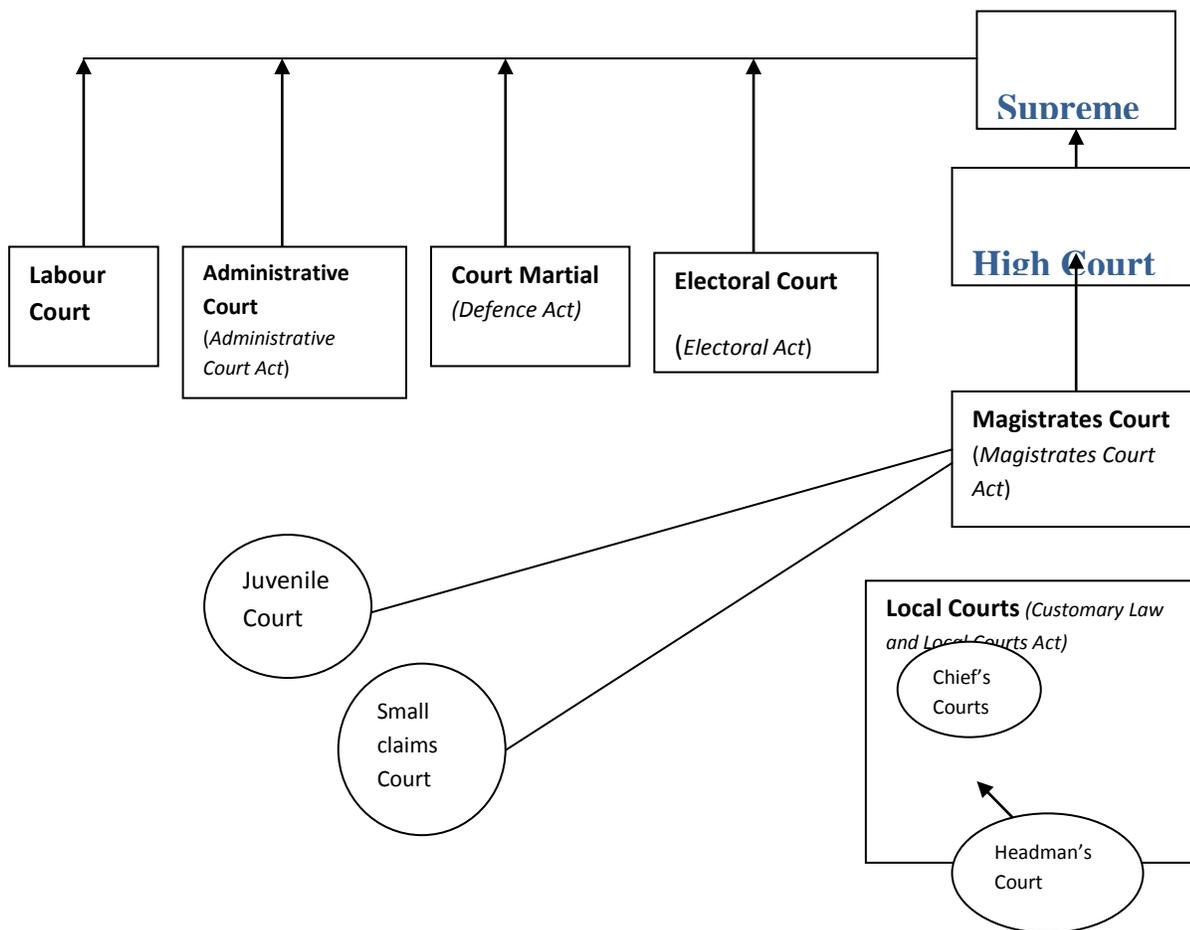
- Agriculture, Mechanisation and Irrigation Development;
- Civil Service, Labour and Social Welfare;
- Defence;
- Energy and Power Development;
- Environment, Water and Climate;
- Finance Economic Development;
- Foreign Affairs;
- Health and Child Care;
- Higher and Tertiary Education, Science and Technology;
- Home Affairs;
- Industry and Commerce;
- Information Communications Technology, Postal and Courier Services;
- Justice, Legal and Parliamentary Affairs;
- Lands and Rural Resettlement;
- Local Government, Public Works and National Housing Urban;
- Media, Information and Broadcasting Services;
- Mines and Mining Development;
- Primary and Secondary Education;
- Sport, Arts and Culture;
- Tourism and Hospitality Industry;
- Small and Medium Scale Enterprises and Cooperative Development;
- Transport, Communications and Infrastructural Development;
- Women Affairs, Gender and Community Development; and
- Youth Development and Indigenisation and Empowerment.

Other areas are covered by Ministers of State in the Office of the President.

The Judiciary

The Judicial structure now includes the Electoral Court, which is established in terms of the Electoral Act [*Chapter 2:13*] to hear and determine electoral petitions on ad hoc basis.

Parliament has since enacted the Judicial Service Act [*Chapter 7:18*] to remove magistrates and their support staff from the ambit of the Public Service Commission into the Judicial Service Commission. This is designed to enhance the independence of the Judiciary. Local Courts will remain outside the Judicial Service Commission. The Supreme Court also sits as the Constitutional Court. The structure below highlights the entire judicial system in Zimbabwe.



The Legislature

The Legislature consists of the President and Parliament. Parliament consists of two houses namely the National Assembly and the Senate. Senate membership stands at eighty (80) members, broken down as follows:-

- 60 Senators elected by registered voters, with each of the ten provinces comprising six senatorial constituencies;
- 2 representatives of Disabled persons;
- 2 representatives of traditional leaders, namely; the President and Deputy President of the Chief's Council;
- 16 traditional leaders, two elected from each of the eight provinces excluding the metropolitan cities of Harare and Bulawayo.

The National Assembly consists of two hundred and seventy members (270), all elected by registered voters. 210 for constituency members and 60 reserved for women.

In order to effectively carry out its oversight role, Parliament is divided into Committees drawn along Government Ministry portfolios, as well as thematic areas such as human rights. These Committees cut across the political divide, hence embracing all members of Parliament, regardless of their political affiliation.

In terms of section 143 of the New Constitution, the terms of office of the President and Parliament are pegged at five years.

2. General framework for the protection and promotion of human rights

C. Acceptance of international human rights norms

Below is an outline of the international and regional human rights treaties to which Zimbabwe is party.

(i) Main International Human Rights Treaties and Optional Protocols

| No. | Treaty | Status | Reservations/ / Derogations |
|-----|---|---------------------------------|-----------------------------|
| 1. | International Covenant on Economic, Social and Cultural Rights | Ratified 13 May 1991 | None |
| 2. | International Covenant on Civil and Political Rights | Ratified 13 May 1991 | None |
| 3. | International Convention on the Elimination of All Forms of Racial Discrimination | Ratified 10 April 1997 | None |
| 4. | Convention on the Elimination of All Forms of Discrimination against Women | Ratified 13 May 1991 | None |
| 5. | Convention on the Rights of the Child | Ratified 8 March 1990 | None |
| 6. | Optional Protocol to the CRC on the involvement of children in armed conflict | Ratified | None |
| 7. | Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography | Ratified 14 February 2012 | None |

(ii) Other United Nations human rights and related conventions

| No. | Treaty | Status | Reservations/ Derogations |
|-----|---|---------------------------|---------------------------|
| 1. | Convention on the Prevention and Punishment of the Crime of Genocide 1948 | Acceded 13 May 1991 | None |
| 2. | Convention relating to the Status of Refugees 1951 and its 1967 Protocol | Acceded 25 August 1981 | None |

| | | | |
|----|--|---------------------------------|------|
| 3. | Convention relating to the Status of Stateless Persons 1954 | Acceded 1 Dec 1996 | None |
| 4. | United Nations Convention against Transnational Organized Crime 2000 and its Protocols against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children | Ratified 12 December 2007 | |

(iii) Ratification of ILO Conventions

| Convention | Ratification date | Status |
|---|----------------------|----------------------------|
| C14 Weekly Rest (Industry) Convention, 1921 | 6 June 1980 | ratified |
| C19 Equality of Treatment (Accident Compensation) Convention, 1925 | 6 June 1980 | ratified |
| C26 Minimum Wage-Fixing Machinery Convention, 1928 | 16 September 1993 | ratified |
| C29 Forced Labour Convention, 1930 | 27 August 1998 | ratified |
| C45 Underground Work (Women) Convention, 1935 | 6 June 1980 | denounced on 30:05:2008 |
| C81 Labour Inspection Convention, 1947 | 16 September 1993 | ratified |
| C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 | 9 April 2003 | ratified |
| C98 Right to Organise and Collective Bargaining Convention, 1949 | 27 August 1998 | ratified |
| C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 | 16 September 1993 | ratified |
| C100 Equal Remuneration Convention, 1951 | 14 December 1989 | ratified |
| C105 Abolition of Forced Labour Convention, 1957 | 27 August 1998 | ratified |
| C111 Discrimination (Employment and Occupation) | 23 June 1999 | ratified |

| | | |
|---|----------------------|----------|
| Convention, 1958 | | |
| C129 Labour Inspection (Agriculture) Convention, 1969 | 16 September 1993 | ratified |
| C135 Workers' Representatives Convention, 1971 | 27 August 1998 | ratified |
| C138 Minimum Age Convention, 1973 | 6 June 2000 | ratified |
| C140 Paid Educational Leave Convention, 1974 | 27 August 1998 | ratified |
| C144 Tripartite Consultation (International Labour Standards) Convention, 1976 | 14 December 1989 | ratified |
| C150 Labour Administration Convention, 1978 | 27 August 1998 | ratified |
| C155 Occupational Safety and Health Convention, 1981 | 9 April 2003 | ratified |
| C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 | 27 August 1998 | ratified |
| C161 Occupational Health Services Convention, 1985 | 9 April 2003 | ratified |
| C162 Asbestos Convention, 1986 | 09 April 2003 | ratified |
| C170 Chemicals Convention, 1990 | 27 August 1998 | ratified |
| C174 Prevention of Major Industrial Accidents Convention, 1993 | 9 April 2003 | ratified |
| C176 Safety and Health in Mines Convention, 1995 | 9 April 2003 | ratified |
| C182 Worst Forms of Child Labour Convention, 1999 | 11 December 2000 | ratified |

(iv) Conventions of the Hague Conference on Private International Law

Zimbabwe ratified the Convention on the Civil Aspects of International Child Abduction, 1973. The only reservation is with respect to Article 26 to the effect that the costs mentioned in the second paragraph of Article 26 of the aforesaid Convention shall not be borne by the State.

(v) Geneva Conventions and other treaties on international humanitarian law

| No. | Treaty | Status | Reservations/ Reservations/ Derogations |
|-----|---|--------------------------|---|
| 1. | Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949 | Ratified 7 March 1983 | None |

| | | | |
|----|---|----------|------|
| 2. | Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea 1949 | Ratified | None |
| 3. | Geneva Convention (III) relative to the Treatment of Prisoners of War 1949 | Ratified | None |
| 4. | Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva 1949 | Ratified | None |

(vi) Ratification of Regional Human Rights Treaties

| No. | Treaty | Status | Reservations/ Reservations/ Derogations |
|-----|---|---|---|
| 1. | African Charter on Human and Peoples' Rights (ACHPR) | Ratified 30 May 1986 | None |
| 2. | Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa | Ratified 15 April 2008 | None |
| 3. | Protocol to the United Nations Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | Instrument of Ratification deposited in November 2012 | None |
| 4. | African Charter on the Rights and Welfare of the Child (ACRWC) | Ratified 19 January 1995 | None |
| 5. | SADC Protocol on Gender and Development | Ratified | None |

D. General legal framework within which human rights are protected

Information on the general protection of human rights, including machineries for the implementation of sector specific rights is provided in detail in Zimbabwe's initial National Report under the Universal Periodic Review, submitted to the Human Rights Council in July 2011.

National Authorities with Jurisdiction Affecting Human Rights Matters

The Zimbabwe Human Rights Commission

In order to enhance the protection and promotion of human rights, Government established the Zimbabwe Human Rights Commission (ZHRC) under section 242 of the new Constitution. The Commission has taken over the human rights mandate of the Office of the Public Protector, formerly known as the Office of the Ombudsman, thereby confining the mandate of the Public Protector to Administrative Justice.

Commissioners are appointed by the President from a list submitted by the Parliamentary Standing Rules Committee. The functions of the Commission are, among others, to: -

- promote awareness of and respect for human rights and freedoms at all levels of society;
- recommend to Parliament effective measures to promote human rights and freedoms; and
- investigate the conduct of any authority or person, where it is alleged that any of the rights in the Declaration of Rights has been violated by that authority or person.

Status of the Jurisdiction of Regional Human Rights Mechanisms

Zimbabwe is party to a number of regional human rights treaties, as depicted above. The African Charter on Human and Peoples' Rights has an individual complaints mechanism, which is managed by the African Commission on Human and People's Rights.

E. General framework within which human rights are promoted

In an effort to promote human rights, the Parliamentary Portfolio and Thematic Committees referred to above consult the public on the contents of all Bills before Parliament. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) liaises with the Parliamentary Thematic Committee on Human Rights in a number of its activities, including the training of public official on State Party Reporting.

The IMC has embarked on the publication of State Party reports that have been submitted to treaty bodies. A training manual on State Party reporting has also been developed to ensure consistency and uniformity in the preparation of reports.

Further, the IMC is divided into Sub-Committees based on thematic areas falling under the mandates of different member Ministries and Departments, which have the liberty to consult their sector specific stakeholders.

Other measures taken to promote human rights include the establishment of gender equality mechanisms and children's rights mechanisms among others, as outlined in Zimbabwe's Initial National Report under the Universal Periodic Review (UPR) 2011.

3. Implementation of common substantive human rights provisions

F. Non-discrimination and equality

Measures taken to prohibit discrimination and ensure equality have been discussed under the treaty specific State Party reports. However, the Supreme Court remains the Court of first instance for allegations of violations of the Declaration of Rights under the Constitution. The Human Rights

Commission complements the judicial remedies by investigating human rights violations, as opposed to the confinement of hearing matters presented before it. The two mechanisms ensure that human rights are not only implemented, but enforced as well.

4. Conclusion

In conclusion, since March 1995 Zimbabwe has made head way in the development and promotion of human rights for all as highlighted in this report and continues to do so as this is an ongoing process. Zimbabwe remains committed to the protection and promotion of fundamental rights and freedoms for her people as enshrined in both the Constitution and International Conventions and to actively participate in international human rights fora.

PART II: GENERAL MEASURES OF IMPLEMENTATION

2.1 Article 1: Obligations of the State

2.1.1 Constitutional and Legislative Measures

2.1.1.1 The Constitution

In terms of the old Constitution children's rights were catered for in the manner that all other human rights were provided for. In May 2013 Zimbabwe adopted a new Constitution which has very progressive provisions to protect and promote the rights of children. In terms of section 34 of the Constitution, the State must ensure that all international conventions, treaties and agreements to which Zimbabwe is party to are incorporated into domestic law. To this end, Government has enacted a number of laws to promote the rights and welfare of children.

2.1.1.2 Children's Act [Chapter 5:06]

The Children's Act was enacted to provide for the general welfare of children. Among other issues, the Act provides for the protection of children from physical and mental violence, neglect, injury, abuse and maltreatment, in line with the requirements of the Charter.

2.1.1.3 Education Act [Chapter 25:04]

Section 4 of the Education Act as amended in 2006 provides that every child in Zimbabwe shall have the right to education. The Act specifically provides for accessible primary education for all children.

2.1.1.4 Labour Act [Chapter 28:01]

The Act regulates the employment of children below the age of eighteen (18), for purposes of protecting them from exploitation, as well as exposure to hazardous occupations. Section 11 (4) of the Labour Act states that:

"No employer shall cause any person under the age of 18 years to perform any work which is likely to jeopardize that person's health, safety or morals which work shall include but not be limited to works involving such activities as may be prescribed".

The Act also makes provision for maternity benefits for expectant mothers. For the benefit of a breastfed child, legislation permits mothers to take one hour every day off their work schedule to breastfeed upon return from maternity leave for a period of six (6) months. This is in compliance with ILO Convention 183 on Maternity Protection. The Labour Act was also amended in 2005 to increase the duration of paid maternity leave from ninety (90) days to ninety-eight (98) days.

2.1.1.5 Criminal Law (Codification and Reform) Act [Chapter 9:23]

Section 70 of the Criminal Law (Codification and Reform) Act provides that any person, who has sexual intercourse with a person below the age of sixteen (16) years with or without their consent, shall be charged with rape or aggravated indecent assault or indecent assault.

