

**First Periodic Report Of The Government Of The Republic Of Zimbabwe Under The  
African Charter On The Rights And Welfare Of The Child  
2019**

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## Acronyms and Abbreviations

<b>ACRWC</b>	: African Charter on the Rights and Welfare of the Child
<b>ACCZ</b>	: Apostolic Christian Council of Zimbabwe
<b>AMTO</b>	: Assisted Medical Treatment Orders
<b>BEAM</b>	: Basic Education Assistance Module
<b>CSO</b>	: Civic Society Organization
<b>CDC</b>	: Centre for Disease Control
<b>CID</b>	: Criminal Investigation Department
<b>CHW</b>	: Child Health Workers
<b>ECD</b>	: Early Childhood Development
<b>GOZ</b>	: Government of Zimbabwe
<b>HSCT</b>	: Household Economic strengthening
<b>JSC</b>	: Judicial Service Commission
<b>MNP</b>	: Micronutrient Powders
<b>MOHCC</b>	: Ministry of Health and Child Care
<b>MoJLPA</b>	: Ministry of Justice, Legal and Parliamentary Affairs
<b>MPSLSW</b>	: Ministry of Public Service, Labour and Social Welfare
<b>MoFED</b>	: Ministry of Finance and Economic Development
<b>MoPSE</b>	: Ministry of Primary and Secondary Education
<b>MoWACSMED</b>	: Ministry of Women Affairs, Community, Small and Medium Enterprises Development
<b>MoYSAR</b>	: Ministry of Youth, Sport, Arts and Recreation
<b>MOHACH</b>	: Ministry of Home Affairs and Cultural Heritage
<b>MUAC</b>	: Mid Upper Arm Circumference
<b>NAP for OVC</b>	: National Action Plan for Orphans and Vulnerable Children
<b>NGO</b>	: Non-Governmental Organization
<b>RUTF</b>	: Ready to use Therapeutic Foods
<b>RG</b>	: Registrar General
<b>SADC</b>	: Southern African Development Committee
<b>SAM</b>	: Severe Acute Malnutrition
<b>SDG</b>	: Sustainable Development Goals.
<b>SUN</b>	: Scaling-Up Nutrition
<b>UDACIZA</b>	: Union for Development of the Apostolic Churches in Zimbabwe
<b>UN</b>	: United Nations
<b>UNICEF</b>	: United Nations Children’s Emergency Fund
<b>VAD</b>	: Vitamin A deficiency
<b>VFU</b>	: Victim Friendly Unit
<b>ZDHS</b>	: Zimbabwe Demographic Health Survey
<b>ZHRC</b>	: Zimbabwe Human Rights Commission
<b>ZITF</b>	: Zimbabwe International Trade Fare
<b>ZIMSTAT</b>	: Zimbabwe National Statistics Agency
<b>ZIMASSET</b>	: Zimbabwe Agenda for Sustainable and Socio-Economic Transformation (2013-2018)

**ZPCS**  
**ZRP**

: Zimbabwe Prisons and Correctional Service  
: Zimbabwe Republic Police

## **PART I: INTRODUCTION**

**1.1** The Republic of Zimbabwe (hereinafter referred to as “Government of Zimbabwe”) ratified the African Charter on the Rights and Welfare of the Child (**ACRWC**) in 1995 and submitted its Initial Report in 2014, which was considered by the African Committee of Experts on the Rights and Welfare of the Child (*hereinafter referred to as the Committee*) in 2015. The report was a consolidated submission of the Initial Report and the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Periodic Reports. In accordance with the provisions of Article 43 paragraph 1 of the ACRWC, this report outlines the measures that have been undertaken by Government of Zimbabwe (GoZ) during the period under review (2015 up to November 2018) to give effect to the provisions of the ACRWC and on the progress made in the enjoyment of these rights.

**1.2** The National Program of Action coordinated the drafting process for Children/Child Care in the Ministry of Health and Child Care. In preparation of this report the State Party used the Guidelines on the Form and Contents of Periodic State Party Reports Submitted pursuant to Article 43(1) (b) of the Charter. The drafting process was participatory and inclusive incorporating government agencies and ministries, UN Agencies, children, NGOs, CSOs, the Media and institutions involved in the promotion and protection of the rights of the child. The report addresses all the issues raised by the African Committee of Experts on the Initial Report of Zimbabwe and the challenges affecting the fulfillment of the obligations contained in the Charter.

**1.3** This periodic report presents advancements made and measures undertaken to harmonize national laws, policies and programs with the Charter and progress made in achieving full enjoyment of the rights set forth in the Charter. This report also reflects domestic laws that have been realigned to the Constitution and promulgated to advance the rights the child.

## **PART II: GENERAL MEASURES OF IMPLEMENTATION**

### **Recommendation 5**

#### **2. Constitutional, Legislative and Policy Framework for the Promotion and Protection of the Rights and Welfare of the Child**

**2.1** Government of Zimbabwe (GoZ) is working on a number of legislation in order to enhance the protection and promotion of the rights and welfare of the child. These include:

##### **2.1.1 Children’s Amendment Bill**

The Children's Amendment Bill cures the defects caused by different interpretations in the definition of the child. The definition of a child is very important as to set the parameters in children's law. The Constitution of Zimbabwe gives the definition of a child as a boy or a girl under the age of 18 (eighteen) and provides elaborate rights therewith. The Children's Amendment Bill proposes the definition of a child to mean, "any person under the age of 18 years", in accordance with the Constitution of Zimbabwe, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child (1990). This should automatically repeal all references to "young persons and minors" as provided in the Children's Act [Chapter 5:06]. The proposed amendments entail that some pieces of legislation will have to be synchronized accordingly (Consequential amendment). The Children's Amendment Bill also seeks to set 18 years as the age of sexual consent and also entails the consequential amendments of the Criminal Procedure and Evidence Act [9:07] and other enactments.

### **2.1.2 Proposed Amendments to the Guardianship of Minors Act [Chapter 5:08]**

GoZ is in the process of amending the Act to reinforce the principle of "the best interests of the child" by conferring equal rights to both parents concerning custody and guardianship. At present, the Act discriminately assumes that fathers are the guardians of children and favors mothers with regards to the custody of children.

### **2.1.3 The Marriages Bill**

The Bill seeks to among others:

- i) harmonize all marriage laws and develop one comprehensive Marriages Act.
- ii) ban pledging of children in marriages, hence prohibiting child marriages
- iii) protect children in a marriage upon the dissolution of marriage whether by divorce or death;
- iv) set minimum age of all marriages at 18 in conformity with the Constitution;
- v) protect children from sexual exploitation; and
- vi) give effect to section 26(c) of the Constitution on equality of rights and obligations between parties during marriage and at dissolution.

### **2.1.4 Child Justice Bill**

Government through the Child Justice Bill seeks to separate welfare and child protection issues from child criminal justice matters. Currently issues relevant to child justice are dealt with in various pieces of legislation which include the Children's Act [Chapter 5:06], Criminal Procedure and Evidence Act [Chapter 9:07], Criminal Law (Codification and Reform) Act [Chapter 9:23]. The Child Justice Bill encompasses the following:

- i) setting the minimum age of criminal responsibility at ten years;
- ii) a mechanism of dealing with children who lack criminal capacity;
- iii) securing the attendance to court, detention and sentencing of children in conflict with the law;
- iv) establishment of child justice courts, diversion of children in conflict with the law from the formal criminal justice system, guarantee of free trial;

- v) prevention of child delinquency through entrenchment of the notion of restorative justice;
- vi) non-discrimination;
- vii) best interests of the child and human dignity;
- viii) training of personnel in the child justice system; and
- ix) establishment of Children's courts.

### **2.1.5 Judicial Measures**

In recent years, the judiciary has handed down landmark rulings in support of the principles of the Charter which include non-discrimination, best interests of the child, right to life and survival and development of the child. These cases include:

- i) *Mudzuru and Tsopodzi v the Minister of Justice Legal and Parliamentary Affairs [CCZ12/15]*. The Constitutional Court in its ruling outlawed child marriages and set the marriageable age at 18 years.
- ii) *S v Chokuramba 2014 [HH 718/14]*. The High Court of Zimbabwe invalidated section 353(1) of the Criminal Procedure and Evidence Act [Chapter 9:07] which provides for corporal punishment as a form of sentencing. The decision of the Court was influenced by Article 1, 2, 3, 16 and 17 of the African Charter on the Rights and Welfare of the Child.

