

ZIMBABWE CHILD MONITOR

2016



Ending Violence
Against Children

WOMEN'S UNIVERSITY IN AFRICA



ZIMBABWE CHILD MONITOR 2016 - VOL.II

Ending Violence Against Children

Published by:

The Child Sensitive Social Policies Programme of the Women's University in Africa. The CSSP Programme endeavours to publish and make available innovative high quality scholarly commentaries on child rights and welfare issues that have been peer reviewed and which would inform interventions for the enhancement of child welfare in the country and beyond.

The Zimbabwe Child Monitor produced with support from:



Papers Compiled and Ordered by Blessing Mushohwe, Chrystobel Thompson

Layout Design: Lucia Marisamhuka

To order or for more information contact the CSSP Programme of the Women's University in Africa,
The CSSP Programme

Faculty of Social and Gender Transformative Sciences

Women's University in Africa

549 Arcturus Road, Manresa Park

Harare, Zimbabwe

Tel: +263 242459601 or +263 242459647

E-mail: cssp@wua.ac.zw

Web: www.wua.ac.zw

Citation suggestion:

Zimbabwe Child Monitor (2016) – Vol. II

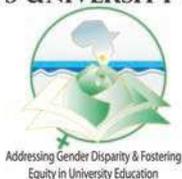
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2016

Ending Violence Against Children

WOMEN'S UNIVERSITY IN AFRICA



Child Sensitive Social Policies
PROGRAMME
FACULTY OF SOCIAL AND GENDER TRANSFORMATIVE SCIENCES

unicef 
for every child

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Vice Chancellor's Remarks

The Women's University in Africa takes great pleasure in registering yet another milestone through the launch of this, the *Zimbabwe Child Monitor*. This is a publication that has come about as a result of our great partnership with UNICEF Zimbabwe, which started in 2013. The intention was to develop a human resource base of child rights professionals through our Child Sensitive Social Policies Postgraduate Diploma. The overwhelming success of the diploma programme led to a rapid expansion of the programme into public lectures, advocacy and indeed research. The research arm, supported by UNICEF, became very successful, and soon we realized that the good work being produced needed to be shared, so that it could be used to inform and improve our country's policy-making, programming and implementation of programmes for the benefit of children in Zimbabwe. This gave birth to this historic publication, the *Zimbabwe Child Monitor*.

The *Monitor* is structured in a way that offers a complete and comprehensive analysis of the status of children and their rights in the country. It monitors: law and policy developments surrounding children in Zimbabwe; child rights through research; budgetary allocations for children in Zimbabwe; and the rights of children through indicators.

With such completeness, we are making an attempt not to leave out any crucial information on child rights and development in Zimbabwe with regards to the particular year being reported.

The work that is being showcased through the *Zimbabwe Child Monitor* is part of the broader mission of the Women's University in Africa (WUA), where we strive to provide quality tuition, research and service to the community, in order to empower female and male students and make them ready for leadership and development roles. The WUA is broadly guided by its core values, which are:

- Gender sensitivity;
- Equity and diversity;
- Academic freedom;
- Creativity and innovation;
- Integrity and honesty;
- Social responsibility; and
- Transparency and accountability.

In this regard, the WUA takes pride for once again partnering the Government of Zimbabwe in child protection, through advocating for an end to violence against children through this current volume of the *Zimbabwe Child Monitor*. As part of the continuing fight for adequate protection, provision and realization of child rights, we will, through the CSSP Programme, continue to monitor progress in the realization of child rights and report accordingly on an annual basis in the *Zimbabwe Child Monitor*.

I therefore take this opportunity to thank the government, our partner UNICEF and indeed everyone in the child rights sector for making this publication possible. Together we can achieve more for our children. Join us for our continued publication of the *Monitor* for Zimbabwe.



Prof. Hope Cynthia Sadza
Vice Chancellor of the Women's University in Africa

Acknowledgements

The Child Sensitive Social Policies Programme would like to extend its sincere gratitude to all those who have contributed to the second volume of the *Zimbabwe Child Monitor*. Special mention goes to:

- ❖ The authors, without whose contributions this publication would not have come to fruition;
- ❖ Professor Hope Cynthia Sadza, Vice Chancellor of the Women's University in Africa, for allowing the programme to thrive and do the work that it does;
- ❖ Dr Elizabeth Chikwiri, Pro-Vice Chancellor of the Women's University in Africa, for her leadership of the Child Sensitive Social Policies Programme;
- ❖ Dr Innocent Mahiya, Acting Dean of the Faculty of Social and Gender Transformative Sciences, for his continued support of the programme;
- ❖ Mrs Jenneth Musiyiwa for departmental support of the programme;
- ❖ The reviewers, who took time out of their busy schedules to review the papers for this publication, for their intuitive comments;
- ❖ UNICEF Zimbabwe, for funding this project and the programme.

List of Contributors

LIST OF AUTHORS

INSTITUTIONS

Women's University in Africa

Dr Innocent Mahiya

Mr Gift Murombo

Mr Blessing Mushohwe

Associations for the Development of Education in Africa (ADEA)

Ms Chemwi Mutiwananyuka

Ms Getrude Bvindi

Mr Simbarashe Dzinoreva

JIMAT Consultants

Ms Abigail Chihota

Ms Deveria Banda

Ms Dorothy Kadzikano

Mr Munhamo Chisvo

UNICEF Zimbabwe

The University of Edinburgh (UoE)

Childline Zimbabwe

INDIVIDUALS

Dr Tendai Charity Nhenga-Chakarisa

Ms Charity Rumbidzai Hodzi

Dr Tinashe Muromo

Mr S Mhizha

Mr Tawanda Chinembiri

Mr Maxim Murungweni

Overview of the Zimbabwe Child Monitor

The *Zimbabwe Child Monitor* is an annual publication of the Child Sensitive Social Policies (CSSP) Programme of the Women's University in Africa, which has been monitoring the situation of children in Zimbabwe since 2015. The *Zimbabwe Child Monitor* examines critically the incorporation into law and policy of child rights principles, their implementation and the extent to which they are enjoyed by all children in the country. The *Zimbabwe Child Monitor* also provides a commentary on various trending issues in the country, as they relate to child rights and development. Most of the commentary is based on research commissioned by the CSSP Programme through the Small Research Grants programme, with support from UNICEF Zimbabwe.

The *Monitor* is essentially a policy brief that provides research and analysis aimed at promoting effective policies and programmes for children in Zimbabwe. Hence, the intended audience of the *Zimbabwe Child Monitor* includes, among others, law-makers and policy-makers, practitioners in the child rights sector, civil society and development agencies working for the welfare of children. This publication is also intended to be a useful resource for academics, researchers and students. It is presented in a simple format and contains the minimum of technical language.

The *Zimbabwe Child Monitor* is divided into four parts.

Chapter 1: Monitoring the Legal and Policy Developments on Child Rights in Zimbabwe

This chapter first outlines the international legal framework on children, which Zimbabwe subscribes to and which informs the country's legislative and policy developments. It goes on to assess the level of domestication of the international instruments, focusing on the country's constitution and its legislative and policy provisions for children.

Chapter 2: Monitoring Child Rights Through Research

This section provides a collection of research-based commentary on trending children's issues. It provides a critical starting point for sustainable child-sensitive social policy-making and practice for children in Zimbabwe.

Chapter 3: Monitoring Budgetary Allocations for Children in Zimbabwe

This section provides a brief analysis of the 2016 budgetary allocation to the social welfare, education and health of children.

Chapter 4: Monitoring the Rights of Children Using Child Indicators

This section demonstrates the power of statistical evidence through the utilization of child indicators in monitoring child rights.

The CSSP Programme has embarked enthusiastically on a drive to produce evidence-based research and law and policy analyses that can feed into interventions in support of the welfare of children. Collaborative research work with local and regional bodies is given priority to ensure that the concerns of children gain adequate exposure. Bodies of knowledge garnered through research on children are viewed as significant in informing advocacy work in the area of child rights. In this current Vol. II of the *Zimbabwe Child Monitor*, the monitoring and tracking of child rights was conducted through multidisciplinary child-related research projects and papers on violence against children and social norms in Zimbabwe.

Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of Children
ACRWC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immuno Deficiency Syndrome
ART	Antiretroviral Therapy
AU	African Union
BEAM	Basic Education Assistance Module
CADAS	Computer Aided Data Analysis Software
CBO	Community-Based Organization
CCORE	Collaborating Centre for Operational Research and Evaluation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHI	Child Helpline International
CP	Child Protection
CPPS	Child Protection and Probation Services
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CSSP	Child Sensitive Social Policies
DANIDA	Danish International Development Agency
DCWPS	Department of Child Welfare and Protection Services
DHS	Demographic and Health Survey
ECD	Early Childhood Development
EDF	Education Development Fund
FDMS	Food Deficit Mitigation Strategy
FGD	Focus-Group Discussion
FST	Family Support Trust
GDP	Gross Domestic Product
GoZ	Government of Zimbabwe
HDF	Health Development Fund
HIV	Human Immuno Virus
HSCT	Harmonized Social Cash Transfer
HSF	Health Services Fund
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
KI	Key Informant
KII	Key-Informant Interview
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Survey
MIMS	Multiple Indicator Monitoring Survey

Abbreviations

MoF	Ministry of Finance
MoHA	Ministry of Home Affairs
MoHCC	Ministry of Health and Child Care
MoPSE	Ministry of Primary and Secondary Education
MoPSLSW	Ministry of Public Service, Labour and Social Welfare
MP	Member of Parliament
MWAGCD	Ministry of Women Affairs, Gender and Community Development
NBSLEA	National Baseline Survey on Life Experiences of Adolescents
NGO	Non-Governmental Organization
NIPA	National Implementation Plan of Action
OAU	Organization of African Unity
OPP	out-of-pocket payments
OVC	orphans and other vulnerable children
PSB	programme-based budgeting
RBZ	Reserve Bank of Zimbabwe
SADC	Southern African Development Community
SGBV	sexual and gender-based violence
SIDA	Swedish International Development Agency
SMP	Staff Monitored Programme
SOE	state-owned enterprise
SRHR	sexual and reproductive health and rights
SSA	Sub-Saharan Africa
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UoE	University of Edinburgh
VFU	Victim-Friendly Unit
VVF	vesicovaginal fistula
WHO	World Health Organization
WUA	Women's University in Africa
ZDHS	Zimbabwe Demographic Health Survey
ZIMRA	Zimbabwe Revenue Authority
ZIMSTAT	Zimbabwe National Statistics Agency
ZNCWC	Zimbabwe National Council for the Welfare of Children
ZNFPC	Zimbabwe National Family Planning Council
ZRP	Zimbabwe Republic Police

CHAPTER 1



Monitoring the Legal and Policy Developments on Child Rights in Zimbabwe

LAW AND POLICY DEVELOPMENTS ON CHILDREN IN ZIMBABWE

Blessing Mushohwe

Law refers to rules and regulations that govern human conduct or other societal relations and that are enforceable by the state. It is through law that the state is able to provide for and protect its citizens. Policy, on the other hand, encompasses systems of principles that are deliberately intended to guide decision-making, programmes and the implementation of those programmes, in order to achieve rational outcomes. It also includes strategies and certain guiding principles that are supposed to achieve a particular positive outcome. Although 'law' and 'policy' are sometimes used interchangeably, in fact they are two distinct concepts: the former stems mainly from parliament and presidential decrees, while the latter normally comes from ministries at the national level. In Zimbabwe, there are various sources of law that are recognized. According to section 2 of the Constitution of Zimbabwe, the constitution forms the supreme law of the country, and any law, practice, custom or conduct that is inconsistent with the constitution is invalid to the extent that it differs from or goes against provisions of the constitution. The other sources of law in Zimbabwe are legislation, common law, custom and (sometimes) authoritative texts.

Those citizens that are (or that are supposed to be) provided for and protected by laws and policies include children. They are a special group, who, because of their smaller physical stature and mental immaturity, are vulnerable to all sorts of abuse, neglect, exploitation and manipulation – mainly by the adults who are supposed to be their protectors and carers. When this happens, the laws and policies of a country should be seen to be active and effective in providing protection and whatever support is necessary.

At the international level, the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) are the main instruments that offer provision for, and protection and participation of, children. These (and other) agreements require state parties as far as possible to incorporate their provisions on the rights of children into domestic legislation and practice. Zimbabwe has generally done well in this regard, with examples ranging from the Constitution of Zimbabwe itself to various statutes, regulations and policies.

However, laws and policies are constantly changing in response to the ever-changing world. Every year, new laws and amendments – as well as new or revised policies – are introduced, while new interpretations of the law are handed down by the courts. The *Zimbabwe Child Monitor* thus attempts to track and report on the year's major changes in Zimbabwe. What follows is an analysis of selected major developments in the field of law and policies in Zimbabwe in 2016.

CHILDREN'S RIGHTS IN ZIMBABWE

Tendai Charity Nhenga-Chakarisa

Overview

A number of international and regional legal instruments have been adopted in response to growing concerns around the world to promote and protect the rights of children. There are several United Nations (UN), International Labour Organization (ILO) and African Union (AU) treaties that together contain a comprehensive set of legally binding international standards on the rights of the child, and that provide a solid foundation for the enjoyment of human rights by all children, without discrimination of any kind. At the same time, they constitute a reference point for promoting and monitoring progress in the realization of the rights of the child.

This framework of international and regional instruments informs national policy and legislative developments and provides a yardstick for monitoring the implementation of child rights principles in the different countries. What follows outlines the key international instruments that currently guide Zimbabwe's responses (and those of other state parties) to the well-being of children. These international instruments are discussed under the following three categories:



Overarching international and regional instruments on the rights of the child

The overarching international and regional instruments on the rights of the child to which Zimbabwe subscribes include the **UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child**. The CRC is the most complete statement on children's rights ever made, and provides an internationally agreed framework of minimum standards necessary for the well-being of the child, to which every child and young person under the age of 18 is entitled.¹ The wide variety of rights contained in the CRC reflects broad international concern for the multi-dimensional development of children. It sets a new vision for the child, embodying a consensus that has emerged in favour of the empowerment and protection of children. The CRC has 54 articles, 40 of which provide substantive political, civil, economic, social and cultural rights for children.

¹ UN Convention on the Rights of the Child 'Children's Rights Alliance, available at <http://www.childrensrights.ie/Convention.php> [accessed on 17 September 2005].

Although it was inspired by trends evident in the UN, the regional ACRWC foregrounds the ‘African perspective’ of children’s rights. It acknowledges the critical situation facing most African children due to their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger.² Like the CRC, the ACRWC provides that in all matters concerning the welfare of the child, the “best interests of the child” are to be given paramount consideration.³ It also makes provision for the right of disabled children to take part in community life. The Charter takes its cue from its predecessor, the African Charter on Human and People’s Rights, in imposing certain ‘responsibilities’ on children towards their family, society, the state and other legally recognized communities and the international community.⁴

As a consequence of protecting the full range of rights, both the CRC and the ACRWC demonstrate the interdependence and indivisibility of children’s rights. The instruments introduce a new categorization of rights particular to children, namely the 3 ‘Ps’: provision rights, protection rights and participation rights. The following shows the rights that fall within these three categories.

PROTECTION RIGHTS	PROVISION RIGHTS	PARTICIPATION RIGHTS
<ul style="list-style-type: none"> • Right to dignity • Right to freedom from violence • Right to physical and psychological integrity • Right to protection from violence, abuse, maltreatment, neglect and exploitation • Right to protection from exploitative labour and work that is harmful to their health, well-being or education • Right not to be subjected to cruel, inhuman or degrading treatment or punishment 	<ul style="list-style-type: none"> • Right to life, survival and development • Right to adequate standard of living • Right to health and health care services • Right to social security, including social assistance • Right to water and sanitation • Right to housing and shelter • Right to food and nutrition • Right to education • Right to social (welfare) services 	<ul style="list-style-type: none"> • Right to birth registration, name and nationality • Right to participation and to be heard and taken seriously • Right to information • Freedom of expression • Freedom of thought, belief, conscience, opinion and religion • Right to guidance in a manner that respects their evolving capacities • Right to play, rest and leisure • Right to assemble and protest peacefully and unarmed
<ul style="list-style-type: none"> • Right to protection from narcotic drugs • Right to protection from harmful cultural practices • Right to physical and psychological recovery and social reintegration after abuse or injury • Right to social (welfare) services • Right to special protection for children with disabilities • Right to special protection for children with chronic illnesses • Right to special protection within the criminal justice system for children in conflict with the law • Right to special protection for accompanied or unaccompanied foreign children • Right not to be used in armed conflict and to be protected in times of armed conflict 		

² Lloyd, A., ‘Evolution of the African Charter on the Rights and Welfare of the Child and the African Committee of Experts: Raising the gauntlet’, *International Journal of Children’s Rights*, vol. 10, no. 2, 2002, p. 180.

³ Article 4(1).

⁴ This provision of duties has often been criticized by activists, who argue that it reinforces a conservative approach to human rights. They say that it represents the most elaborate limitation on children’s rights, particularly those concerned with labour, and they fear that the emphasis on the duty of the individual, rather than that of the state, undermines the force of children’s rights. Activists contend that the preservation of African cultural norms may actually encourage child labour. As such, the Charter’s provision of duties is often viewed as “little more than the formulation, entrenchment and legitimating of adult and state rights and privileges against children”.

The UN Committee on the Rights of the Child has identified four rights that also need to be understood as general principles of the rights of children. This means that they must always be considered and applied in implementation of all the other rights. The four rights are: the right to survival and development (Article 6 – UN Convention; Article 5 – African Children’s Charter), the best interests of the child (Article 3 – UN Convention; Article 4 – African Children’s Charter), the right to equality and non-discrimination (Article 2 – UN Convention; Article 3 – African Children’s Charter) and the right to participation/the right to be heard and taken seriously (Article 12 – UN Convention; Article 4(2), 7, 12, 13 and 17 – African Children’s Charter). These principles are also found in the Constitution of Zimbabwe and the Children’s Act either as express rights or as implied principles in other rights.

Instruments containing special protections for children with specific vulnerabilities

There are several instruments to which Zimbabwe subscribes that contain special protection for children with specific vulnerabilities. These may be placed into four sub-categories:

SUB-CATEGORY	INSTRUMENTS
Instruments addressing child labour, use of children in armed conflict, child trafficking and child sexual exploitation	<ul style="list-style-type: none"> • ILO Minimum Age Convention 138 of 1973 • ILO Worst Forms of Child Labour Convention 182 of 1999 • UNCRC Optional Protocol on the Involvement of Children in Armed Conflict 2000 • UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000 • Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000
Instruments addressing the vulnerabilities of the girl child	<ul style="list-style-type: none"> • Convention on the Elimination of all Forms of Discrimination against Women, 1979 • Protocol on the Rights of Women in Africa 2000
Instruments addressing the vulnerabilities of children with disabilities	<ul style="list-style-type: none"> • Convention on the Rights of Persons with Disabilities 2006
Instruments addressing the vulnerabilities of refugee and migrant children	<ul style="list-style-type: none"> • The UN Convention Relating to the Status of Refugees, 1951
Instruments addressing child labour, use of children in armed conflict, child trafficking and child sexual exploitation	<ul style="list-style-type: none"> • Universal Declaration of Human Rights, 1948 • International Covenant on Civil and Political Rights, 1966 • International Covenant on Economic, Social and Cultural Rights, 1966 • African Charter on Human and People’s Rights, 1981 • UNCRC Optional Protocol on a Communications Procedure 2014

The following gives a brief overview of the instruments which fall under these categories.

Instruments addressing child labour, use of children in armed conflict, child trafficking and child sexual exploitation

Child labour, the conscription of children in armed conflict, child trafficking and child sexual exploitation

are rampant in Africa and in various other parts of the world. For this reason, both the international community and the African regional community have come up with a number of instruments that address the various types of exploitation of children. Zimbabwe has ratified and committed itself to implementing the provisions of these instruments.

With regard to child labour, the most notable instrument is the *ILO Minimum Age for Admission to Employment Convention 138 of 1973* which calls for the total abolition of child labour. As an ILO member state, Zimbabwe is obliged to pursue national policies aimed at progressively raising the minimum age for admission to work, “consistent with the fullest physical and mental development of young persons”.⁵ The Convention set the minimum age at 15.⁶ Countries with relatively undeveloped economies (such as Zimbabwe) and educational facilities were temporarily allowed to adopt a lower standard of 14, so long as employers’ and workers’ organizations were in agreement.⁷ The Convention set the minimum age for light work at 13,⁸ but that could be lowered to 12 in developing countries, so long as it did not impede schooling.⁹ The instrument set a limit of 18 for hazardous work, and allowed children aged 16 to undertake such work only if their safety and morals were fully protected, and if they received sufficient specific instruction or professional training.¹⁰

The country has also ratified the *ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention) 182* of 1999.¹¹ It reflects the global consensus that there should be an immediate end to offensive forms of child labour. The Convention has two categories of unacceptable labour: the worst forms and work hazardous to the physical, emotional and moral well-being of the child. The former covers illegal and unacceptable work, even for adults (slavery, debt bondage, prostitution, pornography, forced recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities). The second category covers work harmful to the health, safety or morals of children.¹² The Convention recognizes the need to provide rehabilitation and integration for victims of the worst forms of child labour and emphasizes the importance of education in eliminating child labour.

The CRC is supplemented by three protocols, two of which address the worst forms of child labour. The first is the *UNCRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000*. It outlaws the involvement of children in armed conflict. The protocol compels States Parties to take all possible measures to ensure that members of their armed forces who have not attained the age of 18 years do not play a direct part in hostilities, and prohibits non-state actors and guerrilla forces from recruiting anyone under the age of 18 for any purpose.¹³ Zimbabwe, however, has not ratified this instrument.

The other CRC Protocol is the *Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000*, which prohibits the sale of children, as well as child prostitution and child pornography. States are required to ensure full coverage of certain acts and activities under their criminal or penal law, whether the offences are committed domestically or transnationally, on an individual or organized basis. Zimbabwe has signed this instrument, but, despite its importance, has not ratified it.

⁵ Article 1.

⁶ Article 2(3). The Convention was supplemented by Recommendation 146, which advocated the raising of the minimum age to 16 years. In general, the recommendation provides the broad framework and essential policy measures for both the prevention of child labour and its elimination. It however recommends that the minimum age should be fixed at the same level for all sectors of economic activity.

⁷ Article 2(4).

⁸ Article 7(1).

⁹ Article 7(4).

¹⁰ Article 3(1) and (3).

¹¹ ILO Convention 182.

¹² Article 3(a)-(c).

¹³ Articles 1 and 2.

The most recent CRC ***Protocol is the Protocol on a Communications Procedure 2014***, which came into force in April 2014. The Protocol sets out an international complaints procedure for child rights violations. It allows children from states that have ratified it to bring complaints about violations of their rights direct to the UN Committee on the Rights of the Child if they have not found a solution at the national level. Zimbabwe has not yet either signed or ratified this important document.

Zimbabwe has ratified the ***Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime***. This calls on states to develop legislation to criminalize trafficking, particularly of women and children; to provide victims with access to the legal process; and to provide for their physical, psychological and social recovery. The Convention provides for their deportation, which should preferably be voluntary. It emphasizes the need for states to develop programmes to prevent trafficking and to prevent the re-victimization of trafficking victims. The Protocol states that law enforcement officials in different states should cooperate to crack down on trafficking.

The country also subscribes to the ***Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others***, under which it is obliged to “undertake, in connection with immigration and emigration, to ... check the traffic in persons of either sex for the purpose of prostitution ... in particular, women and children, both at the place of arrival and departure and while en route”.¹⁴

Instruments addressing the vulnerabilities of the girl child

The girl child often faces discrimination from the earliest stages of life, through childhood and into adulthood. Her low status is reflected in the denial of fundamental needs and rights and in such harmful attitudes and practices as a preference for sons, early marriage, female genital mutilation, domestic abuse, incest, sexual exploitation, discrimination, less food and less access to education. Zimbabwe is one of the countries that have actively taken part in the adoption of various international and regional instruments intended to address these particular vulnerabilities of the girl child.

Most notable is the ***Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)*** which outlaws all discrimination “made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or other field”. Of most importance to children is the fact that CEDAW stresses the importance of the “best interests of the child” principle and advocates that opportunities should be available to girls which are equal to those offered to their male counterparts. The Convention also outlaws trafficking and forced marriages, a practice rampant in Africa, with girl children making up the bulk of the victims. It further calls on states to modify cultural practices with a view to eliminating discrimination, and to address discrimination in public and political life, education, labour rights, access to health facilities and access to financial and social services.

In 2005, Africa enforced the ***Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa***, marking a milestone in the protection and promotion of the rights of women and girls in Africa. The Protocol advances the cause of women’s equality and accords special protection to vulnerable female groups, such as girl children, the disabled and those from marginalized groups. The novelty of this Protocol lies in a provision calling explicitly for the legal prohibition of female genital mutilation. The instrument calls for states to “introduce a minimum age for work, and prohibit the employment of children below that age; and prohibit, combat and punish all forms of exploitation of children, especially the girl-child”, and to “protect women, especially the girl-child, from all forms of abuse, including sexual harassment in schools and other educational institutions; and provide for sanctions against the perpetrators of such practices”.

¹⁴ Article 17.

The *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1964* (apart from providing that all marriage be entered into only with the free and full consent of both parties) aims at eliminating forced marriages, child marriages and the betrothal of young girls.

Instruments addressing the vulnerabilities of children with disabilities

It is crucial to understand that children with disabilities are some of the most marginalized and excluded groups, experiencing widespread violation of their rights. Children with a disability are more vulnerable to physical and sexual abuse and to neglect in all development settings; and they often find themselves unable to access education and health care, opportunities for play and culture, family life, protection from violence, an adequate standard of living and the right to be heard.

Zimbabwe is a party to the *Convention on the Rights of Persons with Disabilities 2006*, an instrument that seeks to ensure that people with disabilities enjoy all human rights equally with others. It covers, among other things, civil and political rights, accessibility, participation and inclusion, the right to education, health, work and employment and social protection. With regard to disabled children who fall into the classification of vulnerable children, the Convention recognizes that such children “should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children”,¹⁵ and calls for respect to be accorded for the evolving capacities of children with disabilities.¹⁶ The Convention also protects disabled children from exploitation, violence and abuse.¹⁷

Instruments addressing the vulnerabilities of refugee and migrant children

Zimbabwe is host to foreign migrants, and it has a large number of children who have migrated with their parents or guardians, or who are unaccompanied. To ensure the protection of such children, the country has ratified the *Convention Relating to the Status of Refugees*. The Convention takes, as one of its core principles, the unity of the family and recognizes the family as the natural and fundamental group unit of society. In a unanimously adopted recommendation, it emphasizes the family as a right – one that is threatened in the case of refugees. Governments are required to take the necessary measures to protect the family with a view to: “*Maintaining the unit of the family where household heads fulfil the conditions for admission to the country; ... Protecting refugees who are minors, especially unaccompanied minors and girls with special reference to guardianship and adoption.*”

Article 3 states that the Convention should be applied without discrimination, and this would include discrimination on the basis of age. Similarly, article 31 states that the country may not impose penalties because of illegal entry into the country, and nor can a refugee be expelled without due process of law. A person may not be returned to a place where their life is in threat because of race, religion, nationality or membership of a social group or political opinion. Beyond the afore-mentioned clauses on the family, there is little specific mention of the rights of children.

¹⁵ Preamble and Article 7.

¹⁶ Article 3

¹⁷ Article 16.

Other human rights instruments of general application relevant to children

INSTRUMENTS	PROVISIONS
Universal Declaration of Human Rights (UDHR)	<ul style="list-style-type: none"> - Contains 30 articles that outline people’s universal rights, including those of children - Recognizes that “Motherhood and childhood are entitled to special care and assistance” - Provides that “All children, whether born in or out of wedlock, shall enjoy the same social protection”¹⁸
International Covenant on Civil and Political Rights (ICCPR)	<ul style="list-style-type: none"> - Details the basic civil and political rights of individuals - Includes a clause specific to children, which provides for freedom from discrimination of children; their right to such measures of protection as are required by their status as minors and their right to be registered immediately after birth, and to a name and nationality¹⁹
International Covenant on Economic, Social and Cultural Rights (ICESCR)	<ul style="list-style-type: none"> - ICESCR refers to special measures of protection for children - Calls upon states to take steps to reduce the rates of stillbirth and infant mortality and for the healthy development of the child²⁰ - Outlaws the exploitation of children,²¹ and requires all nations to cooperate in ending world hunger²²
African Charter on Human and Peoples’ Rights 1981	<ul style="list-style-type: none"> - Impresses upon states the need to “ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions” - Gives people with disabilities the right to special measures of protection in keeping with their physical or moral needs²³

Zimbabwe’s ratification of international instruments and associated obligations

As indicated above, Zimbabwe has ratified most of the above-mentioned international and regional instruments (see table below).