2.1.1.6 Domestic Violence Act [Chapter 5:16]

The definition of domestic violence, under the Act, is very wide and includes abuse derived from any cultural or customary rites or practices that discriminate against or degrade women, such as forced

virginity testing, female genital mutilation, pledging of women and girls for purposes of appeasing spirits, abduction, child marriages, forced marriages, forced wife inheritance and other such practices.

2.1.2 Administrative Measures

2.1.2.1 International legal framework

Zimbabwe has ratified the following International instruments:

- African Charter on the Rights and Welfare of the Child;
- the Convention on the Rights of the Child (CRC);
- the Optional Protocol to the CRC on the Sale of Children Child Prostitution and Child Pornography;
- the Convention on the Rights of Persons with Disabilities;
- the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children;
- ILO Minimum Age Convention; and
- ILO Worst Forms of Child Labour Convention.

These instruments have influenced the constitutional, legislative and policy framework on child rights in Zimbabwe.

2.1.3 Programmes

Government came up with a number of programmes for children as follows:

2.1.3.1 National Programme of Action for Children (NPAC)

The National Programme of Action for Children was established in 1992 following the ratification of the CRC for the purposes of coordinating, implementing, monitoring and evaluating children's rights. The programme has continued and incorporated the values embedded in the African Charter on the Rights and Welfare of the Child (ACRWC).

2.1.3.2 Pre-trial Diversion Programme

The Pre-trial Diversion Programme was introduced in 2008 to divert young offenders from the formal court system to an informal system with the major aim of preventing young offenders from having a criminal record at an early age. The programme further seeks to rehabilitate young offenders and fully integrate them into the society. The target group for the programme is young offenders below the age of twenty-one (21) years who have committed crimes which attract a sentence of two years and below.

2.1.3.3 The Victim Friendly System

The Victim Friendly System (VFS) is a set of measures designed to ensure the protection and active participation of survivors in the criminal justice system.¹ The system was initiated by Government and

¹Protocol on the Multi-Sectoral Management of Sexual Abuse & Violence in Zimbabwe, Led by the Judicial Service Commission, page 16

women and children's rights activists in the early 1990s. This resulted in a multi-sectoral approach to offering welfare and judicial services to survivors of sexual violence and abuse.

In 1997 the amendment to section 319 of the Criminal Procedure & Evidence Act addressed the needs of all witnesses deemed as vulnerable witnesses during criminal proceedings in the Victim Friendly Court. The specific provisions of the amendment include:

- a) Having a support person during Court proceedings;
- b) Availability of closed circuit television (CCTV) in all specialized courts;
- c) Use of an intermediary, a specialist interpreter to work with vulnerable witnesses;
- d) Establishment of the Multi-Sectoral Victim Friendly System Court Sub-Committees referred to in the Protocol as the National Victim Friendly System Committee (NVFSC) and Sub-Committees;
- e) Use of anatomically correct dolls for child survivors and witnesses;
- f) Provision of witness expenses by Government;
- g) In camera trial;
- h) Allowing judicial staff to behave less formally before and during trial; and
- i) Awareness raising campaigns.

The provisions also enabled the development of the Protocol on the Multi-Sectoral Management of Children's Sexual Abuse in Zimbabwe. The original Protocol described stakeholders' roles and responsibilities with respect to the delivery of medical, care, support and judicial services to survivors of sexual violence and abuse. The second edition of the Protocol was issued in June 2003 and strengthened the focus of the Protocol on the rights of child survivors of sexual violence and abuse.

2.1.3.4 National Action Plan for Orphans and Vulnerable Children (NAP for OVC) Year

To mitigate the effect of orphan-hood, Government came up with the NAP for OVC, which promotes community-based strategies, and intervention models which provide for the care of OVC by communities.

2.1.3.5 Child Survival Strategy (2010)

The Child Survival Strategy, launched in 2010, is an over-arching strategy for all Child Health Programmes to scale up the national response to reduce the levels of child mortality and morbidity in line with the Millennium Development Goals (MDGs) and other related targets.

2.1.3.6 Expanded Programme on Immunization (EPI)

The EPI programme was adopted in 1982 and progress has been made over the past three (3) decades including improvement of vaccination coverage from 28 percent (Diphtheria Polio Tetanus 3) in 1982 to ninety seven (97%) percent (Pentavalent) by 2010.

2.1.3.7 Integrated Management of Neonatal and Childhood Illnesses (IMNCI)

IMNCI is an integrated child care approach that aims at improving household practices that are likely to have an impact on the child survival, growth and development.

2.1.3.8 Basic Education Assistance Module (BEAM)

Government constituted the BEAM programme in 2001 to assist vulnerable children access to basic education.

2.1.4 Policies

2.1.4.1 Child Rights Policy

Government is in the process of developing a child rights policy aimed at improving coordination of implementation, monitoring, evaluation and reporting on international and regional children's rights instruments.

2.1.4.2 Orphan Care Policy

The Policy provides guidelines on the protection and upkeep of orphaned children. It aims at protecting children through a six tier system which provides that the child should be put into the custody of, in order of priority; the nuclear family, the extended family, the community, foster care, adoption and lastly institutionalization.

2.1.4.3 Education Policy Circulars

Government promulgates policy circulars aimed at regulating and promoting access to education.

2.1.4.4 National Gender Policy

Government launched the National Gender Policy in 2004 which seeks to mainstream gender into all sectors and to promote equal advancement of women and men, girls and boys. The Policy is under review to further align it with international and regional human rights instruments.

2.1.4.5 National Youth Policy (NYP)

In 2013, Government launched the NYP which provides for the empowerment of youths by creating an enabling environment and marshalling resources necessary for undertaking programmes to fully develop the youth in all spheres of life.

2.1.4.6 Food and Nutrition Policy (FNP)

In 2013, Government launched the Food and Nutrition Policy to enhance food security in Zimbabwe. This policy aims to reduce child morbidity and mortality arising from malnutrition.

2.1.4.7 National Water Policy

In 2012, Government launched the National Water Policy which among other issues provides for access to clean water. This policy contributes to child survival by reducing exposure to diarrhea and other water borne diseases.

2.1.4.8 National Policy on HIV and AIDS

In 1999, Government developed the National Policy on HIV and AIDS. This policy was developed to promote and guide present and future responses to AIDS in Zimbabwe. The policy safeguards the rights of children in regard to protection from HIV infection and discrimination on the grounds of HIV infection. It also enshrines the right of children and young people to access knowledge and life skills needed to avoid HIV infection.

2.1.5 Cultural Values and Traditions

In 2004 Government developed a National Cultural Policy whose main objective is to promote cultural diversity through electronic, print media and some performances and celebrations. The Policy also seeks to provide for the development and promotion of cultural activities in schools and afford pupils access to cultural education. The Policy acknowledges that youth and children are a mirror of society in that the nation sees its achievements and its potential for the future in its own children. The Cultural Policy seeks to promote positive cultural practices. It obliges Government to facilitate the development of culturally based strategies aimed at eliminating ignorance among youth relating to sexuality, domestic violence, sexual abuse and rape. Government must also ensure that the girl child is not disadvantaged by cultural practices such as early marriages and being sole care providers within the family.

Zimbabwe ratified the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expression of 2005 in 2007. Government noted the need to mend the cultural distortions caused by colonialism, by restoring what has been neglected, through the teaching of aspects of the country's culture to all pupils in the country's multi-racial and multi-cultural society.

To discourage harmful cultural practices, various pieces of legislation have been enacted prohibiting female genital mutilation, child marriages, and virginity testing among others. These Acts include the Children's Act, Domestic Violence Act, and the Criminal Code. The marriage laws are also undergoing harmonization to ensure that a standard age for all marriages is set to further discourage early and forced marriages.

2.1.6 Coordination and Monitoring the implementation of Child Related Policies

2.1.6.1 The Child Welfare Council (CWC)

The CWC was established by the Children's Act in 2008. The CWC's functions include monitoring the overall situation of children in need of care and to ensure that their welfare and rights are advanced.

2.1.6.2 Zimbabwe Youth Council

The Zimbabwe Youth Council, established in 1997, coordinates, supervises and fosters the activities of national associations and clubs or organizations from grassroots to national level. It also facilitates youth participation in key national and international events and is the interface between Government and the youth. The Zimbabwe Youth Council manages the children's parliament programme which is a leadership development and advocacy arm on children's rights.

2.1.6.3 The Anti-Domestic Violence Council

This Council is established in terms of section 16 of the Domestic Violence Act. The functions of the Anti-Domestic Violence Council include dissemination of information, research, provision of services necessary to deal with all aspects of domestic violence and, promotion of the establishment of safe houses for the purposes of sheltering victims of domestic violence including the children pending the outcome of court proceedings under this Act.

2.1.6.4 National Programme of Action for Children (NPAC)

The NPAC coordinates activities of Government and organizations which have, as their objective, the promotion and protection of the rights of children.

2.1.6.5 Child Protection Committees (CPC)

The CPCs have been established throughout the country to encourage child participation at all levels.

- At provincial and district level CPCs are responsible for driving the implementation of NAP II.
- Mobilise resources and create synergies with other related programmes to ensure timely implementation.
- Advocate with local authorities, government institutions, private sector and donors to prioritise commitment of resources to NAP II activities and ensure close collaboration among stakeholders.
- Report to the Cabinet Committee responsible for Poverty Eradication and Social Services on the progress made yearly and when necessary.
- Oversee the implementation of any grants for OVC programmes.
- Ensure child protection in CPCs and during the implementation of the NAP II.

2.1.6.6 Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC)

Government, in 1993, established the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) to co-ordinate the compilation of State Party reports including state party reporting on the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) amongst others.

2.1.6.7 Zimbabwe Human Rights Commission (ZHRC)

Section 242 of the new Constitution provides for the establishment of the ZHRC. The ZHRC was established to monitor the implementation of human rights instruments including those related to children. The Zimbabwe Human Rights Commission Act [*Chapter 10:20*] was enacted in 2012 to operationalise the Commission.

2.1.6.8 Zimbabwe Gender Commission

The New Constitution provides for the establishment of the Gender Commission to monitor issues concerning gender equality, to investigate possible violations of rights relating to gender and to conduct research into issues relating to gender among other responsibilities.

2.1.7 Measures taken to Publicize the Principles of the African Charter on the Rights and Welfare of the Child

Government has trained Members of Parliament on the contents of the Charter and the CRC to ensure that they are well informed on the rights of children which will influence them in lobbying for the rights of children when adopting legislation. Other trainings have been held to inform government officials and communities working with children.

In close collaboration with development partners, Government carries out awareness programmes within various communities in Zimbabwe. The media also plays a critical role in publicizing the principles of the Charter.

Commemorations of various child rights days are celebrated countrywide, and information based on the particular themes is disseminated. To further publicize the Charter, exhibitions on various child rights themes are held at the Zimbabwe International Trade Fair (ZITF) and the Harare Agricultural Show (HAS) every year. These exhibitions attract people of all ages from different parts of the country.

Government is working on the development of a website for the Inter-ministerial Committee on Human Rights and International Humanitarian Law (IMC). The website will contain information on various human rights programmes being run by Government. State party reports submitted to the relevant treaty bodies will also be accessible on the website.

2.1.8 Dissemination of Reports to the Public

The methods used in publicizing the Charter will be adopted in the dissemination of this report.

PART III: DEFINITION OF THE CHILD (Article 2)

3.1 General Definition

Section 81(1) of the New Constitution defines a child as every boy and girl under the age of 18.

3.2 Definition and Description of ‘Child’ under Different Themes

Prior to the adoption of the new Constitution the Children’s Act, defined a child as a person under the age of sixteen (16), including an infant. An infant is defined as a person under the age of seven (7) years, while a minor is defined as a person under the age of eighteen (18) years. A young person is a person who has attained the age of sixteen (16) years but has not attained the age of eighteen (18) years.

Since the inception of the New Constitution all laws that have provisions contrary to the New Constitution have been subjected to review.

PART IV: GENERAL PRINCIPLES

4.1 Non-discrimination (Articles 3 and 26)

4.1.1 Constitutional and Legislative Provisions vis-à-vis Article 2

4.1.1.1 Constitutional Measures

The Old Constitution was not specific on the grounds of discrimination of a child. The New Constitution under the Bill of Rights has expanded the grounds of non discrimination by including that all persons are equal before the law whether one is born in or out of wedlock.

4.1.2 Legislative Measures

4.1.2.1 Non-discrimination regarding non-nationals, refugees and asylum seekers

In terms of section 12 of the Refugees Act [*Chapter 4:03*], persons recognized as refugees in Zimbabwe are entitled to the rights contained in the Convention Relating to the Status of Refugees. Protection measures that apply to child nationals also apply to refugee children.

4.1.3 Administrative Measures

4.1.3.1 Girl Child /Young Women Framework

The Government is in process of developing a Girl/Young Women Empowerment Framework in a bid enhance equal participation of women and men in national development processes. The Framework is based on the realization that equal participation of women cannot be achieved if discrimination, that starts at the earlier development stages of the girl child's life, is not adequately addressed. The major objective of the framework is to lay the foundation for G/YW empowerment through:

- Equal access to education, skills development and training, food and nutrition, integrated comprehensive health and protection services;
- Improved access to economic resources and services for sustainable livelihoods;
- Equal access to secure formal and informal employment and viable business opportunities; and
- Effective participation in decision making and leadership at household, community and societal levels.

4.1.3.2 Gender Clubs

Government through the Ministry of Women Affairs, Gender and Community Development has established Gender Clubs in most schools. These clubs are guided safe platforms created to allow the girl child/ young woman and boy child /young man to openly learn, share and discuss issues they face and the obstacles encountered in achieving their individual child rights. These empower the girl child and young woman to speak out for their rights and challenge their peers, schools, communities and systems that hinder or block their access to critical services thereby limiting their advancement and empowerment socially, politically and economically. The Clubs also raise awareness to community, parents and leadership on issues pertaining to negative cultural values, systems, beliefs and attitudes towards girl child/ young woman empowerment and their development.

4.1.4 Challenges faced in implementing Article 3, Plans to overcome challenges and Evaluation of progress in implementation

Section 23(3) of the Old Constitution which allowed discrimination in matters of personal law and the application of customary law was retrogressive to the achievement of the principle of non discrimination as provided for in Article 3 of the Charter and in terms of the new section discrimination is no longer permissible.

4.2 Best interests of the child (Article 4)

The Bill of Rights in the New Constitution provides that in all matters relating to children, the best interests of the children concerned are paramount. The best interest of the child principle is applied in matters of family law such as; maintenance, custody, guardianship and access, among others. Specific examples of such are, the Children's Act and the Customary Law and Local Courts Act [*Chapter 7:05*]. In terms of section 5 of the latter Act, the interests of minor children shall be of paramount interest in cases relating to their custody, irrespective of the law or principle applied. The Matrimonial Causes Act [*Chapter 5:13*] requires the Court, under section 10, to ensure that there is evidence of proper provision for the custody and maintenance of children before any decree of divorce, judicial separation or nullity of marriage is granted. Section 5 of the Guardianship of Minors Act [*Chapter 5:08*] obliges the court to grant sole custody rights to one parent only if it is in the interest of the minor child. Some examples of case law illustrating the implementation of this legislation include:

- *Moyo vs. Sithole*,² in this case the High Court in Harare ruled that neither the consideration of bride price nor type of marriage was relevant in the determination of the custody of minor children. Instead, the best interest of the child was of paramount consideration.
- *Kuperman v Posen*,³ the High Court in Harare ruled that it was not in the best interest of the children to have them sent to their mother in Israel pending the outcome of the divorce proceedings, as this would have resulted in the children being relocated twice should custody have been granted to the father.
- *Tawonanhasi vs. Tsuma and Ors* HB -63-08 (Kamocha J) (Judgement delivered 26 June 2008)
The applicant was the father of the boy born during the brief subsistence of an unregistered customary union. He was granted access to the boy and paid various sums to support the child, who was living with his mother. The mother left the country and left the boy with his grandmother, who in turn left him with his great grandmother. The applicant sought custody of the child.
HELD: What happened was clearly undesirable, when the mother left to settle in South Africa, the custody of the child should have been given to the natural parent- the father. He had paid Lobola for the Customary Union. There was no need for the custody of the child to be given to a

²*Moyo vs. Sithole*, 1985 ZLR HC-B-35

³*Kuperman v Posen* 2001 ZLR HH-54-2001

third party when one of the parents was available. A natural parent should not be deprived of his rights of custody unless he is found to be unworthy to have custody. There should be very compelling reasons for doing so. *In casu*, the evidence was that the father was a responsible person who had the means to support the child. There was no need to abandon the child to a fourth party when a willing and able father was available.