### **Recommendation 6**

#### **2.2 Institutional Framework for the Promotion and Protection of the Rights and Welfare of the Child**

The National Program of Action for Children/Child Care (NPAC) through the Ministry of Health and Child Care coordinates other ministries for the promotion and protection of the Rights and Welfare of the Child.

**2.2.1**NPAC/Child Care receives complains from children and guardians for counselling, guidance and referral to relevant ministries in line with their mandates.

### **Recommendation 7**

**2.3** For the response to recommendation 7 refer to Table 1 in the Annexure

#### **2.3.1 Cooperation with non-state actors**

In promoting children's rights and the State's regional obligations, GoZ is working in partnership with Non-Governmental Organizations (NGOs), Children and Youth Groups, UN Agencies, Faith Based Organizations, Civil Society Organizations (CSOs), business and private sector and traditional systems of governance. The complementary efforts include financial support towards child rights sensitive programs.

#### **2.3.2 Allocation of resources and expenditures for social services in 2017**

- i) Family and child allowances (HSCT) \$16.6 million;
- ii) Family and child allowances (CDC) \$200 000 while it increased to \$500 000 in 2018;
- iii) Health services (AMTO) \$1 million (paid major hospitals debts;



- iv) Education (BEAM) \$10 million while it increased to \$21million in 2018;  
V Child protection measures including prevention of violence, child labor, and sexual exploitation and rehabilitation programs - \$ 5 million

### **2.3.3 Training conducted for professionals working with and for children:**

All police officers are trained on the rights of the child and offences committed against children during recruit training. Ninety-nine percent (99%) of police officers who work with children through the Victim Friendly Unit (VFU) have been trained in the investigation of cases against children and the handling of child victims. 2.4.1. Table 2 in annexure illustrates trainings conducted for other professionals working with children:

### **Recommendation 8**

**2.4** The Zimbabwe Human Rights Commission has its own budget allocated direct from Treasury. It administers its own finances and works independently in the execution of its mandate.

### **Recommendation 9**

**2.5** The Zimbabwe National Statistics Agency (ZIMSTAT) and the National Statistical System (NSS) continue to benefit immensely from the combined efforts by the GoZ and development partners to capacitate the institution.

### **Recommendation 10**

**2.6** During the period under review, the GoZ celebrated the day of the African Child and reports have been duly submitted to African Union Commission (AUC) through the Ministry of Foreign Affairs and International Trade.

## **PART III: DEFINITION OF A CHILD (ARTICLE 2)**

### **Recommendation 11**

**3.1** In response to this recommendation the Committee is referred to provisions under Part II, paragraph 2 of this Report.

**3.2** In 2017 ZIMSTAT conducted an Inter Censual Demographic Survey which indicated that the total number of children below the age of 18 who lived in private households in Zimbabwe was 6 466 867. This constituted 47.6 percent of the population of 13 572 560. The number of males in this age group was 3 242 754 and the females were 3 224 114, giving a proportion of 50.1 percent and 49.9 percent respectively. Further disaggregation of the children according to age group is shown in the table 2 of the annexure.

### **Recommendation 12& 13**

**3.3** In response to the recommendation 12 and 13 the Committee is referred to Part II, paragraph 2 of this Report.

## **PART IV: GENERAL PRINCIPLES (ARTICLE 3, 4, 5 & 26)**

### **4. Non-Discrimination**

#### **Recommendation 14**

**4.1** In a registered marriage, either parent can register the child. . Where parents are out of wedlock, both the father and mother have equal opportunities to register the child. For further information on birth and death registration, the committee is referred to Part V.

**4.2** GoZ in its effort to ensure the principle of non-discrimination is observed has implemented the following measures:

- i) Issued a moratorium that children shall not be sent away from school due to non-payment of school fees and levies and those parents should make payment plans with the respective schools.
- ii) Introduced the competence-based curriculum, which is inclusive and non-discriminatory in terms of learning areas.
- iii) Introduced homegrown school feeding for all learners as a strategy to achieve optimal enrolments, attendance, and retention and school completion rates with positive learning outcomes for all.
- iv) Child Welfare and protection services are offered and provided to all children in need without any form of discrimination.
- v) Under the Food Deficit Mitigation Program, food supplements are given to primary schools to promote school attendance thereby reducing school dropout because of hunger.

#### **Recommendation 15**

**4.3** Government will continue with its efforts to ensure that every child enjoys their rights and freedoms irrespective of their parents or guardians' race, ethnic group, color, sex, language, political, opinion, national, social origin, fortune, birth or any other status. The Government of Zimbabwe has ensured that they are continuous trainings by incorporating education on children rights in the curriculum.

#### **Recommendation 16**

**4.4** Section 81(2) of the Constitution provides for the best interests of the child principle in all matters involving children. Therefore, Government is amending, amongst other provisions, section 5(1) of Guardianship of Minors Act, which gives first preference to the mother as the natural custodian and guardian if contested in a court of law. The proposed amendment provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres as provided in section 56(2) of the Constitution.

#### **Recommendation 17**

**4.5** In order to put commitments into action several national policies and strategic frameworks were put in place, among others, the inclusion of food and nutrition as a cluster in the economic blueprint, Zimbabwe Agenda for Sustainable-socio Economic Transformation (ZIMASSET 2013-

2018), the Food and Nutrition Policy, the National Nutrition Strategy and National Health Strategy. These outline specific activities to be undertaken by Government to improve the nutrition situation in the country. Implementation of these activities is being strengthened by various committees on food and nutrition, which include the Cabinet Committee on Food and Nutrition, Committee on Food Security and Nutrition Cluster and the Food and Security Committee

### **Recommendation 18**

**4.6** In response to recommendation 17, Government remains committed to relevant global, regional, national targets and action plans on nutrition. These include:

- i) The global targets for improving maternal, infant and young child nutrition and reducing non communicable disease risk factors by 2025;
- ii) The SADC Food and Nutrition Security Strategy 2015 – 2025;
- iii) The Africa Regional Nutrition Strategy, and Africa’s Renewed Initiative for Stunting Elimination (ARISE 2025); and
- iv) The Sustainable Development Goals and targets in particular goal 2, which aims to end hunger, achieve food security and improved nutrition and promote sustainable agriculture

**4.6.1** In sync with the global evidence and recommendations, Government is in the process of implementing high impact nutrition specific interventions in order to end all forms of malnutrition of children in Zimbabwe. These amongst others, include programs to assist malnourished children, scaling up nutrition movement, Vitamin A supplementation. Zinc supplementation in children with diarrhea, Provision of micronutrient powders and promotion of exclusive breastfeeding and appropriate complimentary feeding.

**4.6.2** Of all the health care facilities in Zimbabwe, 97% offer integrated management of acute malnutrition services. There has been a gradual decline in child malnutrition for all indices since 2006.<sup>1</sup> In 2018, there were 5 557 813 measurements of length/height for children aged 0-59 months. Of these, 122 607 (2.2%) were moderately stunted while 40 250 (0.7%) were severely stunted. The total stunting prevalence was 3 %, a decline from previous years. During the same period, a total of 6 041 722 weight measurements were taken for children aged 0-59 months. Of these, 122 054 (2%) were moderately underweight. The total underweight prevalence was 2.5%, a decline from previous statistics.

Through the Nutrition Program, 1 462 839 children (77%) aged between 6-59 months received vitamin A supplementation in 2018. The above total national coverage fell short of the national target of 80% or more. Since then, the GoZ adopted mobile administration of Vitamin A supplementation to cover remotely accessed areas.

**4.6.3** The 2017 Inter-Censal Demographic Survey (ICDS) estimated a Maternal Mortality Ratio (MMR) of 525 deaths per 100 000 live births. This is a decline from the 2015 survey estimates of 651 deaths per 100 000 live births<sup>ii</sup>.