Through the very act of ratifying these instruments, Zimbabwe has signified its commitment to implementing the rights and obligations contained therein and has agreed to be held accountable to the supervisory committees of these treaties for its actions or lack of action.

According to international law, as a ratifying state Zimbabwe is obliged to give effect to international human rights agreements in its municipal (domestic) law, where those agreements stipulate that ‘effect’ must be given to their provisions. The CRC and the ACRWC state the means by which States Parties are required to satisfy this basic obligation. Zimbabwe must therefore, like all other States Parties undertake all appropriate legislative, administrative and other measures to implement the rights recognized in the Convention. All domestic legislation must be compatible with the Convention, and there must be appropriate coordination of policy affecting children within and between all levels of government.

¹⁸ Article 25(1) and (2).

¹⁹ Article 24(1).

²⁰ Article 12(2)(a).

²¹ Article 10.

²² Article 11.

²³ Article 18(3) and (4).

INTERNATIONAL AND REGIONAL INSTRUMENTS	DATE OF RATIFICATION
CHILD RIGHTS INSTRUMENTS	
United Nations Convention on the Rights of the Child	1990
African Charter on the Rights and Welfare of the Child	1995
INSTRUMENTS CONTAINING SPECIAL PROTECTION FOR CHILDREN WITH SPECIFIC VULNERABILITIES	
ILO Convention on the Minimum Age of Employment 138	2000
ILO Convention on the Worst Forms of Child Labour 182	2000
CRC Protocol on the Involvement of Children in Armed Conflict	-
CRC Protocol on the Sale of Children	2012a
Palermo Protocol on Trafficking Women and Children	2010
Convention on the Elimination of Discrimination Against Women	1991a
Protocol on the Rights of Women in Africa	2008
Convention on People with Disabilities	2013
Convention on the Status of Refugees	1998a
Trafficking Convention	1995a
GENERAL HUMAN RIGHTS INSTRUMENTS CONTAINING PROVISIONS FOR CHILDREN	
International Covenant on Civil and Political Rights	1991a
International Covenant on Economic, Social and Cultural Rights	1991
African Charter on Human and Peoples' Rights	1986
Convention on Consent and Minimum Age of Marriage	1994a

Note: 'a' indicates accession by Zimbabwe.

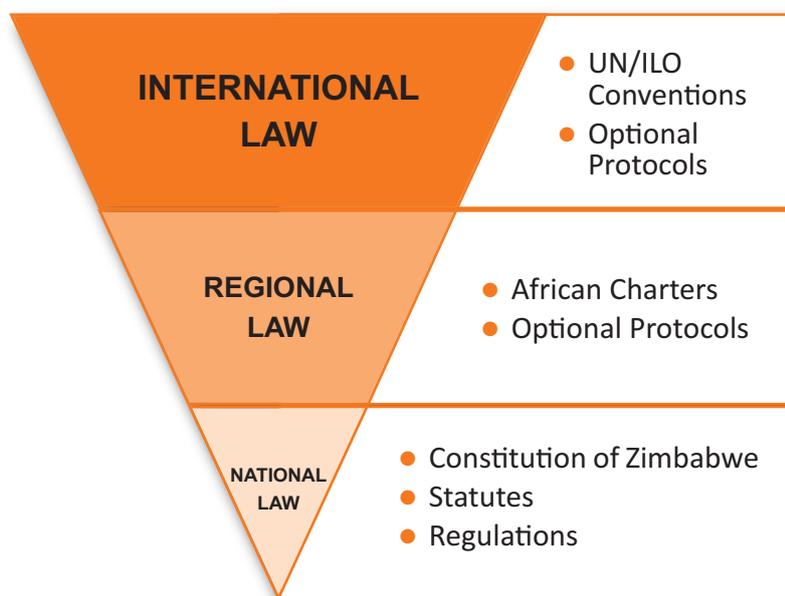
NATIONAL LEGAL FRAMEWORK ON CHILDREN IN ZIMBABWE

Charity Rumbidzai Hodzi and Tendai Charity Nhenga Chakarisa

Introduction

According to international law, a state is obliged to give effect to international human rights agreements in its domestic (municipal) law, if those agreements provide that 'effect' must be given to their provisions. With regard to the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), States Parties must respect and ensure the rights of the child within their jurisdiction. The two instruments provide that States Parties should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized. All domestic legislation must be compatible with the conventions and there should be appropriate coordination of policy affecting children at and between all levels of government. Zimbabwe has incorporated some aspects of these instruments into her domestic laws – the new constitution (Amendment No. 20 of 2013) and various statutes. Some of the laws criminalize acts of violence against children, by ensuring that perpetrators are prosecuted and punished, that victims are empowered and supported, and that prevention is strengthened. A few, however, condone violence against children by making provision for the corporal punishment of children at home, at school and in the justice system.

Connecting the international, regional and national legal frameworks



The ratification of both international and regional instruments/conventions is supposed to cascade down to domestic law at the national level. As stated above, Zimbabwe has ratified most of these conventions that are critical to children's rights and has incorporated some aspects into domestic law. The new constitution recently comprehensively incorporated many of the basic rights of the child for the first time in the country. However, children's socio-economic rights are not adequately protected in the new constitution.

The legal framework on children in Zimbabwe

The majority of laws and policies in Zimbabwe were drafted prior to the new constitution. The laws and policies, as stated above, offer piecemeal responses to children's issues, and some of them actually reverse gains previously made. The lists below indicate laws and policies that address the rights of the child in Zimbabwe. While some are wholly dedicated to children, others have sections that make provision for some of the rights of children. There are four main statutes (to be discussed in detail) that are solely dedicated to children's issues:

- Children's Act
- Child Abduction Act
- Children's Protection and Adoption Act
- Guardianship of Minors Act

NATIONAL LEGAL FRAMEWORK RELEVANT TO CHILDREN

Children's Act
Domestic Violence Act (5:07) of 2007
Maintenance Act (5:09)
Matrimonial Causes Act
Child Abduction Act (5:05)
Guardianship of Minors Act (5:08)
Criminal Codification and Reform Act (9:07) 2010
Criminal Procedure and Evidence act
Administration of Estates Act
Education Act Chapter
Customary Marriages Act
Children's Protection and Adoption Act of 2001
Birth and Death Registration
Public Health Act

The other acts have provisions that also address children's issues, while also covering the rights and responsibilities of adults – for example, the Maintenance Act and the Domestic Violence Act. The table below explains in greater detail the key statutory provisions from some of the main pieces of legislation that are directly relevant to children's issues. The different laws address important issues such as:

- Sexual abuse and violence
- Right to education
- Right to health
- Child marriages and pledging
- Right to identity
- Child labour

LEGISLATION	SUMMARY
Children's Act ²⁴	The Act protects against the ill-treatment or neglect of children and young persons. It forms the primary legislation that protects the rights of children. The Act criminalizes the assault, ill-treatment, neglect or abandonment of any child or young person by a parent, guardian or any other person. It deals with issues that include custody, guardianship, rape involving children and young persons, sexual abuse, ill-treatment of minors and criminal offences perpetrated by a child or young person. It also establishes the children's court, provisions for the protection, welfare and supervision of children and juveniles, as well as certain institutions for the reception and custody of children.
Guardianship of Minors Act ²⁵	The Act makes provision for the guardianship of minors, depending on whether the parents are alive, divorced or dead. Custody under the Act is vested naturally in the mother, although it may be granted to the father if that is in the best interests of the child. The best interests of the child are paramount in all cases, and should it not be safe for a child to be left with his/her parents, the High Court acts as the upper guardian of the child. It denies the father of a non-marital child custody and access unless there are compelling reasons.
Child Abduction Act	It provides for the removal of a child if a custodial parent wishes to go to another country with the child. When parties fail to agree, the High Court of Zimbabwe decides for the parents, since it is the upper guardian of the minor child.
Children's Protection and Adoption Act ²⁶	The Act, which has the same provisions as the Children's Act, prohibits the involvement of children under the age of 18 in hazardous labour. It defines that as any work likely to interfere with their education; expose them to hazardous substances; involve underground mining; expose them to electrically powered hand tools, cutting or grinding blades; subject them to extreme conditions; or occur during a night shift. Child labour offences are punishable by a fine, imprisonment of two years, or both.
Maintenance Act ²⁷	This law states that parents must provide for their children's financial needs, including food, school fees, clothing and so forth, and if one or both parents are not providing for the basic needs, the court can order them to do so. The mother of a child born out of wedlock is entitled to recover expenses from the father of the child. These include maternity, home and medical expenses, maternity clothing and clothes for the child, as well as food. The expenses can only be claimed after the birth of the child.
Criminal Law (Codification and Reform) Act ²⁸	This is the main criminal law code that spells out the various types of crimes that are punishable in Zimbabwe, including those against children. Among others, such crimes include sexual offences, child trafficking, pledging of females (including children), child abuse and neglect, etc. It brings together in one single statute all crimes of violence that children (and adults) may be subjected to. It codifies all the major aspects of the common law and criminal law, and incorporates many of the crimes of violence that were previously contained in various statutes.
Education Act ²⁹	This Act promotes the fundamental right of every child in Zimbabwe to education. It prohibits discrimination in education on the basis of race, tribe, place of origin, national or ethnic origin, political opinion, colour, creed or gender. The state has an obligation to respect that right and to fulfil it by taking all appropriate measures that include legislative, administrative, budgetary and judicial.
Domestic Violence Act ³⁰	This legislation criminalizes domestic violence and prescribes the punishment of perpetrators of physical or sexual abuse in the private sphere: a fine and/or imprisonment of up to ten years (section 4(1)). It lists the types of violence that children may be subjected to and that may hinder their progress and performance in school, whether physical, verbal, economic and/or emotional. It also prohibits child marriage, a practice rife in Zimbabwe.

²⁴ Children's Act (Chapter 5:06).

²⁵ Guardianship of Minors Act (Chapter 5:08).

²⁶ Children's Protection and Adoption Act (Chapter 5:06).

²⁷ Maintenance Act (Chapter 5:09).

²⁸ Criminal Law (Codification and Reform) Act 23 of 2004; 2010.

²⁹ Education Act

³⁰ Domestic Violence Act [Chapter 5:16]

These laws then trickle down into policy. When it comes to policy (which will be discussed in greater detail below), different elements are drafted by key ministries, such as the Ministry of Health and Child Care; the Ministry of Primary and Secondary Education; the Ministry of Public Service, Labour and Social Welfare; or the Ministry of Women's Affairs, Gender and Community Development. These policies enable the ministries to carry out programmes that assist children.

Constitutional overview

Children's rights are importantly enshrined in the Constitution of Zimbabwe, which is the supreme law of the land. They are set out in section 19 as part of the national objectives, and in section 81 under the declaration of rights. Section 19 makes it clear that the state must adopt policies and measures to ensure that in matters relating to children, the best interests of the child concerned are paramount. The state further undertakes to ensure that children enjoy family or parental care, or appropriate care when removed from the family environment, have shelter and basic nutrition, health care and social services, are protected from maltreatment, neglect or any form of abuse, and have access to appropriate education and training.

Section 81 declares the various children's rights available. Among others, it protects children from child labour. It compels the state to take appropriate legislative measures to protect children from exploitative labour practices and to ensure that children are not required or permitted to perform work or provide services that are inappropriate to the child's age, or that place at risk the child or that disturb or interrupt the child's education, physical or mental health or spiritual, moral and social development.

Developments in child rights after 2013

The new constitution specifies various rights of the child, and this has led to progressive new developments both in case law and the setting of precedents, and in enabling legislation. These rights fall into the following fields.

Child labour

In the field of child labour, the provisions of the constitution have further been cemented by enactment of the Labour Amendment Act 5 of 2015. Before this amendment, anyone who was aged below 13 could not be employed in any capacity; hence the minimum age for employment was 13. Those aged between 13 and 15 could be employed as apprentices. The amendment has raised the minimum age for an apprenticeship to 16 years. Apprenticeship is now the only form of employment that is permitted. Employment other than for the purposes of training is no longer permitted for children under the age of 18.

The new amendment also raised the age at which someone may enter into a contract with the assistance of a guardian from 15 and 18 to between 16 and 18. This means that one can only enter into a contract of employment for the purposes of apprenticeship with a child aged between 16 and 18, and such a contract must be agreed in the presence of the minor's legal guardian. This protects children against unfair contracts. The Act is progressive and encourages children to stay on at school, and therefore delays their entry into formal employment.

Maintenance and inheritance

In Zimbabwe, under customary law, all children – whether born in or out of wedlock – are treated in a non-discriminatory manner in any cases relating to their custody or guardianship. Their maintenance was not explicitly addressed, and therefore left a gap in terms of how children born out of wedlock were to be maintained. Civil law, on the other hand – i.e., the Maintenance Act discussed in the table above – discriminated against children born out of wedlock when it came to inheritance.

Prior to the new constitution, children born out of wedlock were only entitled to maintenance from their deceased father's estate; they could not inherit. This was clearly stated in the case **Zawaira v. Nyamufukudza**,³¹ where only those children born in the general law union were recognized as the lawful intestate dependants; the remaining children were only entitled to maintenance. The position of the law changed significantly after the decision of the High Court in **Bhila v. Master of High Court and Others**.³² In this case, the high court judge, Justice Hlekani Mwayera, ruled that children born out of wedlock under general law were entitled to inherit from their late father. The judgment in the Bhila case has set a precedent (a legal position) which will in future ensure that all children, whether born in or out of wedlock, will receive equal treatment before the law in inheritance cases.

Marriage and age of consent

The laws on marriage do not adequately protect girls. The Marriage Act³³ allows girls aged 16 to marry, while the minimum age for boys is 18. The Customary Marriages Act does not specify a minimum age of marriage. The constitution, however, stipulates that "no person may be compelled to enter marriage against their will", and calls on the state to ensure that no children are pledged into marriage. It also importantly states in section 78 that only a person aged 18 years or over is allowed to start a family. In 2014, Loveness Mudzuru and Ruvimbo Tsopodzi (former child brides) filed a Constitutional Court application to have sections of the Marriage Act and the Customary Marriages Act³⁴ that allow child marriages declared unconstitutional. They sought to ensure the protection of children's rights by barring children from entering into civil marriages or unregistered customary law unions before the age of 18. On 20 January 2016, Deputy Chief Justice Luke Malaba handed down a milestone judgment outlawing child marriages in any form and in any setting (*see a review of the judgment in the next article*).

While the legislature has failed to protect girls adequately, the judiciary has also played a role in lowering the bar of the age of consent. While the constitution sets it at 18, the courts have been inappropriately lenient toward those who have sexual intercourse with children aged below 16, so long as it is consensual. Sentences such as community service and fines have been common, leading to the belief that the courts trivialize sexual abuse of girls where there is consent. Some people have even argued that because of this, the age of consent in Zimbabwe is now effectively 12 years. Debates surrounding this issue are continuing, particularly in light of the ongoing review of the Children's Act and other related laws, with many calling for stricter deterrent sentences for perpetrators.

Corporal punishment

The new constitution has outlawed corporal punishment on paper, but there is still a gap in implementation. Under the old constitution, corporal punishment was permitted in the home, at school and in the justice system as a sentencing option. The new constitution, however, removes any limitations on the right to be free from torture or cruel, inhuman or degrading treatment or punishment in section 53, read together with section 86.

The debate on the unconstitutionality of corporal punishment came to a head in the case of **S v. CHH 718-14**, in which Justice Muremba ruled that corporal punishment was unconstitutional.

The learned judge stated that the imposition of corporal punishment on children is an example of an infringement of the basic human rights enshrined in the constitution; and he gave his opinion that section 353 of the Criminal Code (which provided for corporal punishment) was unconstitutional. Since the final determination of the unconstitutionality of an Act of parliament is left to the Constitutional Court, an application against this decision was made to the court. After hearing arguments by Justice Muremba for the judgment to be upheld, Chief Justice Chidyausiku set aside the decision, pending a

³¹ *Zawaira v. Nyamufukudza* (2011) ZWHHC 241.

³² *Bhila v. Master of High Court and Others* (2015) ZWHHC 549.

³³ Marriages Act (Chapter 5:11).

³⁴ Customary Marriages Act (Chapter 5:07).

full deliberation on the matter by the court. After the full deliberation, the chief justice reserved judgment, and that has been the situation for two years now. This has had the effect of a step backwards, although there is a glimmer of hope with the reserved judgment pending.

Challenges and recommendations

The following are the key challenges on the national legal framework on children:

- There is still a huge challenge involving both legislation and policy, as these still need to be realigned with the constitution. The delays in realignment bring confusion regarding the law; this leads to lack of uniformity and inconsistency in the application of laws regarding children, including in the sentencing of perpetrators. Stricter sentences are imperative for child sex offenders. It cannot be acceptable that stock theft carries harsher penalties than sexual offences against children, such as child marriages. Children are discouraged from reporting an incident, since light sentencing usually means the offender returning to the community. There is therefore a need to align the laws and policies to ensure judgments that support the new progressive constitutional provisions that strongly support child rights. This requires the training of legal drafters in the Ministry of Justice by child rights practitioners, such as those in civil society, so that they develop laws that are properly aligned and that do not leave further gaps.
- Another obstacle is the fact that the country is still legally pluralistic in nature. There is codified civil law, but also uncodified customary law and common law. This is a serious challenge, since, as stated above, the two systems run in parallel and sometimes conflict and confuse. Many communities in the rural areas rely on customary law to resolve their issues. Hence there is a need to train traditional leaders in the law and to ensure that customary law is in line with the constitution at implementation level. Any customary law that is progressive should also feed back into the civil system, so as to ensure maximum flexibility for children.
- The other main issue is the lack of coordinated efforts among ministries that deal with children's issues. This results in fragmented laws and policies that do not holistically tackle the protection, prevention and participatory mechanisms. This can be addressed by undertaking multi-sectoral efforts across line ministries whenever there are new laws or policies that affect children – as in the case of the Protocol on the Management of Sexual Abuse and Violence in Zimbabwe.³⁵
- There is also a community development challenge, due to a lack of awareness about the laws and policies relating to children. This makes it difficult to report certain violations against children on account of limited knowledge. Awareness results in communities being sufficiently empowered to start instituting change. There is therefore a need for advocacy and awareness raising at the local level; and this can be done by civil society, in coordination with the Ministry of Justice.

Conclusion

There are numerous pieces of legislation and policies in Zimbabwe that relate to children. Many were put in place before the new constitution. While some have been very progressive in advancing child rights, others are regressive and have ended up negatively affecting the very children that they sought to protect. The state plays a pivotal role in the protection of children's rights, and hence the new constitution has been a welcome development. As has been shown, it has led to progressive legislation and case law that support the rights of the child.

However, although the state has made some progress, key challenges remain in terms of fully incorporating international laws into domestic legislation, and aligning laws and policies with the new constitution. Implementation also remains a challenge. Therefore, concerted efforts are needed for the full realization of children's rights in Zimbabwe.

³⁵ Protocol on the Management of Sexual Abuse and Violence in Zimbabwe (2012).

LEGAL HIGHLIGHTS FROM THE *LOVENESS MUDZURU AND RUVIMBO TSOPODZI V MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS N.O. AND OTHERS* CASE ON ENDING CHILD MARRIAGES

Blessing Mushohwe

Introduction

On 20 January 2016, the Zimbabwean Constitutional Court handed down a crucial landmark judgment on an issue that had long been problematic in the fight against child sexual abuse in Zimbabwe. The court ruled against child marriages in the long-drawn-out case of *Loveness Mudzuru & Ruvimbo Tsopodzi v Minister of Justice, Legal & Parliamentary Affairs N.O., Minister of Women's Affairs, Gender & Community Development & Attorney General of Zimbabwe* (hereafter known as the *Mudzuru and Tsopodzi* case). On that day, Deputy Chief Justice Luke Malaba (DCJ Malaba), sitting with a full Constitutional Court bench, ruled that any marriage between a man and a woman where one of them is below the age of 18 years is unconstitutional and therefore illegal in Zimbabwe. Being a Constitutional Court judgment, this case effectively repealed sections of the Marriage Act that allowed a girl of 16 years to enter into marriage. It also in effect 'inserted' a minimum age limit of 18 years for marriage into the Customary Marriage Act, which was silent on the legal age of marriage, thus practically allowing marriages to be contracted at virtually at any age. However, even though the ruling affects both boys and girls, it was, as was expected, widely celebrated as a victory for the girl child, since the issue of child sexual abuse and indeed child marriages in Zimbabwe is a gendered issue that affects girls almost exclusively. The judgment therefore stands out as a landmark ruling that brought an end to a dark era, when child sexual abuse and exploitation were being perpetrated and promoted under the guise of marriage.

This article is a review of the *Mudzuru and Tsopodzi* judgment from various perspectives, including gender aspects, children's rights, cultural dimensions, and law and social change.

Background to child marriages in Zimbabwe

Child marriage means the conclusion of a marriage union between two people, one of whom is still legally a minor and thus is not permitted to enter into such a union or of appreciating its implications and consequences. In terms of section 81(1) of the Constitution of Zimbabwe, a child is regarded as a person under 18 years of age. Similarly, article 2 of the African Charter on the Rights and Welfare of Children and article 1 of the Convention on the Rights of the Child makes make a similar age provision. Generally speaking, therefore, thanks to the 2013 constitutional provisions Zimbabwe's legal system tallies with international benchmarks in terms of the legal age of majority.

Prior to the *Mudzuru and Tsopodzi* case under review, the issue of child marriages had never reached the courts as a subject, and nor had it been properly dealt with by the legislature. Two important pieces of law, however, need to be mentioned, as they seem (or seemed) to entrench the practice of child marriage in Zimbabwe. First is the Marriage Act, which only prohibited the marriage of girls below the age of 16, meaning that a girl aged 16–18 years could enter into marriage. Section 22(1) of the Act stated: "No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable." Thus, in an absurd discriminatory manner, the law in Zimbabwe effectively allowed the marriage of girls (children) when

they reached the age of 16, even though they are considered children until they turn 18. As if this was not enough, the same clause even allowed children below the age of 16 to be married, provided the consent of the responsible minister of home affairs had been given; effectively, this entirely removed any age limit for marriage in the country. The age limit of 16 set for marriage in the Act was possibly in conformity with various laws on children that existed in Zimbabwe when the Act was passed that defined a child as a person under the age of 16 years.

Apart from the Marriage Act, the Customary Marriage Act regulates customary marriages in Zimbabwe. This Act simply has no age limit for customary marriages. It only criminalizes the pledging of a woman or girl for marriage (section 11) and the forcing or coercion of a woman into marriage (section 15), but does not mention a minimum age for marriage. Such an omission meant that the marriage of children could be allowed under customary law, even for those below the age of 16. The only limit was quite recently established through criminal law, which considers any sexual act with a child below the age of 12 years to be rape.

Section 64(1) of the Criminal Law (Codification and Reform) Act states the irrebuttable presumption that both girls and boys aged under 12 are incapable of consenting to sexual intercourse (or a sexual act of any type), while section 65 defines any such sexual intercourse as rape. With sexual intercourse being a material component of marriage, criminal law legislation effectively made the marriage of girls aged below 12 illegal. For those aged 12–16 years, the Criminal Law Code makes such sexual intercourse an offence, albeit a very minor offence, popularly known as statutory rape.

This all meant that children, at least those over 12 and below 16 years, could be married in Zimbabwe with the minister's consent, if the marriage was in terms of the Marriage Act. Under the Customary Marriages Act, marriages were possible, with the man risking light punishment under the statutory rape provisions of the criminal law. Quite surprisingly, the punishment for statutory rape attracted a very lenient sentence, usually a fine or community service, but the perpetrator was allowed to marry the child. To make matters worse, as a mitigating factor in the sentencing, a convicted male could claim that he would proceed with the marriage to the child. This, of course, would only happen if a case had been reported to the police. In many instances this did not happen, especially in rural areas, where – rather than involving the police – the girl's parents would prefer to negotiate with the man so that he admitted to the sexual act and agreed either to marry the child and/or to pay a bride-price.

Alongside these laws, which seemed to condone child marriages, the one piece of legislation that could be used to prosecute child marriages was the Domestic Violence Act 2006. In terms of section 3(1)(I) of this Act, a child marriage is defined as one of the abusive, discriminatory or degrading practices on women derived from cultural or customary rites or traditions. Section 4 of the same Act prescribes a fine or imprisonment for a period not exceeding 10 years for such practice or conduct. Though possible, any litigation would encounter the same challenge of defining a child: under the acts mentioned above, prior to the constitution of 2013, that would have been a person below 16 years of age. Thus, under the Domestic Violence Act, a gap would still have remained for those children aged 16 or over but below 18. And again, litigation would first have required a police report; but as discussed earlier, the preference was rather for family negotiations.

Accordingly, prior to the *Mudzuru and Tsopodzi* case, the story of child marriage in Zimbabwe was that some laws seemed to encourage the practice – either expressly or by omission – while others prohibited such practices, but lacked substantive details of the crime, and thereby failed to afford children adequate legal protection. The scope in law for challenging child marriages was therefore very limited. Until the recent landmark judgment, the only clamour came from pressure groups that had long been calling for an end to the atrocious practice of child marriage, which they correctly described as sexual abuse and exploitation.

Summary of the applicants' case

The protracted constitutional challenge to child marriages in Zimbabwe in the *Mudzuru and Tsopodzi* case began in October 2014. As summarized in the judgment, the applicants were two young women, aged 19 and 18 years respectively, who approached the Constitutional Court to rule on section 85(1) of the Constitution of Zimbabwe. Their case was basically that the fundamental rights of girl children were being infringed by having girls subjected to early marriage (sometimes known as child marriage). The respondents in the case opposed the submissions of the applicants. The points raised will not be reproduced here, but will be alluded to below in the analysis of the judgment, which mainly centre around the respondents' opposition. It should, however, be noted here that although it may have been tempting for the respondents not to raise any opposition – particularly considering the clear and blatant sexual exploitation inherent in child marriage – their opposition did enrich the judgment. It was their arguments in opposition that allowed the expansive and elaborate response from the court that is now being celebrated as enriching domestic jurisprudence on child rights, and as having shed light on some ambiguous and grey areas of the 2013 Constitution of Zimbabwe. From the submissions of the applicants and respondents, the court determined that four issues for determination were apparent:

- a. Whether or not the applicants had, according to the facts, *locus standi* under section 85(1)(a) or section 85(1)(d) of the constitution to institute proceedings, claiming the relief they sought.
- b. If the applicants were found to have standing before the court, whether section 78(1) of the constitution set 18 years as the minimum age for marriage in Zimbabwe.
- c. If it did, whether sections 78(1) and 81(1) of the constitution, which came into force on 22 May 2013, rendered invalid section 22(1) of the Marriage Act (*Chapter 5:05*) and any other law authorizing a girl who has attained the age of 16 to enter into marriage.
- d. If the answer to that was in the affirmative, what was the appropriate relief to be granted by the court in the exercise of the wide discretion conferred on it under section 85(1) of the constitution?

These issues are discussed in the analysis below.

Critical review and analysis of the judgment

As expected, the judgment drew a lot of media attention, with various analyses being proffered and published in the local media in the period following the ruling. The 56-page judgment delivered by DCJ Malaba impressively unpacks and interprets the constitutional law of Zimbabwe as regards marriage law, and indeed the concept of a child in relation to marriage.

Locus standi

In their opposing submissions, the respondents had alleged that the applicants had no right to approach the court (had no *locus standi*), because:

1. They had not alleged that their own rights as individuals had been infringed by child marriage, since neither woman had claimed to have entered into any marriage (civil or customary) with the man who had made her pregnant; and
2. They had not satisfied the provision of acting in the public interest, because they had not given the names of any children whose fundamental rights had been infringed through the alleged child marriages and on whose behalf the applicants purported to act.

This contention by the respondents was crucial in the *Mudzuru and Tsopodzi* case, since it afforded the court the opportunity to reflect on the issue of *locus standi* and public interest litigation.

Locus standi is a Latin expression meaning ‘a place to stand’. In law, it confers the right to bring an action or to challenge some decision, to be heard in court, or to address the court on a matter before it. It is the ability of a party to demonstrate to the court sufficient connection to, and harm from, the law or action being challenged to support that party’s participation in the case. *Locus standi* on the enforcement of fundamental human rights and freedoms is dealt with in section 85(1) of the Constitution of Zimbabwe. The DCJ commendably took the opportunity to elaborate on two grounds of *locus standi* as stated in section 85(1)(a) and (d).