As regards institutionalization of children deprived of their family environment, the State has, in relation to orphaned or abandoned children, encouraged extended families to take up such children, while providing financial and material support to such families in collaboration with Non-Governmental Organizations, as this is considered to be in the best interest of the concerned children.

Challenges

- From 2004-2009 Government experienced a shortage in social workers. This impacted negatively on the principle of the best interest of the child. For instance, the courts have reported a shortage of probations officers required to produce social welfare reports that would guide the courts in determining the best interest of the child.
- Government has also experienced some financial constraints that have compromised the capacity of programmes and institutions aimed at protecting the best interests of the child. For example existing OVC programmes can hardly be sustained thereby creating a deficit in the capacity to meet the demands of all vulnerable children in Zimbabwe.

4.3 The right to life, survival and development (Article 5)

The Bill of Rights under the New Constitution of Zimbabwe includes the right to life. The death penalty must not be imposed on a person who was under the age of twenty-one (21) at the time that the offence was committed.

Section 7 of the Children's Act specifically prohibits the neglect or ill treatment of children in any manner that would affect their health and morals. Neglect, ill treatment or abandonment of the child includes failure to provide basic necessities such as food and clothing. Contravention of the Act attracts sentences of up to five years of imprisonment. As regards the rights to survival and development, these are further discussed under Part VII on health and welfare.

In terms of section 3(1) of the Termination of Pregnancy Act [*Chapter 15:10*], no person may terminate a pregnancy, with the exception of among others the pregnancy endangers the health of the mother, rape or incest.

Section 11 of the Labour Act provides that “*no employer shall cause any person under the age of 18 years to perform any work which is likely to jeopardize that person's health, safety or morals.*”

4.4 Respect for the views of the child (Article 7)

Government has put in place legal and administrative structures to enable children to express themselves. The protection of freedom of expression provided for under Chapter 4.11 of the New Constitution guarantees everyone (including children) the right to freedom of expression which includes freedom to seek, receive and communicate ideas and other information regardless of frontiers. More so, Government, in collaboration with development partners and civil society organizations, offer toll free postal and telephone services to allow children to report cases of abuse.

Due recognition is given to children's views on national issues and matters that affect them, as was the case during the 2011 Constitution consultative process which was conducted by Government in partnership with Civil Society Organisations, where they were widely consulted and their views informed the drafting of the Bill of Rights for children.

The judicial system, and in particular the juvenile courts generally permit presiding officers to consult the children by interviewing them in matters affecting their welfare in keeping with the best interest principle. In terms of Article 13 of the Child Abduction Act, judicial and administrative authorities can take into account the views of a child who has attained an age and degree of maturity. To this end, Zimbabwe does have in place a judicial structure in which a child's voice finds expression. However, children's views may not be decisive if authorities consider them to be contrary to their best interest.

The State has encouraged and allowed media based programmes in which children air their views. Furthermore, Zimbabwe joins other countries in commemorating the International Day of Children's Broadcasting, annually.

Children's right of expression is upheld through public communication platforms. These include dramas, interact clubs and public media. The public broadcaster takes care of children's interests through the Zimbabwe Broadcasting Services Act [*Chapter 12:06*], the Broadcasting Services and (Licensing and Content) Regulations (SI 185/2004) and other relevant legislation.

4.5 Provision of information to children and promotion of their participation (Articles 4, 7 and 12)

4.5.1 Children's Parliament

The Children's Parliament which was established in 1991 serves as a leadership development and advocacy arm on children's rights and also seeks to facilitate participation of youth in governance issues. It operates as a mirror image of the real parliament which entails that each and every parliament constituency in the country has a child parliamentarian representative. National debates are normally held once annually and child parliamentarians also engage in other activities throughout the year.

4.5.2 The Constitution Making Process

To enhance provision of information and promotion of children's participation in the constitution making process, Government in partnership with development partners published a booklet to inform and consult children on their views on children's lives, rights and responsibilities in a New Constitution. The purpose of these consultations was to ensure that children participate in the national process and input in the making of the Constitution.

PART V: CIVIL RIGHTS AND FREEDOMS

5.1 Name, Nationality, Identity and Registration at birth (Article 6)

5.1.1 Measures taken to Ensure Legal Recognition of Rights

The New Constitution guarantees the right of every child who is a citizen of Zimbabwe by birth to the prompt provision of a birth certificate and the right to be given a name and a family name. The Births and Deaths Registration Act [*Chapter 5:02*] regulates the registration of births and deaths.

5.1.2 Right to a name

Every child is entitled to a name. In cases of abandoned or orphaned children, registration is facilitated by Government, and may also provide the child with a name.

5.1.3 Registration of Births

In terms of the laws of this country, civil registration falls under the authority of the Registrar General under the Ministry of Home Affairs. This means therefore the Registrar General of Zimbabwe is the legal authority on vital civil registration. Section 35(3)(c) of the New Constitution provides for citizens of the country to be entitled to birth certificates and other identity documents issued by the State. The Births and Deaths Registration Act regulates the registration of births and deaths.

The registration of births and deaths is compulsory. Birth registration is provided free of charge to children below the age of six years. Birth certificates are issued together with a national identity number for the child. The following measures are in place to cater for birth registration:

- i. The registration offices are decentralized throughout all the ten provinces and seventy-two districts.
- ii. In 2004 Government further opened 206 sub offices in the districts to bring registration services closer to the communities.
- iii. In 2004 registration offices were established at all major hospitals to increase birth registration coverage. Hospitals and clinics issue birth confirmation records which are used to obtain birth certificates.
- iv. Government computerized the processing of all vital civil registration events. The Registrar General has computerized 63 offices throughout the country as at 17 July 2013. Government moved from analogue to digital communication to speed up the processing of vital events.
- v. Government is constructing modern District Registry Facilities to provide conducive environment to serve the public.
- vi. National mobile registrations are carried out to register communities in remote areas as and when funds are made available.

On attaining the age of 16 years, a child is issued with a national identity card reflecting the national identity number which appears on his/her birth certificate. As of 17 July 2013, the Registrar General has computerized 62 offices countrywide which issue polythene/synthetic identity documents. All initial national identity documents are issued free of charge.

5.1.4 Challenges

- Some Public Sector Investment Projects have been lying idle for years due to no funding.
- Government programme on rural electrification is yet to get to the majority of our sub offices to extend the computerization exercise to them. This, if met, would speed up the registration of vital civil registration events.
- In the rural areas, the Department has challenges establishing suitable office and staff accommodation.

5.2 Giving Consent to Change of Identity, Including Change of Name, Modification of Family Relations, Adoption and Guardianship

In terms of section 71 of the Children's Act, adopted children under the age of eighteen (18) years cannot change their name without parental consent. The same applies to adopted children who may wish to change their original name on the adoption register with the permission of his/her adoptive parents. However, the original name is required to remain on the register together with the new name. Section 18 of the Births and Deaths Registration Act reiterates this process by requiring parental consent for change of name.

It is common practice for courts in Zimbabwe to elicit the opinion of capable children with respect to adoption and guardianship in chambers depending on the merits of the case.

5.2.1 Elements of the identity of the child included in birth registration and measures taken to prevent stigmatization or discrimination of the child.

The New Constitution prohibits discrimination on the basis of whether a child is born in or out of wedlock.

The Registrar General is empowered under section 15 of the Births and Deaths Registration Act to assign a place and date of birth to children whose place and date of birth are unknown. In practice this relates to abandoned children.

5.2.2 Right to acquire nationality by children who would otherwise be stateless

Section 36(3) of the New Constitution stipulates that:

“a child who is or appears to be below 15 years of age and whose nationality and parents are unknown is presumed to be a Zimbabwean citizen by birth.”

The different categories of a child to be accorded Zimbabwe citizenship are as follows:-

- a child born to a Zimbabwean man who divorced a wife who had renounced her original foreign citizenship would be entitled to Zimbabwean citizenship whether or not that mother decides to reclaim her foreign citizenship on divorce;

- children born in or out of wedlock between a Zimbabwean woman and non-Zimbabwean man, may be registered as Zimbabwean;
- children born to refugees are registered and accorded the citizenship status of their parents;
- a child born to irregular migrants is registered but is not accorded Zimbabwean status

5.2.3 Preservation of Identity

In a situation where neither parent is a Zimbabwean citizen, though legally resident in Zimbabwe, the children are entitled to the nationality of their parents, and they get registered as non-citizens of Zimbabwe. These measures, which are in line with international practice, were put in place in order to ensure that all children are registered in compliance with the Charter.

5.3 Freedom of expression (Article 7)

See Para 4.5 above.

5.4 Freedom of thought, conscience and religion (Article 9)

5.4.1 Exercise of Freedom vis-à-vis Child's Evolving Capacities

The Bill of Rights in the New Constitution guarantees freedom of thought, conscience and religion in conformity with the requirements of the Charter. The constitutional guarantee is crosscutting, hence covering children belonging to minority groups.

The Government introduced moral education under the Education Act, which allows children to learn and discuss moral values together with religious values, without restricting these to a particular religion. This broad coverage of moral values as opposed to what amounts to a promotion of one religion seeks to address the freedom of worship as enshrined in the aforementioned constitutional provision.

The fact that the Constitution recognises the freedom to worship in the religion of one's choice is aptly addressed in the case of *Dzvova vs. Minister of Education, Sport, Arts and Culture*⁴ where a pupil was prevented from attending classes by the school which required that he cut his dreadlocks contrary to his religious beliefs. The Supreme Court ordered that the pupil be allowed to enter school and that the school should not discriminate against the pupil on the basis of expression of his hairstyle or his religious beliefs.

5.5 Freedom of association and of peaceful Assembly (Article 8)

Under Chapter 4 of the Bill of Rights all citizens have the right to assemble and associate freely.

In practice, children freely associate and participate in activities such as performing arts, Interact clubs, AIDS clubs, public speaking and Scripture Union among others.

There are other associations for children such as Boy Scouts, Girl Guides, Junior Parliament, Junior Councilors and Dance for Life which encourage good citizenship, fellowship and good leadership qualities in line with the Charter. Through these initiatives, children associate freely and are encouraged to engage in self-help projects and charitable activities. Cultural exchange programmes are organized under the auspices of these associations.

⁴Farai Dzvova V (1) Minister of Education, Sports and Culture (2) Ruvheneko Primary School (3) F Nyahuye. Judgement No. 26/07, Civil Application No. 291/06, ZLR (25).

5.6 Protection of privacy (Article 10)

5.6.1 Measures taken to Ensure Protection of Privacy

The right to privacy is protected under the Bill of Rights in Chapter 4 of the New Constitution. However, the protection is subject to parental consent and this is in line with Article 20 of the Charter, which requires parental guidance and direction on matters concerning the rights of children.

The right to privacy is further guaranteed under the Children's Act. Section 5 of the Act prohibits the publication of the names, addresses and schools or any information that would reveal the identity of a child involved in proceedings in a court. Section 5(5) of the Children's Act prohibits publishing of children's names except by leave of the court.

The Domestic Violence Act prohibits virginity testing among female children, which is a violation of the girl's privacy.

The right to privacy is also guaranteed under the Access to Information and Protection of Privacy Act (AIPPA) [*Chapter 10:27*]. Information relating to personal privacy is protected under the AIPPA if disclosure of such information will result in a threat to the applicant's or another person's safety.

5.7 Protection against child abuse and torture (Article 16)

The Bill of Rights in the New Constitution guarantees the right to human dignity; freedom from torture, inhuman and degrading punishment and any other such treatment and this equally applies to children.

The Children's Act prohibits assault, ill treatment and abandonment of children by their parents or guardians. The Domestic Violence Act recognises children as potential victims of domestic violence, and includes violence committed in the presence of children as emotional abuse. In defining a potential complainant, Section 2 of the Act includes 'a child of the respondent, whether born in or out of wedlock, and includes an adopted child and a step-child.' Thus, a child may make a complaint directly to the authorities through a number of individuals outlined in the Act including a police officer, a social welfare officer, an employer of the complainant, a person representing a church or religious organization or a private voluntary organization concerned with the welfare of victims of domestic violence, a relative, neighbor or fellow employee of the complainant or a counselor.⁵

⁵ Domestic Violence Act 5:16. (2006) § 2.

PART VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

6.1 Parental guidance (Article 20)

Government supports and enhances the family environment by providing health, educational and social facilities, while family heads, who are either biological parents, relatives or foster parents, have the responsibility of giving appropriate guidance and direction to children in terms of the Zimbabwean law.

According to the ZDHS of 2010-2011 around six (6) in ten (10) children are not living with both parents. More than one-quarter of children are not living with either parent. Just over one fifth of children under the age of eighteen (18) years are orphaned, that is, one or both parents are deceased.⁶

Government through the NAP for OVC caters for children who have lost their parents by providing school fees, health care, food and accommodation amongst other necessities. The results of the ZDHS show that double orphaned children are slightly more disadvantaged with respect to school attendance in comparison with other children; eighty-eight percent (88%) of double orphaned children were attending school, as compared to ninety-five percent (95%) of the other children.

Challenges

- The resources available to provide social facilities are limited when compared to the demand.
- Child headed households (constituting less than two percent (2%) of households in Zimbabwe) do not have an adult figure to provide parental guidance. Reliance is on community initiatives to provide guidance to these children.

6.1.1 Parental Educational Programme/ Family Counselling Services

Government and development partners have made investments in conducting ICYF- related training courses. These courses include: Breastfeeding Counseling; HIV and Infant Feed Counseling; Breastfeeding Management and Promotion in Baby-Friendly Hospital; and Infant and Young Child Feeding Counseling; An Integrated Course, among others. These courses are either conducted as separate trainings or combined courses with others such as Prevention of Mother to Child Transmission (PMTCT) trainings or Integrated Management of Newborn and Childhood Illness (IMNCI) training. Multiple health worker trainings have been conducted over the years and more than forty-nine (49) hospitals out of the targeted two hundred and thirteen (213) have been designated “Baby Friendly” since 1993 when the initiative was introduced. However, most of the institutions need assessment and re-certification since the trainings were done more than five years ago.

Family clubs under the NAP for OVC strengthen the capacity of families and communities to provide quality care for children and create a nurturing environment where all children will thrive and develop to their full potential. The clubs offer opportunities to adapt existing skills to the rapidly evolving societal roles.

In terms of the Domestic Violence Act, families can undergo counselling in situations of violence. The Courts are empowered to order counselling where they are of the view that a victim of domestic violence

⁶Zimbabwe Demographic and Health Survey 2010-2011. Zimbabwe National Statistic Agency, (2012)

or other persons involved require such counselling. Further, in October 2007, the Anti-Domestic Violence Council was established to monitor the implementation of the Act, which includes counseling services. This Council is composed of representatives from Government Ministries and civil society organizations mandated to deal with children's rights.

6.1.2 Having Access to Information Concerning the Biological Family

An adopted child may only access information concerning the biological family from the age of eighteen (180 years. This is subject to administrative procedures and counseling services as provided for in the Children's Act.

6.2 Parental responsibilities (Article 20.1)

Generally, parental responsibilities are provided for under the Children's Act. The laws relating to custody and maintenance of children confer the common responsibility of the upbringing and development of children on parents. Children born in and out of wedlock, fall under the full responsibility of both parents. Issues of awarding custody, in the case of separation or divorce of the parents are considered in line with the principle of the best interest of the child and custody is determined in terms of the Children's Act. One parent will be accorded custody rights while the other remains with access rights so that the rearing responsibilities are shared as far as possible. Parents may also be granted joint custody.

Where custody is awarded to one parent, the other parent has the duty to maintain the child in terms of the Maintenance Act [*Chapter 5:09*]. This also applies to children who are dependents of such adults. Recovery of maintenance from parents or guardians living abroad is done in terms of the Maintenance Orders (Facilities for Enforcement) Act [*Chapter 5:10*]. The Act so far applies to 26 designated countries. Where no such reciprocal arrangements exist, affected countries rely on their diplomatic relations.

6.2.1 Measures taken to Support Parental Responsibilities

The Social Welfare Assistance Act [*Chapter 17:06*] makes provision for parents who are facing challenges in carrying out their responsibilities to apply to the Government for assistance, through the Department of Social Welfare.