**4.6.4.** For the 12 months period preceding the 2017 ICDS, the infant mortality rate was estimated to be 52 deaths per 1 000 live births. Under-five mortality rate during that period was 72 deaths per 1 000 live births. There is no recent survey that measured neonatal mortality, however, the 2015 Zimbabwe Demographic and Health Survey (ZDHS) found that for the 5-year period preceding survey, the neonatal mortality rate was 29 deaths per 1 000 live births, (about 4 in 10 childhood deaths took place in the first month of life).

**4.6.5. Efforts to combat HIV and AIDS.**

In the period between 2016 and 2018, averages of 92% of pregnant and lactating women were provided with HIV PMTCT services. In the same period, the proportion of children born with HIV was 4%, 3% and 4% respectively. The total number of people who died from AIDS declined from 23 496, to 23 885 and 23 107 respectively.

**Recommendation 18 &19**

**4.7** The GoZ continues to take into considerations the views of the Children’s Parliament when deciding policy matters that affect them

**Recommendation 20**

**4.8** Government through the Victim Friendly System (VFS) is offering child sensitive services through the availability of the Victim Friendly Court System (VFCS) in 22 Regional Courts around the country. The VFCS endeavor to protect vulnerable witnesses who come to court. The majority of these witnesses are children who would have been sexually abused. These children take an active role in court where they testify in camera. The essence of children testifying in camera is to minimize contact with the alleged perpetrator so that vicarious trauma is minimized. The Victim Friendly System must have supportive mechanisms or services e.g. scan free by doctors available. For further information on protection of child victims and witnesses, refer to Recommendation 27.

**4.9** Response on data for deaths as a result illnesses such as Malaria, HIV/AIDS, road traffic accidents and other forms of violence refer to table 3 and 4 in annexure.

**4.10** Government has no official records of deaths because of harmful cultural practices such as traditional rituals and sacrifice.

**PART V: CIVIL RIGHTS AND FREEDOMS (ARTICLE 6-10 & 16)**

**5. Name and Nationality**

**Recommendation 21**

**5.1** Government continues to implement measures designed to eliminate all legal and administrative barriers in the registration of births and death. In terms of section 10 and 20 of the Births and Deaths Registration Act [*Chapter 5:02*], it is mandatory for these two events to be registered. Rather than being a hindrance, requirements for birth confirmations and death certificates (in registering a child whose mother is deceased) are designed to identify the biological mother of a child in order to minimize cases of child abduction and child trafficking.

**5.1.1.** The rate of birth registration has been steadily increasing over the reporting period as illustrated in Table 8 in annexure.

**5.1.2** Children of refugees are registered regularly. Registration at Tongogara Refugee Camp is done annually under the auspices of the Commissioner for Refugees. Information on registered children of refugees registered is illustrated in the table 9 in the annexure

## **Recommendation 22**

**5.2** In terms of section 10 of the Births and Deaths Registration Act [*Chapter 5:02*] it is compulsory for every birth to be registered within 42 days. It is also mandatory in terms of section 20 of the same Act for every death including that of a child to be registered within 30 days. The Department has registration offices in all the 10 Provinces and 72 administrative districts. There are also 206 sub offices of which 58 are at all major hospitals and clinics to facilitate early birth registration.

**5.2.1** Government has also discovered that the apostolic sects are largely contributing to low birth registrations because the sects do not believe in registering their members. In response there has been an engagement with the apostolic sects to register their children through mobile registrations at their shrines or headquarters annually. Other apostolic sects can also contact district registries and request for similar registrations for their members. Government provides trainings on registration procedures to midwives from these apostolic sects as these sects do not believe in sending their members for medical treatment to hospitals. These midwives keep birth records of the mothers and children they would have assisted and all these initial registrations are provided free of charge.

**5.2.2.** In order to encourage birth registrations, outreach mobile registration exercises are conducted to remote communities and free birth registrations is provided up to the age of six years. GoZ continues to conduct public awareness campaigns on civil registration by way of participating in events such as local annual trade fairs and agricultural shows with a view to distribute information material on civil registration to the public.

**5.2.3.** Zimbabwe participated at the African Charter on Human and Peoples Rights' Draft Protocol on the Specific Aspects of the Right to Nationality and Eradication of Statelessness from 7-11 May 2018 in Abidjan, Cote d'Ivoire. All African countries mutually agreed that the Deoxyribonucleic Acid (DNA) of nationality of a child is traced through its parents. A child born in a territory must be accorded its proper nationality status. What is critical is that the event is registered.

**5.2.4** There are cases of births given whilst parents are on transit or those given by refugees. These cases cannot be given nationality of the territories they are born. They have their own countries of origin and the registrations should merely facilitate the recognition by their countries of origin of their citizens having given birth in foreign countries and accord the status of these children as citizens by descent. A child acquires Zimbabwean citizenship at birth if its parents are bona fide citizens of the country. Nationality is thus drawn from either parent who is a citizen of Zimbabwe. Under the circumstance the child is issued with a citizenship birth certificate.

**5.2.5** The obligation to register a child rests with its biological parents. Their particulars appear on the child's birth certificate. In that regard there is no discrimination. However there may be cases of paternity disputes or where the biological father disowns the pregnancy or disappears from the scene altogether and under such circumstances the mother is entitled to register the child using her name. The particulars of the father will not be reflected on the birth certificate until such time that he owns up and wants his name to appear and a re-registration/legitimation is done. In the case of a child born out of wedlock the responsibility to register the child is on the mother unless the court decides otherwise

**5.2.6** While the Committee raised concerns on low and declining rates of birth registration, the records from the Zimbabwe Population Registration System (ZPRS) indicates an increase of the same during the period under review as shown in the table 8 in the annexure. There are 39 District birth registration centers in the rural areas and 165 sub-offices therein out of a total of 206.

### **5.3 Schools equipped with Information Technologies**

**5.3.1** Table 10 and 11 in the annexure illustrates the number of schools equipped with information technologies as an enabler for access to information for children. A Total Number of Primary Schools **6 096** and total number of 2186 Secondary Schools have been equipped with information technologies as illustrated below:

**5.3.2** The Government has embarked on a nationwide connectivity of the Primary and Secondary schools. In line with the Competence- Based Curriculum, ICTs are being used for the teaching and learning process hence a shift from computer labs. Classrooms are being equipped with ICTs teaching and learning technologies such as interactive boards, tablets, laptops and projectors.

#### **Recommendation 23**

**5.4** Section 60 of the constitution still provides that every person has the right to freedom of conscience, which includes:

- (a) freedom of thought, opinion, religion or belief; and
- (b) freedom to practice and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.

#### **Recommendation 24**

**5.5** According to section 58 of the Constitution, every person has the right to freedom of assembly and association, and the right not to assemble or associate with others and that no person may be compelled to belong to an association or to attend a meeting or gathering.

### **Recommendation 25**

**5.6** Section 57 of the Constitution every person has the right to privacy inclusive of children. Government in effecting these provisions has launched a campaign where it sensitizes various media houses on the need to protect the children's right to privacy. The campaign began in 2015 and is ongoing. This has assisted in reducing the number of cases that are reported without taking due regard to the right of the children's privacy.

### **Recommendation 26**

**5.7** Section 53 of the Constitution provides that no person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment. Furthermore the Children's Act provides that if any parent or guardian of a child or young person assaults, ill-treats, neglects, abandons or exposes him or allows, causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or to injure or detrimentally to affect his health or morals or any part or function of his mind or body, he shall be guilty of an offence. The state is obliged under section 14 to remove any child exposed to ill-treatment or torture to places of safety.

**5.7.1** The Committee is referred to paragraph 5 in *S v Chokuramba* case. Another landmark ruling was given in the case of *Pfungwa and Another v Headmistress of Belvedere Junior Primary School and Others HH 148/17* an order was granted to outlaw the imposition of corporal punishment and any form of physical punishment to children by any person/persons including teachers, parents and guardians. The act of corporal punishment was considered to be *ultra vires* the provisions of Section 81, 51 and 53 of the Constitution. The landmark ruling was however provisionally set aside by the Constitutional Court citing the need for the court to hear opposing arguments before handing down a final judgment.

**5.7.2** Section 53 of the Constitution of Zimbabwe provides that no person may be subjected to physical or psychological torture. Further, the Prisons Act Chapter [7:11] provides a guide on the use of force and generally denounces such torture. Constitutional Amendment Number 20 and the General Amendment Bill have had the effect of prohibiting whipping/canning of children. In the event that a parent/guardian or teachers torture a child, they are subject to criminal charges for committing a crime against a child. Counselling and withdrawal of privileges among others have been adopted as alternative positive discipline.