In explaining the first ground for *locus standi*, the DCJ quoted Chief Justice Chidyausiku, who, in *Mawarire v. Mugabe N.O. and Others*, stated that:

“Certainly this Court does not expect to appear before it only those who are dripping with the blood of the actual infringement of their rights or those who are shivering incoherently with the fear of the impending threat which has actually engulfed them. This Court will entertain even those who calmly perceive a looming infringement and issue a declaration or appropriate order to stave the threat, more so under the liberal post-2009 requirements.”

The principle highlighted here, and commendably confirmed in the *Mudzuru and Tsopodzi* case, is that one need not already have been a victim of an infringement for *locus standi* to be satisfied. Contrary to the suggestions of the respondents, the applicants in the child marriage case (or in any other case) need not prove actual victimhood, and certainly need not wait for an infringement to occur before they approach the court. A perceived threat of infringement entitles them to approach the court. While this was simply confirmation of the already established principle from *Mawarire*, the confirmation is crucial, in that it cements the general acceptance of the principle, and indeed shows the consistency of the court in following its own previous pronouncements on crucial principles, as is required by rules of judicial precedent.

The DCJ went on to discuss the opposition of *locus standi* based on section 85(1)(d), which relates to acting in the public interest. As a definition, according to Budlender (1988): *“Public interest law focuses on the wider public interest rather than the more private interests of a particular individual, and to this extent, it represents an approach which is different from traditional legal aid programmes.”* He further explained that public interest litigation is thus an attempt to produce a legal decision that will affect the conditions and circumstances of a whole class or group.

While correctly noting the erroneous interpretation offered by the respondents, the DCJ stated that section 85(1) in its entirety must be accorded a liberal, broad and generous interpretation, rather than the narrow, traditional conception of *locus standi*. In this regard, he aptly stated:

“The object is to overcome the formal defects in the legal system so as to guarantee real and substantial justice to the masses, particularly the poor, marginalised and deprived sections of society.”

This critical view of the DCJ is supported by Cote and Van Garderen (2011), who, commenting on section 38 of the South African Constitution (which is similar to section 85(1) of the Constitution of Zimbabwe), said: *“This clause has expanded the traditional law of locus standi by a considerable amount. No longer must the person who was directly affected by the unlawful action find the resources to bring a matter to court. This provision allows for a number of parties, particularly those with far more resources than the average person, to bring such an application.”*

The reference made by the DCJ to *“justice to the masses, particularly the poor, marginalised and deprived sections of society”* is particularly important to child rights law, given the disempowered and vulnerable status in society of children, who, for various obvious reasons, cannot normally stand up for their own rights. In this regard, the DCJ rightly described children as falling *“into the category of weak and vulnerable persons in society”*.

The endorsement of public interest litigation in such matters that affect the vulnerable and poor masses allows even institutional applicants to bring a case in the public interest, to win social justice for the less privileged or for those that cannot afford the generally high costs of litigation. Even more welcome is the DCJ's insistence on keeping "*concepts such as 'public interest' broad and flexible to develop in line with changing times and social conditions reflective of community attitudes*". Indeed, with this clarity on public interest litigation, the country will most likely witness an increase in such cases even beyond the field of child rights, particularly on the socio-economic rights, and especially from civil society. This has been (and still is) the case in South Africa. Matyszak (2016) echoes this, and aptly sums up the commendable elaboration on locus standi by the DCJ, stating: "*It is also to be celebrated that the judgment eschews its erstwhile, stifling and restrictive approach to 'locus standi' and now allows an individual to approach the court to enforce the rights of the public at large, even where the individual has no self-interest in the matter.*"

Still on locus standi, the DCJ makes a critical observation-cum-reminder that "*constitutional invalidity of existing legislation takes place immediately the constitutional provision with which it is inconsistent comes into force*". As noted by Magaisa (2016), while the much-talked-about realignment of the law with the constitution is crucial, there is no need to wait for the process to be complete for one to hold an offensive provision invalid. Similarly, one need not wait for the Constitutional Court to pronounce the constitutional invalidity of a provision in domestic legislation, as was the case in the child marriage case under review. Where the constitutional provision is clear and requires no further interpretation or clarity, the apparent inconsistent provision in domestic law automatically becomes invalid from the date on which the constitution or the particular constitutional provision came into effect.

One may, however, also argue that there may not be anything extraordinary about the reasoning of the DCJ on the above, but that in fact he was just confirming what the constitution said, and any reasonable court would have come to the same reasoning and conclusions. This paper, however, still regards the unpacking of issues by the DCJ as crucial to constitutional law jurisprudence, and therefore deserving of commendation.

Reading of international law into Zimbabwean cases

Another much celebrated positive aspect of the *Mudzuru and Tsoodzi* case is the expansive reference by the DCJ to international law in the form of international treaties and conventions, as they relate to the issue of child rights and child marriage. In its attempt to interpret section 78(1), as read with section 81(1) of the Constitution of Zimbabwe, the court resorted to international law. This is justified by section 46(1)(c) of the Constitution of Zimbabwe, which requires a court to take into account international law and all treaties and conventions to which Zimbabwe is a party, when interpreting any provision of the constitution contained in the Declaration of Rights.

In this regard, the DCJ begins by acknowledging the place and obligations of Zimbabwe in the international community by virtue of its ratification of certain international conventions and treaties. He first notes the CRC and the ACRWC and highlights the state's obligation "*to protect and enforce the rights of the child as enshrined in the relevant conventions to ensure that they are enjoyed in practice*". The Convention on the Elimination of All Forms of Discrimination against Women, is also referred to, insofar as it relates to its Committee's recommendation of 18 years as the appropriate minimum age of marriage. In giving background to the marriage laws as set out in section 22(1) of the Marriage Act, the DCJ further makes reference to the Universal Declaration of Human Rights (UDHR) and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

While avoiding restatement of the otherwise very thorough and clear analysis of the relevant international law by the DCJ, it is important to highlight the readiness of the highest court in Zimbabwe to embrace the guidance of international law in interpreting constitutional provisions – including, importantly, on children's rights, which have not had as many cases being decided at such a high level. While the use of international law to interpret domestic laws is not necessarily new in Zimbabwe, the continued application, particularly at the level of the Constitutional Court is critically important in

assessing the consistency of the courts in their use of international law – and indeed in creating and developing precedent that can continue to be followed by other, lower courts. It indeed reflects Zimbabwe’s willingness to have its human and child rights practices measured against international norms and standards. This is aptly stated by the DCJ when he said: “... *the court has to take into consideration the current attitude of the international community of which Zimbabwe is a party, on the position of the child in society and his or her rights*”. This is crucial also for similar interpretation of legal provisions both inside and outside the child rights sector.

Other positives from the judgment

In using international law, the DCJ was attempting to give meaning to section 78(1), as read with section 81(1) of the Constitution of Zimbabwe. The respondents, in interpreting the meaning of the “*right to found a family*” in section 78(1), had argued for a literal meaning, which would not equate it with the right to enter into a marriage. The DCJ, however, commendably went for a generous, purposive interpretation of the provision, coming to the conclusion that: “*Section 78(1) of the Constitution sets eighteen years as the minimum age of marriage in Zimbabwe. Its effect is that a person who has not attained the age of eighteen has no legal capacity to marry. He or she has a fundamental right not to be subjected to any form of marriage regardless of its source. The corollary position is that a person who has attained the age of eighteen years has no right to marry a person aged below 18 years.*” The above interpretation of section 78(1) immediately struck down section 22(1) of the Marriage Act and any other law, practice or custom authorizing a person, either male or female, under 18 years of age to enter into a marriage union. As clarified by the DCJ, this includes any unregistered customary law union or any other union, including one arising out of religion or religious rite.

Indeed, the generous and purposive interpretation taken by the DCJ here commendably drives the point home that technical issues of strict legal interpretation should not be allowed to lead to negative consequences of child sexual abuse and exploitation. By further declaring that “*There are no provisions in the Constitution for exceptional circumstances*”, the DCJ effectively plugs any possible loopholes that could later be used by adults to again prey on children for sexual satisfaction under the guise of marriage. In so doing, he decisively mirrors Zimbabwean society’s abhorrence of child sexual abuse and exploitation, and by so proclaiming, legally puts the matter of child marriage to rest.

This approach taken by the DCJ is, however, criticized by Matyszak (2016), who identifies some situations where marriage to a child aged under 18 years should have been allowed in ‘special circumstances’, such as when the man is 19 and the girl is 17. He argues that such a marriage would be “*in the best interests of a child, including a soon to be born or recently born child*” of the teenage couple, as is recognized by article 2 of the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Persuasive as this argument may sound, it is submitted that the blanket ban adopted by the DCJ is commendable, since it serves, among other things, as a deterrent to irresponsible sexual conduct, even between teenagers, that may lead to the need for marriage.

The DCJ is also commended for departing from a purely legalistic reasoning, and acknowledging rather the inter-disciplinary nature of the issue of child marriage by proffering a detailed description of the social consequences of child marriage. By so doing, he appropriately locates law and legal developments in their social contexts: law cannot be read, applied, enforced and understood outside the social circumstances and conditions in which it exists. As the popular axiom goes, law does not exist or operate in a social vacuum.

Law reform perspectives

While the judgment is certainly welcome for child rights protection, and indeed for the development of jurisprudence around child rights, a closer look at it and the environment in which it must be enforced brings one to a rude awakening that while this single battle has been won, there is still a whole lot more to be done in terms of law reform for the full implementation of the judgment. The aspects for law reform are various, and some are discussed below.

Alignment of the relevant laws to the child marriage ban

As regards the law itself, there is clearly an urgent need for stakeholders to begin lobbying the legislature and the executive to urgently amend the relevant statutes in the form of the Criminal Law Codification and Reform Act, the Children's Act, the Marriage Act and the Customary Marriages Act, among others, to reflect the fact that child marriage is a criminal offence and to clearly indicate the sanctions attached to those who contravene the law. This refers to legal sanctions for violations and the development of an enforcement mechanism for the ban on child marriage. This review is currently under way for most of the relevant statutes.

In so legislating, there must be sanctions against violations of the ban for those who marry children below the age of 18, those who arrange and take part in the marriage of such a child and those who may have forced (in various ways) the child to get married.

Possible review of the age of consent to sex

In addition, the judgment opened up other areas, which now require urgent consideration. One such is the issue of the age of sexual consent, which remains at 16, according to the Criminal Law Codification and Reform Act (as discussed earlier), while for marriage the minimum age is now 18 years. Without a review of the age of consent to sex, a situation arises whereby children may now be free to have sex from the age of 16 with anybody – even a 60-year-old man – and even possibly get pregnant, just so long as the sexual activity does not lead to marriage. This certainly defeats the purpose of the child marriage ban, since the sexual manipulation and exploitation that used to occur in child marriages can continue as before; the only difference now is that the man need no longer fear being forced to marry the girl, because the law does not allow it. Such a situation may have the undesirable effect of encouraging sexual irresponsibility among men, who are now protected from forced marriage by the law.

Where sexual intercourse results in pregnancy, the judgment may also have the effect of further placing the burden of care for the new-born child onto the girl's parents. That may force especially traditional rural societies to revert to the arrangement of marrying off the child, *albeit* secretly, thereby continuing the sexual abuse of children. In considering solutions to the issue of the age of consent, one must be cautious about the temptation simply to raise the age of sexual consent to 18, as this carries its own practical complications and possible child rights violation issues.

The law also needs to be clear on what happens if the child marriage is between children who are both under 18 years and who both agree to it. While a child at law cannot consent to any form of marriage, it may be that two children aged 17 enter into such a union. Clarity is thus needed on how the law will handle this.

Furthermore, while the prohibition is on entering "*into any marriage, including an unregistered customary law union or any other union including one arising out of religion or religious rite, before attaining the age of eighteen (18) years*", it is not clear to what extent this includes practices such as living-in or co-habitation (*kubika mapoto*), which may not necessarily be described as a marriage or form of recognized union. The law needs to be clear on this, preferably by including a clause that encompasses all these other types of union, which may not be considered marriage.

In light of the above, it is clear that law-makers still have their work cut out to ensure that the child marriage ban is legally enforceable and avoids the apparent negative side-effects – especially for the girl child, whom it mainly seeks to protect.

Conclusion

The judgment by DCJ Malaba has been commended for expounding on critical issues such as the question of child marriage, *locus standi* and public interest litigation. With the clarity given, the possibility of more cases involving social justice for the poor and vulnerable is opened up, including for further advancement of child rights. The reading of international law into the interpretation of constitutional provisions in Zimbabwe is also highly commended as progressive, since it pushes the country to meet international standards in child rights and other human rights norms. While the judgment is indeed progressive, there is a need now to plug some of the undesirable legal loopholes that have unintentionally been created as a result, particularly as regards the age of consent to sex and other issues addressed here. It is concluded that the *Mudzuru and Tsopodzi* case is a prominent case that calls for celebration insofar as child rights protection is concerned, and more such judgments can only serve to enhance the role of the judiciary in actively promoting human rights where legislation falls short, or where enacted laws cannot adequately keep pace with changing social conditions and norms.

References

- Budlender, G., 'On practising law' in Essays on Law and Social Practice in South Africa, edited by H. Corder, Juta, Cape Town, 1988.
- Cote, D. and Van Garderen, J., 'Challenges to public interest litigation in South Africa: External and internal challenges to determining the public interest', South African Journal for Human Rights, vol. 27, 2011.
- Research and Advocacy Unit, 'A Note on the Child Marriage Judgement', Commentary prepared by Derek Matyszak, Senior Researcher (2016).
- 'Thoughts on the Constitutional Court Landmark Judgement on Child Marriages', AlexMagaisa.Com, 21 January 2016.
- Constitution of Zimbabwe (Amendment No. 20) Act of 2013.
- Children's Act (Chapter 5:06).
- Criminal Law (Codification and Reform) Act (Chapter 9:23).
- Customary Marriages Act (Chapter 5:07).
- Domestic Violence Act (Chapter 5:16).
- Marriage Act (Chapter 5:11).
- Loveness Mudzuru & Ruvimbo Tsopodzi v. Minister of Justice, Legal & Parliamentary Affairs N.O.; Minister of Women's Affairs, Gender & Community Development & Attorney General of Zimbabwe Judgment No. CCZ 12/2015.
- Mawarire v. Mugabe N.O. and Others CCZ 1/2013.
- African Charter on the Rights and Welfare of the Child (1990): Entered into force 29 November 1999.
- United Nations Convention on the Rights of the Child (1989): Adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989.
- Convention on the Elimination of All Forms of Discrimination Against Women: Adopted by the United Nations General Assembly Resolution 34/180 of 18 December 1979.
- Universal Declaration of Human Rights (UDHR): Adopted by the United Nations General Assembly Resolution 217 (III) of 10 December 1948.
- Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages: Opened for signature and ratification by General Assembly Resolution 1763 A (XVII) of 7 November 1962.

RAISING AWARENESS OF THE UNCRC AND ACRWC CONCLUDING OBSERVATIONS AND RECOMMENDATIONS FOR ZIMBABWE

Maxim Murungweni

Brief Background to the UNCRC & ACRWC Concluding Observations and Recommendations for Zimbabwe 2015

The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of race, religion or ability. Since the UNCRC was adopted by the United Nations in November 1989, 194 countries have signed up to it, with only two countries in the world still to ratify. All countries that sign up to the UNCRC are bound by international law to ensure its implementation. This is monitored by the Committee on the Rights of the Child.

The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children. Article 43 of the UNCRC states: *"For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child."* Article 44 of the UNCRC elaborates on the reporting by States Parties:

States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

- a. Within two years of the entry into force of the Convention for the State Party concerned;*
- b. Thereafter every five years.*

Article 45(a) of the UNCRC also gives civil society organizations (CSOs) an opportunity to participate in the implementation and monitoring of the Convention, as it entitles specialized agencies and development partners to be represented at the consideration of the implementation of such provisions of the Convention as fall within the scope of their mandate in the country under consideration. Zimbabwe ratified the UNCRC in 1990, and submitted and presented its first periodic review report in 1996. The Government of Zimbabwe (GoZ) submitted its second periodic review report in 2012. The Zimbabwe National Council for the Welfare of Children (ZNCWC), on behalf of the Child Rights Coalition of Zimbabwe, submitted the Civil Society Complementary Report in 2015. The ZNCWC, together with UNICEF, also made oral representations before the UN Committee in June 2015. In response, the UN Committee on the Rights of the Child sent a list of issues, to which the GoZ responded in October 2015. The GoZ also made oral presentations of its second periodic review report to the Committee on the implementation of the UNCRC in January 2016. The report was presented by the Honourable Minister of Health and Child Care, Dr David Parirenyatwa. The Committee then issued its concluding observations and recommendations, summarized below, to the GoZ in 2016. Having delayed submitting its other reports, Zimbabwe is now supposed to submit its combined (third to seventh) periodic report by 10 April 2021.

African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC) is the only region-focused child rights instrument in the world. On 11 July 1990, the Assembly of the then Organization of African Unity (OAU) adopted the ACRWC, which came into force on 29 November 1999. To date, the ACRWC has been ratified by 47 African Union member states. Article 32 of the ACRWC provides for the establishment of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), to promote and protect the rights and welfare of children in Africa. Once the Charter was ratified by 15 countries, it came into force, and the Committee of Experts was established by the OAU at its 37th Summit in 2001, in Lusaka, Zambia. The Committee, as an independent treaty body, took office in 2002. Article 43 of the ACRWC, on reporting procedure, states:

Every State Party to the present Charter shall undertake to submit to the Committee through the Secretary-General of the Organization of African Unity, reports on ...the measures they have adopted which give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights:

- a. *within two years of the entry into force of the Charter for the State Party concerned: and*
- b. *and thereafter, every three years.*

Civil Society Complementary Reports (also known as ‘Alternative Reports’), provided for under the ACRWC, are a key means by which CSOs can provide an alternative point of view to state reports presented to the Committee. This is a unique tool allowing CSOs to present the opinions of civil society on government actions, thereby assisting the Committee to fulfil its mandate. The Committee seeks specific, reliable and objective information from CSOs, in order to obtain an independent assessment of the progress and difficulties encountered in the implementation of the Charter.

Zimbabwe ratified the ACRWC in 1995 and submitted its initial report in 2013, covering the period 1995–2012. The ZNCWC, on behalf of the Child Rights Coalition of Zimbabwe submitted the Civil Society Complementary report in 2014. The Child Rights Coalition assisted child representatives in writing and submitting their own report to the ACERWC in 2014. The Child Rights Coalition also made oral presentations to the Expert Committee in October 2014 and made further submissions to questions raised during oral presentations to the ACERWC. Oral presentation of the Zimbabwe State Party Report to the ACERWC was made on 23 April 2015. The report was presented by the Honourable Minister of Health and Child Care, Dr David Parirenyatwa. In October 2015, the ACERWC presented its concluding observations and recommendations to the GoZ on the status of the implementation of the ACRWC.

Cooperation between the UNCRC Committee and ACERWC

The concluding observations and recommendations by the Committee on the CRC and ACERWC are very similar. They complement each other, and hence there is a need to address them together, in order to ensure that they are adequately covered. The Committee on the CRC, in cooperation with regional bodies, recommended that the State Party should cooperate with the ACERWC on implementation of the CRC and other human rights instruments, both in the State Party and in other African Union member states. This cooperation is a progressive step, as it ensures complementarity of both the Committee on the CRC and the ACERWC.

So what about the policy implications of the concluding observations and recommendations? Following the dissemination of the concluding observations and recommendations by the UN Committee and ACERWC, the challenge now is for all stakeholders – i.e., government, CSOs and other development partners – to fully implement these recommendations. In its conclusion, the ACERWC applauded the efforts of the GoZ to promote and respect the rights of children and to implement the recommendations.

The ACERWC also indicated that it would undertake a follow-up mission to ascertain whether the recommendations would be implemented in the foreseeable future, before submission of Zimbabwe's second periodic report by December 2018.

The UNCRC Committee also recommended that Zimbabwe take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee invited Zimbabwe to submit its combined (third to seventh) periodic report by 10 April 2021, and to include therein information on the follow-up to the present concluding observations.

There follows a summary of the concluding observations and recommendations of the Committee on the CRC and ACERWC, adapted from those compiled by UNICEF Zimbabwe.

Consolidated UNCRC and African Committee of Experts on the Rights and Welfare of the Child (ACERWC) concluding observations and recommendations	
Introduction	
<p>Concluding observations by the Committee on the Rights of the Child on the second periodic report of Zimbabwe, held on 19 January 2016 (2076th and 2078th meetings). Similarly, the African Committee of Experts on the Rights and Welfare of the Child met from 20 to 24 April 2015 to consider the report and dialogue with the Zimbabwe delegation and provide the recommendations and observations. The table below summarizes the roles and responsibilities in the implementation of the recommendations and observations from these key committees.</p>	
A. General measures of implementation legislation	<p>CRC 8. The Committee welcomes the new Constitution adopted in May 2013, which includes provisions promoting and protecting the rights of children in line with the Convention. While noting the on-going harmonization process with existing policies, legislation, programs and administrative practices, the Committee remains concerned (CRC/C/15/Add.55, para. 11) that certain laws do not comply with the Convention, thereby hindering the full realization of children's rights in the State party.</p> <p>AU 5. The Committee commends the State Party for incorporating provision to protect the rights of children in its amended Constitution. The Committee also commends the Government of Zimbabwe for drafting the General Amendment Bill in order to align various laws with the Constitution</p> <p>CRC 7. The Committee recommends that the State party take all measures necessary to address its previous recommendations of 1996 (CRC/C/15/Add.55) which have not been sufficiently implemented and, in particular, those relating to reviewing the national legal framework (para. 22), combating social attitudes and cultural and religious practices hampering the realization of children's rights (para. 26), forbidding the use of corporal punishment (para. 31), and raising the minimum age of criminal responsibility (para. 33).</p> <p>CRC 9. The Committee reiterates its recommendation (CRC/C/15/Add.55, para. 22) and recommends that the Inter-Ministerial Taskforce on the Alignment of Laws expedite its work to ensure the urgent revision of all national legislation in line with the Constitution.</p> <p>AU 5. In this regard, the Committee recommends the State Party to expedite the process of harmonizing the various laws in line with the African Children's Charter and the Constitution. To this effect, the Committee recommends the State Party to promptly table for adoption the General Amendment Bill.</p>
Comprehensive policy and strategy/ coordination	<p>CRC 10. The Committee welcomes the various national plans, policies and strategies adopted by the State party on thematic areas of children's rights. It is however concerned that the draft Child Rights Policy that has been under preparation for a long time, aimed at strengthening coordination mechanisms and measures for protecting and promoting children's rights, has not yet been adopted.</p> <p>CRC 12. The Committee welcomes the numerous efforts to enhance the implementation and coordination of action plans and strategies relating to children's rights. The Committee however reiterates its concern (CRC/C/15/Add.55, para. 14) regarding the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. The Committee is particularly concerned about the insufficient clarity in the mandates and roles of the different ministries, departments and entities at the national, provincial and district levels responsible for coordination. It is further concerned that the limited resources allocated to ensuring coordination of children's rights lead to gaps in implementation.</p> <p>AU 6. The Committee commends the State Party for adopting a National Program of Action for Children (NPAC). However, the Committee is concerned about the lack of coordination among the various ministries and the structuring of the office of Child Care in the Ministry of Health and Child Care.</p> <p>CRC 11. The CRC Committee urges the State party to finalize the Child Rights Policy, ensuring that it comprehensively encompasses all areas covered by the Convention and sets out a strategy with the necessary elements for its application and which is supported by sufficient human, technical and financial resources.</p> <p>AU 6. Therefore, the AU Committee recommends the GoZ to finalize the National Child Rights Policy.</p> <p>CRC 13. Recalling its previous recommendation (CRC/C/15/Add.55, para. 23), the Committee urges the State party to ensure the establishment of an appropriate body at a high inter-ministerial level with a clear mandate and sufficient authority and resources to effectively coordinate all activities related to the implementation of the Convention across sectors and at every level. It encourages the State party to institutionalize collaboration with non-governmental organizations.</p> <p>AU 6. Therefore, the Committee recommends the GoZ to establish a separate ministry to deal with the issue of children. The Committee further recommends the State Party to strengthen collaboration among the various ministries to promote and protect the rights of children.</p>

Consolidated UNCRC and African Committee of Experts on the Rights and Welfare of the Child (ACERWC) concluding observations and recommendations	
Allocation of resources	<p>CRC 15. In the light of its day of general discussion in 2007 on “Resources for the rights of the child – responsibility of States”, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Increase substantially the allocations in the areas of health, education and social services to adequate levels; (b) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and ensure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies; (c) Establish a budgeting process which includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system; (d) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention. <p>AU 7. While appreciating the efforts the State Party is employing, in collaboration with civil society and donor organizations, to address the budgetary constraints it is facing, the Committee recommends the State Party to double its efforts to fully address its budgetary constraints and to prioritize the issue of children in budget allocations.</p> <p>CRC 17. The Committee urges the State party to take immediate measures to combat corruption and strengthen institutional capacities through the allocation of human, technical and financial resources to effectively detect, investigate and prosecute corruption, bringing those responsible to justice.</p>
Data collection	<p>CRC 18. While noting the adoption of the National Strategy for the Development of Statistics, the Committee reiterates its concern (CRC/C/15/Add.55, para. 14) over the shortcomings in compiling, analysing and processing data relating to children’s rights.</p> <p>CRC 19. In the light of its General comment No. 5 (2003) on general measures of implementation, and its previous recommendation (CRC/C/15/Add.55, para. 24), the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Expediently improve its data collection system which should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socio-economic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. (b) Share the data and indicators among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention; (c) Take into account the conceptual and methodological framework set out in the report of United Nations Office of the High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information. <p>AU 9. The AU Committee further recommends the State Party to strengthen its Central Statistical Office and to put in place a comprehensive data collection and keeping system and to include disaggregated statistical data under all clusters in its next periodic report to be submitted for the Committee.</p>
Independent monitoring	<p>CRC 20. The Committee notes the establishment of the Zimbabwe Human Rights Commission and its Thematic Group on Child’s Rights. However, it remains concerned about the independence of this mechanism and its ability to regularly monitor and evaluate progress in the implementation of the Convention.</p> <p>AU 8. Commending the State Party for establishing the National Human Rights Commission (ZNHC), the Committee recommends the GOZ to strengthen the capacity of the ZHRC through training on the African Children’s Charter. Furthermore, the Committee recommends the State Party to strengthen the capacity of the ZHRC by allocating sufficient budget and creating an enabling environment for it to be an autonomous body that inquires human rights violations.</p> <p>CRC 21. In the light of its General comment No. 2 (2002) on the role of independent human rights institutions, the Committee reiterates its recommendation (CRC/C/15/Add.55, para. 25) and urges the State Party to:</p> <ul style="list-style-type: none"> (a) Ensure that the Zimbabwe Human Rights Commission has the mandate and resources to monitor children’s rights and is able to receive, investigate and address complaints by children in a child-sensitive manner; (b) Ensure the independence of the Zimbabwe Human Rights Commission, including with regards to its funding, mandate, immunities and the appointment of its members, in full compliance with the Paris Principles; (c) Seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme. <p>AU 8. The Committee recommends the Government of Zimbabwe to strengthen the capacity of the ZNHC through trainings on the African Children’s Charter. Furthermore, the Committee recommends the State Party to strengthen the capacity of the ZNHC by allocating sufficient budget and creating an enabling environment for it to be an autonomous body that inquires human rights violations.</p>
Dissemination, awareness-raising and training	<p>CRC 22. The Committee welcomes the dissemination of the Convention among the general public, parliamentarians, government officials, community and religious leaders and through the school curriculum. However, it notes with concern the lack of knowledge among relevant professionals dealing with children’s issues on the Convention and its practical application.</p> <p>AU 10. The Committee commends the State Party for celebrating the Day of the African Child (DAC) every year.</p> <p>CRC 23. The Committee reiterates that systematic information and awareness-raising campaigns are required to create a deeper understanding of the Convention and respect for and protection of children’s rights (CRC/C/15/Add.55, para. 26). The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Increase its efforts to widely disseminate the principles and provisions of the Convention, and ensure that dissemination efforts reach, inter alia, parents, the public and, in particular, children themselves; (b) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children in both rural and urban areas, and in particular: law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions, as well as religious and traditional leaders.