6.3 Children separated from their parents (Articles 19.2&3 and 25)

As discussed under Article 20, parents have the responsibility over the custody of their children, unless it is not in the child's best interest to remain in the custody of his/her parents. However, where there are reasonable grounds for believing that an offence is being committed upon a child or young person, section 14 of the Children's Act grants relevant authorities with powers to remove such children from their parents' or guardian's custody. These children may be taken to a place of safety.

In the event of an emergency or humanitarian crisis, Zimbabwe has a framework of response through the Civil Protection Unit which is child friendly.

6.3.1 Right of Separated Child to Maintain Personal Relations and Direct Contact with both Parents

Where separation is for purposes of awarding custody to one parent as opposed to the other, the absent parent is entitled to apply for access rights in terms of the law.

6.4 Family reunification and children deprived of a family environment (Article 25.2(b))

The Constitution of Zimbabwe guarantees the right to enter and leave Zimbabwe freely subject to immigration requirements. Zimbabwean children are now also issued with passports in their own right. This provides an opportunity for family re-unification. As discussed under Article 19(2), where separation from parents is sanctioned by an order of the court, access rights so granted will have to be evoked.

Where children or young persons are proven to be foreigners, and, are not represented by an Embassy or High Commission or a Consular office, Zimbabwe issues the child or adult with a non-citizen travel document, which allows them to travel back to their country of origin. With regards to refugee children the Government and other development partners facilitate family tracing and reunification.

6.5 Maintenance of the child (Article 18.3)

The Maintenance Act provides for the making of orders for maintenance of dependent persons and for the enforcement of those orders. Parents are primarily and jointly responsible for the maintenance of their children until the children attain the age of majority or become self supporting.

Where the parent(s) are deceased, the children are to be maintained from the estate of their parent(s) in line with the Deceased Persons Family Maintenance Act [*Chapter 6:03*]. This includes adopted children and children born out of wedlock.

6.6 Adoption and periodic review of placements (Article 24)

The Department of Social Welfare runs a programme that ensures that children in difficult circumstances are fostered and adopted to allow for their care. Probation officers work with the police and other law enforcement agencies to ensure the application of the Children's Act.

The Children's Act outlines adoption procedures including the concealment of identity of an adopted child, and the adopted children register. Section 57 of the Act provides that the court shall appoint a probation officer to act as guardian of the child in order to safeguard the interests of the child before the court. Government has developed guidelines on foster care and adoption. Where foster or adoptive parents cannot be secured, children are placed in private care or public institutions.

Periodic reviews are conducted during the first five (5) years of adoption in order to assess whether the child has adapted to the new environment.

6.7 Abuse, neglect, exploitation including physical and psychological recovery and social integration (Articles 16 and 27)

Zimbabwe has laws and policies that protect children against abuse, exploitation and violence. The Children's Act empowers authorized persons to remove from any person's custody, children who appear abused or neglected.

The Criminal Law (Codification and Reform) Act, has widened the scope of sexual offences, thereby offering children of either sex, more protection. The Act also protects mentally challenged children from sexual predation.

A Multi-Sectoral Response Against Sexual Violence of Children comprising of members of the Judicial Services Commission, Police, Education, Health, Social Services and a number of child centred private voluntary organizations has been adopted by Government. Capacity building and awareness programmes are held in schools and communities on abuse and preventative measures.

Additional structures in place include health institutions and victim friendly units in the police stations. All health institutions have the capacity to provide survivors of sexual abuse services which include counseling, forensic examination, administration of post-exposure prophylaxis, prophylactic treatment for sexually transmitted infections and treatment for prevention of pregnancy. Government is in the process of establishing 'child sensitive' survivor friendly clinics within the institutions. To date four survivor friendly clinics have been established. There are 269 police stations with victim support units manned by 817 police officers.

In addition, Victim Friendly Courts have been established at seventeen (17) out of thirty (30) Regional Courts in the country in order to create a confidential and conducive criminal justice delivery system. The increase and countrywide distribution of the establishments has significantly reduced the distance children have to travel to access justice, while also easing the case backlog in the courts.

The Courts are equipped with cameras and close circuit televisions, which are designed to allow child survivors to talk freely and comfortably without having to face the perpetrator(s) who may instill fear in the victim and cause substantial emotional stress. In addition the law has been amended to allow the use of anatomically correct dolls for very young children to utilize while explaining their trauma.⁷ There are other options children may use to explain their experience such as drawing, dramatizing and role playing. An amendment to the Criminal Law (Codification and Reform) Act now enables state registered nurses to examine sexually abused children and give evidence in court, and this has provided vulnerable children, especially those in rural areas, with greater protection under the law. Sexual abuse cases were usually delayed due to the legal requirement that only a medical doctor should conduct the examination of the child.

⁷Amendment NO.8 of 1997 of the Criminal Procedure and Evidence Act.

As already stated in this report, the Domestic Violence Act provides for the protection and relief of victims of domestic violence, by offering civil remedies such as counselling services, as well as protecting children from physical and psychological harm.

VII: HEALTH AND WELFARE

7.1 Survival and development (Article 5)

This is as reported under section 4.3 of this report on the right to life, survival and development.

7.2 Children with handicap (Article 13)

Government has put in place legislative measures to cater for the welfare and rehabilitation of disabled persons. The Constitution of Zimbabwe and the Disabled Persons Act [*Chapter 17:01*] both prohibit discrimination on the grounds of disability, thus providing for and recognizing the rights of disabled children. Under the Disabled Persons Act, 1992, Government has created the National Disability Board, which facilitates, among others:

- access to education and employment of disabled persons;
- participation in sporting, recreation and cultural activities;
- prevention of discrimination against disabled persons on grounds of their disability.
- ensure compliance with international treaties relating to the welfare of disabled children

Government allocates ten percent (10%) of the BEAM programme funds to special needs schools for children with disabilities.

7.2.1 Access to Rehabilitation and Other Services

7.2.1.1 Efforts to increase and improve access to rehabilitation facilities.

Special education programmes have been included in the curricula of teacher training institutions and universities to address issues of disabled children. Rehabilitation/Technician Training Schools have been established to train personnel in the care of disabled persons.

Through the community based rehabilitation Programme, disabled children in the rural areas are assisted so far as possible to live an independent life through the provision of orthopedic appliances and other equipment and adaptation to the home environment.

Government has put in place preventive measures to protect children against disability. The Public Health Act [*Chapter 15:09*] provides for the immunization of children against disabling diseases such as polio. Early detection of disability is undertaken through screening and the use of “at risk registers” as well as the growth monitoring of children. Government is also running programmes to educate the public on accident prevention in the home, which may result in disability.

The presence of children with different types of disabilities requires a school environment which caters for the requirements of this special group. Government therefore created a Division for the Schools Psychological Services and Special Needs Education to cater for the provision of quality education to children with various disabilities and the setting up of structures for learners with disabilities such as the National Education Audio Logical Laboratory which produces hearing aids and the National Braille Printing Press for printing textbooks for the blind. The Ministry of Higher and Tertiary Education is responsible for training teachers for special needs education. However, Government has found it difficult to retain Speech Therapists. The Table below shows statistics of children with disability and special needs:

| Special School | Number of schools | Enrolment | | Total |
|-------------------------------------|-------------------|-----------|--------|--------|
| | | Boys | Girls | |
| Mentally Challenged | 17 | 399 | 447 | 846 |
| Visually Impaired | 3 | 182 | 138 | 320 |
| Language Deficiency | 1 | 51 | 29 | 80 |
| Hearing Impaired | 6 | 507 | 395 | 902 |
| Special Class Primary | 1 297 | 14 155 | 9 446 | 23 601 |
| Special class Secondary | 34 | 567 | 341 | 908 |
| Resources Units Mentally Challenged | 253 | 1 042 | 838 | 1 880 |
| Resources Units Visually Impaired | 42 | 150 | 88 | 238 |
| Resources Units Hearing Impaired | 119 | 124 | 378 | 502 |
| Multipurpose Units | 16 | 50 | 35 | 85 |
| Totals | 1 788 | 17 227 | 12 135 | 29 362 |

(Source: Ministry of Education, Sport and Culture – 2012)

The idea of having resource units for learners who are mentally challenged was implemented as a way of reducing pressure on the few special schools in the country and as a way of promoting inclusive education. The challenge at the moment is to provide skills training for learners who would have completed primary school education. The large number of units at primary school level is not matched by the few facilities at secondary school level. There has also been a number of hearing impaired children entering formal schools and the introduction of resource units in both primary and secondary schools has resulted in more of these children accessing education.

Multi-purpose resource units have been established where there are not enough children to have resource units based on each category of disabilities. These are found mainly in sparsely populated areas of the country. The multi-purpose resource units are meant to facilitate access to education by all learners irrespective of their type of disability.

The following table shows the number of children with disabilities and other special needs who were in the various special needs facilities and programmes in 2012.

| | Number of Learners | | |
|--------------------|--------------------|--------|---------|
| | Boys | Girls | Total |
| 1. Special Schools | 4 281 | 3 672 | 7 953 |
| 2. Resource Units | 13 496 | 8 690 | 22 186 |
| 3. Special Classes | 14 722 | 4 970 | 19 692 |
| 4. Remedial | 49 613 | 62 719 | 117 332 |

| | | | |
|---------------|--------|--------|---------|
| 5. Mainstream | 4 283 | 5 621 | 9 904 |
| TOTAL | 86 395 | 85 672 | 172 067 |

(Source: Ministry of Education Sport and Culture- 2012)

Challenges

- Inadequate resources to meet specific needs for people living with disabilities.
- Shortage of trained professionals such as speech therapists and sign language teachers.
- Societal discriminatory attitudes towards people with disabilities.

Response

- Government continues to address these challenges through sensitization and awareness raising strategies.

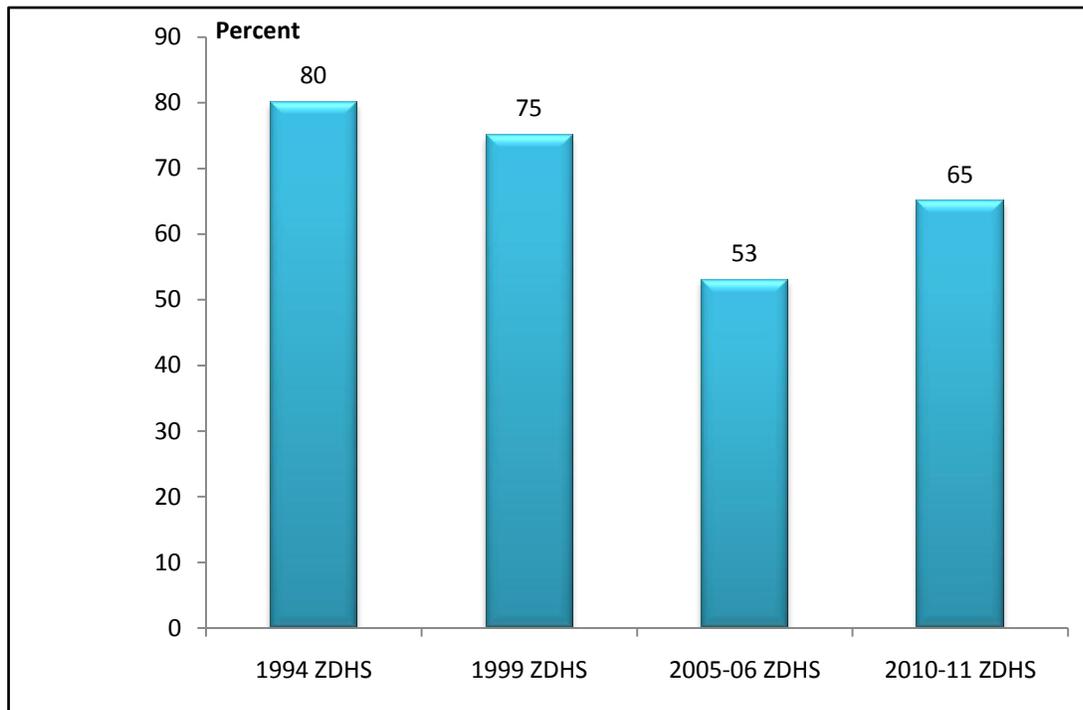
7.3 Health and Health services (Article 14)

7.3.1 Basic Health

The New Constitution now guarantees the right to health. The Public Health Act provides for the protection of public health, including the prevention and suppression of infectious and sexually transmitted diseases, as well as the regulation of the provision of safe water and food supplies and improved sanitation. The Public Health Act also makes provisions for the promotion of good infant nutrition through encouraging and promoting breastfeeding and the setting of standards on the composition and quality of infant foods and feeding articles. It further provides for the sampling, testing and the regulation of marketing and sale of infant foods, and feeding articles. The Act also provides for the immunization of children.

Government runs the Expanded Programme on Immunisation (EPI) which seeks to ensure vaccines are available to all children throughout Zimbabwe. The EPI programme was adopted in Zimbabwe in 1992 and tremendous progress has been made over the past three decades, including improvement of vaccination coverage from 28 percent (DPT3) in 1982 to 97 percent (Pentavalent) by 2010. Due to the harsh economic conditions, coverages were below 80 percent between 2007 and 2009. The situation improved from 2010 and coverage for DPT3 containing antigen (Pentavalent) is currently at 87 percent. Full vaccination coverage has increased from 63 percent in 2005/6 to 65 percent in 2010/11 ZDHS. Figure 1 below shows the trends of immunisation coverage :

Figure 1: Trends in Immunisation Coverage



With support from Global Alliance on Vaccine Immunization, Government introduced the Pentavalent Vaccine in 2010, and in 2011, introduced the Pneumococcal Vaccine to curb cases of pneumonia and meningitis.

National Immunisation Days (NIDs) for poliomyelitis and measles have been held every five (5) years, starting from 1998, to vaccinate those not reached by routine immunization and to boost the vaccination coverage as part of the strategy to reach the eradication and elimination goals.

Challenges

- The brain drain and the shortage of drugs and equipment continue to affect the public health delivery system.
- Limited availability of free drugs for children under the age of five (5) at Government hospitals, thereby requiring parents to purchase drugs from expensive sources.
- There has been an increase in the number of children who have been orphaned, or whose social and economic vulnerability has increased due to serious illness of a parent or other adult in the family.⁸ The Zimbabwe Demographic and Health Survey (2005-2006) also found that one (1) in ten (10) children was considered as vulnerable, i.e., they lived in a household in which at least one adult had been chronically ill during the year before the survey, or they had at least one parent living in the household, or elsewhere who had suffered from a chronic illness.

⁸ Ibid.

- Limited coverage of pediatric anti-retroviral (ARVs) remains one of the challenges for child survival.
- Limited financial resources in maternal care contributing to high rates of infant morbidity and mortality

7.3.1 Measures taken to Reduce Infant and Child Mortality

To address the challenges caused by brain drain, Government in 2005 passed legislation to set up the Health Services Board. The Board was created to regulate and monitor service delivery, mobilize human and financial resources and to improve conditions of services in the health sector.

Local pharmaceutical companies were granted permission by Government to produce patented ARVs drugs in Zimbabwe. However, the companies are facing challenges affecting production.

In order to avert mortality from preventable and high burden diseases such as HIV/AIDS, Government has put in place an AIDS levy managed by the National Aids Council (NAC) of Zimbabwe.

Government has exempted pregnant mothers and children under the age of five from paying for health services; however the full realization of this benefit faces financial constraints.

According to the 2010-2011 ZDHS the under five (5) mortality rose from a level of eighty-two (82) deaths per one thousand (1000) births in 2005-2006 to eighty-four (84) deaths per one thousand (1000) births. About ninety-six percent (96%) of deaths among children under five (5) are caused mostly by AIDS forty one percent (41%), neonatal causes twenty-eight percent (28%), pneumonia fifteen percent (15%) and diarrhea twelve percent (12%). Since most of these diseases can be prevented, Government has been implementing simple evidence based cost effective high impact interventions that can reduce morbidity and mortality such as immunization, providing mosquito nets, skilled attendants at births and encouraging breast feeding, provision of safe water and sanitation and prevention of mother to child transmission of HIV.⁹

7.3.2 Provision of Medical Assistance and Health Care for Children

Children under five (5) years receive free treatment in public health institutions and also access free treatment for AIDS and tuberculosis.