**5.7.3** Further, some Juveniles participate in various projects such as poultry, piggery and gardening as part of skills development Juvenile inmates are offered psychosocial support upon admission to prison as well as general counselling. There are specific counselling rooms for this purpose and health facilities in the form of clinics within prisons where juvenile offenders get access to medication. Prison facilities also have health personnel where need arises, inmates are referred to public hospitals for further management.

**5.7.4** Statistics on Children reported as victims of inhuman, degrading treatment or other form of punishment disaggregated by gender illustrated in the table 12 in annexure.

**5.7.5** The Education Act [*Chapter 25:04*] is among the pieces of legislation that are currently being aligned to the Constitution. The Bill of Rights in the 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. Section 53 of the Constitution states that “No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.”The current focus is therefore on ensuring adherence to current regulations at the same time promoting positive discipline through:

- Strengthening Guidance and Counseling and fostering intrinsic discipline among learners
- Engaging parents and communities through the School Development Committees
- Involving parents in cases of serious misbehavior
- Withdrawal of privileges
- Empowering teachers to ensure that learners are fully and gainfully occupied while in school. The new curriculum offers learners opportunities where each learner can find their niche.

## **Recommendation 27**

**5.8** Within the Zimbabwe Republic Police (ZRP) there is a VFU whose mandate is to investigate crimes against women and children involving sexual abuse and domestic violence. VFU officers are found at every Police station countrywide and these are specially trained to deal with children. The ZRP works with other stakeholders within the government and some non-governmental organizations in the fight against sexual abuse against children.

**5.8.1.** Since 2017 the ZRP has intensified its sexual abuse awareness campaigns in schools in an effort to empower children so that they do not fall victim to sexual abusers and it also established a pilot project on online child sexual abuse and exploitation in 2107. The project is running in Harare and a total of twenty (20) secondary schools are part of this project. The project involves educating the children on the various types of online sexual abuse offences and on how to protect themselves from such abuses. The role of the ZRP in this project is to monitor the internet for any signs of online child sexual abuse and to investigate the cases, arrest the offenders and take them for prosecution. Government has approved the engagement of nonpublic service probation officers. This addressed the shortages probation officers and ensures that they are continuously available to promote children’s rights.



## **PART VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTICLE 18-20 & 24)**

### **Parental Guidance and Responsibilities**

#### **Recommendation 28**

**6.1.** Community Child Care workers who are volunteers and extension workers for Government on identifying and supporting children in need of care frequently monitor and supervise child headed households in their communities to ensure their welfare. They report directly to the District Social Welfare Office. This ensures that the Government is represented at grassroots levels in matters to do with Children's rights. Further to that, the Children's Act Amendment Bill proposes the insertion of a new section for the appointment of temporary legal guardians in the absence of a child's parent or guardian.

**6.1.1** Whilst the Government is aware of the increasing economic hardships faced by its citizens and is willing to increase the \$20 grant offered to vulnerable groups, Government's hands are tied by economic difficulties faced by the nation due to the imposed illegal sanctions. It is difficult to increase the grants under the prevailing economic situation. However, Government continues to engage the relevant development partners for assistance.

#### **Recommendation 29**

**6.2** Parents especially those of ECD learners, accompany their children to and from school. Parents support their children's learning process through payment of fees and levies and provision of requirements for learners, including school uniforms, and stationery. In addition, parents also assist children with homework and provide moral support through attending school functions.

**6.2.1** Government has a comprehensive legislative system designed to ensure that children enjoy all their inherent rights without hindrance.

#### **Recommendation 30**

**6.3** The law provides for any person taking care of the child to claim for maintenance. The courts ensures that a nominal amount of money is paid for the upkeep of children where there is report of neglect on the upkeep of children by responsible parent/s even where there is no proof of payment. The constitution of Zimbabwe, section 81 talks about the best interest. The process of claiming maintenance is free of charge. They are specific courts set for maintenance claims for easy accessibility and are decentralised

#### **Recommendation 31**

**6.4** Government is working in collaboration with Civil Society Organizations under the CPS (Child Protection Society) to strengthen alternative care provisions. The GoZ relies on Child Care Workers to monitor, trace and reintegrate children in collaboration with development partners

**6.4.1.** There are 269 males and 303 females who were reunified with their families from institutions from 2015 to 2017.

In 2017 they were 243 males and 485 who were separated due to court processes.

There are 100 Institutions hosting children nationwide. (89 of which are private and 11 Government owned). Currently 4 148 children are in institutions. The services and programmes include parenting initiatives including supervision of court orders; professional counselling and support; family clubs; family matters programme; household economic strengthening cash transfers; food deficit mitigation strategy; maintenance allowances; provision of clothes and education assistance through BEAM.

### **Recommendation 32**

**6.5** GoZ is exploring ways to enhance inspections of children's homes outside of the bi-annual inspections. Further, in an effort to promote alternative family care systems the Government has embarked on a foster care awareness campaign.

### **Recommendation 33**

**6.6** In respect to Inter country adoption the GoZ utilizes the International Social Service (ISS) desk which is present at National level for all Inter-county adoptions. Further to that mechanism, no inter-country adoption takes place without the Minister's approval. Whilst the GoZ has not ratified the Hague Convention, it reflects its adoption processes on international best practices. 21 children were adopted between 2017 and 2018. In 2018, 3 Males and 7 females were adopted.

Government continues to work closely with institutions responsible for providing care of children by way of providing per capita grants annually which assist in the development of the institution and the welfare of the children.

**6.6.1.** Government continues to work with institutions that cater for orphaned children with a view to strengthen the system. In addition, it is currently seized with the programme of promoting family and foster care options instead of the institutional care by way of conducting public awareness campaigns on adoption. In the same vein, Government has developed information packs designed to assist adopting and /or fostering families. These include; Foster Care Guidelines, Adoption Guidelines and Residential Child Care Guidelines.

**6.6.2** While Government is considering the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption, it is imperative to note that the GoZ has revised its National Residential Care standards in accordance with the principles

of the Convention. It is conducting post qualification training on probation work in line with the Convention. Zimbabwe has a bilateral agreement with United Kingdom on inter-country adoption. However, it is important to note that cases of inter-country adoptions in Zimbabwe are not common. The Government of Zimbabwe has a six star orphan policy.

### **Recommendation 34**

**6.7** Efforts to increase and improve access to rehabilitation facilities are continuing since the last report. Special education programmes have been included in the curricula of teacher training institutions and universities to address issues of children with disabilities. Rehabilitation/Technician Training Schools have been established to train personnel in the care of disabled persons.

**6.7.1.** Through the community based rehabilitation Programme, children with disabilities in the rural areas are assisted so far as possible to live an independent life through the provision of orthopaedic appliances and other equipment and adaptation to the home environment. The Government has put in place preventive measures to protect children against disability.

**6.7.2.** The Public Health Act [*Chapter 15:09*] provides and makes compulsory for the immunisation 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. The Government is also running promotion programmes to educate the public on accident prevention in the home, which may result in disability.

**6.7.3.** Section 83 of the Constitution provides that the State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realize their full mental and physical potential, including measures to, provide special facilities for their education and provide State-funded education and training where they need it.

Persuade to the Constitution the national the competence based education curriculum highlights inclusivity among its major principles, placing emphasis on an education system that takes into account and addresses the different learners' needs and abilities without disadvantaging any group or individual and taking into cognizance the full range of learner diversity.

**6.7.4.** While special schools for learners with disabilities continue to exist, the Government’s contemporary thrust is to create an inclusive school system that accommodates learners with disabilities. This is being done through, implementing the Child Friendly Schools concept where school structures are constructed taking cognizance of the needs of learners with disabilities.

**6.7.5.** Government has taken a deliberate thrust of promoting inclusive programming in line with the constitutional provision (Articles 22 and 83). Within this context. Ministry of Primary and Secondary Education has placed emphasis on the attendance of children with disability and mainstream closest to their homes and only placing those with more severe and profound disabilities in the special schools. Accordingly Special Needs Resource Units and Special Classes are being established in Mainstream schools and are manned by special needs qualified teachers in order to facilitate effective inclusion at school level.