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<p>B. Definition of the child/ criminal age of responsibility</p>	<p>CRC 24. The Committee welcomes the Constitutional provision establishing the age of majority at 18, as well as the prohibition of pledging children in marriage and of forced marriage. It also welcomes the recent Constitutional Court ruling prohibiting marriage of persons below the age of 18 years.</p> <p>AU 11. The Committee commends the State Party for defining a child as a person below the age of 18 years under the newly enacted Constitution.</p> <p>CRC 25. The Committee recommends that the State Party urgently amend all legislation in statutory and customary law to establish the age of marriage at 18 years in line with the Constitution and the ruling of the Constitutional Court and widely disseminate the ruling.</p> <p>AU 11. The Committee is concerned that there still exists a contradiction on the definition of the child in the various laws such as the Public Health Act, the Marriage Act and the Criminal Act. Therefore, the Committee urges the State Party to harmonize the definition of the child in all laws in line with article 2 of the African Children's Charter.</p> <p>AU 12. In addition, the Committee is highly concerned that the Marriage Act set the minimum age of marriage for the girl child at the age of 16 years old and that the Customary Marriage Act doesn't provide for the minimum age of marriage. The Committee, thus, strongly urges the State Party to provide the minimum age of marriage to be at the age of 18 in all circumstances in accordance with articles 2 and 21 of the African Children's Charter.</p> <p>AU 13. The Committee is further concerned that the minimum age of criminal responsibility is set at the age of 7 years. Therefore, the Committee recommends the State Party to raise the minimum age of criminal responsibility to at least 12 years of age which is the acceptable international standard stated bearing in mind the facts of emotional, mental and intellectual maturity of the child.</p>
<p>C. General principles Non-discrimination</p>	<p>CRC 26. While welcoming the inclusive non-discrimination provision in the Constitution, the Committee is concerned that national legislation remains inconsistent with the non-discrimination provisions of the Convention. It reiterates its concern (CRC/C/15/Add.55, para. 12) about high levels of discrimination against certain groups of children, including children with disabilities, children in street situations, children living in rural areas, children born out of wedlock, orphans, children living in foster care, LGBTI children, and children affected or infected by HIV/AIDS. The Committee is seriously concerned about the situation of girls, in particular adolescent girls, who suffer marginalization and gender stereotyping, compromising their educational opportunities and who are more vulnerable to sexual violence, abuse and HIV/AIDS.</p> <p>AU 14. The Committee appreciates the State Party for its effort to ensure the principle of non-discrimination is observed through the incorporation of the principle in the Constitution.</p> <p>CRC 27. The Committee reiterates its previous recommendation (CRC/C/15/Add.55, para. 22) and urges the State party to harmonize its legislation with article 2 of the Convention, and to ensure the full implementation of all legal provisions. The Committee recommends that the State party carry out comprehensive public-education campaigns to prevent and combat all forms of discrimination, including gender stereotyping in line with the recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW/C/ZWE/CO/2-5, para. 22).</p> <p>AU. The Committee has a concern on the existence of discriminatory provisions under the Marriage Act Chapter 5:11 and the Customary Marriage Act against the girl child. In addition, the Committee noted that there is discrimination between men and women under the Guardianship of Minors Act and the Births and Deaths Registration Act in relation to the custody and registration of children respectively. Therefore, the Committee recommends the Government of Zimbabwe to review and harmonize all laws in line with article 3 of the African Children's Charter.</p> <p>AU 15. The Committee further recommends the State Party to continue its efforts to ensure that all children are not discriminated and are enjoying their rights and freedoms irrespective of their parents' or guardians' race, ethnic group, color, sex, language, religion, political or other opinion, national or social origin, fortune, birth or any other Status.</p>
<p>Best interest of the child</p>	<p>CRC 28. The Committee welcomes the Constitutional provision on the paramountcy of the best interests of the child in every matter concerning the child. The Committee is however concerned that the best interests of the child are not reflected in all relevant legislation nor applied in all areas, and that its content is not well-defined.</p> <p>AU 16. The Committee appreciates the State Party for incorporating in its Constitution the principle of the best interest of the child to be given a primary consideration in matters that affect the child. However, the Committee has concerns in relation to the decision of the Supreme court in the Cruth vs. Manuel case whereby the court based on the Guardianship of Minors Act ruled that the welfare of a child born out of wedlock only becomes an issue where the third party is alleging that the mother is doing things which are the prejudicial to the rights of the child.</p> <p>CRC 29. In the light of its General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.</p> <p>AU 16. Therefore, the Committee recommends the State Party to revise the Guardianship of Minors Act and such other laws that are in contrary with article 4 of the African Children's Charter. The Committee further recommends the Government of Zimbabwe to ensure and monitor the full application of this principle overriding other interests in all administrative and judicial decisions that affect children.</p> <p>CRC 31. The Committee urges the State party to:</p> <p>(a) Develop a global strategy to address the problems of poverty, social security, nutrition and health, including sexual and reproductive health, in order to ensure the full exercise by children of the right to life, survival and development;</p>

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<p>Best interest of the child</p>	<p>(b) Take all necessary measures to improve access to safe drinking water and adequate sanitation facilities and ensure their sustainability, availability, sufficiency and affordability to all, and particularly children;</p> <p>(c) Allocate sufficient resources to ensuring the implementation of the 2013 Food and Nutrition Security Policy.</p> <p>AU 17. Therefore, the AU Committee recommends the State Party to ensure universal access for prenatal and neonatal health services throughout the country: to improve the quality of health services; to mobilize additional and diversified resources to ensure the survival and development of children; promote exclusive breast feeding for the first six months and strictly regulate commercials of supplementary products; and in collaboration with development partners to ensure the provision of micronutrient products in regions where there is moderate and acute malnutrition. In this regard, the Committee recommends the Government of Zimbabwe to make reference to the African Union Regional Nutrition Strategy (2015-2025).</p>
<p>Child participation/ respect for the views of the child</p>	<p>CRC 32. Welcoming the Constitutional guarantee of the child's right to be heard, the Committee nonetheless reiterates its concern (CRC/C/15/Add.55, para. 16) that, in practice, children are usually excluded from participating due to their perceived lack of capacity and for cultural reasons. Commending the State party for the establishment of the Youth Parliament, Cabinet and Council to promote child participation in issues that affect children, the Committee however notes that the inadequate resourcing of these mechanisms has impeded their effective functioning.</p> <p>AU 18. The Committee applauds the Government of Zimbabwe for guaranteeing children's freedom of expression in the Constitution and in other laws such as the Children's Act and the Administration of Estates Act. The Committee commends the State Party for establishing Children's Parliament and Junior's Council.</p> <p>Further, the Committee applauds the Government of Zimbabwe for allocating budget to the Children's Parliament through the National Youth Council. In addition the Committee appreciates the Government of Zimbabwe for holding child consultation during the preparation of the State Party's report to the Committee and the United Nations Committee on the Rights of the Child.</p> <p>CRC 33. The Committee recalls its previous recommendation (CRC/C/15/Add.55, para. 30) and draws the State party's attention to its General comment no. 12 on the right of the child to be heard, and recommends that it take measures to strengthen this right in accordance with article 12 of the Convention. The Committee further recommends that the State party:</p> <p>(a) Take measures to ensure the effective implementation of legislation recognizing the right of children to express their views in relevant legal proceedings, including by considering establishing systems and/or procedures for social workers and courts to monitor compliance with the principle;</p> <p>(b) Conduct programmes, awareness-raising activities and training for all professionals in contact with children to promote meaningful and empowered participation by all children in the family, community and schools, including in student council bodies, with particular attention to girls and children in vulnerable situations, and ensure regular assessment and evaluation of these programmes and activities;</p> <p>(c) Ensure adequate budget allocation for the effective functioning of the Youth Council, Parliament and Cabinet to enable these structures to represent children's issues effectively with policy and law-makers at the various levels of Government.</p> <p>AU 19. In this regard, the Committee recommends the State Party to continue its support to the Children's Parliament and to take into consideration the views of the Children's Parliament in making decisions on policy matters that affect children.</p> <p>AU 20. Furthermore, the Committee recommends the State Party to establish and strengthen child friendly courts and procedures for child victims and witnesses; ensure that children are heard in civil judicial proceedings that affect them, including divorce, separation, and adoption; ensure that children have the opportunity to use broadcast media to communicate their own views; and set in place confidential reporting mechanisms for children who are victims of abuse and violence. While ensuring that children are exercising their freedom of expression, the Committee recommends the State Party to safeguard children from having access to pornographic and other images or videos that affect their psycho-social well-being.</p>
<p>D. Civil rights and freedoms Name, nationality, identity and registration at birth</p>	<p>CRC 34. Noting with appreciation the measures taken by the State party to increase the rate of birth registration, including the removal of fees for the issuance of birth certificates to children, the Committee nonetheless remains concerned (CRC/C/15/Add.55, para. 13) at the low number of births registered and the low rate of possessing a birth certificate, especially in rural areas and in low-income households. It is further concerned that the failure to present a birth certificate may result in, inter alia, denial to enrol in school and, sit for and receive national school examination certificates. It may also lead to the denial of inheritance from a child's legitimate father due to failure to prove paternity, as is required by the inheritance laws in the State party.</p> <p>AU 21. The Committee commends the State Party for recognizing the right to name and birth registration under its Constitution. Moreover, the Committee appreciates the measures of the State Party to ensure birth registration by decentralizing registration offices in all provinces and seventy-two districts; establishment of registration offices in all major hospitals; computerizing vital registration events; and for setting mobile registrations in remote areas. However, the Committee has concerns on the very low and declining rate of birth registration and the existence of legal and administrative barriers on birth registration such as the requirement of birth confirmation records and death certificate if the mother is dead.</p> <p>CRC 35. The Committee recalls its previous recommendation (CRC/C/15/Add.55, para. 27) and recommends that the State party:</p> <p>(a) Ensure the Births and Deaths Registration Act (2005) is implemented in a manner that promotes the best interests of the child and simplifies the administrative requirements for the registration and issuance of birth certificates;</p> <p>(b) Equip decentralized government authorities at the local level and health facilities to register births and issue birth certificates;</p> <p>(c) Strengthen and expand mobile birth registration to reach universal coverage, in particular for registering children born outside of health facilities and children who have never been registered;</p> <p>(d) Increase public awareness of the importance of birth registration and the process by which births are registered.</p>

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<p>D. Civil rights and freedoms</p> <p>Name, nationality, identity and registration at birth</p>	<p>AU 22. The Committee, therefore, recommends the Government of Zimbabwe to circumvent all legal and administrative barriers on access to birth registration through harmonization of the Births and Deaths Registration Act and other laws in line with the Constitution. In addition, the Committee recommends the State Party to conduct data collection in order to know the ration of birth registration in urban and rural areas disaggregated by age and sex.</p> <p>CRC 37. In the light of the Committee's General comments no. 6 on the treatment of unaccompanied and separated children outside their country of origin and no. 7 on implementing child rights in early childhood, it recommends that the State party:</p> <p>(a) Take measures to ensure that all children born in the State party have the legal right to be registered at birth with a name regardless of their parents' citizenship status and/or country of origin, and have equal access to health care, protection, education and other social services;</p> <p>(b) Consider ratifying the 1961 Convention on the Reduction of Statelessness and amend its domestic legislation on nationality accordingly to ensure that every child enjoys the right to acquire a nationality;</p> <p>(c) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and UNICEF for the implementation of these recommendations.</p> <p>AU 22. Moreover, the Committee recommends the State Party to fulfill its obligation of ensuring that every child is registered immediately after birth, is named, and acquired nationality by playing a pro-active role such as launching education and sensitization campaigns on birth registration to parents and community leaders: and ensuring proper coordination between the central civil registration authority and other civil registration offices across the country. To this effect, the Committee highly encourages the State Party to use, as a guideline, the Committee's General Comment on article 6 of the African Children's Charter</p>
<p>Freedom of thought, conscience and religion</p>	<p>AU 23. The Committee commends the State Party for recognizing children's freedom of thought, conscience, and religion under the new Constitution and for its effort to ensure the respect of the right in the case of Dzvova vs. Minister of Education, Sport, Arts and Culture. In this regard, the Committee recommends the State Party to ensure that parents' right to determine the moral and religious upbringing of their children takes into account the evolving capacity and the best interest of the child in accordance with article 9(2) of the African Children's Charter.</p>
<p>Freedom of association and peaceful assembly</p>	<p>AU 24. While appreciating the efforts of the State Party to guarantee children's freedom of association by supporting the Juniors Parliament, Junior Council and clubs, the Committee encourages the State Party to ensure that rights are limited only in accordance with the applicable law.</p> <p>CRC 39. The Committee recommends that the State party ensure the full practical implementation of the Constitutional guarantees of freedom of expression, association and peaceful assembly and the exercise of these rights by children.</p>
<p>Protection/ right to privacy</p>	<p>AU 25. The Committee applauds the State Party for prohibiting publicizing children in the juvenile justice system under the Children's Act, for establishing a multi-sectoral victim friendly system to protect the privacy of victims of abuse, and for prohibiting virginity testing and female genital mutilation under the Domestic Violence Act.</p> <p>CRC 41. The Committee recommends that the State party take the necessary measures to strengthen the implementation of existing legislation which protects the privacy of children. This includes cooperation with the media as well as undertaking awareness-raising and educational programmes to eliminate practices which violate children's right to privacy.</p> <p>AU 25. The Committee notes that there are instances whereby the media violates the rights of children due to lack of supervision and monitoring mechanisms and whereby virginity testing and female genital mutilation are practiced in some communities. Thus, the Committee recommends the Government of Zimbabwe to take measures against the Media that violate children's right to privacy and to put in place monitoring mechanisms to ensure that children's right to privacy is respected and promoted. Further, the Committee urges the State Party to take all necessary measures such as creating awareness about the multifaceted effects of female genital mutilation and virginity testing on children and to prosecute those who practice the acts.</p>
<p>Violence Against children</p> <p>Corporal punishment/ protection against abuse and torture</p>	<p>CRC 42. The Committee welcomes the Constitutional guarantee of freedom from torture or cruel, inhuman or degrading treatment or punishment. However it remains deeply concerned (CRC/C/15/Add.55, para. 18) that corporal punishment remains legal and widely practised in the family, in schools and in other settings. The Committee notes with serious concern legislative provisions and Government policy allowing the administration of "reasonable" or "moderate" corporal punishment.</p> <p>AU 26. While appreciating the State Party for taking various legislative and administrative measures to protect children from abuse and torture, the Committee is concerned of the fact that children could still be sentenced by courts for whipping. The Committee, therefore recommends the State Party to expedite the adoption of the General Amendment Bill as it has the effect of prohibiting child whipping and to abolish corporal punishment in all settings and to promote alternative disciplining measures.</p> <p>CRC 43. With reference to its General comment No. 8 (2006) on corporal punishment, the Committee reiterates its previous recommendation (CRC/C/15/Add.55, para. 31) and urges the State party to:</p> <p>(a) Repeal or amend, as needed, all legislation and administrative regulations in order to explicitly prohibit corporal punishment in all settings as a correctional or disciplinary measure;</p> <p>(b) Sensitize and educate parents, guardians and professionals working with and for children, particularly teachers, on the harmful effects of corporal punishment and the need to end the culture of silence on cases of violence against children;</p> <p>(c) Promote positive, non-violent and participatory forms of child-rearing and discipline in all settings, including through providing teachers and parents with training on alternative discipline measures.</p> <p>AU 26. While appreciating the State Party for taking various legislative and administrative measures to protect children from abuse and torture, the Committee is concerned of the fact that children could still be sentenced by courts for whipping. The Committee, therefore, recommends the State Party to expedite the adoption of the General Amendment Bill as it has the effect of prohibiting child whipping and to abolish corporal punishment in all settings and to promote alternative positive disciplining measures.</p>

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<p>Sexual exploitation and abuse</p>	<p>CRC 44. The Committee notes the legislative and policy measures taken by the State party to prevent and combat the sexual exploitation and abuse of children, to ensure the prosecution of perpetrators and to support victims...</p> <p>CRC 45. The Committee urges the State party to take the necessary measures to ensure that all children vulnerable to and at risk of any form of sexual exploitation and abuse are provided with all the necessary assistance and protection. In particular, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Ensure that victims of sexual exploitation and abuse have access to child-protection centres throughout the country, and that they are staffed with professionals trained in child protection and handling of child victims of abuse; (b) Establish accessible, confidential, child-friendly mechanisms, procedures and guidelines to ensure the effective and mandatory reporting of cases of child sexual abuse and exploitation, and to this end continue to work with community police and gender and children's desks in a joint effort; (c) Adequately resource the Inter-Ministerial Task Force on Gender Based Violence and the Protocol on the Multi-sectoral Management of Child Sexual Abuse and Violence as well as the justice system to ensure the documentation and prompt and effective investigation and prosecution of cases of sexual exploitation and abuse of children; (d) Conduct awareness-raising programmes particularly for children, parents and caregivers, to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and promote knowledge of reporting channels for such violations; (e) Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children. <p>AU 27. Furthermore, Committee recommends the State Party to set in place a child friendly reporting mechanism for victims of abuse and torture, to increase the work pool of psychologists and social workers in the criminal justice system, to build the capacity of the police to adequately respond to rape cases, to improve the conviction rate of offenders, establish victim support programs, and to promote community outreach efforts with the view of raising awareness.</p> <p>AU 48. The Committee is highly concerned by the lack of reliable data on the situation of child trafficking and sale. The Committee noted from reports that there is high rate of sexual abuse in Zimbabwe whereby females are the main victims and children between 0-5 years of age consisting 25% of the victims. Moreover, the Committee is concerned by the fact that out of 24% reported cases between 2008 and 2010 only 8% are brought before court of law. Henceforth, the Committee recommends the Government of Zimbabwe to urgently undertake an action to gather data on the matter, to set in place child friendly reporting mechanism and to create awareness, to prosecute perpetrators, to establish rehabilitation centres for survivors, and to take all other necessary measures in collaboration with neighbouring countries to protect children from the horrific act of trafficking, sexual exploitation and abuse.</p>
<p>Harmful traditional practices</p>	<p>CRC 46. Although the Committee notes the provisions guaranteeing the primacy of the Constitution over inconsistent laws and practices, the Committee is concerned that the State party has not taken sustained measures to modify or eliminate stereotypes and harmful practices. In particular, it is deeply concerned about:</p> <ul style="list-style-type: none"> (a) Harmful norms, practices and traditions that perpetuate discrimination against girls, including, in particular, forced and early marriages, polygamy, bride-price (lobola) and, in certain regions, virginity testing and witch hunting; (b) Allegations of involvement of members of religious sects, such as apostolic churches, in harmful cultural practices, particularly early marriage, including of girls as young as 10 with older men for "spiritual guidance". <p>AU 25. The Committee applauds the State Party for prohibiting publicizing children in the juvenile justice system under the Children's Act, for establishing a multi-sectoral victim friendly system to protect the privacy of victims of abuse, and for prohibiting virginity testing and female genital mutilation under the Domestic Violence Act.</p> <p>AU 49. Commending the State Party for introducing the Domestic Violence Act to prevent and eliminate harmful traditional practices and for launching the African Union Campaign to End Child Marriage.</p> <p>CRC 47. The Committee urges the State party to:</p> <ul style="list-style-type: none"> (a) Take all measures to enforce the application of the law to prohibiting child and forced marriage and to prevent such marriages from occurring; (b) Establish an effective monitoring system to assess progress towards the eradication of child marriage; (c) Provide victims of child and forced marriage with compensation and rehabilitation measures, including medical, psychological and social services; (d) Conduct an investigation into the allegations of involvement of members of religious sects, such as apostolic churches, in harmful cultural practices, ensuring that criminal charges are brought against all those found responsible within these churches, and against all those who facilitated early and forced marriages; (e) With reference to General comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, raise awareness among families, traditional and religious leaders in order to prevent and combat harmful practices that impede the implementation of the Convention. <p>AU 25. The Committee notes that there are instances whereby the media violates the rights of children due to lack of supervision and monitoring mechanisms and where by virginity testing and female genital mutilation are practiced in some communities. Thus, the Committee recommends the Government of Zimbabwe to take measures against the Media that violate children's right to privacy and to put in place monitoring mechanisms to ensure that children's right to privacy is respected and promoted. Further, the Committee urges the State Party to take all necessary measures such as creating awareness about the multifaceted effects of female genital mutilation and virginity testing on children and to prosecute those who practice the acts.</p> <p>AU 49. The Committee recommends the State Party to continue its efforts to end child marriage and other harmful traditional practices that affect the well-being of children by partnering with traditional and religious leaders, parents, schools, and CSOs.</p>

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<p>E. Family environment and alternative care</p> <p>Family environment and parental guidance and responsibilities</p>	<p>AU 28. Appreciating the State Party for providing social transfers and psychosocial support to child headed households, the Committee recommends the State Party to conduct a formal public supervision of child headed households and to consider increasing the 20 USD grant.</p> <p>CRC 49. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Strengthen the financial support and community structures to grandparent- and child-headed households to assist in meeting needs related to nutrition, shelter and access to essential services, with particular attention to meeting the demands of families in rural areas and farming communities; (b) Ensure that mothers and fathers equally share the legal responsibility for their children, in accordance with article 18, paragraph 1, of the Convention; (c) Undertake the necessary measures to align laws with the non-discriminatory provisions of the Constitution, thereby giving equal rights and responsibilities to parents for the guardianship and custody of their child, whether the child is born within or outside marriage, and remove any preference given to a parent prior to specific consideration of the best interests of the child; (d) Ensure that children of unmarried parents may have contact with their fathers when in the best interests of the child. <p>AU 28. The Committee recommends the State Party to conduct a formal public supervision of child headed households and to consider increasing the 20 USD grant.</p> <p>AU 29. In addition, the Committee recommends the State Party to respect the commitment it made under article 20(2) of the African Children's Charter and to make arrangements for parents to play integral role in the learning process of their children, and to ensure children of working parents are provided with basic services.</p> <p>AU 30. Furthermore, the Committee recommends the State Party to ensure that parents are discharging their duty of providing maintenance for their children by taking various actions including the enforcement of maintenance claims</p>
<p>Family reunification and children deprived of the family environment</p>	<p>AU 31. Appreciating the State Party for putting in place family tracing, reunification, and reintegration system for children deprived of the family environment, the Committee recommends the State Party to continue and strengthen its efforts of family reunification through a system of tracing, legal assistance, travel arrangements, and financial support. To address the need of children whose families cannot be traced, the Committee recommends the State Party to increase its social workers work pool, to build the capacity of existing social workers, to strengthen already existing and to establish new public alternative care facilities, to effectively supervise and monitor alternative care institutions, and to collaborate with CSOs. To this effect, the Committee calls upon the State Party to consult the UN Guidelines for Alternative Care of Children.</p> <p>AU 32. The Committee appreciates the State Party for inspecting institutions that cater for orphan children twice a year and recommends the State Party to strengthen its monitoring mechanisms.</p> <p>CRC 51. The Committee draws the State party's attention to the United Nations Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and recommends that the State party:</p> <ul style="list-style-type: none"> (a) Support and facilitate family-based care for children wherever possible, including for children in single-parent families, and further develop the system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children; (b) Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care; (c) Ensure the training of all professionals including social workers, police, education and health officers in contact with children, on child protection laws; (d) Ensure adherence to the Minimum Standards of Residential Care set for institutions and undertake periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children; (e) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible. <p>AU 31. The Committee recommends the State Party to continue and strengthen its efforts of family reunification through a system of tracing, legal assistance, travel arrangements, and financial support. To address the need of children w/hose family cannot be traced, the Committee recommends the State Party to increase its social workers work pool, to build the capacity of existing social workers, to strengthen already existing and to establish new public alternative care facilities, to effectively supervise and monitor alternative care institutions, and to collaborate with CSOs. To this effect, the Committee calls the State Party to consult the UN Guidelines for the Alternative Care of Children.</p> <p>AU 32. In addition, the Committee recommends the State Party to promote alternative family care systems such as foster care instead of institutional care.</p>
<p>Adoption</p>	<p>AU 33. The committee commends the state party for the existing preference of domestic adoption over international adoption by the State Party, in cases where inter-country adoptions take place.</p> <p>CRC 53. The Committee recalls its previous recommendation (CRC/C/15/Add.55, para. 29) and recommends that the State party:</p> <ul style="list-style-type: none"> (a) Ensure that children are not deprived of the chance to be adopted through an overly restrictive interpretation of the rules of adoption; (b) Conduct awareness-raising of the process of adoption to counter the prevailing negative views; (c) Consider ratifying the 1993 Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Inter-country Adoption. <p>AU 33. The Committee highly urges the State Party to supervise the practice and to ratify the Hague Convention on Protection Of Children and Cooperation in Respect of Inter-country Adoption and to consult the Guideline for Action on Inter-country Adoption in Africa.</p>

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<p>Children of imprisoned mothers and care givers</p>	<p>AU 46. The Committee appreciates the efforts of the State Party to respect the rights of children of incarcerated mothers by discouraging the custody of expecting and nursing mothers, establishment of day care centres in the females' prison, and taking the initiative to introduce an open prison.</p> <p>CRC 55. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Take effective and urgent measures to ensure that living conditions for children in prison with their mothers, including access to health and early childhood development services, are adequate for the child's physical, mental, moral and social development in accordance with article 27 of the Convention; (b) Seek alternative measures to institutional confinement for pregnant women and mothers with small children, wherever possible; (c) Ensure that the principle of the best interests of the child is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers. <p>AU 46. The Committee recommends the State Party to make reference and use as a guideline the Committee's General Comment on article 30 of the African Children's Charter in its actions aimed at addressing the need of children of imprisoned mothers.</p>
<p>F. Disability, basic health and welfare</p>	<p>CRC 56. The Committee commends the enactment of the Disabled Persons Act (2014) and is encouraged by the programmes embarked upon by the State party to prevent disability in children. However, the Committee is concerned that in the majority of cases, disability in children is due to preventable causes, such as diseases, inaccessibility to full immunization, lack of comprehensive care (antenatal and postnatal), malnutrition and cultural practices such as early and frequent pregnancies. It is further concerned that:</p> <ul style="list-style-type: none"> (a) Throughout the country, children with disabilities are subjected to greater abuse, violence, stigma and exclusion, particularly in rural areas, and especially those children with intellectual or psychosocial impairments; (b) Early diagnosis of the impairment and support are difficult to obtain, in particular for children from poor families; (c) Access to inclusive education and well-trained teachers is limited; (d) Infrastructure in public places is not suitable for children with disabilities. <p>AU 34. The Committee appreciates the State Party for establishing the National Disability Board to cater for the need of people with disability in general. However, the Committee notes that there still exist barriers on access to health services for children with disabilities.</p> <p>CRC 57. In the light of article 23 of the Convention and of its General Comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:</p> <ul style="list-style-type: none"> (a) Adopt measures to eliminate the stigmatisation and exclusion of children with disabilities, and strengthen its enforcement mechanisms for ensuring compliance with its legislation prohibiting such discrimination; (b) Adopt a policy of prevention with measures to eliminate the preventable causes of disability; (c) Allocate sufficient resources to implement and strengthen the policies and programmes embarked upon by the State party to ensure that children with disabilities have access to health care, including early detection and intervention programmes; (d) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in special schools and classes; (e) Train and assign specialized teachers and professionals in inclusive classes providing individual support and all due attention to children with learning difficulties; (f) Expedite the establishment of the necessary infrastructure in public places to accommodate children with various disabilities. <p>AU 34. Therefore, the Committee recommends the State Party to continue its efforts to address the need of children with disability through proper implementation of its policies and by establishing orthopaedic services and where services are available to ensure their accessibility and flexibility. Moreover, the Committee encourages the State Party to review existing programs essential for children with disability and to improve their coverage, effectiveness and efficiency.</p>
<p>Health and health services</p>	<p>CRC 58. While commending the State party for its strategy to reduce maternal and under-5 mortality rates, the Committee is concerned about the insufficient allocation of financial resources to ensure the implementation of the State party's programmes to improve child health. In particular, the Committee is concerned about the:</p> <ul style="list-style-type: none"> (a) Persistent high maternal, child and infant mortality and morbidity rates; (b) Limited access to health-care services for children living in poverty and in remote and rural areas and user fees being imposed for HIV, maternal and child health services; (c) Prevalence of chronic malnutrition leading to stunting; (d) Limited access to safe drinking water and sanitation; (e) Insufficiency of trained health professionals; (f) Reports that apostolic churches are barring children from seeking medical attention and regular health services, including immunization, resulting in deaths and high maternal mortality among adolescents. <p>CRC 59. The Committee draws the State party's attention to its General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that it:</p> <ul style="list-style-type: none"> (a) Strengthen its programmes and increase the resources allocated for improving the health situation of children, particularly in rural areas, in line with the Ouagadougou Declaration on Primary Health Care and Health Systems in Africa (2008);