Under current policy, every citizen is supposed to live within eight (8) kilometers of a health facility. Geographic access is reasonable, with a wide network of health facilities particularly in the rural communal areas and urban areas. Previous construction of health facilities tended to leave out the commercial farming areas since their population was relatively sparse. With the current agrarian reforms more people are being resettled in the former large-scale commercial farming areas, and that geographic access to health facilities for the growing population in these areas is being addressed. Throughout the country buildings have been identified in the newly resettlement areas to operate as health points and outreach services have been revitalized with support of fuel and transport from partners /

⁹Ministry of Health and Child Welfare, Annual Report, 2011

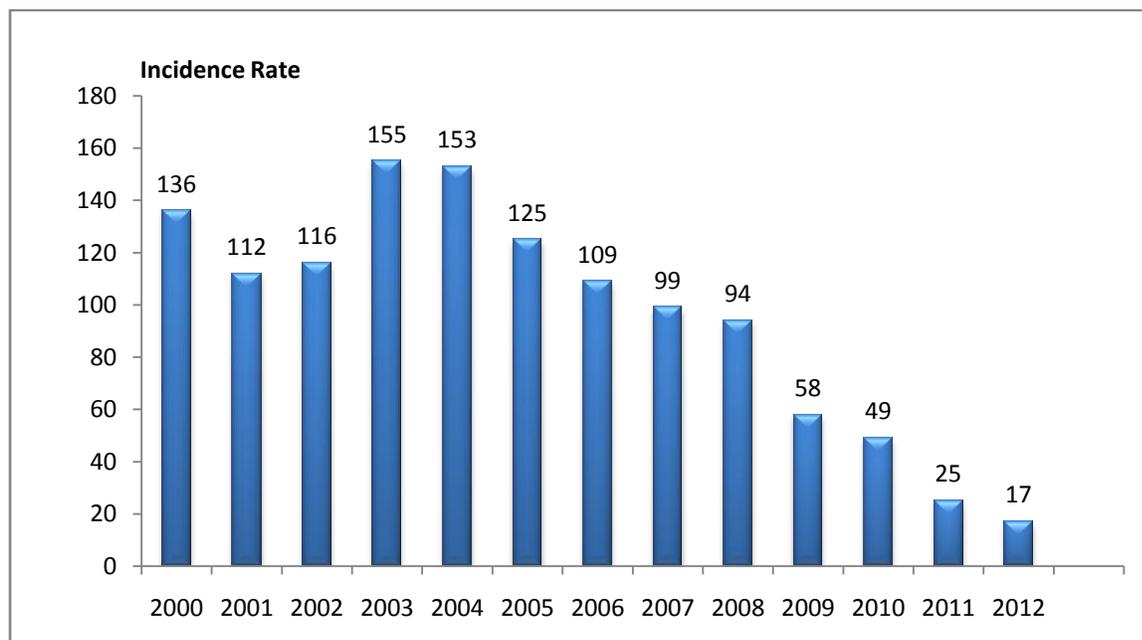
agencies. Operational vehicles and ambulances have been secured to improve access to basic and referral services at district level.

7.3.3 Prevention of Disease and Malnutrition

7.3.3.1 Prevention of Malaria

Zimbabwe is a signatory to the Abuja Declaration that urged countries to put concerted efforts to attaining interim Progress Indicators towards the 2010 Roll Back Malaria (RBM) goals. Malaria remains a major health challenge. The National Malaria Control Programme, with support from various partners, implements interventions such as the Indoor Residual Spraying (IRS), Intermittent Presumptive Treatment in Pregnancy (IPTP), and use of Long Lasting Insecticidal Nets (LLINs). As a result of these interventions there has been reduction in the malaria incidence rate from 95 cases per one thousand (1000) population in 2007 to twenty-five (25) cases per one thousand (1000) in 2011. Twenty percent of the cases reported in 2011 were of children under the age of five (5).

Figure 2: Malaria Incidence

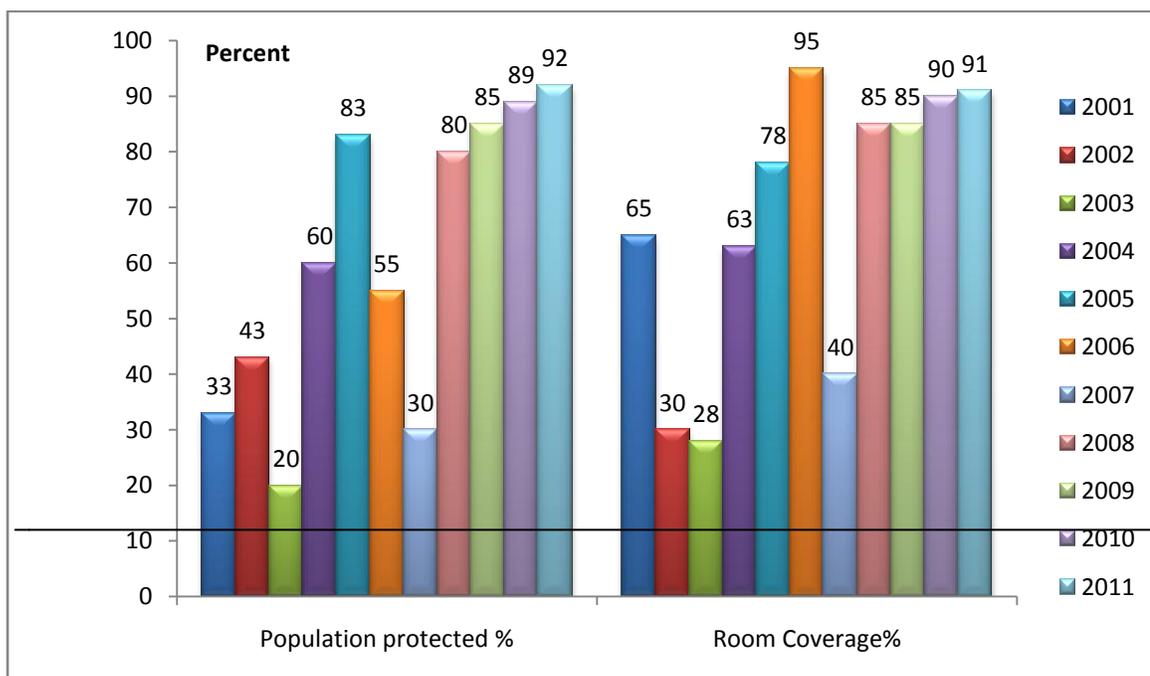


Source: Ministry of Health and Child Welfare Annual Report 2011

The 2012 Malaria Indicator Survey revealed that Long Lasting Insecticidal Net utilization by children under five (5) years was 49.6% and 49.1% for pregnant women. During the 3rd quarter of 2012 Population Services International (PSI) supported the distribution of four hundred and fifty-seven thousand (457 000) LLINs to cover the coverage gap in 7 moderate to high transmission districts and five (5) out of the seven (7) districts attained one hundred percent (100%) coverage.

IRS coverage has remained above the universal coverage of eighty percent (80%). (See Figure below – Source National Health Information 2001 – 2011).

Figure 3: Trends of IRS Coverage and Population Protected 2001-2011, National Health Information 2001 – 2011



7.3.3.2 Prevention of Malnutrition

To address child malnutrition, there is a child supplementary feeding programme (CSFP) that goes all the way back to the early 1980s, and has been resuscitated as and when it was needed. With the prolonged droughts of the 2000s, CSFP has been almost continuous since 2002, though it might have been stopped at certain times of the year such as immediately after the harvest. To ensure quality is maintained and that children are protected, all the food that is distributed in the CSFP is tested.

For severely malnourished children who require more intensive support, there is a Therapeutic Feeding Programme which is carried out at health facilities, with an initial supply of pre-packed therapeutic milk and related drugs coming from development partners. The main challenge is that continuing to supply imported therapeutic milk is expensive and therefore not sustainable in the long run. Hospitals are thus encouraged to make their own therapeutic milk from raw ingredients (milk, water, cooking oil and cereal) based on a standard recipe. Zimbabwe is one of the few countries in the world that has a Code on Marketing of breast-milk substitutes which can be legally enforced. This measure ensures that breast milk substitutes do not get advertised as being superior to breast milk.

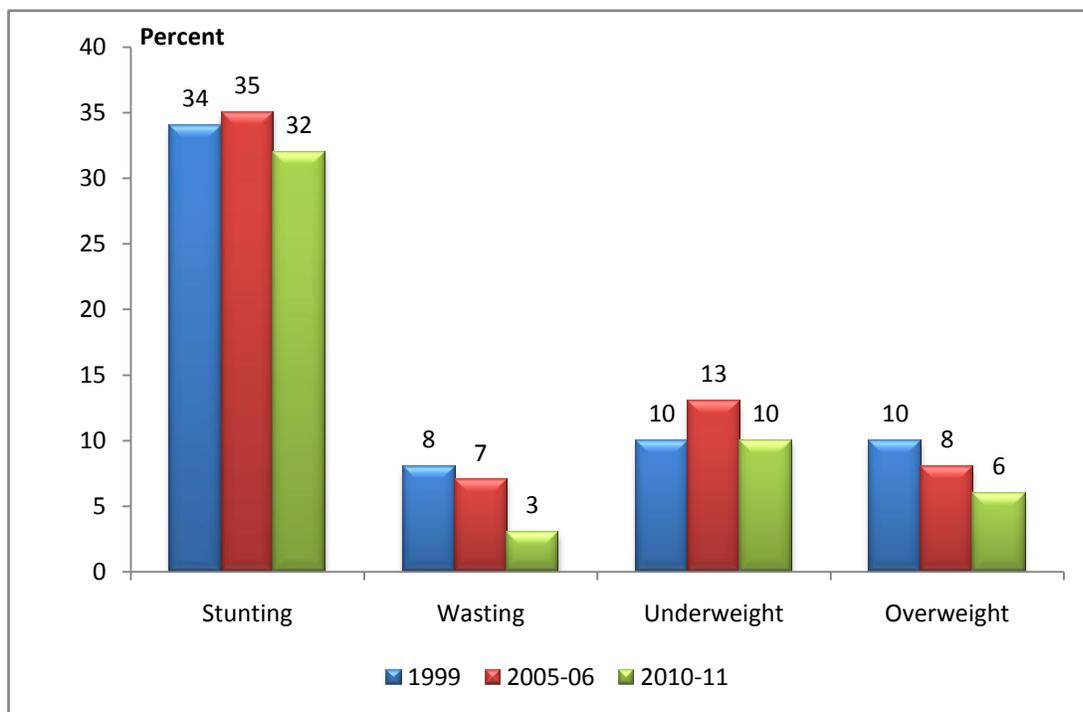
Government in partnership with development partners came up with a specific nutrition programme to cater for the needs of HIV infected people. Guidelines on nutrition for HIV infected people have been published as well as a question and answer booklet.

Supplementary feeding is also offered in schools when the need arises.

7.3.4 Treatment of Acute Malnutrition

Malnutrition remains a major challenge to child survival and development in Zimbabwe. About thirty-two percent (32%) of children under the age of five (5) are chronically malnourished (stunted), and ten percent (10%) are under weight while three percent (3%) suffer from acute malnutrition (wasting). Rates of Global Acute Malnutrition (GAM) at national level have remained relatively stable over the past decade. Rates at national level fall below the global emergency threshold of ten percent (10%), but there are pockets throughout the country where rates of acute malnutrition exceed the national threshold of seven percent (7%) - particularly during the hunger season (October through February). While the levels of acute malnutrition were relatively low over the past decade, levels of chronic malnutrition have remained unacceptably high. This is a cause of concern since according to global estimates, maternal and child under nutrition is the underlying cause in thirty-five percent (35%) of all child deaths.

Figure 4: Trends in Nutritional Status of Children under Age 5, ZDHS 2010-11

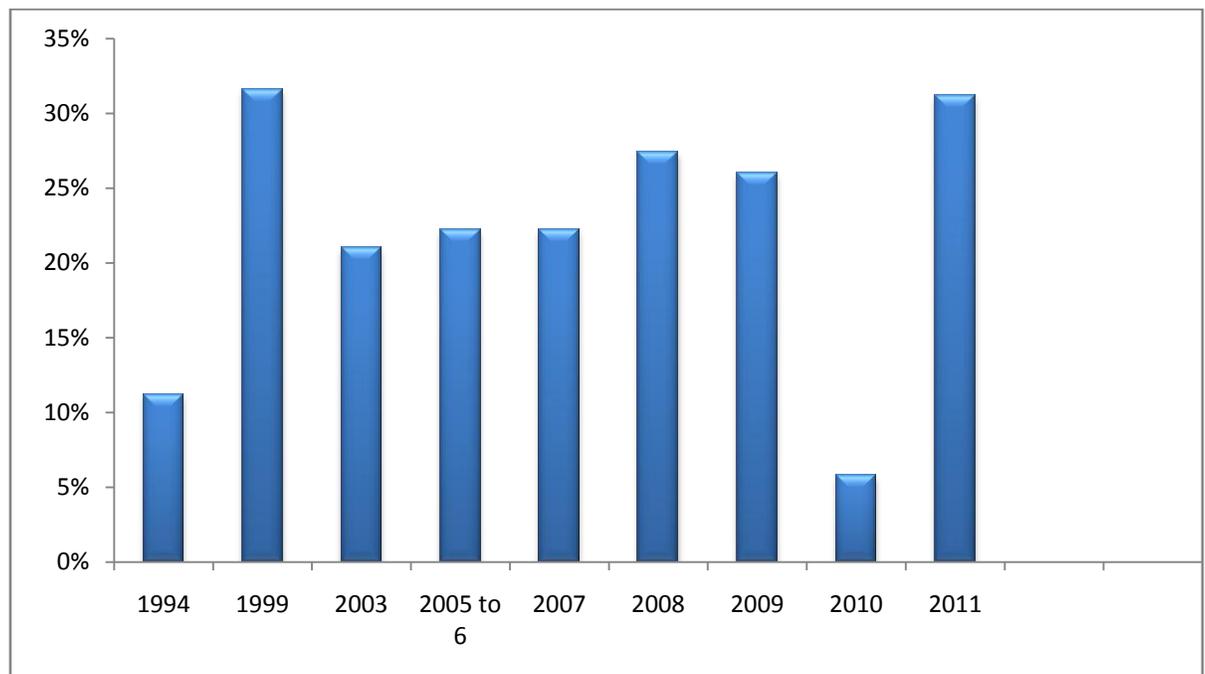


About seventy percent (70%) of children admitted for treatment of Severe Acute Malnutrition (SAM) in Zimbabwe are HIV infected. An estimated eighteen percent (18%) percent of chronically ill patients in Zimbabwe suffer from accompanying acute malnutrition. Consistent with the 2007 joint UN statement on the 'Community Based Management of Acute Malnutrition (CMAM)', the Government of Zimbabwe has adopted CMAM as its primary strategy for managing acute malnutrition.

Sixty-four percent (64%) of the health facilities in Zimbabwe provide services for the community management of acute malnutrition. About nineteen thousand (19,000) children under five (5) years and adults were treated for acute malnutrition in 2011. The cure rate was recorded as fifty-four percent (54%), mortality rate five percent (5%), defaulter rate twenty-five percent (25%) and proportion of non recovered patients is sixteen percent (16%).

7.3.5 Infant and Young Child Feeding programmes (IYCF) in Zimbabwe

Figure 5: Exclusive Breast Feeding Rates; 1994-2011



Government has been implementing programmes aimed at promoting and supporting breastfeeding for over a decade. Such programmes include the Baby Friendly Hospital Initiative (BFHI) which was launched in Zimbabwe in 1992, following the 1990 Innocenti Declaration on Protection, Promotion and Support of Breastfeeding. The BFHI is part of the global effort to implement optimal feeding practices that protect, promote and support breastfeeding. Zimbabwe endorsed the Global Strategy for IYCF in 2002, following which a national IYCF programme was instituted; a major component of the IYCF programme is training of health workers in breastfeeding counselling and complementary feeding counselling. Zimbabwe which is a signatory to the International Code of Marketing Breast Milk Substitutes amended the Public Health Act in 1997 to include infant and young child feeding regulations. The rates of breastfeeding are high in Zimbabwe, but rates of exclusive breastfeeding (EBF) remain low. An estimated ninety-seven percent (97%) of infants are ever breastfed with sixty-five percent (65%) of newborns breastfed within the first hour of life, and ninety-two percent (92%) within the first day. This is believed to contribute to the success and continuation of breastfeeding. However, only 31.2% of children nationally are exclusively breastfed for the first six (6) months of life.