**6.7.6** The Annual School Census, EMIS is tracking the enrolment of children with disabilities by level, sex and district and an upward trend has been identified.

**6.7.7** The competence-based curriculum is being implemented with in-built measures to ensure the equitable participation of learners with disabilities across all curriculum learning areas. A database is in place with specific details on learners requiring and supplied with assistive devices. The demand, however, exceeds supply as most assistive technologies are procured outside the country. Special examination arrangements for learners with special needs are well documented for the administration of public examinations under the Zimbabwe Schools Examinations Council.

**6.7.8** With regards to recreational opportunities, Zimbabwe National Paralympic Games were introduced as a national strategy to create opportunities for sport and recreation for persons with disabilities throughout the country. The games are held annually and facilitate life skills education, selection of talented athletes and further exposure for high performance programs. The National Arts Council and the National Gallery of Zimbabwe provide a number of activities that ensure full participation of persons with disability. Learners with disabilities also participate in the Annual, Science, Sport and Arts Festival (ASSAF) which are organized from school level to national level.

**6.7.9** The Government of Zimbabwe is guided by legislation on building standards that incorporate the aspect of access by children with disabilities. There is currently no specific policy that states that all public buildings should have ramps to enter and ablution facilities set aside for persons with disabilities but however, the National Housing Policy of 2012 provides guidelines on building standards. The Housing Standards Act underscores the construction of buildings without barriers. Therefore, construction of all public buildings is guided by statute and ensures that all public buildings are accessible. This includes the following measures:

- i) Ensuring that elevators are functional. In addition, when rehabilitating elevators, the Government has introduced modified elevators to accommodate persons with disabilities where talking devices in elevators as well as brail buttons are installed.
- ii) Mandatory ramps for persons with disabilities should be provided for.

- iii) Large doors that enable access by people on wheelchairs.
- iv) All public buildings are required to have reserved parking for persons with disabilities close to the entrance of the buildings
- v) Special provisions are made in all public buildings to ensure that ablution facilities for persons with disabilities are in place.
- vi) Government gives priority on allocation of residential stands is given to parents with children living with disability.

**6.7.10** Local Authorities are encouraged to apply the same principle in all construction projects.

Item 17 of the National Housing Policy document also refers to the following:

- i) Use housing as a development strategy for eliminating disparities, gender and social inequality.
- ii) Create a functioning housing market without ignoring the special needs of the poorest in society.
- iii) Operationalize relevant aspects of the country's social protection policies.
- iv) Ensure equitable access to land for housing for all citizens.

**6.7.11** Recommendations have been made to establish a stampede response plan for emergency preparedness and disaster management through the Department of Civil Protection. Conscientising the public to ensure evacuation of children living with disabilities will be emphasized through awareness campaigns.

**6.7.12** School buildings are constructed including adaptations to ensure accessibility to physical learning environments for learners with disabilities. This includes ensuring that classrooms are wheelchair accessible and those tables and chairs in the classroom are set up in a way to facilitate the movement of wheelchairs. Schools are encouraged to have special toilets to cater for the needs of learners with disabilities.

**6.7.13** The number of children with disabilities is estimated to be 600 000 which is 11% of the total population of children in Zimbabwe. (Update of the Situation Analysis of Children and Women in Zimbabwe - 2015). 471 males 633 females with disabilities identified and assisted in 2017. Refer to table 13 in annexure for population of disabled children according to age and sex

**6.7.14** The 2017 ICDS found that 233 805 out of 5 369 090 children in the 3 -17 age group were disabled. This meant that 4 percent of the children in the country (in the 3 – 17 age group) had some form of disability or another. Further disaggregation of the disabled children's population according to age group and sex is shown in the annexure in tables 14, 15 and 16

### **Recommendation 35 and 36**

**6.8** The 2015 Zimbabwe Demographic Health Survey (ZDHS) found out that the infant mortality rate was 50 deaths per 1 000 live births. This is a drop when compared to 57 deaths per 1 000 live births that was established by the 2010 – 2011 ZDHS. Under five mortality was at 69 deaths per 1 000 live births, this is also a decline from the figure of 84 deaths per 1 000 live births that was found by the 2010 – 2011 ZDHS.

**6.8.1** Efforts continued to progressively realize the right to safe, clean and portable water as enshrined in the Constitution. In 2018, about 65% of households in Zimbabwe did not have access to hygienic sanitation facilities and 25% of the total population did not have access to safe drinking water. Under the second phase of the Rural Water, Sanitation and Hygiene project (2016-2018), 12 districts in three provinces were supported. 5 600 boreholes were rehabilitated, and 12 community water pipe schemes were rehabilitated and converted to solar power

**6.8.2** The GoZ has managed to increase access to health care services through implementing the user free policy for under-fives, pregnant women and indigents. Additional resources to health care through earmarked taxes from mobile telecommunication called the Health levy has been used to avail medicines and commodities to health institutions. Blood availability has been made accessible free of charge to vulnerable groups through support from the Health Levy. The GoZ has adopted a strategy to bring health services closer to communities through establishment of health posts below the clinic level.

### **Recommendation 37**

**6.9** In 2016 and 2017 a total of 839-health workers were trained in the management and care of diarrhea and pneumonia and other childhood illnesses throughout the country.

### **Recommendation 38**

**6.10** Zimbabwe has already made progress in three primary areas of performance measurement monitored by the Scaling-Up Nutrition (SUN) Movement, namely ensuring the existence of a coherent policy and legal framework for nutrition; bringing people in the same space through multi-stakeholder platforms – multi-sectoral food and nutrition security governance structures have been established from the highest level in Cabinet (Inter-ministerial committee on Food & Nutrition security) to the community level through the establishment of Food & Nutrition Security committees at National, Provincial, District and Ward levels; and mobilising and tracking resources with an impact on nutrition. Zimbabwe has costed national nutrition strategy which is yet to be evaluated.

## **PART VII ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ARTICLE 11-12 & 14)**

### **Education**

#### **Recommendation 39**

7. The table 17 in annexure shows percentage dropout by level. Generally, at primary level less than 1% of learners enrolled dropped out of school over the period. Whereas, at secondary level almost 4% dropped out.

**7.1.1** The recommended learner to teacher ratio for ECD is 1:20. Table 18 shows learner to teacher ratio for ECD level by location. In urban schools there are fewer learners to a teacher than in rural schools. Regarding the learner to qualified teacher ratio in rural areas the ratio is 100 and above since 2015. Therefore, it has a negative effect on the readiness of learners to primary level.

**7.1.2** Table 19 and 20 in annexure shows primary and secondary school net enrolment rate by sex for the period 2014 to 2017 respectively. Participation of learners who are of the correct age to lower secondary has been increasing by almost 3% from 2014 to 2016 followed by a slight drop in 2017 of 0.98%. More females were participating than males.

**7.1.3** As illustrated by tables 20 in the annexure Retention of learners at primary level is showing an upward trend from 76.83% to 81.38% in 2014 to 2016 which is followed by a drop of 79.83% in 2017. For lower and upper secondary it is fluctuating.

**7.1.4** Table 21 shows completion rate by level and sex from 2014 to 2017. There is an increase in the percentage of learners completing ECD level from 75.36% to 93.68%. Hence, it can be noted that a large proportion of pupils are completing ECD level. Primary level and lower secondary level completion rate is increasing from 2014 to 2015 followed by a slight drop in 2016 and 2017.

**7.1.5** For completion rate refer to table 21 in annexure.

**7.1.6** Table 24 in annexure shows ECD Gross Enrolment Ratio (GER) and Net Enrolment (NER) from 2014 to 2017. ECD level has seen a marked increase in participation of approximately 16% in the past 4 years for GER. It can also be noted that the current trend for NER is also encouraging as shown by an increase of almost 7% of ECD learners who are of the correct age to the level. However, there is still need for significant progress to be made at this level.