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<p>Health and health services</p>	<p>(b) Limited access to health-care services for children living in poverty and in remote and rural areas and user fees being imposed for HIV, maternal and child health services;</p> <p>(c) Prevalence of chronic malnutrition leading to stunting;</p> <p>(d) Limited access to safe drinking water and sanitation;</p> <p>(e) Insufficiency of trained health professionals;</p> <p>(f) Reports that apostolic churches are barring children from seeking medical attention and regular health services, including immunization, resulting in deaths and high maternal mortality among adolescents.</p> <p>CRC 59. The Committee draws the State party's attention to its General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that it:</p> <p>(a) Strengthen its programmes and increase the resources allocated for improving the health situation of children, particularly in rural areas, in line with the Ouagadougou Declaration on Primary Health Care and Health Systems in Africa (2008);</p> <p>(b) Facilitate access to free maternal and child health services, reduce the incidence of maternal, child and infant mortality, and prevent and combat malnutrition through the sufficient allocation of resources to critical nutrition interventions and access to safe drinking water and sanitation;</p> <p>(c) Develop long term strategies for retaining qualified health personnel and accelerate the training of health workers;</p> <p>(d) Conduct investigations into allegations involving children being barred from seeking medical attention and regular health services, ensuring that criminal charges are against all those found responsible and compensation and rehabilitation measures are provided to the child victims and their families;</p> <p>(e) Implement the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) and to reduce preventable maternal morbidity and mortality (A/HRC/21/22);</p> <p>(f) Seek financial and technical assistance from UNICEF and the World Health Organization.</p> <p>CRC 67. The Committee urges the State party to expedite the redress to the displaced families, due to the flooding of the Tokwe Murkosi dam and forced resettlement operations, including the provision of prompt and adequate compensation and the ability to return to their land, while ensuring their access to appropriate and quality educational, health care and recreation facilities and restoration of lost birth certificates.</p> <p>AU 35. The Committee, however, is concerned by the tenaciously high rate of child and maternal mortality in Zimbabwe that is caused by limited availability of free drugs for children under the age of five in public hospitals; increasing rate of orphan children due to chronic illness of parents; poor access to neonatal care; prevalence of preventable diseases such as pneumonia, measles and malnutrition; and the impact of HIV/AIDS pandemic.</p> <p>AU 36. Therefore, the Committee recommends the Government of Zimbabwe to create and strengthen public-private health sector partnership to improve the quality of health services; implement monitoring mechanisms on user fees in all public health institutions so as to remove financial barriers to mothers and children; ensure adequate provision of essential medical supplies and other basic equipment from primary level to tertiary level; expand primary health care facilities in underserved areas such as resettlement farms; and provide and sustain outreach services from first level facilities to communities.</p> <p>AU 37. In addition, the Committee recommends the State Party to build the capacity of health workers, programme managers, health management teams and village health workers to conduct community case management of pneumonia, diarrhea and malaria. Moreover, the Committee recommends the State Party to focus on ensuring household food security in its effort to address malnutrition.</p> <p>AU 38. In its effort to reduce child and maternal mortality, the Committee recommends the State Party to take into account the Maputo Plan of Action and the African Regional Nutrition Strategy (2015-2025).</p>
<p>HIV & AIDS and adolescent health</p>	<p>CRC 60. Welcoming the efforts of the State party to improve adolescent health, the Committee is nonetheless extremely concerned about the:</p> <p>(a) High rate of sexual violence experienced by adolescent girls;</p> <p>(b) High rate of early pregnancy and child marriage and its correlation with the school dropout rate of adolescent girls;</p> <p>(c) Restrictive abortion law and the lengthy procedures for authorizing abortions resulting in illegal and unsafe abortions;</p> <p>(d) The requirement in law for parental or guardian consent of unmarried adolescents to access reproductive health services, including receiving information on contraception and prevention of sexually transmitted infections.</p> <p>CRC 61. In the light of its General Comment No. 4 on adolescent health and development, the Committee urges the State party to:</p> <p>(a) Take immediate measures to combat sexual violence against adolescent girls, through documentation, prompt and effective investigation and prosecution of all cases of sexual violence and ensure the rehabilitation of victims;</p> <p>(b) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to improving the knowledge of and the availability of reproductive health-care services with a view to reducing teenage pregnancies and preventing HIV/AIDS and other sexually-transmitted infections;</p> <p>(c) Take urgent measures to reduce maternal deaths relating to teenage abortions and ensure children's access to safe abortion and post-abortion care services, by law and in practice;</p> <p>(d) Ensure the alignment of legislation with the Constitution to prevent discrimination against adolescents on the basis of marital status, particularly in regard to their access to reproductive health services without the consent of a parent or a guardian.</p>

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<p>HIV & AIDS and adolescent health</p>	<p>CRC 62. While noting the development of strategies for dealing with the AIDS pandemic, the Committee is concerned about the:</p> <ul style="list-style-type: none"> (a) High rate of mother-to-child transmission and new HIV infections among girls and boys; (b) High number of children being orphaned by HIV and AIDS; (c) Significant number of cases of under-five mortality due to HIV related causes; (d) Large percentage of HIV exposed infants not being tested at an early stage for HIV or not receiving the necessary medication, particularly in rural areas, reflecting a significant gap in early infant diagnosis and treatment; (e) Large majority of children under 15 who are HIV positive and lack access to Anti-retroviral Treatment. <p>CRC 63. In the light of its General comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS, enforce the “no-user fee” policy nationwide for HIV and maternal and child health services, improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment, including in rural areas, inter alia through implementation of the 2010 WHO Guidelines on PMTCT, ART and Infant and Young Child Feeding, and create a centralised database for mothers and children on ART so that they can access services in all service delivery points in the State party; (b) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services; (c) Seek technical assistance from the Joint United Nations Programme on HIV/AIDS and UNICEF. <p>CRC 65. The Committee urges the State party to:</p> <ul style="list-style-type: none"> (a) Take all necessary measures to address child poverty and vulnerability through, inter alia, providing family support services and social protection to disadvantaged families, including targeted programmes for families that are particularly vulnerable to poverty, implemented at the community level; (b) Pay particular attention to the rights and needs of children when implementing its poverty reduction strategy and all other programmes intended to improve the standard of living in the country particularly with regard to health, nutrition, education and housing; (c) Seek technical assistance from, among others, the United Nations Development Program and UNICEF.
<p>G. Education, leisure and cultural activities</p> <p>ECD, education including vocational training and guidance</p>	<p>CRC 68. The Committee welcomes programs, such as the Basic Education Assistance Module, to keep vulnerable children in school. However, the Committee remains concerned (CRC/C/15/Add.55, para. 19) about:</p> <ul style="list-style-type: none"> (a) Primary education not being free due to imposed tuition fees and hidden costs, leading to low completion rates in schools; (b) The high dropout rate for girls, especially at the secondary and tertiary levels, due to early marriage, teenage pregnancy, discriminatory traditional and cultural practices as well as poverty, and lack of implementation of the policy on re-entry of adolescent mothers into school after delivery; (c) The low quality of education as a result of inadequate budget allocations to support educational programmes and infrastructure, resulting in shortages of trained teachers and quality teaching and learning materials and environment, particularly in rural areas; (d) Difficulties faced by some children, in particular those living in poverty and those in remote and rural areas, in accessing education, due to the long walking distances from home to school; (e) The high number of girls who suffer sexual abuse and harassment on the way to or from school, as well as in school, by both teachers and classmates; (f) The inadequate number of public early childhood care and education institutions and qualified instructors; (g) The reported use of some schools as bases by militia groups and for political purposes, as well as cases of harassment, expulsion, and unlawful arrests and detention of teachers and students during the last parliamentary and presidential elections and their aftermath. <p>AU 39. The Committee applauds the State Party for measures it has taken for the realization of the right to education through the provision of constitutional safeguard for free and compulsory primary education, adoption of the Basic Educational Assistance Module for orphan and vulnerable children, devising quality enhancing programs such as the Better Environmental Science Teachings (BEST), and inclusion of special education programs in the curricula of teachers training.</p> <p>CRC 69. In the light of its General comment No. 1 (2001) on the aims of education, the Committee recommends that the State party continue to strengthen programmes and policies to ensure the accessibility of quality education for all children in Zimbabwe. In particular, the Committee urges the State party to:</p> <ul style="list-style-type: none"> (a) Ensure that primary education is free and compulsory to provide unhindered and equal access to education for all children; (b) Address barriers to girls’ education, such as negative cultural attitudes, early marriage, excessive domestic duties, and take steps to retain girls in schools, including ensuring that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools through, inter alia, clarifying and publicizing the Government policy of re-entry of girls into school after pregnancy; (c) Ensure the adequate budgetary allocation to improve the quality of education through increasing the number of qualified teachers, improving school infrastructure, including sports, recreational and arts facilities, and increasing children’s access to school materials and textbooks with a view to eradicating rural-urban disparities in school enrolment and attendance; (d) Provide a safe educational environment, free from discrimination and violence, as well as institute measures to protect girls from sexual harassment and violence on their way to and from schools, and in schools, through the establishment of reporting and accountability mechanisms to ensure that perpetrators of sexual abuse and harassment are prosecuted and punished;

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<p>G. Education, leisure and cultural activities</p> <p>ECD, education including vocational training and guidance</p>	<p>(e) Regulate both public and private educational institutions through the setting of standards to ensure quality education and regularly monitor schools to assess implementation of these standards;</p> <p>(f) Develop and promote high-quality vocational training to enhance the skills of children and young people, especially those who drop out of school;</p> <p>(g) Allocate sufficient financial and human resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, including the provision of well-trained instructors;</p> <p>(h) Take appropriate measures to deter the military or political use of schools, and establish mechanisms to monitor and investigate allegations of such attacks on education facilities.</p> <p>AU 39. However, the Committee is concerned by the increasing rate of school dropout and low rate of secondary education enrolment as a result of school fee, relocation, marriage, pregnancy, and death; imposition of levies; and restriction on children who do not have birth certificate not to attend schools.</p> <p>AU 40. Therefore, the Committee recommends the State Party to establish public early childhood development (ECD) centers in urban and rural areas to provide quality and equitable ECD services to all children; to continue improving access to quality education to all children by removing and barriers such as school fees and levies, and requirement of birth certificates. In addition, in order to address the school dropouts and low secondary education enrolment, the Committee highly urges the State Party to take the necessary actions such as establishing pre-school centers; setting in place flexible schooling hours and system; providing free text books, sanitary materials and school feeding program; arranging for scholarship programs; undertaking medical interventions in schools; introducing adult education programs in all schools; providing for alternative forms of education like vocational trainings in collaboration with CSOs; and eliminate child marriage. In addition, the Committee recommends the State Party to guarantee access to education for pregnant girls.</p> <p>AU 41. In relation to ensuring inclusive education for children with disability, the Committee recommends the State Party to continue strengthening its efforts and to ensure that the manner and form of inclusive education is dictated by the individual educational needs of every child. Moreover, the Committee urges the State Party to cater for the children's specific needs by re-evaluating its education curriculum in order to address challenges faced by children with disability and improve basic infrastructures to be suitable for children with disability.</p> <p>AU 42. While appreciating measures taken by the State Party to guarantee children's right to leisure, the Committee recommends the State Party to ensure the provision of adequate facilities such as playgrounds, football fields, and indoor playing facilities in schools and youth centres of all the regions.</p>
<p>H. Special protection measures</p> <p>Children in situations of migration/ refugee children</p>	<p>AU 43. Appreciating the legislative and administrative measure taken to protect the right of refugees in general and that of children in particular, the Committee recommends the State Party to ensure access to basic services for all refugee and asylum seeking children without discrimination and to continue its efforts to provide them durable solutions in collaboration with CSOs. Moreover, the Committee recommends the State Party to establish strong and functional legislative and institutional frameworks to ensure that refugee children do not become stateless.</p> <p>CRC 71. The Committee recommends that the State party implement comprehensive measures to address the root causes of economic migration. It further recommends that the State party undertake measures to mitigate the effects of migration on the welfare of affected children, including through the provision of support at the local level, the training of caregivers and through improved social and psychological support to affected children deprived of a family environment. The State party is encouraged to enter into bilateral agreements with neighbouring States for adequate protection of migrant children in their countries of destination.</p> <p>AU 43. The Committee recommends the State Party to ensure access to basic services for all refugee and asylum seeking children without discrimination and to continue its effort to provide them durable solutions in collaboration with CSOs. Moreover, the Committee recommends the State Party to establish strong and functional legislative and institutional framework to ensure that refugee children did not become to be stateless.</p>
<p>Economic exploitation and child labour</p>	<p>CRC 72. The Committee welcomes the Constitutional provision protecting children from exploitative labour practices and notes with appreciation the legislative amendment to raise the minimum age for admission to employment to 16 years. However, the Committee is concerned about the persistence of child labour, including hazardous labour, in the State party due to weak enforcement of existing legislation and policies. The Committee is further concerned about reports of exploitation of children, particularly from low-income households, in the agriculture, forestry/hunting and fishing sectors, including low payment and long working hours.</p> <p>AU 47. The Committee commends the State Party for protecting children from child labor under the Children's Act and the Labor Act.</p> <p>CRC 73. The Committee recalls its previous recommendation (CRC/C/15/Add.55, para. 32) and urges the State party to:</p> <p>(a) Ensure the effective harmonization of the Constitutional prohibition of exploitative and hazardous child labour in all legislation, policy and practice, and establish a list of hazardous work in which children should not be involved;</p> <p>(b) Ensure the implementation of the minimum age of employment, including through the use of appropriately trained labour inspectors and the application of the high penalties foreseen in legislation for those who exploit children;</p> <p>(c) Take measures to address the socio-economic factors contributing to child labour and scale up the implementation of social welfare programmes to prevent children engaging in economic activities;</p> <p>(d) Undertake awareness-raising programmes for all employers, government agencies and the general public, especially children, on child labour and the enforcement of legal provisions, particularly in rural areas;</p> <p>(e) Provide appropriate rehabilitation programmes for children that have been identified as having engaged in child labour;</p> <p>(f) Continue to work with the International Programme on the Elimination of Child Labour of the International Labour Office.</p>

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Economic exploitation and child labour	<p>AU 47. The However, the Committee is concerned by the rise of child labor in Zimbabwe including in its worst form. Therefore, the Committee recommends the Government of Zimbabwe to implement the relevant laws by ensuring that the minimum age of child labor and hazardous works is respected; to strengthen its inspection mechanisms; prosecute individuals and companies that engage children in worst forms of child labor; introduce corporate social responsibility for the private sector; in collaboration with development partners to scale up the implementation of social welfare programs; and review existing programs aimed at addressing child labor and economic exploitation of children.</p>
Child trafficking	<p>CRC 74. The Committee welcomes the enactment of the Trafficking in Persons Act (2014) and the creation of the Inter-Ministerial Task Force on Human Trafficking. However, the Committee notes with concern persistent reports of trafficking of children in the State party in the context of the high rate of migration of unaccompanied children. The Committee expresses its concern at the insufficient programmes for the physical and psychological recovery and social and family reintegration of child victims of trafficking, and commercial sexual exploitation, including for prostitution and pornography.</p> <p>CRC 75. The Committee recalls the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ZWE/CO/2-5, para. 26) on combatting trafficking and the exploitation of prostitution. As particularly regards the situation of children, it further recommends that the State party:</p> <ul style="list-style-type: none"> (a) Ensure the effective enforcement of relevant legislation, policies and programmes to combat trafficking in children and their commercial sexual exploitation, including through the allocation of sufficient human and financial resources, and by establishing more rigorous border controls; (b) Ensure that adequate measures are taken to hold perpetrators of child sale, trafficking and commercial exploitation accountable for their offences; (c) Expand efforts to provide specialized training in combating trafficking in children and their commercial sexual exploitation to the judiciary, prosecutors, the police—particularly gender and children’s desks—law-enforcement officials, social workers and other relevant professionals, throughout the State party; (d) Strengthen awareness-raising programmes, including campaigns, on trafficking and commercial sexual exploitation, particularly in rural areas, border areas and areas of poverty; (e) Ensure the protection of, and support services for, children who have been victims of trafficking and commercial sexual exploitation, including the provision of shelters, a formal determination of the best interests of the child, and their rehabilitation and social integration in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children; (f) Address the root causes of trafficking, child labour and sexual exploitation, for example by increasing efforts to improve and expand access to education for both girls and boys, particularly for children in vulnerable situations (g) Accede to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children.
I. Responsibility of the child	<p>AU 50. The Committee calls upon the State Party to create awareness among children regarding their responsibility towards their family, the society and the State and to promote the responsibility of the child as it contributes to create a forum of participation for children to be involved in matters which might affect their interests. Further, the Committee recommends the State Party to ensure that the interpretation of the responsibility of the child does not lead to the violation of rights of children enshrined in the African Children’s Charter.</p>
Administration of juvenile justice/ children in conflict with the law	<p>CRC 76. The Committee commends the Constitutional guarantee of children not to be detained except as a measure of last resort and welcomes the Constitutional and legislative provisions guaranteeing the right to legal aid and other strategies to improve children’s access to justice. It further welcomes the statement by the delegation during the dialogue that the Pre-trial Diversion Program will continue, fully financed by the State party. The Committee, however, remains concerned (CRC/C/15/Add.55, para. 21) about the:</p> <ul style="list-style-type: none"> (a) Very low age of criminal responsibility set at seven years of age; (b) Lack of a clear legal prohibition of life imprisonment without possibility of release and the indeterminate sentencing of children; (c) Recourse to whipping as a disciplinary measure for boys; (d) Inadequate budgetary allocations to ensure the implementation of programs to support juvenile justice and access to legal aid services for children in conflict with the law; (e) Absence of national mechanisms to independently monitor places where children are deprived of their liberty, and, to receive complaints, in a child-sensitive manner, regarding ill-treatment and torture. <p>CRC 77. In the light of its General comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. The Committee reiterates its previous recommendation (CRC/C/15/Add.55, para. 33) and urges the State party to:</p> <ul style="list-style-type: none"> (a) Raise the minimum age of criminal responsibility in in accordance with international standards; (b) Harmonize existing laws with the new Constitution and ensure that children are not sentenced to life imprisonment or to indeterminate sentences; (c) Adopt a comprehensive policy for juvenile justice based on restorative practices and guided by the right of the child to have his or her best interests taken as a primary consideration; (d) Increase the number of adequately trained professionals working in the juvenile justice system, designate specialized judges for children and ensure their appropriate education and training, and strengthen specialized juvenile court facilities and procedures, with adequate human, technical and financial resources; (e) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings by increasing the allocation of human and financial resources to the Legal Aid Directorate;

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Administration of juvenile justice/ children in conflict with the law	<p>(f) Continue the Pre-trial Diversion Program and ensure that children have access to alternative measures to deprivation of liberty such as probation, mediation, counselling or community service, ensuring that detention is used as a last resort;</p> <p>(g) Establish child-sensitive complaints mechanisms regarding ill-treatment and torture of children in police custody and detention;</p> <p>(h) Ensure the independent monitoring of places where children are deprived of their liberty;</p> <p>(i) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, OHCHR, UNICEF and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.</p> <p>AU 44. The Committee is highly concerned by the fact that the age of criminal responsibility for children is set at the age of 7 years. The Committee is also concerned about the absence of legal guarantee to protect juvenile offenders from being sentenced to life. The Committee, therefore, restating its recommendation under paragraph 13, urges the State Party to raise the minimum of age of criminal responsibility to the international standard of the age of 12 years and to legally guarantee that children are not sentenced to life. Further, the Committee recommends the State Party to establish juvenile courts throughout the country and strengthen the already existing ones through training of its officials on child rights issues and recruitment of psychologists and social workers.</p> <p>AU 45. In addition, the Committee recommends the Government of Zimbabwe to facilitate for separate detention of juvenile offenders from adult offenders, to introduce diversion programs in the criminal justice system and to establish rehabilitation centers for children in conflict with the law. In its effort to improve the criminal justice system for children, the Committee recommends the State Party to refer to the Guidelines on Action for Children in the Justice System in Africa.</p>
Ratification of optional protocols and other human rights instruments	<p>CRC 78. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p> <p>CRC 79. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.</p> <p>CRC 80. The Committee recommends that the State party fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of June 2015 and March 2014.</p> <p>CRC 81. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.</p> <p>CRC 82. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.</p>
Next report/ conclusion	<p>CRC 83. The Committee invites the State party to submit its combined third to seventh periodic report(s) by 10 April 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.</p> <p>AU 51. The African Committee of Experts on the Rights and Welfare of the Child appreciates with satisfaction the efforts of the Government of Zimbabwe to promote and respect the rights of children and aspires to the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up Mission to ascertain the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its combined fourth and fifth periodic reports, which the Committee considers as the first Periodic Report by December 2018 and to include in it information on the implementation of the present concluding observations. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Zimbabwe, the assurances of its highest consideration.</p> <p>CRC 84. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).</p>

In order to ensure the full implementation of the recommendations, there is a need to put in place policy initiatives that directly address the recommendations, as opposed to the general policy approach which has resulted in the recommendations not being given the much-needed attention and priority. The policy initiatives should incorporate the recommendations of both the UNCRC and the ACERWC, as these complement each other. Below are some of the recommended policy initiatives that should be implemented/adopted in ensuring the full implementation of these recommendations:

- Finalization of the National Implementation Plan of Action (NIPA) for the ACERWC and UNCRC recommendations will be the key policy initiative that will provide an accountable policy framework. The Ministry of Health and Child Care, through the National Programme of Action for Children, is in the process of finalizing the NIPA, with input from both government and civil society organizations under the Child Rights Coalition in Zimbabwe.
- Under NIPA, a monitoring tool aligned to the human rights indicators is being developed to track progress/challenges in the implementation of these recommendations.
- Both government and civil society should allocate adequate resources for the dissemination and simplification of these recommendations. In its conclusion, the UNCRC recommended that the second periodic report, the written replies to the list of issues of the State Party and the present concluding observations be made widely available in the languages of the country. In an effort to ensure the wide dissemination of these recommendations, the GoZ and CSOs, with support from Plan Zimbabwe, produced and distributed 2,000 copies of the recommendations pocket handbook to participants, including children and stakeholders, during the Child Rights Coalition Conference held in 2016 by ZNCWC. ZNCWC, with support from the United Nations High Commissioner for Refugees, further publicized the combined recommendations in the Sunday Mail newspaper.
- A child-friendly version of the concluding observations/recommendations should be produced. There is a need to reaffirm children as the holders of their rights, as clearly stated by the UNCRC and ACERWC. Children should be supported both financially and technically to participate directly in State Party reporting to human rights treaty bodies, especially the UNCRC and ACERWC. A key step in ensuring that children participate directly is to simplify the recommendations into child-friendly versions and support the existing formal child participation structures in the form of Junior Councillors and Junior Parliamentarians and other child-led groups. There is a need to provide financial and technical support to these Junior Councillors and Parliamentarians, so that they are able to implement the recommendations within their own local constituencies and to produce their own Children's Reports for submission to the UNCRC and ACERWC.

Conclusion

The progressive steps taken by both the Government of Zimbabwe and civil society organizations to fulfil their monitoring and reporting obligations to the UNCRC and ACERWC are very encouraging and indeed commendable, as they will ensure the progressive realization of children's rights in Zimbabwe. However, these efforts have to be matched with policy initiatives that directly deal with the implementation and monitoring of the concluding observations/recommendations, supported by adequate financial, material and human resources. This will ensure that both the government and the CSOs systematically and periodically report to the UNCRC and ACERWC.

References

- African Charter on the Rights and Welfare of the Child (1990): *Entered into force 29 November 1999.*
- United Nations Convention on the Rights of the Child (1989): *Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 44/25 of 20 November 1989.*

CHAPTER 2



Monitoring Child Rights Through Research

USING EVIDENCE-BASED RESEARCH TO MONITOR CHILD RIGHTS IN ZIMBABWE

Blessing Mushohwe

It is evident that Africa as a whole, and Zimbabwe in particular, has witnessed, and continues to witness, rapid socio-economic changes, epidemics, food insecurity and health-care provision challenges which are increasingly affecting children. These challenges have also been accompanied by an increase in violence against children in various forms, such as sexual, physical and emotional. In response to the urgency of such child rights violations and exclusions, countries have begun presenting strategies intended to protect children, prioritize their best interests, increase their participation in matters that affect them and indeed reduce levels of discrimination on various grounds, while at the same time ensuring child survival and development. Although globally there has been an increased focus on child rights issues, such policy-making, programming and practice around child rights has been made difficult by lack of concrete research-based evidence surrounding children's issues.

These changes have also been associated with changes in policy, legal and budgetary responses and overall social provisions for children. There is a general upsurge of problems in society, such as violence against children, poverty, stunting and challenges in children's access to health care and social services. Hence the growing need for evidence-based research on the emerging, critical social problems that are due to overwhelming levels of child poverty, increasing deprivation, child rights violations and exclusion of children.

The research-based commentary in this section is therefore critical and timely, as it represents one of the responses to the increasingly precarious situation of children in the country and region. The research presented in this chapter is drawn from the 2016 CSSP Small Grants Research Initiative which generally ran under the theme 'Social Norms that Drive Violence against Children'. Confronted with growing global evidence on the incidence and prevalence of violence, governments and policy-makers are asking: *What drives violence affecting children and what can be done to address it?* Identifying and analysing how structural determinants – the social, cultural, economic, legal, organizational and policy responses – interact to affect everyday violence in children's homes and communities will identify causal pathways to better inform national strategies and interventions for violence prevention. The research was thus undertaken to support an existing global study on social norms related to preventing violence against children.

The goal of the various social norms studies presented here is to translate research and move it more effectively into the policy and practice guidelines and implementation throughout Zimbabwe with a view to ending violence against children.

Most of the research in this publication was conducted by teams and dealt with social norms relating to violence against children through (or caused by) child marriage, corporal punishment, early sexual debut and bush boarding, among other issues.

AN EXPLORATORY STUDY ON THE SOCIAL NORMS ASPECTS THAT UNDERPIN VIOLENCE AGAINST CHILDREN IN ‘BUSH BOARDING’

Innocent Mahiya and Gift Murombo

Introduction to the project

‘Bush boarding’ consists of informal living arrangements of students near or at schools, so that pupils from far away can avoid walking long distances to school every day. These arrangements often involve makeshift or shack buildings for both boys and girls, and they are often unsupervised by adults. Increasingly, anecdotal evidence from newspapers and civil society sources have highlighted that these ‘bush boarding’ facilities may also be sites of violence against children both by adults and by other children. This study therefore aims to unravel the social norms that lead to violence against children in ‘bush boarding’. The rationale is to understand clearly the dynamics around ‘bush boarding’ for the crafting of a social norms strategy (Bicchieri 2006) to respond to and eradicate violence against children. A 2006 UNICEF report on the state of children showed that, despite efforts to combat violence against children, such incidents were on the increase in Africa. The selection of Binga as the research site was backed by anecdotal data, which flagged the area as having widespread ‘bush boarding’ arrangements. Some secondary schools are far from students’ home villages, which makes it difficult for them to walk to school each day.

Policy background in Zimbabwe related to ‘bush boarding’

The Zimbabwe Education Act of 1987 stipulates fundamental rights of education in Zimbabwe. Central to the Act is the child’s fundamental right to education in Zimbabwe in a non-discriminatory way. The Act provides that every child in Zimbabwe shall have the right to school education, and no child in Zimbabwe shall be refused admission to any school, or be discriminated against by the imposition of onerous terms and conditions in regard to his admission to any school, on the grounds of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender.

Zimbabwe is a signatory to the Convention on the Rights of the Child (CRC) and hence article 19 is the key provision relating to violence against children in their primary care setting. This provision obliges states to guarantee legal protection to children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse”. This applies to children “while in the care of the parent(s), legal guardian(s) or any other person who has the care of the child”. According to the Committee on the Rights of the Child, the definition of ‘caregivers’ contained in article 19 of the CRC should be interpreted broadly by states. According to the interpretation by the Committee, the term covers:

Those with clear, recognized legal, professional-ethical and/or cultural responsibility for the safety, health, development and well-being of the child, primarily: parents, foster parents, adoptive parents, guardians, extended family and community members; education, school and early childhood personnel; child caregivers employed by parents; recreational and sports coaches (including youth group supervisors); workplace employers or supervisors; and institutional personnel (governmental or non-governmental) in the position of caregivers, for example responsible adults in health-care, juvenile-justice and drop-in and residential-care settings.

This broadened definition of caregivers also covers children in ‘bush boarding’, whereby the state, the community and fellow children all assume a shared responsibility for children. The types of violence

covered by article 19 should also be interpreted widely, to include physical and non-physical forms of violence, and acts as well as omissions (neglect). The terms “child maltreatment” and “child abuse” in article 19 of the CRC can be defined broadly to include all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development or dignity. In terms of violence by parents and caregivers, the World Health Organization (WHO) has identified the following types of child maltreatment: physical abuse, sexual abuse, emotional abuse and neglect (WHO 2010). Sexual violence in that study is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion”. Physical violence refers to the intentional use of physical force with the potential for causing death, disability, injury or harm. “Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; slapping; punching; burning; use of a weapon; and use of restraints or one’s body, size, or strength against another person” (CDC 2003). Emotional violence is used generally to refer to any act, including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may diminish the sense of identity, dignity and self-worth of a child. The current study refers to economic violence as the consequences of neglect or inadequate support of children by their parents and guardians which exposes children to unmitigated lack of provisions (Max et al. 2004).