Complementary feeding is usually initiated either too early or too late in Zimbabwe. Mothers are seen introducing foods other than breast milk as early as the first month of life. Early introduction of complementary feeding is one of the common causes of diarrhoea in children which contributes towards increased infant mortality. This early introduction of complementary feeding is a result of external pressures and mixed messaging.

Lack of support for breastfeeding mothers is often associated with breastfeeding failure, as mothers are vulnerable to external pressures and mixed messaging.

Government and development partners have made investments in conducting ICYF- related training courses. These courses include: Breastfeeding Counseling; HIV and Infant Feed Counselling; Breastfeeding Management and Promotion in Baby-Friendly Hospital; and Infant and Young Child Feeding Counseling; among others. These courses are either conducted as separate trainings or combined courses with others such as Prevention of Mother to Child Transmission (PMTCT) trainings or Integrated Management of Newborn and Childhood Illness (IMNCI) training. Multiple health worker trainings have been conducted over the years and more than forty-nine (49) hospitals out of the targeted two hundred and thirteen (213) have been designated “Baby Friendly” since 1993 when the initiative was introduced. However, most of the institutions need reassessment and re-certification since the trainings were done more than five years ago. The percentage of rural district with Village Health Workers trained on Community IYCF increased from twenty-one percent (21%) in 2011 to twenty-nine percent (29%) in 2012. The pool of Village Health Workers trained on IYCF counseling increased from three thousand one hundred and fifty (3 150) in 2011 to four thousand three hundred and fifty (4 350) in 2012.

7.3.6 Provision of Pre and Post-natal Health Care for Mothers and new born babies.

The government has recently revised the Focused Antenatal Care (FANC) Protocol based on the current WHO (2010) guidelines. The revised FANC protocol provides for ‘at least four (4) antenatal care visits for uncomplicated pregnancies’ and it also recommends that pregnant women should book early, within twelve (12) weeks gestation. According to the 2010-2011 ZDHS, sixty-five percent (65%) per cent of women who had a live birth in the five years preceding the survey had four or more ante-natal care visits. The proportion of pregnant women receiving iron supplementation increased from 42.9 percent in 2005-2006 to fifty percent (50%) in 2010-2011.

Based on findings of the 2012 Census, maternal mortality rate is at 525 deaths per one hundred thousand (100 000) live births.

According to the 2010-2011 ZDHS, the proportion of births attended by skilled personnel was sixty-six percent (66%). The percentage of live births delivered by a skilled provider observed in the 2010-2011 ZDHS represents a slight reduction from the figures reported in the 2005- 2006 ZDHS sixty-nine percent (69%) and the 1999 ZDHS seventy-three percent (73%). The decline in skilled birth attendance is also attributable to the severe socio-economic challenges experienced by the government over the past decade.

The percentage of women with a first post natal care visit within forty-eight (48) hours of delivery dropped from thirty percent (30%) in 2005-2006 to 27.5 percent in 2010-2011. National post-natal care guidelines have been recently produced to assist service providers in identifying essential care which every woman and her baby should receive, as appropriate to their needs during the first six weeks after

birth. Based on the current recommendations from WHO, the post natal care guidelines recommend that women and neonates should receive post natal care at the following times: one (1) day, three (3) days, seven (7) days, fourteen (14) days (for HIV exposed infants) and at six (6) weeks , after delivery.

Government has embarked on a national programme to orient health care providers on the revised FANC protocol and post natal care guidelines. With support from partners, procurement of essential MNCH commodities is ongoing to ensure adequate provision of quality antenatal care, safe and clean delivery and post natal care services.

To ensure timely provision of reliable and accessible MNCH (including pre and post natal care) data for evidence based programming, Government has embarked on a programme to strengthen its health information system through among other things, the revision and development of key data collection instruments.

Government in conjunction with development partners developed the Zimbabwe Maternal and Neonatal Health (MNH) Road Map 2007-2015. The MNH Road Map aims to address the current maternal and neonatal health challenges facing the country. The Road Map is meant to provide the basis for an increased and long term investment to reduce the current levels of maternal and neonatal mortality and morbidity. It further provides guidance to all strategic partners, stakeholders and programmes for a more coordinated, multi-sectoral and national response to maternal and neonatal mortality and morbidity. It also focuses on improved health service delivery at all levels: from highly specialized tertiary hospitals to community based services.

The MNH Road Map builds on the agreements and objectives of various international conferences and summits in response to the observed shortcomings in the health of specific populations and health systems across the world. These include the Safe Motherhood Initiative (1987), the ICPD Programme of Action (1994) and the Millennium Summit (2000). In Zimbabwe, MDGs 4 (to reduce Under Five Mortality), 5 (to improve Maternal Health), and 6 (to combat HIV and AIDS, Malaria and other diseases), are all given high priority. Through the recognition that technical and financial resource constraints present a serious challenge to meeting the health related MDGs and targets, the Road Map is designed as a basis to mobilize sufficient resources for MNH services.

7.3.7 Disability and rehabilitation

Government is reviewing existing and developing new guidelines and standard procedures for the provision of comprehensive and quality disability prevention and rehabilitation services to persons of all ages including children and the elderly. The rehabilitation information system is being revised in line with the NHIS and the standard rehabilitation manual, specifying minimum standards of care and is due to be completed in 2013. The national guidelines on the National Community Based Rehabilitation Programmes are being reviewed and updated in line with the recommendations of the recently launched WHO CBR Guidelines (Abuja 2010) and the World Disability Report (Geneva 2011). The National Action Plan for Disability Prevention, Functional Rehabilitation and Orthopaedic Devices is incorporated in the National Health Strategy. Deliberations are underway for the development of a Disability Prevention and Rehabilitation specific Policy and strategy which will represent the national goals and strategies towards preventing disabilities (primary prevention and timely and appropriate management of

injuries) and improving the quality of lives of persons with disabilities. This will include policies on prescription and other issues concerning assistive devices for children.

Government is refurbishing rehabilitation departments and rehabilitation villages and updating treatment equipment at all levels of care in order to improve the quality of care and increase accessibility to services.

A Monitoring and Early Intervention System for babies and young children “at risk” of disability and those with established disabilities has been put in place to ensure that babies and young children who are at risk of disability are detected early and timely intervention measures are put in place to ensure improved quality of life and that impairments do not develop to severe disability. For children functional rehabilitation is the gateway for access to all social services and full enjoyment of rights.

Furthermore, Government is currently finalizing a standard training manual and guidelines on management of children with disabilities to strengthen the capacity of health workers in identification, monitoring, referral and management of children at risk or with established disabilities. The system has also been designed to monitor developmental disabilities in babies and young children who are HIV positive or are exposed. The system helps to reduce the national disability burden by improving functional, educational and social outcomes for children with disability.

Government has also established a programme for training nurses and other health workers in sign language and raising awareness on deafness and hearing impairments as a strategy to ensure that the Deaf Community and those with hearing disabilities access and enjoy health services of the same quality as other community members. The current Strategic Plan of the Ministry (2009-2013) includes mainstreaming of disability in all health programmes and activities ensuring persons with disability exercise their right to receive correct and up to date health information and services.

In 2011, Government, working with development partners, established a Children’s Rehabilitation Programme whose main goal is to ensure that children with disability enjoy their right to a protective and nurturing environment within which they reach their full potential. The expected outcome is improved functional, educational and social development for the children. Major objectives include; improving the capacity of rehabilitation personnel in both urban and rural areas to provide comprehensive care and services to children with disability, their careers and family. The focus is on functional rehabilitation in order to increase the children’s access to basic education, vocational training and social integration. It also aims to develop centres of excellence for children’s rehabilitation, support in-service training, research and act as tertiary referral centres. It further aims at developing a national database of children with disability which will inform planning and facilitate access to social services.

7.3.8 Awareness on HIV and AIDS

Government produced syllabi on HIV and AIDS for use in schools, tailor made to suit children from Grade 4 to Advanced Level.

7.4 Social security and child-care services and facilities (Article 20.2(a-c))

Government has a National Pension Scheme (NPS) which is administered by the Ministry of Labour and Social Services' parastatal NSSA. The Scheme was established in terms of Statutory Instrument (SI) 393/1993. It provides an important cushion for Zimbabwean citizens during invalidity, retirement or death of a bread winner who was a member of a scheme. Employers have a duty to ensure that contributions of their employees are paid to NSSA.

The Pensions and Other Benefits Scheme offers the following four main types of benefits:

- a) Retirement Pension and Grants;
- b) Invalidity Pension and Grants;
- c) Survivor's Pension and Grants; and
- d) Funeral Grant.

The benefits are payable either in the format of a grant which is a one-off payment or a pension paid on a monthly basis in arrears. Children of breadwinners benefit under these schemes until they have attained the age of majority.

In order to ensure social security and the availability of childcare services, Government has put in place strategic interventions including poverty assessment studies, social policy development, reform strategies in and disaster response.

7.4.1 Assisted Medical Treatment Orders (AMTOS)

It is a government fund set aside to assist vulnerable children by paying medical bills when they fall sick.

7.4.2 Harmonized Cash Transfers

Cash Transfer Programme (HSCT) is a key programme pillar of the revised National Action Plan for Orphans and Vulnerable Children (NAP OVC) 2011-2015 and its accompanying Child Protection Fund (CPF). The Programme of Support is a pooled funding mechanism managed by UNICEF in partnership with the Ministry of Labour and Social Services (MOLSS) which seeks to address inequities through a comprehensive child protection and social protection approach to the vulnerable children and families. It was designed, as one of its main pillars, to support the DSS to design a national government owned and coordinated cash transfer programme which targets labour constrained food poor households with clear targeting, monitoring and evaluation and implementation strategy. By implementing a cash transfer programme the CPF aims to reduce household poverty of approximately 55,000 extremely poor households including those with orphans and other vulnerable children. The cash transfer programme will be implemented in all ten provinces of Zimbabwe covering one district per province with a total population of approximately 231,657 households (according to the 2002 census). The overall objective of CF is to contribute to a national child and social protection framework and to revitalise existing Government programmes to assist the poorest and most vulnerable families. The government' current social cash transfer scheme supports the elderly, the disabled, child headed and the orphans. To complement the already existing scheme, the HSCT will focus on the labour-constrained households that are extremely poor or food poor.

7.4.3 Pensions National Pension Scheme (NPS)

The Scheme was established, and is administered, in terms Statutory Instrument 393 of 1993. Introduced in 1994, the Pension and Other Benefits Scheme is based on a 50/50 contribution from the employers and employees. The workers are entitled to a number of benefits after contributions for a minimum set period and having met the qualifying condition of each of the benefits. It provides an important cushion for Zimbabwean citizens during invalidity, retirement or death of a breadwinner who was a member of the scheme. It is the noble duty of the employers and employees to ensure that contributions are paid to NSSA.

The Pension and Other Benefits Scheme is for every working Zimbabwean above the age of 16 years and under the age of 65 years who is in permanent employment, seasonal, contract or temporary employment. This does not include domestic workers and the informal sector who are expected to join at a later stage. And because it is a national scheme it is a compulsory requirement by law for all Zimbabwean workers who meet these criteria to become members and contribute towards it. Upon joining, every registered employer is issued with a social security registration number and every registered employee is issued with a social security number for life.

The Pension and Other Benefits Scheme is financed through a defined Benefits – scaled premium method, where equal monthly contributions are made by both employers and employees as follows:

- 1.3% of basic wage/salary by employee
- 2.3% of basic wage/salary by employer

The total of 6% of basic wage/salary is paid to the nearest NSSA office on or before the 10th of each month. Employers are obliged to ensure that contributions are deducted and paid to NSSA. The Insurable Earnings Ceiling from which deductions are made has been set at Two Hundred Dollars (US\$200) per month.

7.4.4 Benefits Payable By the Scheme

The Pension and Other Benefits Scheme offers four main types of benefits and they are as follows:

- Retirement pension and grants
- Invalidity pension and grants
- Survivors' pension and grants
- Funeral Grant

7.4.6 Basic Education Assistance Module (BEAM)

BEAM is a national programme through which Government provides financial assistance to children who are struggling to attend school, in particular, orphans and vulnerable children. It was established in 2001 and is one of the social protection measures provided by Government, under the Enhanced Social Protection Programme. The primary objective of BEAM is “to reduce the number of children dropping out of school, and reach out to children who have never been to school due to economic hardships. Its main development objective is to prevent irreversible welfare losses for poor households who resort to withdrawing children from school in response to increasing poverty”¹⁰

¹⁰Basic Education Assistance Module (BEAM) Review: Options for scaling up OVC education support.

The specific objectives of BEAM include:-

- Payment of tuition fees, examination fees and school levies;
- Ensuring gender equity - At least fifty percent (50%) of assisted students at secondary level should be girls; and
- Reaching children with special needs (children with disabilities).

As from 2001 to 2012 the highest figures for BEAM was in 2005, the programme reached out to more than nine hundred and sixty-nine thousand (969 000) children, representing 27, 2 percent of the enrolled children. This has made BEAM the largest education assistance programme in the country.¹¹

Challenges

- Due to the current economic challenges, the pension payouts are proving to be inadequate to meet basic needs.
- Limited financial resources have compromised the full achievement of the above mentioned programmes.

7.5 Care for orphans (Article 26)

The Children's Act provides that children deprived of their family environment be entitled to special protection and assistance. Before the court considers placing a child under foster care or adoption, preference is given to the extended family and all other family structures. Institutionalization is taken as the last resort.

NAP for OVC, promotes community-based strategies, and intervention models which provide for the care of OVC by communities. Civil Society is complementing Government efforts in setting up community based child protection projects. These projects include giving assistance in the payment of school fees, educational needs, capacity development in life skills and skills development for livelihood projects.

Through the community-based interventions, Government has resuscitated the concept of Zunde raMambo.¹² The Zunde raMambo provides for food security and the nutritional needs of OVCs.

UNICEF, March 2008

¹¹Potential candidates for case studies, Zimbabwe, UN & Partners Alliance on OVC. 29th-31st August, 2006.

¹²Zunde Ra Mambo is communal field work by the community for the benefit of the indigent. Crops harvested through this programme are kept specifically to feed the disadvantaged within the community, in particular children.

PART VIII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES

8.1 Education, including vocational training and guidance (Article 11)

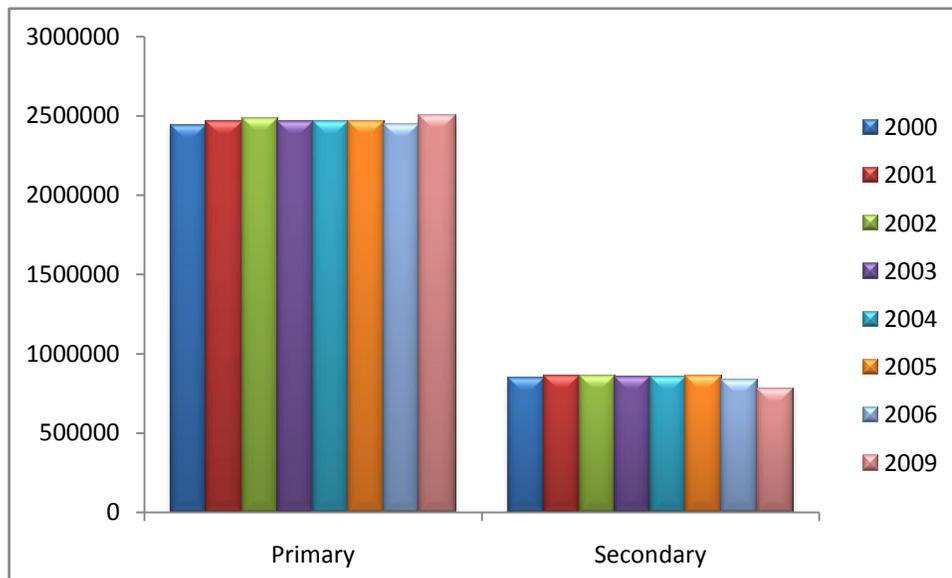
8.1.1 Free and Compulsory Primary Education

One of the objectives of the New Constitution is that the State must take measures to ensure that free and compulsory basic education to children is provided. Section 75 of the New Constitution further provides for the right to education. Government's objective to make primary education free was carried through for a period of approximately ten (10) years after independence. This could not be sustained due to inadequate resources, as well as compliance with the Economic Structural Adjustment Programme (ESAP) undertaken in 1992. The Social Dimension Fund was then established to provide a safety net for the vulnerable children. The Education Act of 2004 was also amended in 2006 to provide that no child shall be refused admission to any school and that primary education for every child shall be accessible. The amendment further provides that tuition fees shall be maintained at the lowest possible level at the same time maintaining the high standards of education.