#### **Recommendation 40**

**7.2** The aims and objectives for which the State Party's educational policy and curriculum have been designed to foster and achieve;

The Ministry's Education system has been designed to provide quality, inclusive and equitable education for all. The education curriculum was reviewed in 2015 with a view to making it relevant to the demands of the 21<sup>st</sup> Century. The curriculum which was implemented from 2017 places emphasis on the teaching of science, and technology, engineering and mathematics as well as creative Arts, ( STEAM) Heritage studies and technical / vocational skills. A Critical outcome of the new curriculum is that learners should be able to leave school with basic skills, competences, knowledge and character that will enable them to fulfill their ambitions in life and contribute to national development.

**7.2.1** Government approved measures to strengthen the foundations of Education through the addition of 2 years of ECD education to the formal Primary School Cycle. With this intervention access to ECD education to all children, without barriers of cost, language disabilities, gender, region among others, has been greatly facilitated. This has also resulted in increased employment of trained ECD teachers on the Government payroll. While demand currently exceeds supply, this policy initiative has improved Zimbabwe's performance towards the attainment of SDG 4

**7.2.2** Section 27 of the Constitution of states that the State must take all practical measures to promote free and compulsory basic education for children and ensure that girls are afforded the same opportunities as boys to obtain education at all levels.

Furthermore, Section 75 of the Constitution states that every citizen and permanent resident of Zimbabwe has a right to a basic State-funded education, including adult basic education; and further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible. The realization of free basic education is a process which will be gradually realized as resources become available. In the interim, parents are called upon to complement Government efforts through payment of fees and levies for their children. A policy is in place that no child should be barred from attending school because of non- payment of fees. In addition Government through its own resources and with assistance from development partners provides funding for the Basic Education Assistance Module (BEAM) to cater for school fees requirements for children from vulnerable families.

**7.2.3** The Ministry of Primary and Secondary Education monitors school attendance and records gender disaggregated statistics on all cases of school dropout by grade, and reason thereof. Further, the Ministry of Primary and Secondary Education has strengthened its Guidance and Counselling support program in school and inter-ministerial collaboration to respond to socio-economic and other challenges that may affect school attendance and completion.

Specific programs emphasizing on life skills, sexuality and HIV prevention programming as well as responses to the scourges of child marriages and teenage marriages and drug



abuse are underway. Measures to prohibit Heads of schools from sending away learners for non-payment of fees and levies continue to be strengthened.

**7.2.4** The Government has adopted and is implementing the Home-Grown school feeding programme, as a strategy to achieve optimal enrolments, attendance, and retention and school completion rates with positive learning outcomes for all, noting that while boarding schools already provided meals to learners, most day scholars did not have institutionalized daily school meals. The provision of meals for learners at school through the school feeding programme is an effective strategy for achieving equitable, optimal learning outcomes for all as a result of the improved learner nutrition and health. The Home-Grown school feeding programme which is to cater for all primary and secondary school learners is being rolled out in phases, starting with infant learners.

School feeding has many demonstrable advantages among all learners, with its greatest impact among the most vulnerable. It has proved to have a positive impact on attendance at school, improved learning outcomes, health, gender equity, poverty and hunger reduction, among others. It also contributes to improved learner nutrition, higher retention levels, higher rates of completion of studies, reduced dropout rates and enhanced overall learner performance.

**7.2.5** Under the competence - based curriculum, learners are provided with information to make informed decisions on their personal hygiene. They are exposed to teaching and learning content on the management of menstrual hygiene, information on different types of sanitary wear, their advantages and disadvantages and the practical teaching of how to manufacture some of the types of sanitary wear. The aim is to support self -sufficiency and uphold the dignity of female learners through empowerment on sustainable menstrual hygiene rather than reinforce reliance on handouts.

**7.2.6** Government continues to support disadvantaged children through BEAM which supports the enrolment and retention of disadvantaged children in schools at primary and secondary level and 10% of the total budget allocation for each year is set aside for school children with disabilities. Through the annual census on BEAM, the Government captures statistics on orphaned and vulnerable learners per grade and also tracks the BEAM payment arrears to each school where BEAM beneficiaries attend.

**7.2.7** Gender sensitivity is one of the principles underpinning the curriculum for schools in Zimbabwe. With relation to issues of gender equality, Section 27 (2) of the Constitution states that the State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels. While the 2014 Education Management Information System shows that gender parity has been achieved at primary and ordinary levels, the participation rate for girls at 'A' level is still at 44%. More girls are being encouraged to proceed to upper secondary level and beyond.

**7.2.8** Statutory Instrument 362 of 1998 and policy Circular P35 provide for girl learners who fall pregnant to return to school, and proceed with their education at the same school or at any other school. Due to different family circumstances and other unmet needs of the teenage mother and the baby, not many have returned to school within the given time space. However, the non- formal education system provides an avenue where learners who have dropped out of school can benefit from education through attending lessons in the afternoon or evening at any school of their choice. The programme is also flexible and allows learners to progress at their own pace and sit for examinations when they feel they are ready without enduring the pressure that is associated with the formal education system.

**7.2.9** The Government's position is that at the infant level instruction is through the mother tongue. To this end and in line with the Constitution, indigenous languages such as Tonga, Venda, Chichewa, Ndaou, Nambya, Chichangani and Sotho which are officially recognized are now being taught as part of the competence -based curriculum. Sign language is recognized as the indigenous language of the deaf and hard of hearing. The Sign language syllabus is currently being developed for all levels of the school system and teachers at all levels are attending in-service workshops on indigenous languages.

#### **Recommendation 41**

**7.3**

The competence based curriculum highlights inclusivity among its major principles, placing emphasis on an education system that takes into account and addresses the different learners' needs and abilities and taking into cognizance the full range of learner diversity, without disadvantaging any group or individual. In pursuance of the above, the Government has come up with a number of measures to ensure equal access to education for learners with disabilities. The measures include, among others;

- Government in partnership with development partners identify and facilitate school enrolment for school-aged children with disabilities who are not attending school.
- Development of teacher resource materials to assist with practical skills on how to incorporate the special needs in day to day teaching and learning.
- In-service training workshops for mainstream teachers on managing disability-related needs among learners in their classes.
- Re-orienting special schools to play an active role as resource centers to assist mainstream schools in providing for learners with less severe disabilities at schools nearest to their homes.

#### **Recommendation 42**

According to GoZ policy all schools should have play grounds, swimming pools, and Local government is revitalizing leisure areas around cities and towns that is swimming pools, parks and gardens which are accessed by children free of charge.

## **PART VIII: PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS (ARTICLE 13, 22-23 & 25)**

### **Recommendation 43**

8. The GoZ is collaborating with United Nations High Commissioner for Refugees (UNHCR) in terms of best interest assessment for the determination of the care of refugee children or children seeking asylum. From the moment a child is presented for asylum a social worker accompanies the child in the process of refugee status determination. The children are placed with persons from their places of origin within Tongogara Refugee where they have access to safety, protection, education and health care. The country is looking into the issue of water accessibility as the number of people per water source is not in line with international standards. Subsequently family tracing is done through the International Committee of Red Cross.

**8.1.1** Section 81 of the Constitution no child is recruited into a militia force or take part in armed conflict or hostilities.

**8.1.2** Special treatment is accorded to expectant mothers and children of incarcerated mothers. Preference for non-custodial sentences for mothers  
In terms of section 36 of the Prisons (General) Regulations 1996, a Medical Officer shall notify the Officer in Charge. In turn the Officer in Charge shall, in the case of an unconvicted inmate who is pregnant, report to the court in which criminal proceedings against her have been instituted.

**8.1.3** Establishment of Alternative measures to institutional confinement for the treatment of such mothers have been established and promoted.

The construction of an open prison for female inmates is on the cards; however the main challenge is that of resource constraints on the part of the State. Expectant inmates and mothers have separate cell facilities for them within the prison setting but these facilities are only provided where accommodation is available. There is a dietary scale for such children up to the age of 54 months. The dietary scale covers food requirements for the children and was gazetted as Statutory Instrument 60 of 2014. Refer to recommendation 46.

- Section 58 of the Prisons Act [Chapter 7:11] provides for the admission of an unweaned infant with their mother. This section obliges the state to provide the unweaned child with clothing and other necessities at the public expense.
- When such a child has been weaned, the Officer in Charge, on being satisfied that there are relatives or friends able and willing to support it, shall cause such child to be handed over to such relatives or friends, or if this is not feasible, shall hand such child over to the care of welfare authority.
- In a number of cases the female inmates may be reluctant to part with their children. On the other hand, most of the friends and relatives are not willing due to various reasons including the economic challenges.
- There are 19 children accompanying their mothers to prison as at 15 August 2018. There are 11 boys and 8 girls and the average age is 17 months.