In the context of this study, the meaning of violence against children adopted broadly encapsulates all the facets above.

The Convention on the Rights of the Child (article 28) recognizes the right of the child to education. With a view to achieving this right progressively and on the basis of equal opportunity, the Convention in selected provisions stipulates the following, for example in article 28(1):

- a. *Make primary education compulsory and available free to all;*
- b. *Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; ...*
- c. *Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

These provisions are central to this study because the emergence of ‘bush boarding’ is mainly due to the inhibiting long distances to school, which make regular attendance difficult for some children. Children and their parents thus improvise so that children can achieve regular school attendance. Though this is noble, given the circumstances, it does expose children to multiple vulnerabilities, including a higher risk of exposure to different forms of violence.

Methodology

The study used a combination of qualitative methods and the U-Report survey to collect data. Respondents in Binga were specially selected from three schools with ‘bush boarding’, and the surrounding communities were engaged for the qualitative data. The three selected were the Tinde, Manjolo and Sianzyundu secondary schools, all located in the district of Binga. The multiplicity of research instruments ensured that all research questions were adequately answered (O’Donoghue and Punch 2003: 78).

Data were collected using various methods. A total of 14 in-depth interviews were conducted with the children and parents/guardians. Nine key-informant interviews were conducted with teachers, headmasters and other community members in areas with ‘bush boarding’. Four focus-group discussions

were conducted with the boys and girls in ‘bush boarding’ arrangements. Field observation was also employed, and some photographs were taken. Another set of data came from the U-Report, which is a tool to track changes in social norms surrounding violence against children, using a real-time feedback platform. U-Report is an innovative, user-centred social-monitoring tool based on simple Short Message Service (SMS) messages (poll questions, results and sharing of useful information). The U-Report survey was conducted by UNICEF from a pool of respondents totalling 3,566. The respondents were recruited from areas with ‘bush boarding’. The study sampled 30 per cent of the respondents who had indicated knowledge of the ‘bush boarding’ phenomenon. Both the qualitative data and the U-Report findings were analysed using the NVivo software.

Findings in brief

Distances and scarcity of quality education

‘Bush boarding’ was found to be a common normative practice in Binga. Parents and community leaders interviewed revealed that the practice seems to be grounded in the fact that many people in the community regard education as a virtue. In order for parents to do what is expected of them and what they feel is regarded as appropriate by society (normative expectation), they end up sending their children to ‘bush boarding’, even if it may run contrary to their individual convictions. As shown below, for all the schools visited, ‘bush boarding’ is something that has been with them for some years. A Methodist mission school – Tinde secondary – has been accommodating pupils in ‘bush boarding’ since 1991. The practice has been common in Sianzyundu ever since it started 20 years ago. A boarding school, Manjolo has day scholars and formal boarders, but also pupils who are in ‘bush boarding’.

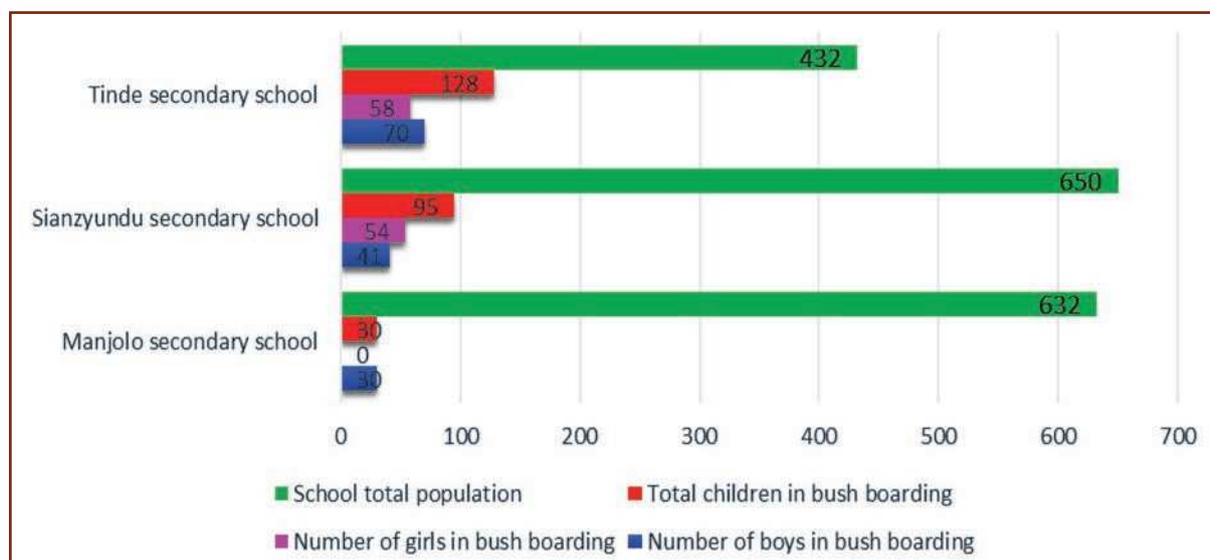


Figure 1: School Statistics in ‘bush boarding’ for schools visited in Binga

From U-Report, it was found that many respondents believed that most children, both boys and girls, were in ‘bush boarding’ (see Figure 2). However, more boys were believed to be in ‘bush boarding’ than girls.

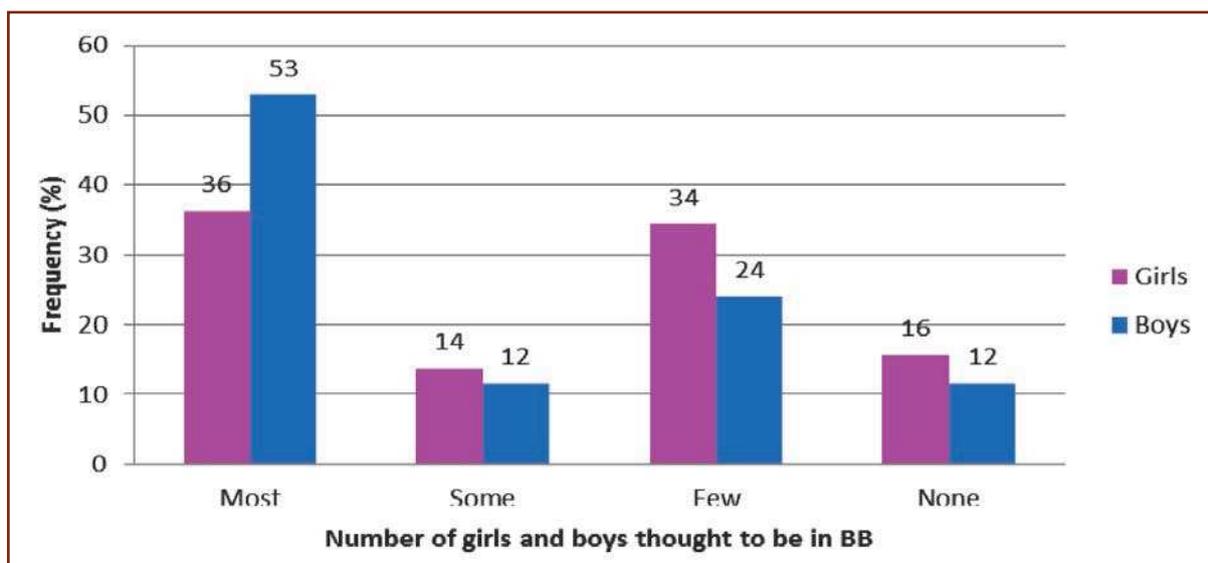


Figure 2: Number of children thought to be in 'bush boarding' in Zimbabwe (U-Report data)

Distance and lack of quality education was believed to be the main push and pull factor for 'bush boarding'. As shown below, 'bush boarders' travel as far as 80km to Sianzyundu, 25km to Manjolo and 50km to Tinde.

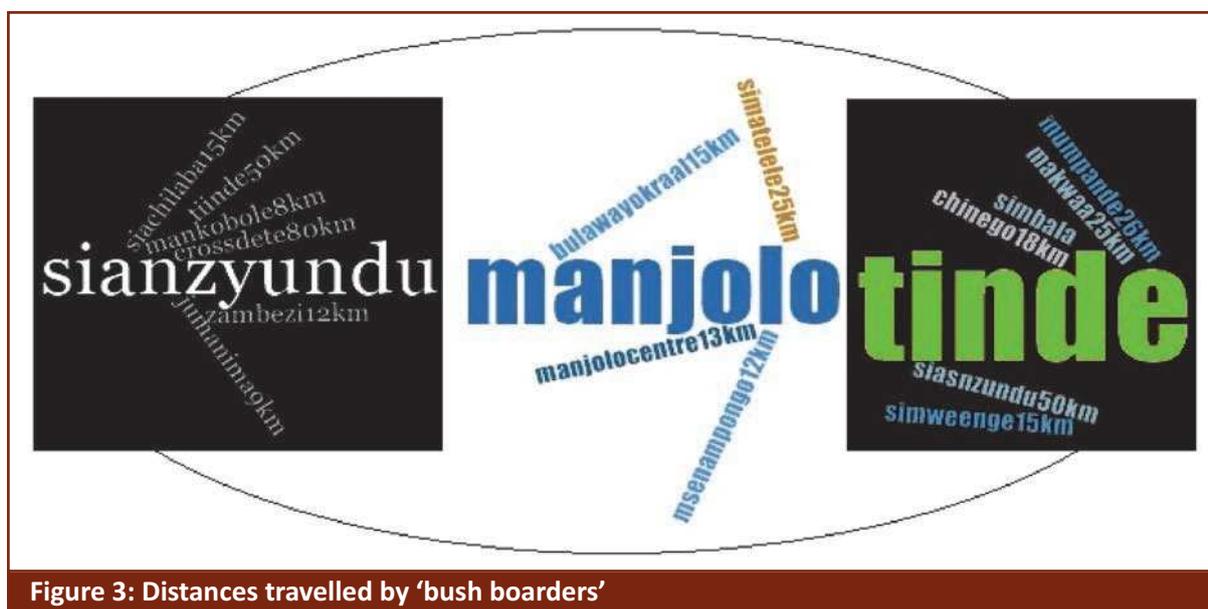


Figure 3: Distances travelled by 'bush boarders'

Quality education was said to be lacking in most remote satellite schools, and most parents, students and educationalists reported that there was better education at Manjolo, Tinde and Sianzyundu. The willingness and tolerance of the children and their parents to be separated and to live in risk conditions in 'bush boarding' seemed to portray the strength of the belief and expectation of fulfilling what is expected of them and what they feel is regarded as appropriate by society: good parents send their children to school and good children go to school. While people from the sending communities and villages believe that there are many people who send their children to 'bush boarding', the receiving communities seemed to underestimate the number of children in 'bush boarding'.

Considering the statistics at face value, the number of children in ‘bush boarding’ would appear to be insignificant (see Figure 1). The discrepancy in the empirical expectations of the sending and the receiving communities might explain why the children ended up getting entangled in violence. Parents send their children to communities that are less prepared to assimilate the children as part of their communities. As a result, they are less willing to be responsible for them. Even from the U-Report data, it was found that less than a third of participants (sampled from different parts of Zimbabwe) knew children in ‘bush boarding’, even if they believed that most children were involved in it. This lack of experiential knowledge of children in ‘bush boarding’ may go some way to explaining the neglect and lack of attention to children in ‘bush boarding’. In Binga and through U-Report it was found that people believed (and expected) the children in ‘bush boarding’ to be mainly boys and mainly at secondary school. These beliefs seemed to justify the existence of ‘bush boarding’, as well as the violence that may occur within it, which is seen as normal for boys. Participants seemed to think that many people believe in secondary school children’s ability to act responsibly and to take care of themselves with minimal supervision. It could be argued, however, that these adolescents are at a critical juncture in terms of asserting and claiming their independence, and that having to do so in an environment without parental or conventional control could be precarious.

Inquiry in Binga revealed that boys were believed and expected to be strong, independent and more courageous. As a result, it was believed and expected that they were more tolerant, adaptable and able to endure the harsh conditions of ‘bush boarding’. Therefore, it seems many people believed ‘bush boarding’ to be a boy (male) environment. This belief assumes that boys do not need much assistance and monitoring, and it justifies the lack of attention to violence in ‘bush boarding’. As a result, boys in ‘bush boarding’ may have a tendency to ‘slip through the net’ in terms of monitoring and guidance – something that may be damaging to the well-being of the boys and their future.

The other side of all this is that many people believe there are few girls in ‘bush boarding’, because girls are assumed to be more dependent, weaker, more vulnerable and unsafe in ‘bush boarding’. This poses two challenges for the girl child.

First of all, the belief is used to justify violence against a girl in ‘bush boarding’. Incidents of violence against a girl were only regarded as sanctions for violating the norm. For instance, being sexually abused was seen as a sanction for prying into an environment normally known to be male oriented and dominated. However, this belief might be losing traction, given recent developments in education, especially in terms of education for girls. More and more girls are going to school, and there were more girls than boys in ‘bush boarding’ at Sianzyundu secondary school (see Figure 1).

Secondly, conformity to this norm poses another challenge: the belief that girls are more vulnerable in ‘bush boarding’ seems to be one of the reasons why fewer girls are accessing secondary school education. Parents might be keeping their girl children from attending secondary school in the belief and expectation that putting their daughters into ‘bush boarding’ would pose a risk to their lives. It would seem that most people believe it is better to have their girl children drop out of school and have a “decent [early] marriage” than risk sending them to ‘bush boarding’, where it is believed they would end up being sexually abused and impregnated, bringing shame on the family.

Types of ‘bush boarding’ arrangements in Binga

There were mainly four types of ‘bush boarding’ (Figure 4).

Makeshift huts	Renting a room	School premises	Rent a hut
<ul style="list-style-type: none"> • Pupils stay close to the school • Stay in numbers ranging from five to nine of same sex • Observed at Manjolo Secondary 	<ul style="list-style-type: none"> • Near and at the shops close to the school • Stay in same sex groups and share resources • Pay rent individually • Common at Sianzyundu 	<ul style="list-style-type: none"> • Use classrooms as dormitories • The schools are involved informally • Boys and girls are using different classrooms • Observed at Tinde • UNICEF-funded girls dormitory at Manjolo 	<ul style="list-style-type: none"> • Rent some huts/rooms in the villages nearby the school • Both girls and boys stay in such arrangements

Figure 4: Types of ‘bush boarding’ arrangements in Binga

Replication of village setup in ‘bush boarding’

It was revealed that the ‘bush boarders’ got a lot of support from their own villages of origin, to the extent that they replicated these villages in their staying arrangements in and around the school where they were ‘bush boarding’. This was most common in the arrangements involving makeshift huts and renting huts. The boys ‘bush boarding’ at Manjolo believed that circumstances in which they were living in ‘bush boarding’ were more or less the same as in the village. This had led them to call the ‘bush boarding’ site the ‘village’. They stayed in groups according to their village of origin. Asked why this was the case, they indicated that life in ‘bush boarding’ required people to give each other support, mainly in the form of sharing food, protecting one another from bullying and generally encouraging one another. The children’s villagization endeavours seem to have been an indication that they were trying to prove their relevancy to the hosting communities, which appear to have been neglecting them and showing signs of a negative attitude towards them.

Children who were in more modern forms of accommodation, such as those who renting a room at or near the shops, were more individualistic. There was no community feeling, everyone would cook his/her own food unless they were related, and the children would bring food from home to last for 2–3 weeks. The food would be fetched from home again once it ran out. The children who lived by the shops seemed to engage in risky behaviours in a sort of ‘self-fulfilling prophecy’: for instance, they felt that many people believed and expected them to misbehave and be mischievous. This belief was confirmed by the U-Reporters, who thought many people believed that the children were perceived as engaging in inappropriate behaviours (Figure 5).

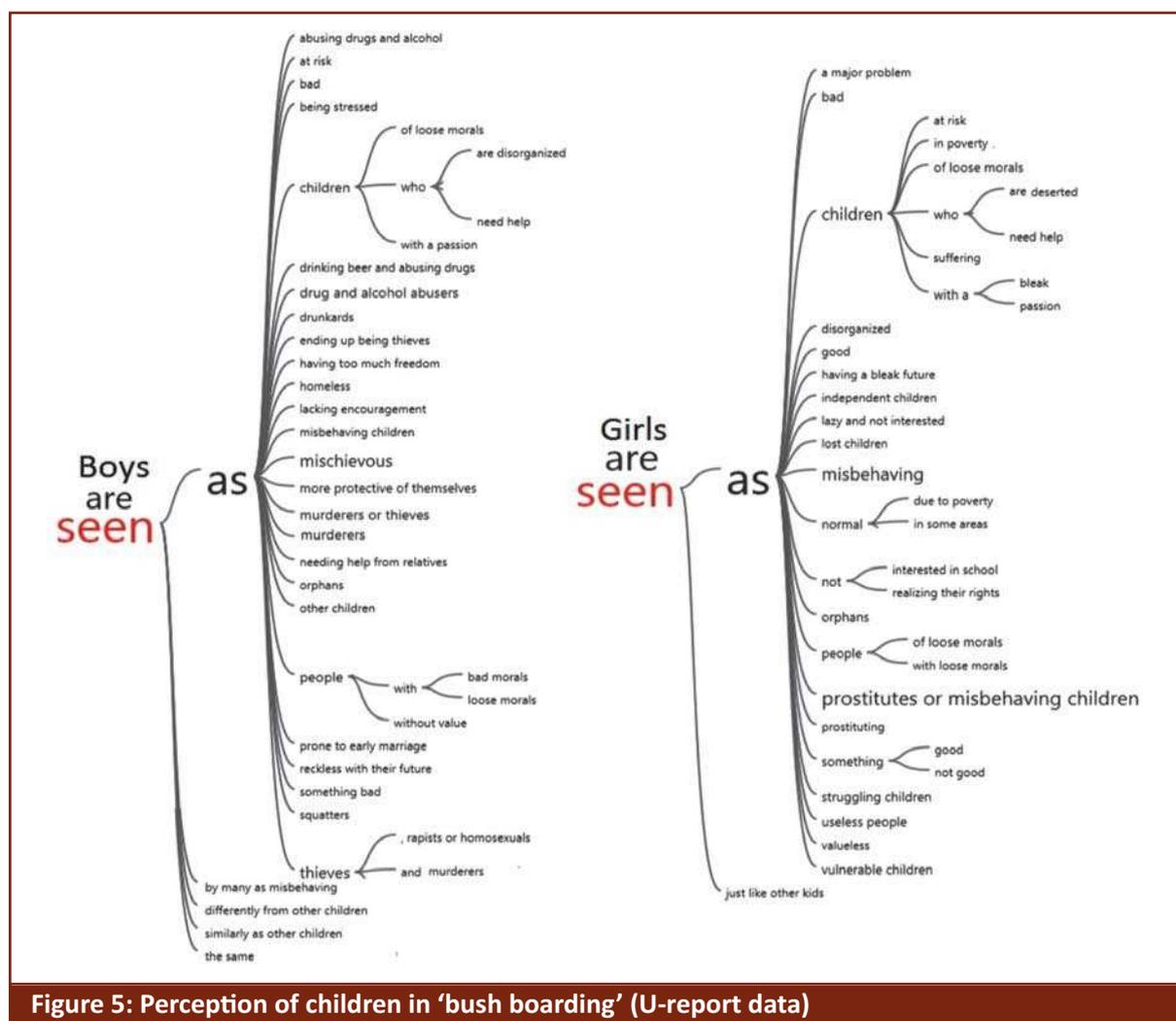


Figure 5: Perception of children in 'bush boarding' (U-report data)

In addition, girls reported being labelled 'prostitutes', while boys were called 'homosexuals' and 'murderers'. This pointed to strong disapproval of their situation or way of life by the communities hosting them.

'Formalization' of 'bush boarding' in schools

Some of the schools seem to have formalized 'bush boarding', as they have made more organized efforts to monitor the 'bush boarders'. At Sianzyundu, 'bush boarders' paid a sum of \$10 per term, from which a matron and a security guard were remunerated. The school administration at Tinde made arrangements to improve the conditions of the 'bush boarders' by allowing the children to reside on the school premises, so that they could minimize the violence that children in 'bush boarding' faced. Tinde secondary school accommodates both boys and girls on the school premises, where they use the classrooms as night-time dormitories. 'Bush boarding' on school premises seems to have come about because many people believe that when parents send their children to school, they relinquish responsibility for their children to the school authorities. From the U-Reporters, it came over strongly as a belief that it is the responsibility of the school and the teachers to look after the children in 'bush boarding'. Among the Binga community and the U-Reporters, it was believed that the school was an institution that should not neglect the children in 'bush boarding'. In response to this expectation, some schools like Tinde now accommodate the children within their infrastructure and resources, albeit informally, as the policy on handling 'bush boarders' is unclear.

The belief and expectation that children are not safe in ‘bush boarding’

It was also found that respondents in Binga and U-Reporters believe that many children are not safe in ‘bush boarding’. It would seem that people tend to turn a blind eye to unsafe incidents in ‘bush boarding’, in order to justify their belief that children are not safe there. The incidents thus perpetuate this belief. Although this belief covers both boys and girls, safety concerns were raised more often for girls. Generally, the safety issues were seen as different for boys and girls (Figure 6). For girls, it was generally believed that they would be sexually abused, raped, impregnated and drawn into child prostitution. Thus the concerns involving girls tended to be sexually oriented. The concerns involving boys hinged more on physical, alcohol and substance abuse. Boys were largely believed to be social misfits, thieves and murderers. All these labels seemed to be exaggerations in order to emphasize the deep-rooted disapproval of ‘bush boarding’ by the community, especially the hosting communities.

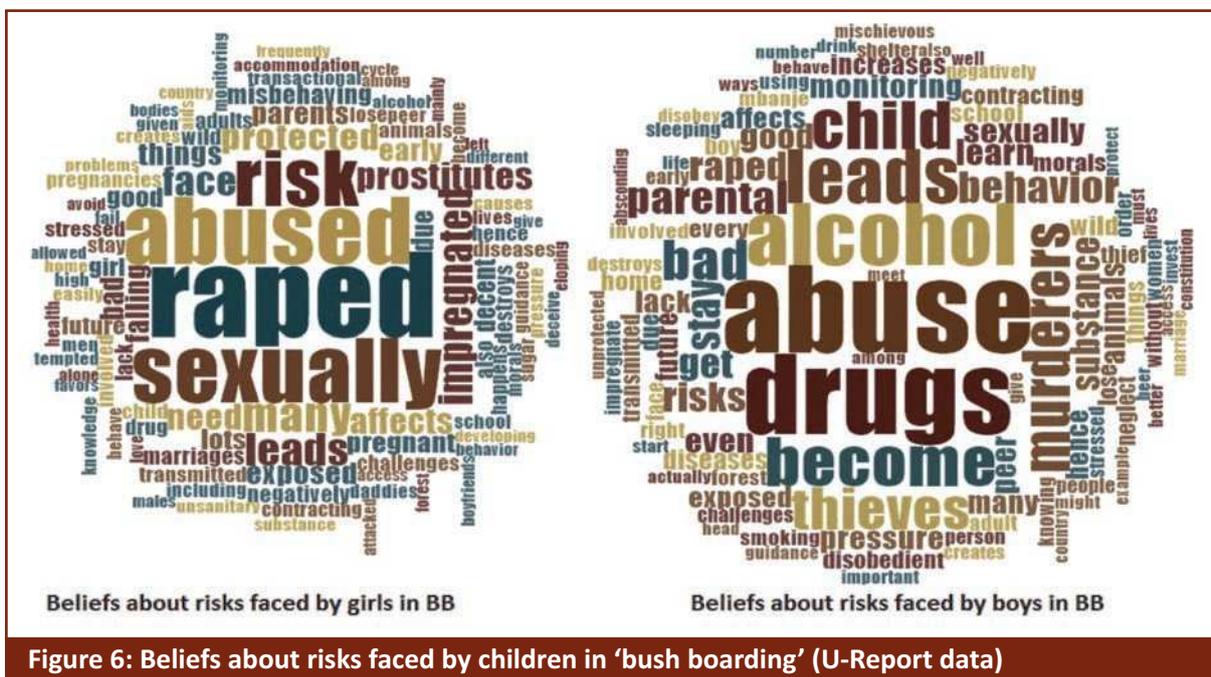
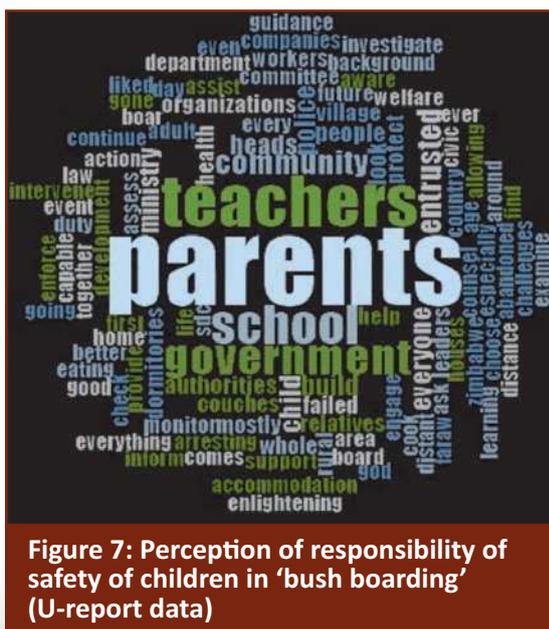


Figure 6: Beliefs about risks faced by children in ‘bush boarding’ (U-Report data)



The negative attitudes and disapproval of children in ‘bush boarding’ meant that the hosting communities were distanced from the welfare of the children in ‘bush boarding’. Generally, there was a tendency by the participants to believe that the safety of children in ‘bush boarding’ was mostly the responsibility of the parents (Figure 7). Teachers, government, school and the community were all mentioned, but not as commonly as the parents. This was used to justify lack of action by the locals and to justify why they were neglecting or failing to attend to the children, whom they saw to be visibly in need. This collective defensive attitude disadvantages children in need, due to the collective understanding that they are the responsibility of the parents. It can be argued that the children will end up being sexually abused, involved in drugs, being morally deviant and getting

involved in risky situations simply because people believe them to be abandoned children. Attribution of responsibility to schools and teachers was strongly attached to the belief that when parents send their children to school, they entrust the children to the school and the teachers. This belief came through strongly among the sending communities in Binga and U-Reporters. It was believed that the teachers and schools do not pay enough attention to the violence in 'bush boarding'. A significant number of people also assigned responsibility to the government and government-related structures, such as the Ministry of Health and Child Care and the Ministry of Education. Although the government has a policy for communities to construct their own schools and only be assisted with the roofing and staffing, people believe that it is mostly the responsibility of the government to provide every child with an accessible school. It seems to be generally believed that it is the government's failing, which makes it not only responsible but also accountable for the perpetuation of 'bush boarding' and for the perceived vices it is associated with.

Types of violence in 'bush boarding'

As was explained above, the risks associated with 'bush boarding' vary from one type to another. 'Bush boarding' where the schools were involved in the living arrangements had a lower risk of violence. However, there were different types of violence that were identified in Binga and revealed by the U-Reporters: sexual, physical, emotional and economic violence. It was also noted that violence is highly gendered in 'bush boarding'.

Sexual violence in 'bush boarding'

As shown earlier, sexual violence was believed to be more prevalent among girl 'bush boarders'. From the research, it was believed that teachers, law enforcers, boyfriends, shopkeepers and transport operators were the main perpetrators of sexual violence against girls, and that they induced or coerced the girls into engaging in sex. They were believed to be taking advantage of the unfortunate lack of parental supervision to rape or trick the children into having sex. While it may be argued that the girls were sometimes themselves partly to blame for their own abuse, the best interests of the child demands that even in such cases, they should be protected. The belief that the perpetrators prey on unmonitored children seems to indicate that they approach the children with malicious sexual intent, rather than with the idea of innocent mate selection, courting or dating. In Binga, the major concerns involved sexual abuse and unwanted teenage pregnancies. Although some 'bush boarding' arrangements have matrons who are remunerated from the boarding fees, as well as security guards responsible for the safety of the 'bush boarders' at night, the safety of girls was said to be highly compromised. A number of female vendors indicated that girls in 'bush boarding' were very vulnerable to sexual abuse, as they spent most of their time loitering around the shops, and a number of girls living by the shops had fallen pregnant. The absence of an adult monitoring their movements and behaviour was thought to increase the vulnerability of girls in 'bush boarding' to transactional sex. One shopkeeper revealed that the girls were sometimes seen loitering around the shops even at night, as they had no adult supervision. Some girls were believed to be sleeping with male adults in exchange for money or other gifts, such as cell phones and clothes.