In order to make education accessible to the majority of learners, the amended Education Act enabled Government to regulate the charging of fees and levies. Accordingly, it is mandatory for every responsible authority to first apply for approval before charging or increasing any fee or levy.

8.1.2 Primary and Secondary School Enrolments

Figure 2: Primary and Secondary Enrolment



Enrolment in primary education remains high with a Net Enrolment Ratio (NER) consistently above ninety percent (90%), with no major differences in urban and rural settings. Government has achieved gender parity in primary and secondary education. In 2010 more than ninety-seven percent (97%) of all primary schools had ECD classes. More than one thousand (1000) satellite schools were established to cater for the needs of the population in resettlement.

Parents and communities continue to have confidence in education and to send their children to school. Enrolment in both primary and secondary schools, which declined between 2007 and 2009 owing to the economic meltdown, recovered significantly in 2010 due to the introduction of the multi currency system.

Zimbabwe has achieved universal primary education as required by the declarations made on the Millennium Development Goal and the World Fit for Children. There are almost equal numbers of female and male pupils in grades one (1) to seven (7), while in forms one (1) and two (2) there are more females enrolled in schools. Female enrolment declines with subsequent forms and reaches a low of just over forty percent (40%) in A-level.

8.1.3 Increase in Rate of Drop-Outs

In 2006, a total of thirty thousand, three hundred and fifty-nine (30 359) primary school pupils of whom forty-eight percent (48%) were female, dropped out of school. There was no major difference between the percentages of pupils dropping out of school for both primary and secondary school with an average dropout rates for Grade one (1) to six (6) and Form one (1) to three (3), in 2003 of nine percent (9%) for both levels. Primary school dropouts generally increased between 2000 and 2005. The same pattern prevailed for Form one (1) to three (3). Since 2000 Grade ones had the highest dropout rates, followed by Grade six (6). The drop-out rates for girls are generally higher than those for boys at various levels.

There are various reasons why children in primary schools are dropping out of school. In 2006, twenty-nine percent (29%) of the pupils dropped out of school due to financial reasons (thirty percent (30%) for girls and twenty-eight percent (28%) for boys), seven percent (7%) were ill (seven percent (7%) of both girls and boys), six percent (6%) died (seven percent (7%) of boys and six percent (6%) girls), one percent (1%) were married (two percent (2%) for girls and 0.2 percent for boys), 0.3 percent for pregnancy related reasons (0.6 percent for girls and 0.1 percent for boys) and 0.4 percent were expelled (0.4 percent for girls and 0.3 percent for boys).¹³

As a response to the increasing drop-out rates, Government introduced the BEAM programme, discussed above, as one of the means to reduce the number of children dropping out of school. Pregnant girls also used to be expelled from schools. However in 1999, Government changed the policy and allowed the girls to go back into the formal education system, after delivery. This is accompanied by counselling of the girl and the responsible boy, if he too is a schoolboy, as well as their parents. Both are sent on leave and readmitted after delivery of the baby.

8.1.4 Second chance education

Government with the support of cooperating partners has introduced the second chance learning initiative whose main objective is to provide a second chance opportunity to children of school going age who have dropped out of school to return to school. The focus of the initiative is not just academic but also takes into account technical and vocational training to equip the children for life after they have left school.

¹³ EMIS, 2006

The objectives of the second chance education are to identify all children of school going age who dropped out of school and provide them with opportunities for reintegration into mainstream education. Emphasis is on those who can still benefit from mainstream formal education and to provide skills based education for children and young people who dropped out of school, but who can no longer be reabsorbed into mainstream education.

Challenges

- The main challenge facing BEAM relates to financial constraints. The demand for educational assistance outweighs the funds available.
- Late disbursement of BEAM funds affecting the administrative functioning of the schools

8.1.5 Teaching Staff

Progress has also been achieved in the recruitment of teachers, with 2010 showing a substantial recovery in the number of teachers in both primary and secondary schools.

Figure 3 and 4 au-dessous show that teacher numbers have grown slightly faster than enrolment in secondary, resulting in a declining pupil teacher ratio in secondary education, and a slightly higher ratio in primary level.

Figure 3: Teacher numbers 2000 – 2009

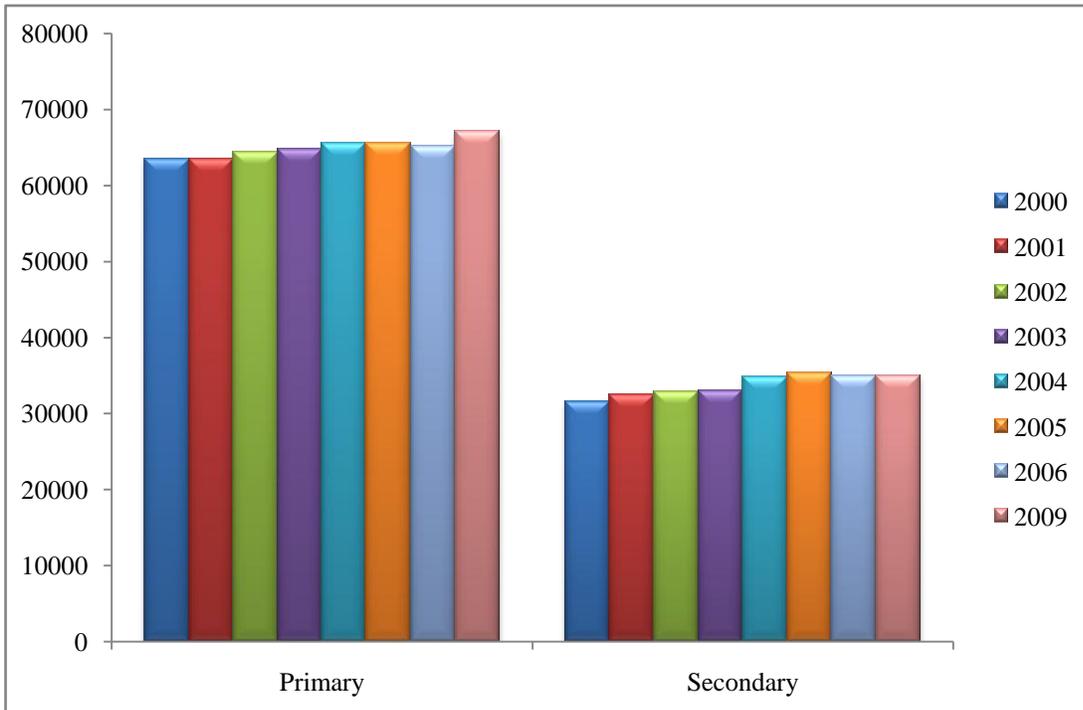
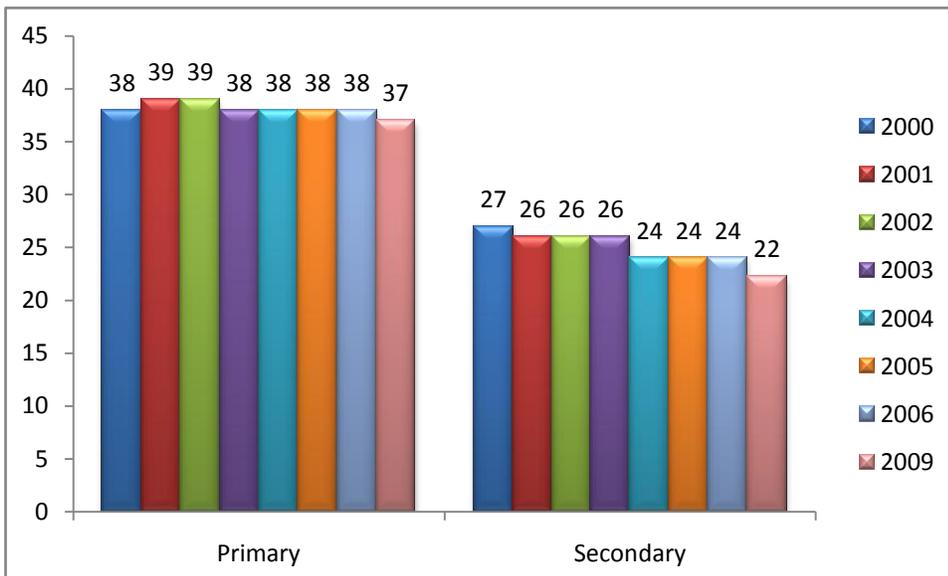


Figure 4: Pupil to Teacher Ratios 2000 – 2009



At the turn of the millennium up to 2008, the country faced a number of challenges that resulted in twenty-thousand (20 000) teachers leaving their positions.

In 2009, Government introduced the payment of teacher incentives in an effort to retain teachers. To attract more teachers into the system, Government put into place mechanisms to re-appoint teachers who had been deemed to have abandoned their posts. However, there are still considerable vacancies in high demand subjects such as Mathematics, Science and in Practical and Commercial subjects. As of January 2013, Government has managed to fill posts for other subjects. The extremely high pupil teacher ratios in the remote districts of Zimbabwe, such as Binga with a pupil trained teacher ratio of 65:1 and 66:1 in primary and secondary schools respectively, remain a major concern. This is caused by the fact that teachers shun being deployed in remote areas. In order to create a conducive socio-economic environment to attract teachers to remote areas, Government has introduced rural allowances over and above other allowances to cater for the hardships faced by rural teachers. Through this incentive Government has managed to motivate trained teachers to go to remote areas of the country. Furthermore, as a result of the Rural Electrification Programme, Government has managed to retain a number of qualified teachers at rural schools. Government requires

8.1.6 Quality Learning Environment

Government through the public sector investment programme (PSIP) established schools in newly settled areas of the land reform programme, and new schools in urban areas in new housing development schemes to alleviate hot-seating.

Government has continued to provide funds for the construction of schools under the Public Sector Investment Programme (PSIP) and the building grants-in-aid programme for non-government schools to complement community efforts in the development of schools especially in the rural and newly resettled areas. Government also offers grants for the construction of Science laboratories to strengthen the teaching of Mathematics and Science.

Challenges

- In terms of physical infrastructure, the challenge remains in providing more classrooms and also in maintenance of the schools, especially the satellite schools.

Responses

- In 2010 and 2011, through the Education Transition Fund (ETF), Government provided textbooks and learning materials in core subjects for all primary and secondary school children. This resulted in a very substantial reduction of the backlog in textbooks. However, the recurrent budget needs to provide for a continuation of this provision to sustain the one to one ratio, replace textbooks and expand to more subjects.
- In order to improve the quality of education in the rural areas, Government introduced the Rural Electrification Programme which has benefited five thousand, one hundred and fifty-eight (5 158) schools as of June 2011. The quality of education and enrolment of pupils in the schools that were electrified improved significantly. New subjects such as Computer Studies, Food and Nutrition,

Fashion and Fabrics, Metal Work, Science and Woodwork were introduced after electrification of the schools.

8.1.7 Curriculum Innovations

Section 6 of the New Constitution provides that the following languages namely; Chewa, Chibarwe, English, Kalanga, Khoisan, Nambya, Ndau, Ndebele, Shangaan, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa are the officially recognized languages in Zimbabwe.

Government is currently reviewing the school curriculum to align it with the provisions of the New Constitution and to ensure that all the officially recognized languages are treated equitably. This includes having them taught and examined in both primary and secondary schools

Zimbabwe has embarked on an educational curriculum review to respond to the changing economic, political, social-cultural context. The review is informed by (three) 3 pillars namely:

- Gender sensitivity;
- Technical and vocational training; and
- Art and culture.

The curriculum review process also seeks to promote public awareness of the Constitution by requiring it to be taught in schools as part of the curricula. This is in line with the requirements of section 7(b) of the New Constitution.

The amended Education Act, 2006, provides that the three (3) main languages of Zimbabwe, namely Shona, Ndebele and English, be taught on an equal time basis in all schools up to Form two (2) level. This was designed to facilitate communication among people in all parts of the country and also to promote national unity. At the same time, the Act provides for the teaching of local languages in areas where they are spoken thereby preserving culture. The Act also provides for the teaching of foreign languages such as French and Portuguese to enable the country to participate fully at international fora. Sign language is a priority medium for the deaf and hard of hearing.

Government is implementing a two-pathway education structure in all schools. Technical and vocational education and commercial/business subjects have been introduced to cater for the learners' varying aptitudes, interests and abilities. This innovation improves the quality and relevance of education and ensures that children at both primary and secondary school learn livelihood skills.

From Early Childhood Development (ECD) up to secondary school level, the curriculum is being enriched to reflect the philosophy of *unhu/ubuntu* (cultural/customary values) and strengthen the teaching of Mathematics, Science, Technology, Technical, Vocational, Business and Commercial subjects while fostering good citizenship through History and Social Studies. Syllabi for Technical and Vocational subjects were developed and distributed to facilitate their teaching.

Government also introduced two new subjects into the curriculum, namely, Civics Education and Guidance and Counselling. Syllabi for these two subjects have already been developed and distributed to

secondary schools while the draft revised syllabus for Social Studies for primary schools, which will incorporate Civics Education, is already in place.

HIV and AIDS and Life Skills syllabi for Grade 4 to Form 6 were developed and distributed to schools. Furthermore, HIV and AIDS education programmes are compulsory in both primary and secondary schools.

Government has also developed policies on Career Guidance to enhance informed career choices for school children.

In the area of ICT, Government fostered the following developments over the years and has had these programmes in the forefront:

- Beaming Educational Radio programmes since 1985;
- Educational video production since 1998;
- Introduction of Computer Education in partnership with World Links Zimbabwe since 1998; and
- Launch of the ‘School-in-a-van’ mobile service as an outreach project in 2000, that aims to train teachers in the use of computer mediated teaching.

Government has embarked on a vigorous drive of computer education in schools. The programme is spearheaded by His Excellency, the President of Zimbabwe, Comrade Robert Mugabe, who, as at 1 January 2009, has so far donated over six thousand and twenty (6 020) computers to five hundred ninety-eight (598) secondary schools in all the ten (10) provinces of the country. This also included rural schools which benefited following the electrification of the schools through the Rural Electrification Programme discussed above. Other development partners had donated over three thousand five hundred and seventy-nine (3 579) to three hundred and eighty-three (383) school in selected provinces in the country. These latter figures also include computers totaling six hundred and sixty-three (663) and one thousand two hundred and twenty-three (1 223) respectively donated by the Ministry of Education, Sport, Arts and Culture and the School Development Committees to seventy (70) and one hundred and thirty-five (135) schools.

Other on-going quality enhancing programmes include:-

- The Better Environmental Science Teaching (BEST) for both primary and secondary schools;
- The Science Education In-service Teacher Training (SEITT) for secondary schools; and
- The Southern and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ) III project. This is used for monitoring the conditions of schooling and the nature of learning.

Realizing the importance of supervision, monitoring and evaluation of schools, Government has availed funds for the acquisition of vehicles for district-based supervisors. To this end, a fleet of twenty-five (25) vehicles have already been purchased and delivered but this is a far cry from a satisfactory situation where the Ministry expects a vehicle for each of the seventy-three (73) districts in the country.

In spite of the challenges faced, Government has demonstrated its commitment to promoting and facilitating the provision of high quality and relevant education for all, through increased access, retention and improved achievement in Early Childhood Development (ECD), Primary and Secondary Education, Life Long and Continuing Education. This commitment was recognized when Zimbabwe was honoured with an Award for Achievement and Excellence held at the University of Maryland in the United States of America on 13 January 2007.

8.1.8 Literacy

Zimbabwe has made tremendous progress towards eradicating illiteracy and still maintains the highest literacy rate in Africa. Young people aged fifteen (15) to twenty-four (24) years, have a literacy rate of ninety-two percent (92%) showing Zimbabwe is close to achieving the 2015 MDG target of one hundred percent (100%).

In a bid to improve access to education, Government established non-formal education programmes such as Part-time Continuing Education Courses (PTCEC), Life Long Education, Adult Distance Education and Zimbabwe Adult Basic Education Course, to cater for the education needs of those adults who may want to continue their education or who may have been deprived of a chance to education.

Government also encourages the establishment of private and independent colleges which offer day and evening classes. School dropouts also have a choice to further their education through these programmes.

Government is also upgrading public schools by deploying more trained teachers and improving resource allocation. Tertiary education is offered at institutions of Higher learning comprising of Agricultural colleges, teacher's colleges, polytechnics and universities.

Challenges

The economic challenges Zimbabwe is facing place a strain on the education sector as it has limited financial and material resources at its disposal.