- Whether the death sentence can be imposed on such mothers  
Section 48 (d) of the Constitution provides that the death penalty shall not be imposed on women.

**8.1.4** Measures that have been taken by the Government to protect the child from all forms of sexual exploitation and sexual abuse are as follows:

- Taskforce on the prevention and response to commercial sexual exploitation of children in Zimbabwe
- Night patrols and surveillance of public places of entertainment (beer halls, night clubs, strip clubs)
- Awareness raising on sexual abuse, its effects, services available and reporting procedures in communities, schools through campaigns, meetings as well as electronic and print messages
- Child friendly helpline for reporting risky situations and sexual abuse cases
- Community Childcare Workers for prevention and early detection
- Deterrent sentencing options for perpetrators of sexual abuse
- Within the ZRP there is a Victim Friendly Unit (VFU) whose mandate is to investigate crimes against women and children involving sexual abuse and domestic violence. VFU officers are found at every Police station countrywide and these are specially trained to deal with children. The ZRP works with other stakeholders within the government and some non-governmental organizations in the fight against sexual abuse against children. Victims of sexual abuse are referred to other organizations for further management if need be, for example, for medical, psycho-social support or shelter.
- Since 2017 the ZRP has intensified its sexual abuse awareness campaigns in schools in an effort to empower children so that they do not fall victim to sexual abusers.
- In 2017, the ZRP partnered with Save the Children in a pilot project on online child sexual abuse and exploitation. The project is running in Harare and a total of twenty (20) secondary schools are part of this project. The project involves educating the children on the various types of online sexual abuse offences and on how to protect themselves from such abuses.

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**8.1.5** In order to prevent incidences of child abuse, awareness campaigns are conducted at school and cluster level, targeting the learners, teachers, and School Development Committees (SDCs) and communities focusing on child abuse prevention and handling of child abuse cases. Between 2012 and 2015 46,238 learners were reached directly through awareness raising campaigns. In addition, Child Protection Committees have been established in schools to handle cases of child abuse and to provide learners with information on the channels for reporting abuse. Suggestion boxes have been installed where reports can be made. Furthermore, Child rights and responsibilities are incorporated in the Guidance and Counselling syllabus, through which age appropriate content is

covered from Early Childhood Development up to Sixth Form level. The concept of unhu/ubuntu is also reinforced. In addition to criminal charges, administratively, disciplinary action is taken against any teacher who tortures or abuses children.

**8.1.6** In addition every province has a team of educational psychologists who offer psycho-social support to affected learners in order to minimize the trauma of abuse and its effect on the learner. Furthermore capacity development on preventing and handling of child abuse workshops are conducted for school leaders (Heads and Deputy Heads) who will cascade the information to teachers and other staff in schools. The number of Heads and Deputy Heads who were capacitated from 2016 to 2018 is 17 778. Professional ethics has also been included in the Teacher Capacity Development programme which was launched in July, 2014, to strengthen moral accountability among teachers.

**8.1.7** The Ministry actively promotes the provision of safe learning environments in which violence, victimization and bullying and other violations of children's rights have no place. Records show an increasing trend in the reporting of abuse by learners and the responsiveness of most of the teachers. As one of the Ministries implementing the Multi-Sectoral Protocol on the Prevention and management of child sexual abuse, the Ministry is focused on strengthening the school based programme against Gender Based Violence.

**8.1.8** Table 25 in annexure Shows Reported Sexual Abuse Cases of Children Disaggregated by Sex

**8.1.9** The ZRP (CID Drugs) is carrying out awareness scheduled monthly awareness campaigns in schools, churches and at public gatherings to educate children and their parents/guardians on the dangers of drug and substance abuse. The ZRP has records of some children who are currently undergoing post-drug abuse rehabilitation. Table 26 in annexure show s number of children charged for drug abuse as from January 2015 to July 2018.

**8.1.10** The Government has 5 mental health institutions with the capacity to manage substance abuse induced mental illnesses. Furthermore, in preparation for reintegration into society, treated mental patients are taken through halfway homes where they are equipped with life skills. In addition Government offers specialized psychiatry for children. Plans are underway to expand the specialized psychiatry services for children by setting up a permanent institution at Harare Hospital.

**8.1.11** Zimbabwe as a country has relevant legislation to deal with the crime involving Abduction and Pornography and perpetrators are charged under section 93 and 94 of the Criminal Law (Codification and Reform) Act, [Chapter 9:23] and the Censorship and Entertainment Act respectively. The Trafficking in Persons Act [Chapter 9:25] is now in place and is being effectively used to police crimes of trafficking of children. The Police (CID Law and Order) also attends Bilateral and Multilateral meetings and workshops to

enhance cooperation and assistance from neighboring countries in dealing with cross border trafficking in persons.

The ZRP, through its Public Relations department carries out awareness campaigns in which parents and guardians are encouraged to protect their children from all forms of abuse.

All victims of trafficking in persons are referred to the Department of Social Services for rehabilitation and the only child who was trafficked from South Africa went through the rehabilitation process.

**8.1.12** The Government has set up the Street Children Fund financed by both Government and Civil Society to fund organizations that offer care and rehabilitation services to children on the street. The funding facilitates the removal and rehabilitation of children from the streets and reunification with their families or placement in alternative places of safety such as the foster care and institutionalization. Government also set **Multi Sectorial Taskforces for Children on the Streets** at Local Authority level. The Task Forces are mandated to monitor the situation of the children on the streets. According to the Baseline Survey for children living and working in the streets conducted by the Government with support from development partners in 2014 approximately **4701** children are living and working in Harare, Bulawayo, Mutare and Beitbridge. Of these 71% are males and 29% are females. About **1081** children stay in the streets permanently; with 82% being males and 18% are females. The majority of children “of” the street were aged between 17 and 18 years. The street is not a safe environment for children. The best scenario would see all children removed from the street voluntarily either back their families or into places of safety.

**8.1.13** Government runs 8 children’s homes and training centres that can take in children from the streets. There are also 8 privately run registered children’s homes that take in children from the streets. Besides these homes, there are several drop-in centres in cities such as Harare, Mutare, Bulawayo and Masvingo that offer support services for children in the streets. Services offered at the drop in centres include provision of food, health services, bathing facilities and recreation facilities for children in the streets. The activities give an opportunity for centre officials to build a rapport with the children in order to provide holistic and relevant support. Before a child is re-integrated into their family tracing is done to make sure the family environment is safe for the child to return. Children removed from the streets in 2017, are 351 males and 257 females.

## **8.2 Refugee Children**

### **Recommendation 43**

**8.2.1** Services to Refugee children is provided without discrimination. All refugees are awarded the same services and considerations are made to the number and age of children in any household. Unaccompanied minors are given preference and special care. All refugees have the right to apply for a change of status in terms of the Constitution of Zimbabwe. Thus Refugee children can apply for permanent resident or citizenship status. Each case is determined on its merits. For further information, refer to Part VIII on Protection of Children in Vulnerable Situations.

#### **Recommendation 44**

**8.3** In response to the first part of this recommendation on the age of criminal responsibility, the committee is referred to paragraph 4 on constitutional, legislative and policy framework for the promotion and protection of the rights and welfare of the Charter. Concerning the second part of the recommendation on establishing juvenile courts, the GoZ will establish courts solely dedicated to the trial of children accused of committing crimes, sealing of criminal records of convictions of juveniles and diversion orders where the Child Justice Bill is enacted.

#### **Recommendation 45**

**8.4** Section 81(1) (i) (ii) of the Constitution provides that every child has the right not to be detained, except as a measure of last resort and if detained to be kept separately from detained persons over the age of 18 years. The GoZ launched the pre-trial diversion program in 2013 as a pilot project which was subsequently adopted as a permanent feature of the justice system in 2017. The diversion program currently covers 8 of the 10 provinces and plans are in progress to cover the entire country. As part of expanding the diversion program, various stakeholders have undergone training and these include Magistrates, Prosecutors, Social Workers and Police Services Officials. Children in conflict with the law are kept separately from others by the Department of Social Welfare in collaboration with the Ministry of Justice. Examples of institutions catering for children in conflict with the law include, Percy Ibboston Remand Home in Bulawayo, Ndare Rehabilitation Probation Home, Blue Hills Probation Hostel in Gweru, Kadoma Training Institute and Northcott Training Institute for children in conflict with the law. Further GoZ provides separate facilities for juveniles who are on remand and serving sentence.