Some of the girls were said to have spending patterns that did not match their poor backgrounds. It was noted that some choose of their own accord to engage in transactional sex and prostitution, which then does not amount to sexual exploitation in the strict sense. It was also believed that evidence of the sexual exploitation of girls in 'bush boarding' was visible in the rash of teenage pregnancies, for which no man would accept responsibility. It would seem that males felt justified in seeking out, sexually abusing and impregnating girls in 'bush boarding', because most people believe that girls in 'bush boarding' engage in transactional sex. And they will not marry the girls, again because it is believed that girls in 'bush boarding' are prostitutes. Linked to this, there was mention of the fact that there was a

high incidence of unsafe sex, which goes unremarked because of the high number of abortions among girls in 'bush boarding'. Focus-group discussions with girls in 'bush boarding' around shopping areas indicated that most girls had knowledge of the traditional medicines used to terminate a pregnancy. Such knowledge was said to be obtained from elderly women in the village, who were sometimes prepared to give such medicines. The idea that the unwanted pregnancy rate is high would seem to indicate malicious intent on the part of the people who engage with these children. The use of traditional medicines also points to inadequacy of Zimbabwe's reproductive health system. The girls need to be properly taught about reproductive health issues: their search for traditional medicines is a reaction to the lack of conventional reproductive health facilities.

It was also believed and expected that most girls in 'bush boarding' in Binga (at Manjolo) experienced 'spiritual' sexual violence. Some girls who were interviewed suggested that the practice of witchcraft in Binga was very common and that there were people who took advantage of the girls staying in 'bush boarding'. One respondent reported that girls would faint mysteriously and would later claim to have experienced a feeling as though they were having a sexual encounter. By the time they recover from this trance, they will have wet their undergarments. Respondents also recounted incidents where girls reported mysteriously missing their undergarments. Asked if they really believed in witchcraft, all the respondents agreed that witchcraft was rife in Binga and was real. The construction of the dormitory block inside the school yard at Manjolo was said to have significantly reduced the cases of 'spiritual' sexual abuse among girls. It is important to note that such cases have not been completely eradicated, since girls were still reporting such experiences, especially at night, according to the respondents. While it is beyond the scope of this paper to ascertain the possibility of 'spiritual' sexual encounters, it might be reasoned that the children could have been influenced by their perception of insecurity, deprivation and vulnerability, which may have provoked fantasies and imaginary experiences reflecting those very fears. If 'spiritual' sexual harassment really happens, then it would be a form of sexual abuse, because it occurs without consent. It could also constitute emotional abuse, since the conditions in 'bush boarding' keep the girls enmeshed in the fear of being attacked and forced to have sex.

Sexual violence against boys in 'bush boarding'

It is believed and expected that boys do not report being victims of sexual abuse, as this would show the boy up as being less manly or less masculine. A case worth noting is that of a male teacher Gulo (not his real name), who was known for occasionally helping young boys in 'bush boarding' with food and shelter. One respondent Linga (not his real name) believed that many boys were being sexually molested by the teacher, but were not coming forward to report the abuse. Linga reported that one boy had spoken out once, but had not been believed by the others, and none of the other boys had been prepared to admit to having been sexually molested. Asked why it had gone unreported and why the other boys had declined to speak out, it transpired that it was seen as embarrassing to report having been a victim of sexual abuse – and even worse if it was in the form of sodomy. This is reinforced by belief in the benevolence of one's elders: it was difficult to report Mr Gulo, as he was respected and viewed as a person in authority.

Physical violence

There was a belief and general expectation that boys in 'bush boarding' were exposed to alcohol and drug abuse. It was believed that these drugs and alcohol led many of the boys to become embroiled in fights with other drinkers at the beer halls. It was also thought that a number of the boy 'bush boarders' were stealing from the locals, and as a result ended up being beaten up. The free movement of pupils contributes to disorder among the boys, as well as exposure to drugs and alcohol. Boys interviewed gave the impression that it was very easy to access marijuana, and some of them knew people who actually grow it.

It was also revealed that boys in 'bush boarding' would get caught up in physical violence, especially with the community members. It appears that 'bush boarders' (especially boys) were regarded as invaders. As a result, the hosting communities engaged in territorial aggression if the boy 'bush boarders' attempted to court local girls. This was mostly reported in Manjolo and Tinde. The 'bush boarders' were perceived as coming from backward and remote areas, and to have a primitive predisposition. This belief meant that the hosting communities found it difficult to tolerate any of their daughters having sexual relations with these boys. Thus, any boy 'bush boarders' who became involved with the local girls risked being beaten by the girls' brothers and fathers. Sometimes, a girlfriend would bring food from home to give her boyfriend in 'bush boarding', or even take his clothes to wash. This would raise tension between the girl's brothers and the bush boarder, and lead to physical violence.

Emotional violence in 'bush boarding'

Poor sanitation and hygiene

The children in 'bush boarding' were regarded as living in poor sanitary conditions. Observation of the facilities used by the 'bush boarders' did reveal issues surrounding sanitation. As mentioned above, the classrooms can fulfil a dual role: as classrooms for learning during the day, and as dormitories accommodating 'bush boarders' at night. There was no provision of linen or beds, and some slept on the floor, while others used tables or desks as beds. At Sianzyundu, pupils prepared their own food, and there was no shed or any other structure for them to use during the rainy season. Sanitation was poor at Sianzyundu Secondary, because there were no toilets or bathrooms specifically for the 'bush boarders'. Those bush boarders who live near the shops are at risk, because they have poor sanitation facilities. There was consensus among respondents in 'bush boarding' that this constituted emotional violence, as they often feel rejected, isolated and neglected.

Witchcraft and its effects on the emotional well-being of 'bush boarders'

It was believed that children in 'bush boarding' were easy prey to witchcraft, since they were far away from their parents and guardians, who could help to contain the situation. The practice of witchcraft was said to be inherent to the Tonga people, and bush boarders explained mysterious happenings that could only be explained by witchcraft. Boys and girls in Manjolo mentioned that girls reported being sexually abused through witchcraft by the local people. All respondents acknowledged that this was a serious issue. Both boys and girls in 'bush boarding' reported feeling insecure, due to fear and stress.

Economic violence

Another form of violence to emerge was the economic violence faced by boys and girls in 'bush boarding'. It was observed that the majority of 'bush boarders' came from families that were struggling financially. That meant that family support was mostly inadequate to give 'bush boarders' a decent life. Accordingly, they faced economic pressure to provide for themselves, given the limited support they got from their parents. Such violence was said to be negatively affecting their concentration at school. In the case of girls, it was driving them to be exploited by older males through transactional sex.

Reference network

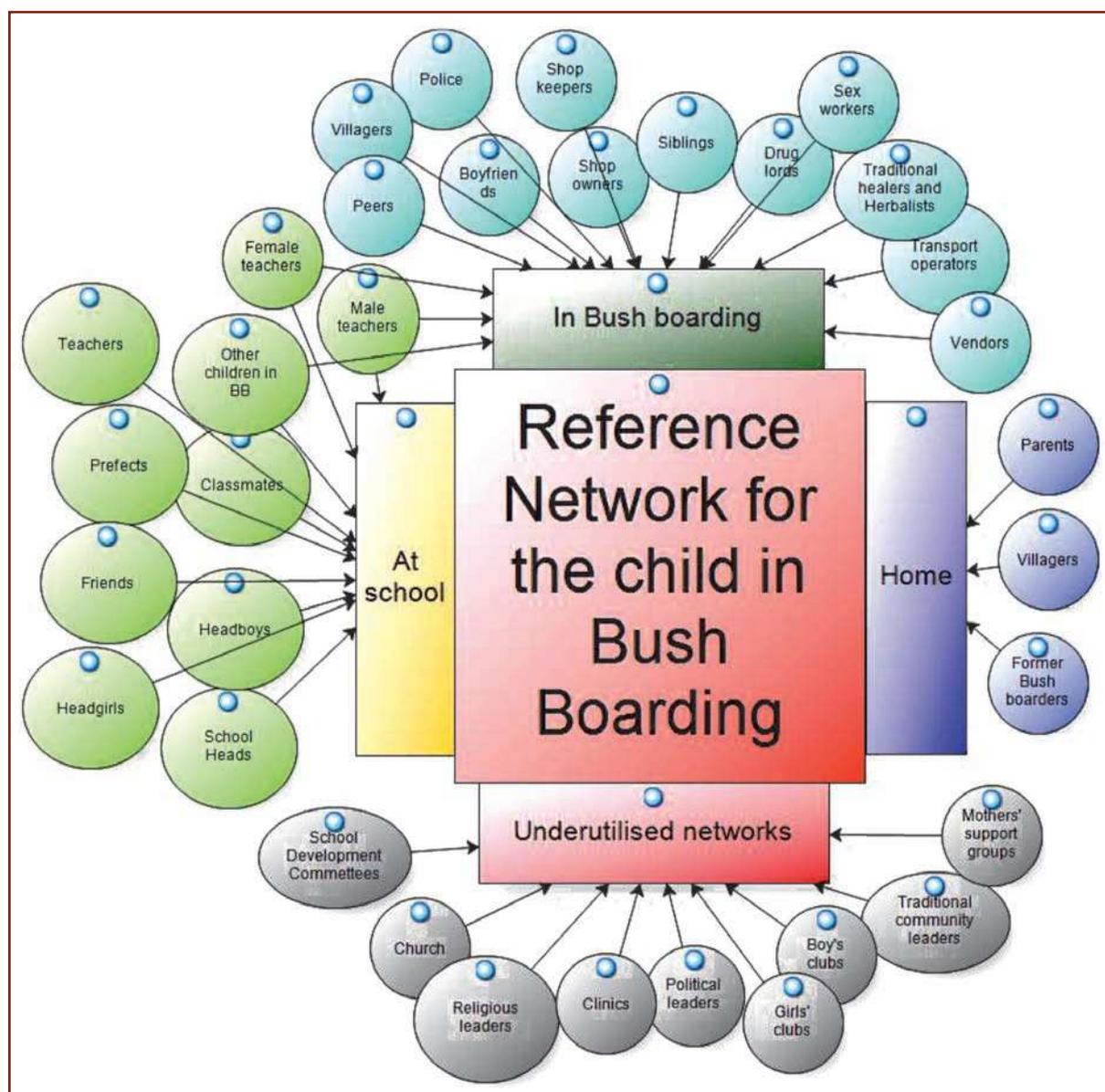


Figure 8: Reference network for the child in bush boarding

It was found that one's own family forms a major reference group of people whose opinions are most important when it is being decided whether to send a child to 'bush boarding'. Of these, the child's own mother is the most influential. As shown above, there are many people surrounding the 'bush boarder', but not many of them take his or her concerns seriously.

Implications of the findings for policy and practice

There is a need for a change in the community attitude to violence against children in 'bush boarding'. Communities need awareness-raising campaigns to nurture a sense of responsibility and accountability for the welfare of the children in their localities. These would promote citizen arrests in the event of violence. There is a need to demystify existing social norms, for instance by addressing exaggerated

beliefs, such as the notion that most 'bush boarders' are ill-behaved. There is also a need to celebrate those 'bush boarders' who are doing well and use former 'bush boarders' as role models. Communities should be taught about the damage that negative attitudes can have on the well-being of 'bush boarders'. That would help create cognitive dissonance in the communities' perceptions of 'bush boarders', thereby encouraging them to start viewing these children in a more positive manner. This could be achieved, for example, by educating them about the emotional effects of the sexual and physical abuse of children in 'bush boarding'. There is also a need to create cognitive dissonance through campaigns that address conflicting beliefs – such as the belief that education is a virtue and the belief that 'bush boarders' are invaders.

The campaigns may have to share the beliefs of other important figures in the community, especially those in positions of authority – such as chiefs, councillors, headmen, teachers, members of parliament – so that community members can evaluate their understanding with reference to the most influential people in the society. In this context, it may help to highlight organizations that give 'bush boarders' a helping hand – for instance, UNICEF and the support it has provided at Manjolo. In place of the teenage pregnancies, the sexual abuse, the negative stereotyping and the disapproval they face, 'bush boarders' need to be given a sense of belonging to the community. Those who help children in 'bush boarding' should be accorded more respect and greater status, and some of the good results from 'bush boarders' should be publicized.

'Bush boarding' is a fact of life. It is time to face reality and start to improve the conditions these children face, until such time as the long-term solutions (more schools) are in place. This is a call for the government, civil society and non-governmental organizations (NGOs) to support the welfare of children in 'bush boarding'. Bush boarding may not be the ideal solution, but it does provide an opportunity to bring education to the remote areas of Zimbabwe. It was found that support – such as that provided by UNICEF at Manjolo – can go a long way to alleviate the risk of violence against children. Therefore, this is a call to emulate UNICEF, which helped in the construction of a dormitory for 'bush boarders'. The involvement of the government, civil society and NGOs in promoting and mounting campaigns to change community attitudes may be enough to convince people that many more do not support violence against children in 'bush boarding'.

Conclusion

Violence against children is evident in 'bush boarding'. Girls are mainly affected by sexual and emotional violence, while boys suffer physical violence and neglect. The living conditions faced by children in 'bush boarding' are hazardous and expose children to several inhumane and child-unfriendly environments. It can be concluded that children in 'bush boarding' are at greater risk of violence, hence the need for communities and the government to intervene.

It is recommended that the needs of 'bush boarders' should be addressed, with the necessary steps taken to ensure their safety. It is very important to have a public debate on the social norm of 'bush boarding', so that any interventions will be actively supported. Communities will gain a sense of ownership, and that will foster public and collective change. To prevent violence in 'bush boarding', there is a need for multi-stakeholder interventions, backed by research. The selection of stakeholders should focus on key people in the community, such as traditional leaders (chiefs and headmen), local groups working for the welfare of children (mother support groups and school development committees), religious leaders (elders of African traditional religion and pastors) and politicians (councillors and members of parliament).

References

- Bicchieri, C., *The Grammar of Society: The nature and dynamics of social norms*, New York, Cambridge University Press, 2006.
- Centers for Disease Control and Prevention (CDC), *Costs of Intimate Partner Violence against Women in the United States*, Atlanta, Ga., CDC, National Center for Injury Prevention and Control, 2003.
- Convention on the Rights of the Child (1989): *Adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989; entry into force 2 September 1990*.
- Max, W., D.P. Rice, E. Finkelstein, R.A. Bardwell and S. Leadbetter, 'The economic toll of intimate partner violence against women in the United States', *Violence and Victims*, vol. 19, no. 3, 2004, pp. 259–272.
- O'Donoghue, T. and K. Punch, *Qualitative Educational Research in Action: Doing and reflecting*, Routledge, London, 2003.
- UNICEF, *State of the World's Children*, New York, 2006.
- World Health Organization (WHO), 'International Classification of Functioning, Disability, and Health (ICF)', 2010.

ANALYSING THE REFERENCE NETWORKS THAT INFLUENCE BOYS' AND GIRLS' SEXUAL DEBUT BEHAVIOUR IN ZIMBABWE USING PEER-LED METHODOLOGIES

Ms Chemwi Mutiwanyuka

Ms Getrude Bvindi

Mr Simbarashe Dzinoreva

Introduction to the project: Background

Zimbabwe is considered a sexually conservative society, where sex outside marriage is generally frowned upon (Magaisa 2001). In keeping with this moral position, adolescents in Zimbabwe report relatively high ages at sexual debut, compared to other countries in the region. In a trend analysis of Demographic and Health Survey (DHS) data from 1990 to 2011, conducted in a sample of 24 African countries, Zimbabwe reported some of the lowest percentages of teens who had had sex before the age of 15 (Kothari et al. 2012). In a study involving five other countries – Ghana, Kenya, Uganda, Tanzania and Zambia – females aged 15–24 in Zimbabwe report the oldest starting ages for sexual activity (18.1 to 18.9 years). Despite these figures, HIV/AIDS and sexual and reproductive health statistics suggest that a significant proportion of the population of adolescents have had sex and are under-reporting the age at sexual debut. The 2014 Multiple Indicator Cluster Survey (MICS) for Zimbabwe found that 24 per cent of young women aged 15–19 years have begun child-bearing. Another study which tracked reporting trends on age at first sex by specific age cohorts from 1988 to 1999 found that men in Zimbabwe gave lower ages of first sex when younger, but as the same cohort got older they would report higher ages of first sex (Zaba et al. 2004). The same study suggests that the inconsistency in reporting and the trend to higher ages at first sex in Zimbabwe, compared to other countries in the region, “may be due in part to reporting bias caused by a denial of any kind of sexual activity by teenagers”. Although the study was conducted over 10 years ago, it offers some valuable insights into how sex and sexuality are viewed in Zimbabwe. According to Kaim and Ndlovu (2000), while research has shown that premarital sexual initiation is a risk factor for HIV infection in Zimbabwe, there is limited knowledge of what factors affect this initiation of premarital sex.

This study therefore focused on analysing the reference networks that influence boys' and girls' sexual debut behaviours. A reference network is described as people whose actions and expectations matter to us when making an interdependent choice (Bicchieri and Penn Social Norms Training and Consulting Group 2015). These reference networks can vary, depending on the context and the kind of decision we are making. The reference network is also those whose opinions we value or those we want to identify with. This can mean that boys will have different opinions from girls, and people can have different reference networks at different ages. The study also aimed to identify and analyse how social, cultural, economic and legal determinants, as well as organizational and policy responses, affect everyday violence in children's homes and communities in situ. It made use of peer-led methodologies, where focus-group discussions were held and moderated by facilitators within the same age groups as the respondents and with the assistance of an adult. These findings were supported by data collected from questionnaires administered to adolescents, interviews with young children, and data collected from interviews with key informants. Where available, secondary data were analysed and included in the research.

Policy background in Zimbabwe related to adolescent sexual behaviours/health

Legal framework

Zimbabwe's legal age of consent has generated a lot of discussion in recent times. The legal age of consent in sexual matters is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. In Zimbabwe, this age is 16, as outlined in the Criminal Codification and Reform Act. Anyone younger than this is not considered legally able to consent to sexual activity, and this can lead to prosecution of the offender for statutory rape. The definition of statutory rape is sexual intercourse with a girl below the age of 16, whether consensual or not. This is because, according to section 61 of the Criminal Law (Codification and Reform) Act, a young person is anyone below the age of 16. The charge of statutory rape holds even in cases where both participants are of similar age, as Zimbabwe does not have a close-in-age exemption. Close-in-age exemptions help to prevent the prosecution of individuals who are significantly close in age to each other and who engage in consensual sexual activity, when one or both partners are below the age of consent. The Criminal Codification and Reform Act states that girls under 12 years cannot consent to sex, and sexual relations at that age are always regarded as rape. This changes, however, for girls who are over 12, but under the age of 14. At that age, the perpetrator may still be charged with rape; however, the law further states that if the male can prove that the girl was capable of giving consent, and that she gave her consent, he should be charged not with rape, but with "sexual intercourse with a young person". This means that only girls below the age of 12 are deemed incapable of giving consent to sex; this gives them greater protection against rape (Magaisa 2015). The competent charge for sexual intercourse with males below 16 is not mentioned specifically, leaving boys in this age group vulnerable.

In an analysis of the age of consent by Chitsike (2016), it is noted that it is permissible to have sex at 16, but one can only get married at 18. Marriages of children below the age of 18 have only recently been recognized as unconstitutional in Zimbabwe, through a judgment by the Constitutional Court. However, if a girl engages in sexual intercourse before the age of 18 and falls pregnant, she can only hope to marry at the age of 18. Chitsike also notes that culturally in Zimbabwe, having sex and falling pregnant is an acceptable path to marriage, but premarital sex is very much disapproved of. This may be an indication of a clash between cultures: in some instances, marriages that are a result of premarital sexual relations are tolerated, but at the same time premarital sex is frowned upon.

A clear conflict that existed prior to the Constitutional Court judgment was that while the constitution recognized a person under the age of 18 as a child, and thus implicitly incapable of consenting to marriage, the Marriage Act (5:11) permitted the marriage of girls between the ages of 16 and 18, provided a guardian gave their consent. To exacerbate matters, the Customary Marriages Act (5:07) does not specify a minimum age of marriage at all; thus it explicitly recognizes and buttresses child marriages and early sexual debuts.

There are various other international and domestic legal instruments that deal with adolescent and sexual health issues beyond the scope of this research. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Children's Act (5:06) of 1972, the Child Abduction Act (5:05) of 1995, the Public Health Act (15:09) of 1924, the Criminal Law (Codification and Reform) Act (9:23) of 2004 and the Domestic Violence Act (5:16) of 2006.

Social policies

International agreements affirm that adolescents have a right to access appropriate sexual and reproductive health information, education and services that enable them to deal positively and responsibly with their sexuality (Women's Action Group 2015). The Southern African Development Community (SADC) region has developed a Sexual and Reproductive Health Strategy for the region

(2006–2015). Article 17 of the document identifies adolescent health, and one of the strategies highlighted is to encourage the delay of sexual activity. The policy environment around adolescent sexual and reproductive health in Zimbabwe can be illustrated by programmes such as the AIDS Action Programme for Schools, which was launched in 1991. Its components included a focus on behaviour change, providing information about sexually transmitted infections and HIV/AIDS, and life skills for better decision making. In 2013, the Government of Zimbabwe launched the Life Skills, Sexuality, HIV and AIDS Strategy through the Ministry of Primary and Secondary Education. This Education Strategic Plan has three aims. However, the aim most pertinent to this research is to “ensure that the education sector supports all learners with access to correct information and life skills related to sexual and reproductive health, HIV prevention, care, treatment and support by the end of 2015”. A second phase (2016–2020) is under development, as the first phase has already expired.

Outside the school system, the Zimbabwe National Family Planning Council and the Ministry of Health and Child Care ran the Adolescent Sexual Reproductive Health programme from 2010 to 2015. The goal of this programme was to improve the sexual and reproductive health of young people (10–24 years) in Zimbabwe. It highlighted the patriarchal nature of Zimbabwean society and how this exposes females to reproductive health problems. It emphasized an individualistic approach, focusing on abstinence while promoting safer sexual practices (Women’s Action Group 2015). This programme used social behaviour change and communication, policy and advocacy, and life skills training components to achieve its goals. It also included livelihoods, youth-friendly service provision, partnership and coordination, and research monitoring and evaluation as vital components. Cross-cutting issues included meaningful youth participation and parent–child communication.

Findings

Desk review

In recent years, Zimbabwean media reports have suggested a wide and varying number of explanations for the early sexual debut among boys and girls. These include uninformed peer sources, easy access to pornography and sexually explicit viewing material on television, smartphones and computers, limited access to medically accurate information on puberty (leaving young people dependent on unguided internet searches for information), cultural or religious norms (such as child marriage), intergenerational sexual relationships, sexual coercion and transactional sex. In an article entitled ‘Girls start having sex at 12: Survey’, *The Standard* newspaper (29 September 2013) identified pressure from peers among other factors leading to early sexual debut. The peers would seem to include friends, boyfriends and girlfriends. Young people who reported ever having had or currently having a boy/girlfriend also reported higher rates of early sexual debut than did those without a boy/girlfriend. The National Baseline Survey on the Life Experiences of Adolescents (2011) found that for the majority of females, the first experience of sexual violence, unwanted touching, pressured sex or forced sex involved their boyfriend as the perpetrator. Around a quarter of males experienced their first incidence of sexual violence or unwanted sexual touching at the hands of a girlfriend. The Patsimeredu (2014) report on the ‘Buddyz for Love Project Baseline Survey’, which covered Harare, Mashonaland East and Mashonaland West, found that local health facilities were the major providers of sexual and reproductive health information for 10–18-year-olds. This was followed by school teachers, the church, parents and guardians, and friends. When asked, however, who they preferred to speak to about such issues, the respondents ranked local health facilities first and friends second.

Abuse has also been mentioned as a determinant of early sexual debut. The National Baseline Survey on Life Experiences of Adolescents (NBSLEA) in 2011 found that for nearly 41 per cent of young people aged 18–24 who had had their sexual debut prior to age 18, the sexual intercourse had been unwanted. This pattern was mirrored in the 13–17 age group. The Childline half-year report for 2016 notes that, of the 6,810 case reports received between January and June 2016, 1,137 were of sexual abuse. The majority of these were against girls.

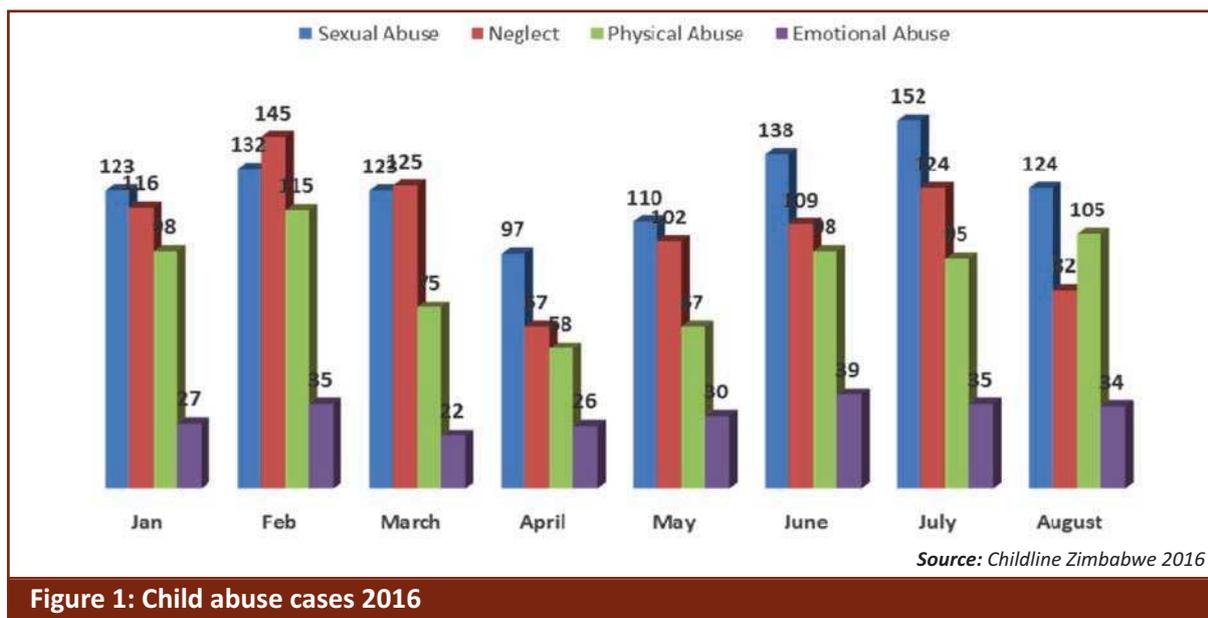


Figure 1: Child abuse cases 2016

Reports also suggest that females are three times more likely to experience sexual abuse than males. The 2011 NBSLEA put the proportion of females aged 18–24 who had experienced some form of sexual violence before the age of 18 at 33 per cent. Just 9 per cent of males reported the same. Girls and boys aged 16–17 years would seem to be the most vulnerable: of those who reported having experienced sexual violence before the age of 18, 56 per cent of girls and 46 per cent of boys reported that the first instance had occurred when they were 16–17 years of age. In the 18–24 age group, 10 per cent of females and 33 per cent of males reported that the first incident of sexual violence had occurred at the hands of a neighbour. This information is significant because findings from studies by Richter (2016), Kastbom (2015), Waszak Geary et al. (2006) and Heise et al. (1999) suggest a relationship between sexual abuse and early sexual debut for both males and females, patterns of sexual victimization, selling sex and inability to avoid or refuse unwanted sexual advances due to low self-esteem. Conversely, there is evidence to suggest that a large proportion of sexual debut experiences prior to age 18 are wanted. The NBSLEA reported that for 41 per cent of female and 7 per cent of male respondents (18–24) whose sexual debut occurred before they were 18, the sexual intercourse was unwanted – which means that the remainder of the respondents were willing. This suggests that there are more factors influencing sexual debut behaviours than abuse.

Research findings

This study made use of a mix of methodologies, including peer-led focus-group discussions, questionnaires and key-informant interviews. Given the sensitivity of the topic and the rights-based approach to child-centred research, peer researchers were used to allow the respondents to speak freely, and also to address the issue of respondents taking social desirability into account in their answers. The use of diagrams and dolls helped younger children to articulate their experiences, without necessarily speaking to them about sexual debuts. The pilot phase was conducted in Murehwa with children and young people aged 6–19. They were split into three age groups: 6–9, 10–13 and 14–19. In the initial pilot, the peer-led focus-group discussion asked questions such as:

- *When was your first sexual experience?*
- *What was it? (Foreplay? Etc.)*
- *Why did you do it?*
- *Did you talk to anyone about it before or after?*

It was found that the respondents were not keen to disclose their ages at sexual debut, but were more comfortable discussing reference networks more generally. This finding led to the inclusion of a questionnaire for adolescents, where sensitive questions could be asked in all five study locations. The key reference networks influencing sexual debut behaviours, as reported by boys and girls in Bulawayo, Chipinge, Harare, Hwange-Lupane and Victoria Falls, were peers, boyfriends and girlfriends, family (siblings, parents, extended family) and, to some extent, religious and cultural leaders and teachers.