8.2 Leisure, recreation and cultural activities (Article 12)

Section 16 of the New Constitution provides that:

“all institutions and agencies of Government at every level must promote and preserve cultural values and practices which enhance the dignity, well-being and equality of Zimbabweans.”

Section 32 of the New Constitution provides that:

“the State must take all practical measures to encourage sporting and recreational activities, including the provision of sporting and recreational facilities for all people.”

Examples of facilities availed by Government are:

- a) Tennis courts;

- b) Basket-ball courts;
- c) Swimming pools;
- d) Volley ball pitches;
- e) Parks and civic centres.

PART IX: SPECIAL PROTECTION MEASURES

9.1 Children in situations of emergency: Refugee Children (Art. 22)

Zimbabwe has incorporated the provisions of both the 1951 United Nations Convention relating to the Status of Refugees and the 1969 AU Convention governing specific aspects of refugees problems in Africa, including those of children, into the Zimbabwe Refugees Act. Every child recognized by the Zimbabwe Refugee Committee as a refugee enjoys all benefits applicable to all other children except his or her citizenship status.

As at June 2013, there were two thousand one hundred and eighty-four (2 184) refugee children in Zimbabwe. Of these one thousand two hundred and thirty-four (1 234) are male and ninety hundred and fifty (950) female. One thousand and eighty-seven (1087) of these children are attending school.

9.1.1 Refugee, returnee and displaced children (Articles 23 & 25)

9.1.1.1 Returnee Children

As a result of the mass deportation of irregular migrants from neighboring countries, Government in partnership with development partners set up reception centers at the Beitbridge and Plumtree borders posts. This was done in order to provide humanitarian support to returnees. Child centres were established at the reception centres to cater for the specific needs of children.

9.1.1.2 Refugee Children (Article 22)

Where refugee children are unaccompanied, foster care arrangements within the refugee camp are made in order to fully integrate them into the community. Tracing services are provided by the ICRC in an effort to reunify the unaccompanied children with their families. With the support of development partners, educational, health, counseling and other social services are provided at camp level and referrals are made to major hospitals and other specialized services.

9.1.1.3 Displaced Children

The Government of Zimbabwe does not have displaced children currently.

9.1.2 Children in armed conflicts, including specific measures for child protection and care (Article 22), Children in Armed Conflicts (Art.38), Including Physical and Psychological Recovery and Social Reintegration (Art.39)

The Constitution, under the Bill of Rights, provides a right of every child not to be recruited into a militia force or take part in armed conflict or hostilities. In terms of the National Service Act [Chapter 11: 08] persons can volunteer to join the army only at the age of eighteen (18) years. Where an emergency arises, the law obliges government to recruit persons of eighteen (18) years and above for national service. Further by acceding to the Geneva Conventions, Zimbabwe prohibits recruitment of children into the army.

9.2 Children in conflict with the law

9.2.1 Children Deprived of their Liberty (Article 37 (b), (c) and (d))

The Constitutional guarantee to personal liberty also applies to children. Courts often release juvenile offenders into the custody of their parents or legal guardians.

Further, the Legal Aid Act [Chapter 7:16], provides for the legal representation of all under-privileged persons, including children. The Legal Aid Directorate is currently in Harare and Bulawayo and plans are underway to decentralize it to all provinces.

Government is implementing the Pre-Trial Diversion programme discussed under Article 1 section 2.1.2.

9.2.2 Minimum Age of Criminal Responsibility

Children below the age of seven are deemed to lack criminal capacity. A child who is seven but below the age of fourteen (14) years shall be presumed to lack capacity to form the intention to commit the crime, unless proved beyond a reasonable doubt.

9.2.3 The administration of juvenile justice (Article 17)

As mentioned above, children in Zimbabwe are not sentenced to capital punishment. Section 338 (c) of the Criminal Procedure and Evidence Act prohibits the imposition of capital punishment on children in conflict with the law.

Juvenile offenders are tried in camera to protect their identity. The child's name is not published in order to protect the child's dignity and privacy.

9.2.4 Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting and compliance with the provisions of Article 5(3) of the Children's Charter prohibiting death sentences on children (Article 17.2(a))

Section 81 (1) (i) of the New Constitution states that:

“every child, that is to say every boy and girl under the age of 18 years has the right not to be detained except as a measure of last resort and if detained,

- (i) to be detained for the shortest appropriate period;*
- (ii) to be kept separately from detained persons over the age of 18 years; and*
- (iii) to be treated in a manner and kept in condition that take account of the child's age.”*

Section 48 (2) (c) of the New Constitution prohibits the imposition of the death penalty to children and young persons below the age of twenty-one (21) years at the time of the commission of the offense.

9.3 Children of imprisoned mothers

9.3.1 Special treatment to expectant mothers and to mothers of infants and young children who have been found guilty by law (Article 30)

The fact that a mother is nursing a baby is taken as a ground for early release during the periodic presidential amnesty. The expecting and nursing mothers in prison receive antenatal care and post natal care, with skilled personnel posted within the prison clinic. Government has also partnered with development partners and Civil Society Organisations to provide supplementary feeds for babies.

9.3.2 Children Living In Prison with their Mothers

In terms of the Prison Act [*Chapter 7:11*] children below the age of two (2) years are admitted into prison with their mothers, as some would also still be breastfeeding. These children are considered as children in difficult circumstances. During the periodic presidential amnesty nursing mothers are considered for early release. This is intended to benefit the child.

The Judicial Service Commission discourages the sending of expecting and nursing mothers into custody whilst awaiting trial.

A day care centre has been established at the biggest female prison in the country to enable a normal environment for the children who are in prison with their mothers. In addition, Government is introducing an open prison for all female offenders. The open prison system will also make the environment as normal as possible for children living in prison with their imprisoned mothers.

9.3.3 Reformation, integration of the mother into the family and social rehabilitation (Article 30(f))

Government in partnership with development partners promotes the rehabilitation of offenders through various programmes which include offering livelihoods and micro-projects to offenders and facilitating re-unification and re-integration of inmates into the society. Programmes range from the provision of Psycho-Social support and HIV-AIDS peer education trainings. These programmes are meant to successfully reintegrate both inmates and children back into the society.

More so, the Government through the Zimbabwe Prisons and Correctional Service runs several programmes such as “Another Chance”, which are meant to reform, reintegrate families and social rehabilitation of all inmates and children accompanying their mothers to prison before release. This is a rehabilitative and administrative concept where prison social and public relations officers do home visits in an effort to prepare inmates, children and relatives of inmates before release.

Children accompanying their mothers in prison are considered a vulnerable group in our prisons hence special attention is put to protect them during their stay. However, upon being weaned, they are taken to either the relatives of the inmate or to homes for specialized care. Home visits are often conducted on behalf of the inmate to ascertain the general upkeep of the minors left in the relatives’ custody.

9.4 Children in situations of exploitation and abuse:

9.4.1 Economic exploitation including Child Labour (Article 15)

Section 81(1) (e) of the New Constitution now provides that every child has a right to be protected from economic exploitation and child labour.

Parliament amended section 11 of the Labour Act in 2005 to place the age of employment of young persons at fifteen (15) years. The Act permits the enrolment of children into apprenticeship programmes from the age of thirteen (13) years with the assistance of guardians. Under the current Labour law reform Government is reviewing the minimum age of apprenticeship to sixteen (16) years in line with ILO Convention on Minimum Age. Violations of these provisions attract monetary penalties or a custodial sentence of up to two (2) years.

Government conducted a Labour Force Survey¹⁴ in 2004. According to this Survey, thirty-seven percent (37%) of children were reported to be in economic labour reflecting the economic hardships that were being faced by households. In 2011, (10%) ten percent of children aged between five (5) and fourteen (14) years were reported to be in economic child labour indicating a significant reduction from the 2004 Labour Force Survey.

Considering that accessible education is one of the most effective means of combating child labour, Government has put in place policies, legislation and programmes to ensure that all children in Zimbabwe access basic education as discussed under NAP for OVC and BEAM.

Government is also implementing the Zimbabwe Decent Work Country Programme which among other things targets the elimination of child labour.

Government has also introduced the following policies to deal with the problems of child labour:-

- Protection of the working children from Occupational Hazards;
- Rehabilitation of exploited children; and
- Intensification of labour inspections.

Government continues to build capacity of officers implementing and regulating child labour legislation. Government has also trained judges, magistrates, assessors, media practitioners, labour and legal officers on International Labour Standards and the ILO Declaration on Fundamental Principles and Rights at Work (1999).

9.4.2 Drug abuse (Article 28)

The use or dealing in dangerous drugs is an offence in Zimbabwe. The Medicines and Allied Substances Act [*Chapter 15:03*] prohibits the sale of drugs to children or persons under the age of 18.

The Children's Act, under Part VIII, specifically prohibits the sale or any form of access to drugs by children. Awareness campaigns on drug abuse by various Government ministries and departments are continuously conducted and the Junior Call Programme for pupils is also in place.

¹⁴Zimbabwe Child Labour Report, Central Statistical Office, March 2006.

9.4.3 Drugs and Substance Abuse

Government runs a programme for prevention of substance abuse among children. The programme targets children, and provides information on the dangers and consequences of substance abuse as well as treatment and rehabilitation services available to drug users.

The Public Health Act provides for the education of the public on the harmful effects of tobacco, alcohol, drugs and other intoxicating substances on their health. The Act also requires the inclusion of health warning messages on cigarette packs and during cigarette advertisements.

The use or dealing in illicit and dangerous drugs is an offence under the Dangerous Drugs Control Act [Chapter 15:02]. Although the Act does not make specific reference to children, the general prohibition also covers children.

The Liquor Act [Chapter 14:12] also prohibits the sale or provision, for whatever purpose, of liquor to persons under the age of eighteen (18) years. Owners of such outlets are also prohibited from allowing access to persons below eighteen (18) years onto their premises during operation times.

Challenge

- Substance abuse remains a challenge among children.

9.4.4 Abuse and torture (Article 16)

9.4.4.1 Constitutional and Legislative Protection of the Right

These were discussed above in section 5.7 above

9.4.5 Sexual exploitation and sexual abuse (Article 27)

The State has taken legislative measures to protect young persons from sexual exploitation and abuse, for both the girl and the boy child. Section 81(1) (e) of the New Constitution prohibits the sexual exploitation of children. Under Section 8 of the Children's Act, a person who allows children to reside in and to frequent brothels commits an offence. The Act further protects children from seduction, abduction and prostitution.

Provisions of the Domestic Violence Act and the Criminal Law (Codification and Reform) Act have already been discussed in this regard.

Data from the National Baseline Survey on life experiences of adolescents revealed that nine percent (9%) of females and two percent (2%) of males aged thirteen (13) to seventeen (17) years suffered sexual violence in the twelve (12) months preceding the survey in 2011. Among females aged thirteen (13) to seventeen (17) years who experienced sexual violence in the 12 months preceding the survey, about two percent (2%) received professional help. Child survivors of sexual abuse do not pay for treatment at clinics, hospitals and rehabilitation centers.

9.4.6 Awareness Campaigns

Awareness campaigns are held by Government to educate the public on the Victim Friendly System.

9.4.6.1 Awareness raising: sexual violence

In response to the data from the NBSLEA, Government in partnership with development partners and NGOs came up with the National Response Plan which aims to raise awareness on:

- a) measures and strategies for prevention of sexual violence against children
- b) services available to child survivors of sexual violence and how to access them

9.4.7 The use of children in all forms of abuse and exploitation (Article 29(b))

The Children's Act sanctions the removal of children from any environment where there are allegations of ill-treatment and all forms of exploitation. Child begging is also prohibited in terms of section 10(1) of the Children's Act. The prohibition includes using children to perform or exhibit in any way for public entertainment in a manner likely to be detrimental to the child's or young person's health, morals, mind or body. Any parent or guardian of a child or young person who causes any child or young person to beg or entertain publicly will be guilty of a criminal offence.

Government conducts periodic round-offs to remove children from the streets and providing them with alternative child friendly care.

In case of sexual abuse of a girl child, a pregnancy test is done and if found pregnant, abortion may be performed in accordance with the Termination of Pregnancy Act.

9.4.8 Sale, trafficking and abduction (Article 29)

The Criminal Law (Codification and Reform) Act provides for the protection of children from trafficking. In April, 2006 Government formed an Inter-Ministerial Task Force on Trafficking which aims to create legislation to criminalize the offence domestically; support national information campaigns and deploy counter-trafficking experts at border points.

Government has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. Domestication of the Protocol is at an advanced stage with a bill being in place which is awaiting consideration.

Section 23 of the Criminal Code prohibits the sale of any person. Any person who procures a young person for *'the purposes of engaging in unlawful sexual conduct with another person or with persons generally, whether inside or outside Zimbabwe; or to become a prostitute, whether inside or outside Zimbabwe; or to leave Zimbabwe with the intent that the other person may become a prostitute; or to leave his or her usual place of residence, not being a brothel, with the intent that he or she may become an inmate of or frequent a brothel elsewhere; shall be guilty of procuring and liable to a fine or imprisonment for a period not exceeding ten years, or both such fine and imprisonment.'*

In 2012, Zimbabwe ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Zimbabwe acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, whose main objective is to provide for matters connected with securing the prompt return of children wrongfully retained in or removed from, any contracting State and, to ensure that rights of custody and access under the law of one contracting State are effectively respected in the other contracting State. Zimbabwe incorporated the provisions of the Convention into the Child Abduction Act.

In terms of the Child Abduction Act, Government, can through its Central Authority, enter into bilateral agreements with other States to facilitate the return of children unlawfully removed from such countries.

Further, the Children's Act prohibits the removal of children who are under the custody or supervision of other persons, without written permission from the Director of Social Services. As discussed under Article 4, access or custody rights are only granted by the court, which takes into consideration, the best interest of the child.

9.5 Protection against harmful, social and cultural practices

As stated under Section A, the Domestic Violence Act provides for the protection of children from violence by identifying them as potential victims of domestic violence. An act of domestic violence committed in the presence of a minor is also considered as domestic violence against such minor. This is designed to protect children against mental injury that may occur as a result of witnessing domestic violence.

Emotional abuse is recognized as an act of domestic violence, which could attract such civil remedies as counseling and the issuing of protection orders by the court. Ultimately, criminal penalties may be imposed where the protection order is breached.

Section 3 of the Act prohibits violence perpetrated on a person by virtue of their age, as well as that derived from cultural practices such as forced virginity testing, forced marriages and child marriages, and pledging of girls to relatives of a deceased person for purposes of appeasing such deceased person's spirits. This occurs where the girl's family is said to have caused the death. Prohibited cultural practices include female genital mutilation (FGM). Although not a common practice in Zimbabwe, the lawmakers felt genital mutilation may come in forms not widely recognized and therefore requires outright prohibition.

Challenges

Full enforcement of the law is hindered by low reporting of cases of harmful practices. Families and communities collude and cover up harmful practices making it difficult for the law to fully protect the affected children. In response Government and cooperating partners have come up with programmes for raising awareness on these practices and encouraging families and communities to work with Government to protect children.

9.6 Children belonging to minority groups (Article 26)

There is no specific law in place that deals with children of minorities. However, in the education sector, the Education Act as amended in 2006 allows prior to Form one (1), any of the languages, including the

indigenous languages, to be used as a medium of instruction where such languages are commonly spoken and better understood by the pupils.

In pursuance of this provision, Government established the Education Transition Fund in partnership with UNICEF and this resulted in textbooks for six (6) local minority languages to be printed and distributed to primary schools. Trial Grade seven (7) examinations were run in Tonga in 2010 and actual examinations were written in October 2011. By 2013, all local languages will be examinable at Grade seven (7) level.

Currently Great Zimbabwe University is offering a languages degree programme in Venda and Shangani. Government also intends to train teachers of minority languages at some teachers colleges.

9.7 Children who need special protection on account of being in risky or vulnerable conditions and situations such as street children or HIV AND AIDS orphans (Article 26)

Government, in conjunction with development partners, continues to make efforts to house children living and working in the streets and provide them with educational and technical training.

PART X: RESPONSIBILITIES OF THE CHILD

The child has the obligation to:

- be responsible,
- be law abiding citizens who are prepared to preserve and strengthen the values of their communities and the country at large.
- be respectful and obedient to their elders.
- Help with household chores.
- Go to school.

Challenges

- Dilution of cultural values.
- Disintegration of the extended family.
- The advent of information, communication and technology.
- Child headed households due to the HIV and AIDS pandemic.