**8.4.1** The Government adopted Pre-Trial Diversion Programme in 2013 which is guided by the following principles among others:

- Contact with the Justice system to be minimised
- The child right to protection from abuse, exploitation, including protection from unlawful corporal punishment to be respected at all times
- All children to be separated from alleged and convicted adult offenders throughout their conduct with the justice system.

The diversion options include counselling, victim offender mediation, family group conferencing, police cautions and attendance at a particular institution for educational and vocational purposes. The programme has decentralised to all the 10 provinces, cascading down to district level. Under the Pre-Trial Diversion Programme children are not detained. The number of children who went through the Pre-Trial Diversion programme as from 2015 to 2017 is depicted in table 27 in annexure.-

**8.4.2** The training package at recruitment and also at management level provides for the rights of special categories of inmates and this includes the rights and management of Juvenile offenders.

Training is also being offered in partnership with non-state actors, for instance some Children's rights organisations have been training rehabilitation officers on child Justice. A total of one thousand seven hundred and seventy four (1774) Police Officers have been trained in child justice under the country's Pre-Trial Diversion Programme

**Recommendation 46**

**8.5** We refer the Committee to the paragraph on Protection of Children in Vulnerable Situations.

**Recommendation 47**

**8.6** With regard to this recommendation 47, the Committee is referred to Part VIII on Protection of Children in Vulnerable Situations

**Recommendation 48**

**8.7** Labour Act (Chapter 28:01) set a minimum age of 16 years for non-hazardous work (apprenticeship) and 18 years for admission to employment.

**8.7.1** Children's Act (Chapter 5:06) Section 2 provides for conditions of work and defines hazardous labour as any work:

- (a) which is likely to jeopardize or interfere with the education of that child or young person;
- (b) involving contact with any hazardous substance, article or process, including ionising radiation;
- (c) involving underground mining;
- (d) that exposes a child or young person to electronically-powered hand tools, cutting or grinding blades;
- (e) that exposes a child or young person to extreme heat, cold, noise, or whole body vibration
- (f) that is night shift work;

**8.7.2** Section 10A restricts the employment of children and young persons and provides restriction on employment of children and young persons

(1) Except in such circumstances as may be prescribed, no -

- (a) parent or guardian of a child or young person of school going age shall knowingly cause or permit the child or young person to absent himself from school in order to engage in employment for gain or reward;
- (b) person shall employ for gain or reward a child or young person of school going age at a time when the child or young person might reasonably be expected to attend school.

**8.7.3** Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding two thousand five hundred dollars or to imprisonment for a period not exceeding six months or both such fine and such imprisonment.

**8.7.4** It shall be a defense to a charge under paragraph (b) of subsection (1) for the accused person to prove that he believed on reasonable grounds that the child or young person whom he employed was not of school going age

**8.7.5.** Subject to the Labor Relations Act (Chapter 28:01), no parent or guardian of a child or young person shall permit such child or young person to engage in hazardous labor.



**8.7.6** Labor inspections are carried out to assess existence of child labor in industries and farms, raise awareness as well as to investigate the impact of child labor on the role of primary and secondary education enrolment.

**8.7.7** Under Harmonized Social Cash Transfer, Public Assistance and Food Deficit Mitigation Program/ Drought Management Program assistance is provided to labor constrained, food poor vulnerable household per month to enable them to sustain their day to day living while under the public works fund vulnerable households are given basic commodities as a token for their labor at public recognized institutes. Vulnerable groups are also provided with health assistance under the Assisted Medical Treatment Orders (AMTO) at public hospitals. Under the Basic Education Assistance Module (BEAM), tuition fee, levy, and examination-fee assistance is provided to vulnerable children (to put some flesh, paragraph format from Ministry of Labour & Social Welfare)

**8.7.8** Currently number of refugee children is 1 953 females and 1 986 males and the number of children seeking asylum. 1 215 females and 1 327 males.

**8.7.9** In Zimbabwe there is no armed conflict and there is no militia.

**8.7.10** The 2014 Labour Force and Child Labour Survey found out that 210 813 out of 3 563 057 children of age 5 to 14 were involved in child labour. This means that 6 percent of the children in this age group were involved in child labour. 168 760 (4.7 percent) were involved in economic child labour and 42 053 (0.1 percent) were involved in non-economic child labour. In 2017, 136 males and 116 females identified as being in child labour situations.

## **PART IX: HARMFUL PRACTICES (ARTICLE. 1(3) & 2)**

### **Recommendation 49**

**9** The GoZ recognises child marriage as one of the harmful practices that is significantly prevalent in the Country.

**9.1** Realising the important role traditional leaders' play in ending child marriages, the GoZ has engaged with traditional leaders on ending child marriages. Resultantly, traditional leaders have come up with a communiqué on ending child marriages. Through the communiqué, Traditional leaders commit to taking the lead in ending child marriages in the Country.

**9.1.1** Government has been working with religious leaders of the Apostolic Christian Council of Zimbabwe (ACCZ) and Union for Development of the Apostolic Churches in

Zimbabwe (UDACIZA). As a result of this engagement they conducted sensitisation meetings within their churches in the ten Provinces of Zimbabwe. In 2016 the Government appointed a focal person for the ACCZ resulting in the organisation instituting a child protecting committee for the organisation, which now deals with child protection issues amongst their affiliates. The main agenda for these sensitisation meetings was to sensitise the apostolic sect members on the negative effects of marrying off children as well as shunning of the act among the apostolic sects.

**9.1.2** Continuous awareness raising efforts are ongoing to conscientise communities on the negative effects of child marriage. Various mediums have been utilised to raise awareness and this has been through community dialogues, distribution of Information Education and Communication material, road shows, branding of public transport with messages on child marriage as well as through print and electronic media. This has proved effective in disseminating information to different communities.

**9.1.3** There is also counselling of families on an individual level and at community level parenting skills are improved through Family Clubs. In extreme cases the child who is deemed to be in need of care is removed to a place of safety while rehabilitation of the child is followed through. Causes of child marriages such as poverty amongst others are mitigated through poverty alleviation programmes such as Public Assistance and Harmonized Social Cash Transfers. Where children are forced into marriage due to early school drop outs, there are back to school programmes to retain children in school for longer and delay marriage. The community cadre, the Community Childcare Worker has an important role of identifying child protection cases and referring them appropriately, making sure there is less and less abuse of children.

**9.1.4** The Children's Act Amendment Bill prohibits Child Marriages. Marriages of children perpetrated mostly by parents or close relatives have paralyzed the social sphere, testimony to the famous African Union campaign against child marriages outcry "GIRLS NOT BRIDES!!!!!" The practice can only be reduced by enacting very water tight laws with long custodial sentences with no option for a fine. This Bill proposes the insertion of a separate section on child marriages. It further seeks to criminalize child marriages. It also proposes consequential amendments to the Marriage Act [5:11] and the Customary Marriages Act [5:07] in line with the constitution, the African Charter on the Rights and Welfare of the Child, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 6), The African Youth Charter (Article 8), The SADC Protocol on Gender and Development (Article 8).

**9.1.5** Section 26(b) of the Constitution provides that children should not be pledged in marriage. With regard to the minimum age of marriage the Committee is referred to paragraph 4.

## **PART X: RESPONSIBILITIES OF THE CHILD (ARTICLE 31)**

### **Recommendation 50**

**10.** Child rights and responsibilities are incorporated in the Guidance and Counselling syllabus, through which age appropriate content is covered from Early Childhood Education up to Sixth Form level. The concept of unhu/ ubuntu is also reinforced. In addition, Children are exposed to their responsibilities at home and at school.

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<sup>i</sup> Zimbabwe 2018 National Nutrition Survey Report <https://www.unicef.org/zimbabwe/reports/zimbabwe-2018-national-nutrition-survey-report>  
<https://sustainabledevelopment.un.org/memberstates/zimbabwe>