Girls

Girls seemed mostly influenced by family and boyfriends. In Chipinge, the most commonly cited reference networks among females were boyfriends, 'sugar daddies' and (to a lesser extent) peers. In Murehwa which was used for a pilot study, one respondent noted that family members may encourage girl children to engage in transactional sexual activities for material things.

"My mother can ask me to bring home some salt. Where does she think I'm going to get the money for that from? I'm forced to do some of these things as a result" – **Female respondent, age group 14–19, Murehwa**

This situation was mirrored in Harare, where one respondent noted that where the mother provides for the family through prostitution, the girls in the family simply follow suit. One girl noted that children who live with guardians are often abused, e.g., forced into child labour. As a result, they become rebellious, which leads to child prostitution and early marriage. These types of complex family situations and their influence on early sexual debut were also mentioned in Lupane and in Victoria Falls, where girls whose mothers are involved in prostitution follow suit. Child-headed families and girls living with guardians in Lupane received special mention as being particularly vulnerable to early sexual debut, as did girls from under-privileged backgrounds in Bulawayo. Boyfriends were also a key reference network in Chipinge, Lupane, Harare and Hwange, where girls reported feeling pressured into their sexual debut. In Lupane, this pressure was reported as almost an expectation of sex in exchange for the material things that would have been given to the girl by the boy. Another reason highlighted was forced sex at parties in Hwange, where boys become intoxicated and force their girlfriends to have sex. Many girls also felt that having sex with their boyfriend was a way of proving their love for him. Females also noted that their peers were a key reference network influencing their decision to have their first sexual experience. This was noted in Chipinge and Bulawayo.

"We just want to know what it feels like, to have some knowledge about it so that when our friends discuss it, we can also talk about it" – **Female respondent, aged group 14–19, Chipinge**

Girls were also on the receiving end of influence from cultural and religious norms and beliefs. For instance, child marriage in Chipinge and some parts of the Victoria Falls area is a widely reported phenomenon and is common within a particular apostolic religious sect in Chipinge. Culturally, girls can also be betrothed from birth and subsequently get married quite early. Almost all the girls indicated that the only other source of information on sexuality was at school, through health and quiz clubs and guidance and counselling sessions; but two went on to note that various forms of media (pornography on social and video media) influence the decision to have sex for the first time.

Boys

The most common reference networks for boys were their peers. Boys in the study noted that when they talk among themselves about sex, they hear that it is a pleasurable experience and this piques their curiosity. They also cited experimentation as a factor. Eight of the 21 key informants indicated peer influence – either in the form of peer pressure, or just exposure to sexual activities through avenues

such as *Passa Passa* and *Vuzu* parties in Harare and Bulawayo, respectively, and peer discussions about sexuality. Male adolescents themselves consistently reported the influence of their peers on their sexual debut decisions in all the study locations.

“Just to brag to friends that I have done it ... Friends say it’s funny you are missing out ..., you are isolated from the other boys, you are called a chicken if you have not had sex before.”
– Male respondent, age group 13–18, Lupane

Two key informants in Victoria Falls noted that boys don’t seem to think very deeply about the gravity of sexual behaviours and consider it all a game.

However, the research team in Chipinge interviewed a group of six migrant boys from across the border in Mozambique. They were engaged in vending activities as a source of livelihood and were aged 13–19. Of the six, five had not debuted sexually, because they equated sex with marriage and they were not financially ready to get married. They mentioned uncles and aunts as the reference networks who advised them to delay their sexual debut, and noted that such advisory exchanges are part of their culture. They also noted that they encourage each other to abstain from sexual intercourse for the same reasons. They did, however, note that they were prepared to fondle women who offered physical intimacy in exchange for material things. Siblings – specifically older brothers – represented another reference network mentioned in Bulawayo, where older brothers give advice, and in Lupane, where younger boys see their older brothers bring home girls and imitate this behaviour.

Some sub-cultural beliefs were also mentioned. There is a cultural belief in Hwange to the effect that all youths have “oil on their backs” which can only be removed by having sexual intercourse. The youths seemingly believe strongly in this myth. Similarly, in Lupane some boys seemed to have the notion that the sexually experienced are less likely to get AIDS, while the inexperienced are more likely to contract the disease. Boys in Bulawayo also felt that having sex is a natural function, which they should try early on in life. They believe that ‘practice makes perfect’ and that they are somehow preparing themselves for marriage. Interestingly, two respondents – one in Harare and one in Chipinge – noted that the school curriculum (i.e., biology lessons) also acts as a form of reference for sexual debut behaviour. These lessons, coupled with an inherent curiosity, lead boys to experiment after they learn about the sex act. According to one respondent, who cited as evidence a newspaper article in *The Sunday News* (27 September 2015), Victoria Falls has a thriving sex trade, where American and European female tourists visit in order to have sex with black men. The respondent noted that it is mainly young, out-of-school males who are involved in these activities. She suggested that they get involved in these activities as a result of poverty. She noted that they are initiated into the activities by pimps, often older men who may be friends, neighbours or even family. Other factors influencing the sexual debut of boys were curiosity, experimentation and the influence of mainstream media (i.e., music videos, pornographic material and racy magazines).

Differences by age

The study found that those in the 6–9 age group generally had limited understanding of sexual debut behaviours. They were able to identify the chest, rear and between the legs as important body parts. They are taught the parts of the body in school and are told which parts should not be touched by anyone else and what to do in the event that this ever happens (i.e., tell the police). Some were also aware of kissing, and indicated that they see this when watching television.

“We were taught that boys and girls must not sleep in the same bed otherwise they will get AIDS”
– Male respondent, age group 6–9, Chipinge

Those who did have some knowledge and experience of sexual debut were two children in Harare who indicated that they had been touched by another child. One respondent during the pilot indicated that one of her friends had been touched in the chest area by a boy in the school yard. Most of the information on children in the younger age group was given by key informants. Several of them noted that at younger ages children's sexual debut behaviours involve 'playing house', with children of the same age acting out the roles of father and mother, sometimes quite graphically. Several respondents noted that children at this age become familiar with sexual activities by seeing their parents or other adults engaging in such acts. This is primarily as a result of the lack of structured accommodation, particularly in high-density areas, where whole families are forced to share a single room. The respondent noted that this is less common in low-density areas, but is still possible if the child walks in on adults in the house engaging in sexual activity. Similarly, respondents noted that for the young ones, the first sexual encounter they had was a case of abuse. In two cases, the child was the offender, indecently assaulting another child. Likewise, in the majority of cases, the child (whether offender or victim) was already in a complex situation (i.e., living with a guardian, poorly monitored or in a blended family). In one case, ritualism and drug use were cited as the precipitating factors.

One set of focus-group participants in the 10–13 age group was adamant that they would not disclose their sexual experiences or activities in a group setting to their peers, even if those peers were unknown people of the same age. They indicated that they would rather speak to an adult. They were of the opinion that telling an adult would actually lead to a meaningful conclusion, rather than just gossip. This resulted in the inclusion of an anonymous questionnaire in the methodology. It was also noted almost across the board that older girls (from 14 onwards) are many times pressured by their boyfriends into having sex or engaging in sexual activities with their partners, as this is perceived as a way of showing that they 'love them'. In effect, these are consensual relationships which develop into launch pads for sexual debut behaviours. Older girls, it was noted, are also more likely to begin sexual activities as a survival mechanism in the face of poverty. Girls also tend to believe that physical intimacy in a relationship is normal, especially where the external environment supports this kind of attitude. Female respondents in Bulawayo felt that some girls in the 14–18 age group felt that having sex is cool ("Dope"). Those not practising these activities feel compelled to lie in order to fit in, and ultimately end up having sex. It was also noted that girls engaged in sexual activities out of curiosity, and made their own decisions to do so without external influence. This is typified below:

"It was a choice I just made. But mostly out of curiosity. However, I do not regret it because I used protection and no one forced me to. I did it because I wanted to" – **Female respondent, age group 14–18, Bulawayo**

On the question of who the children normally speak to before or after an activity, the respondents noted that younger children speak to adults, in the form of parents, guardians or others in positions of authority. This lasts until the age of 13. After that, children tend to talk to their peers, although in Lupane it was suggested that even older girls would not speak to anyone about such matters. One respondent noted that this may be because older children are more mature and are ashamed of the sexual act that would have happened, whether consensual or not. Street children of all ages, on the other hand, discuss these things among themselves, as they do not readily trust outsiders.

Risk and causal factors

Vulnerable children are at risk of early sexual debut. According to one key informant, sex is commonplace among street gangs. She cited one case where a gang of boys raped a gang of girls in retribution for some perceived offence. She also noted that being on the street makes these children vulnerable to sexual advances, whether forced, coerced or won over. The respondent also noted that many street children are on the street in an attempt to escape sexual abuse at home. A separate key informant

singled out children and young people with disabilities as particularly vulnerable, because they are likely to go to great lengths to maintain their relationships with peers and boyfriends/girlfriends, and this includes engaging in sexual activities. Drugs and alcohol also featured quite frequently on the list of precipitating factors in a hybrid of influences on the sexual debuts of boys. Technology and media were mentioned consistently as some of the factors motivating sexual debut among boys from rural and urban areas, with high and low densities alike. One respondent noted the case of two private elite schools in Harare that share a WhatsApp group; boys and girls – some as young as 14 (Form 2) – use the group as a platform to arrange illicit trysts among themselves.

Technology and ready access to sexual and pornographic material through the internet and on devices such as phones was a cross-cutting reference network, even among those in the 6–9 age group. The tendency of parents and guardians to store sexually explicit material on their phones and then allow their children to play with these devices means that the children are exposed. Similarly, young people from as early as 12 years see and share pornographic material on their phones. Two respondents noted that social media games shared through applications such as WhatsApp can introduce young people to sexual activities (see Box 1).

Box 1: WhatsApp games

WhatsApp games

1. Pick a letter A to Z.
2. Once the chosen letter is picked and communicated back to the sender, the receiver is given an action to perform – e.g., “You picked B. You must have a one-night stand with me.”
3. The message ends with “Pass it on, don’t spoil the fun.”

The last sentence, “Don’t spoil the fun” acts as a subtle form of peer pressure and makes a one-night stand seem like a harmless activity – a form of recreation.

How these reference networks support social norms related to sexual debut

Timing of sexual debut

It is clear from the research findings that girls are more readily exposed to sexually motivated interest from men and older boys even at an early age, and this can hasten their sexual debut – especially where the reference network is supportive of social norms that encourage sexual relations with young girls. This is the case in cultural religious contexts, which value marrying young wives, and socio-economic contexts, where families view early marriage as a means of securing a daughter’s future. The value of virginity seems to have changed somewhat. In a study of ‘Adolescents Perceptions on Sexuality, HIV and AIDS in Selected Schools of Kwekwe District’ (Muparamoto and Chigwenya 2009), boys viewed it as unfashionable. A majority of girls felt the same way. This shift in social norms may have an impact on lowering the age at first sex. Poverty and peer pressure also appear to hasten the timing of sexual debut, where the phenomenon of the ‘sugar daddy’ and ‘Blessor’ seem to condone relationships built on the exchange of material things for physical intimacy. Traditionally in Zimbabwe, young boys and girls of a certain age have depended on their uncles and aunts, respectively, for sex education. Due to the disintegration of the family unit, however, aunts and uncles are not so readily available for inquiry and

education on sexual matters. Moreover, many cultures in Zimbabwe – the Shona culture in particular – believe that it is taboo for parents to talk to their own children about sexual issues. This breakdown has likely had an impact on the timing of sexual debut, as young people rely on peers, siblings and mainstream media for information. This study found that the tendency of these reference networks is to encourage, rather than discourage sexual debut.

Unwanted or pressured sexual debut

Unwanted or pressured sex was almost invariably reported by females. In such instances, it was mostly teenage girls noting that they had been pressured into sex by their boyfriends, or that their sexual debut had been motivated by a desire to please or keep their boyfriend. Girls engage in sexual acts to secure their relationships, as sex is regarded as an integral component of a serious relationship. Masculinity perceptions in Zimbabwean society suggest that it is acceptable for boys to engage in sexual activity before they marry, in order to ‘gain experience’. Muparamoto and Chigwenya (2009) found in their study that 63 per cent of boys identified themselves as hypersexual and boasted of numerous partners. Conversely, female sexual naivety and virginity is epitomized. This creates a situation whereby males are expected to push for sexual debuts, while females are expected to resist. This possibly explains the widespread phenomenon of pressured sex. It is interesting to note that of all the young people interviewed in the analysis of reference networks, not a single boy suggested that girls are pressured into sex to please their boyfriends, which indicates that boys who pressure their girlfriends perhaps do not perceive it in the same manner. Boys in Hwange termed it “persuading” a girl to sleep with them, which is considered an achievement. Usually these relationships were with older partners. Boys mostly felt pressured into sexual debut behaviours by their peers to some degree, although boys were more likely to suggest inherent curiosity and puberty as factors influencing sexual debut. In one of the two cases that the study encountered where a boy was pressured into sex, he was paid a dollar by older boys to engage in bestiality with an animal, while the older boys watched. Girls were also more likely to feel pressured into sex for economic reasons. This was noted particularly among poor and child-headed households as a survival strategy. Also of note were children from blended or extended families who were not being taken care of and who resorted to transactional sex.

Forced sexual debut

The findings of the study seem to indicate that females were more on the receiving end of forced sexual debuts, and where this was the case the perpetrator was a boyfriend or a family member (National Baseline Study on the Life Experiences of Adolescents 2011). Males who experienced forced sexual debut were violated by neighbours. Social norms in Zimbabwe give rise to the expectation that the home is a safe place and that neighbours and kinsmen can be trusted. To some extent this may have a bearing on the forced sexual debuts of young children, as they are often left in the care of their violators. This idea would need to be substantiated by further research, but to some degree it is supported by statistics on abuse. The secondary data analysis of Childline data shows that forced sexual debut is a significant problem in Zimbabwe. Again, the majority of those forced into sexual debuts are female, as indicated both by the desk review and by the findings of the research. Rape and indecent assault were mentioned consistently by teenage respondents. It could also be seen that rape and indecent assault tended to happen mostly at younger ages.

Implications of findings for policy and practice

Peer education, while expensive and requiring a lot of work, has been found to be beneficial in terms of delaying sexual debut, when done in conjunction with other interventions. It is also important that boys should be targeted specifically, as they feel the greatest pressure from peers to engage in sexual

activities, and in turn to pressurize girls. Boys are also most vulnerable to influence from pornographic material. Lessons can be learned from other countries in the region (and globally) that have successful sexual and reproductive health programmes for adolescents. Examples would include Uganda and the Netherlands. Given that the context is likely to vary, these examples should be used as a springboard for the piloting of various interventions, so as to determine what can work best.

All the findings seem to point to the significant degree of influence that adults have with regard to influencing the sexual debut behaviours of children. Any interventions to help young boys and girls delay sexual debut would benefit from parental or guardian involvement. In a similar manner, the content of biology lessons in the school curriculum needs to be evaluated further to see what effect it has on children and whether it does pique their curiosity, without proceeding to provide guidance on how to manage that curiosity. At the lower levels, the Life Skills, Sexuality, HIV and AIDS Strategy that has been rolled out in schools does seem to have some impact in terms of teaching young children the importance of reporting abuse. It is still a new programme and it would be good to see what impact its first few years have had. The same is true of the UNESCO-led Comprehensive Sexuality Education programme. Some interventions would require the involvement of a broad range of stakeholders. This is the case, for example, in situations where poor families are forced to live in unstructured accommodation. In a best-case scenario, more appropriate living arrangements would be made. The relevant bodies – such as the housing ministry – should be engaged. This is not always possible, however. Alternative interventions in such instances may involve raising awareness with families about the impact of their activities on their children's choices. The same can be said of poor families in general, where parents and children feel forced into commercial sex work in order to survive. Organizations such as the National Aids Council of Zimbabwe or (at a more micro level) the Chiedza Child Care Centre in Harare, the Platform for Youth Development in Chipinge and Restoration of Hope in Bulawayo continue to work to strengthen families and offer them viable alternatives.

Young people noted that they would welcome opportunities to discuss sexual and reproductive health in a guided manner, but these opportunities are sadly lacking. It was also noted that keeping children in school longer tends to delay teen marriages and pregnancy, and may perhaps even be related to delayed sexual debut. Therefore, it is incumbent on stakeholders to widen access to education and strengthen the ability of the system to retain its students. Organizations such as Childline and its partners continue to do good work and should be supported to provide greater counselling and awareness among children on how to protect themselves from abuse. It is also imperative that orphans and other vulnerable children – such as those who live on the street – should have more care and support to protect them from sexual and other forms of abuse. This can be done by strengthening and expanding the work of organizations such as Zambuko House for Children and House of Smiles.

Conclusion

The findings of this study indicate that the reference networks influencing sexual debut behaviours are limited in number, but not in scope. The gap that has been created by the shift in culture from the family as the traditional reference network to peers and partners has left Zimbabwean society ill-prepared to deal with the whole gamut of the consequences, and must be addressed as a matter of urgency. Reference networks are just one of several elements in the social norms study being undertaken by the Child Sensitive Social Policies Programme at the Women's University in Africa and by the University of Edinburgh study on the Drivers of Violence against Children (social determinants study).

References

- Bicchieri, Cristina and Penn Social Norms Training and Consulting Group, *Why Do People Do What They Do?: A Social Norms Manual for Zimbabwe and Swaziland*, Innocenti Toolkit Guide from the UNICEF Office of Research, Florence, Italy, October 2015.
- Childline Statistical data, 2016.
- Chitsike, K., 'Law v. Culture: Judgment on age of marriage in Zimbabwe', 2016, <http://www.huffingtonpost.com/eisenhower-fellowships/law-vs-culture-judgment-o_b_9733906.html>
- Kaim, B. and R. Ndlovu, 'Lessons from "Auntie Stella": using PRA to promote reproductive health education in Zimbabwe's secondary schools', *PLA Notes*, vol. 37, 2000, pp. 45–49.
- Kothari, Monica T., Shanzhao Wang, Sara K. Head and Nouredine Abderrahim, 'Trends in adolescent reproductive and sexual behaviors, DHS Comparative Reports No. 29, Calverton, Md, ICF International, 2012.
- Ministry of Health and Child Welfare National Adolescent Sexual and Reproductive Health Strategy 2010–2015.
- Patsimeredu, Report on the Buddyz for Love project Baseline survey Draft 00, 2014.
- Women's Action Group, 'Promoting social dialogue to inform Sexual Reproductive and Health Rights (SRHR) program strategies for addressing SRHR issues affecting pre-adolescent and adolescent boys and girls in Guruve district', Gender Challenge Initiative, Harare, 2015, <www.wag.org.zw/wp-content/uploads/2016/05/WAG-Final-Report-2016.pdf>
- Zaba, B., Pisani, E., Slaymaker, E. and Ties Boerma, J., 'Age at first sex: understanding recent trends in African demographic surveys', *Sexually Transmitted Infections*, vol. 80, no. suppl. 2, 2004, pp. ii28 – ii35. doi: 10.1136/sti.2004.012674, <http://sti.bmj.com/content/80/suppl_2/ii28.full.pdf>
- Zimbabwe Catholic Bishops Conference Child Protection Policy Document.
- Zimbabwe Life Skills, Sexuality and HIV/AIDS Education Strategic Plan: 2012–2015.
- Zimbabwe National Statistics Agency (ZIMSTAT), Multiple Indicator Monitoring Survey (MIMS), 2009.
- Zimbabwe National Statistics Agency (ZIMSTAT), United Nations Children's Fund (UNICEF) and Collaborating Centre for Operational Research and Evaluation (CCORE), *National Baseline Survey on Life Experiences of Adolescents, 2011*, <www.unicef.org/zimbabwe/UNICEF_NBSLEA-Report-23-10-13>
- Zimbabwe National Statistics Agency (ZIMSTAT), *Zimbabwe Demographic and Health Survey 2015*, <<https://dhsprogram.com/pubs/pdf/FR322/FR322.pdf>>

Exploring Urban Versus Rural Socially Normative Beliefs and Expectations in Relation to Child Marriage

Dorothy Kadzikano – Principal Investigator
Munhamo Chisvo – Co-Principal Investigator
Abigail Chiota – Junior Researcher
Deveria Banda – Project Manager

Introduction

Child marriage remains a major development challenge, as it robs a third of Zimbabwe's children of their right to enjoy their childhood or to make informed choices about when and whom they want to marry. Having been practised for generations, it is still seen as a culturally legitimate way of protecting girls from premarital sex and any potentially dishonourable consequences, such as having children out of wedlock. The belief is that when parents wait until the girls are older, they are likely to engage in premarital sex. Mikhail (2002) refers to child marriage as a form of sexual exploitation.

Studies on the harmful effects of early marriage on girls' health reveal that girls who are married before the age of 18 experience earlier sexual debuts, give birth to more children and lose more children to neonatal and childhood disease (Maswikwa 2001). This explains, in part, the high maternal mortality and morbidity among this population. Moreover, research findings by the International Centre for Research on Women argue that girls younger than 15 are five times more likely to die in childbirth than are women in their twenties. Pregnancy is the leading cause of death worldwide within the population of girls who conceive between the ages of 15 and 19. Similarly, recent studies based on Demographic and Health Survey data demonstrate a strong positive correlation between HIV prevalence and the median age of first marriage, as well as first sexual encounter. In addition, there is some indication (although this requires further empirical research), that vesicovaginal fistula (VVF) is more common in young mothers than in older women. Walker (2012) also submits that case reviews of VVF patients have shown clearly that most of them are young wives with limited education who have often married older men. Accordingly, loss of adolescence, forced sexual relations and the denial of freedom and personal development have profound psychological and emotional consequences (UNICEF 2001).

Despite the considerable amount of research around child marriage, it has proved a difficult issue, where solutions are hard to come by. As argued by one scholar, one of the reasons for this is that it is sustained by conditional preferences: preferences conditional on expectations about other people's behaviours and thoughts (Bicchieri et al. 2014). In addition, child marriage is deeply rooted in socially normative beliefs and expectations that are informed and perpetuated by the patriarchal tradition that characterizes most Zimbabwean communities. However, even if child marriage has been publicly acknowledged as a bad practice, privately, it would seem, affected parents and guardians tacitly condone it. Some children also decide that they want to get married – for various reasons that include running away from the abuse of carers, poverty or even freedom from their parents. Girls who marry at a tender age are usually coerced into having children before they are physically mature, which contributes to high maternal mortality. Much still needs to be done to deal with those who marry or promote child marriage in terms of the law. This is because current and past child protection initiatives have not been proactive in working to reach a critical mass of children, parents and guardians with age-appropriate, context-specific sexual and reproductive health rights information and education. While some steps have been taken by government and civil society to end child marriage, it seems that these efforts have not facilitated the desired behaviour change. Accordingly, this policy narrative advances as alternatives social-norm and human rights-based approaches to programming to end child marriage.

International, regional and national laws and policies in relation to child marriage

Several international, African and domestic laws and policies condemn child marriage outright because of what it does to children and their future. Zimbabwe is obliged, under the United Nations Convention on the Rights of the Child, to protect children's rights against all forms of abuse, including child marriage. Despite this, it has failed to protect children from this heinous practice, as it has faced numerous challenges in implementing the Convention. The International Center for Research on Women reports that in Sub-Saharan Africa a third of girls are married or are in union before the age of 18, and the same is true of one girl in nine before the age of 15. Meanwhile, according to the Multiple Indicator Cluster Survey (MICS) (2014) in Zimbabwe, 3.9 per cent of boys were married before the age of 18. The same survey states that, at the time of the survey, 1.7 per cent of men between the ages of 15 and 19 were in marriage or union. Apart from the above provisions, the Convention on the Rights of the Child (CRC), which has been ratified by Zimbabwe, stresses "the right of children to have their views taken into account in matters that concern them".

On 3 June 2016, the Southern African Development Community Parliamentary Forum (SADC-PF) adopted the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.¹ This provides guidance for member states on harmonizing their laws to prevent child marriage. The model law will address the most common problem of inconsistencies and gaps in the laws, which weaken the sanction mechanisms available to law enforcement in most SADC countries, including Zimbabwe. It further eliminates several loopholes that make current laws ineffective and unenforceable, including parental and judicial consent and conflicts between customary and statutory laws. It reinforces the provisions of the African Charter on the Rights and Welfare of the Child (ACRWC) on protecting children against harmful social and cultural practices, including the betrothal of girls and boys. In addition, the SADC model law might provide impetus for the amendment of section 22 of the Marriage Act, which provides an exception that a minor child can be married off if the minister of home affairs gives written permission, where he considers such marriage to be desirable.

Another important international instrument is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In the same context as the CRC, it obliges Zimbabwe to eliminate discrimination against women in all matters, with article 16 including marriage and family issues. It also prescribes for both men and women an equal right to enter into marriage only with their free and full consent. In addition, article 5 contains an obligation to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, customary and all other practices that are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women. The review of literature found that where parents give consent for their daughter's marriage (usually to an older man), the lack of her consent gives a signal to her husband and to society as a whole that the child's opinion is insignificant. This predisposes the child to future sexual and gender-based violence which is characteristic of many child marriages (Walker 2012).

Another instrument, the African Charter on the Rights and Welfare of the Child, outlaws child marriage and the betrothal of boys and girls under article 21. In addition, article 16(1) of the ACRWC requires the protection of children from all forms of torture, inhuman or degrading treatment, and especially physical or mental injury or abuse, neglect or maltreatment, including sexual abuse. This is so that children can be protected from child marriage consequences that include the risk of children experiencing complications in pregnancy and childbirth, contracting HIV/AIDS and suffering domestic violence.

¹ Southern Africa Litigation Centre News Release (9 June 2016).

On 20 January 2016, the Constitutional Court of Zimbabwe handed down an important ruling in relation to child marriage, in the case of *Mudzuru and Another v. The Minister of Justice, Legal and Parliamentary Affairs N.O. and others* (CCZ 12/15). It was held in that case that section 78(1) of the Constitution of Zimbabwe sets 18 years as the minimum age of marriage in Zimbabwe; that section 22(1) of the Marriage Act (Chapter 5:11) is invalid, as it supports the practice or custom authorizing a person under 18 years of age to marry or be married, and this is inconsistent with the provisions of section 78(1) of the constitution. This law was therefore struck down. Further, the Constitutional Court declared that, with effect from 20 January 2016, no person, male or female, may enter into any marriage, including an unregistered customary law union or any other union, including one arising out of religion or religious rite, before they attain the age of 18 years.

The legal implications of this ruling are that, apart from the age of 18 now being the age of marriage, any practice or custom² authorizing child marriages is now unlawful. The ruling also means that any form of marriage, including customary law unions, which is entered into by way of payment of *lobola*, or any other union (such as co-habitation) or any marriage based on religion or religious rites can be entered into only by persons aged 18 years or over. A further legal provision of this ruling is that the age of marriage is now 18 years. This is a ruling that was applauded by children's rights advocacy groups, concerned parents, stakeholders in the child justice and human rights system, and generally by all who care about protecting and safeguarding the rights of children.

Domestic legislation

There are numerous domestic instruments and laws that forbid child marriages directly or indirectly in Zimbabwe. However, for Zimbabwe, more still remains to be done to fully implement some of the progressive provisions and to ensure that all stakeholders create and sustain the momentum to prevent children from getting married and ultimately to eradicate child marriage.

It would seem that the presence of these laws has not translated into the development of adequate policies within the public and private sectors. Until the landmark ruling to end child marriages, the only law in Zimbabwe that outlawed child marriage was the Domestic Violence Act (DVA) (section 3). The DVA places child marriage in the category of acts or behaviours which may result in the direct infliction of physical, sexual or mental injury on any complainant by a respondent, and declares it unlawful. The Children's Act does not specifically allow or permit child marriage. It does not provide for the establishment of social programmes and structures for the identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.³ Similarly, the Criminal Law (Codification and Reform) Act does not criminalize child marriage. However, it seeks to protect young persons from sexual exploitation by older persons, as well as to protect them against such possible harmful consequences of early sexuality as teenage pregnancy and sexually transmitted diseases (Feltoe 2012).

From literature reviewed, it was found that there are some policies that can and have been used by various stakeholders in the fight against child marriage. These include the National Gender Policy, the National Action Plan to fight child marriage, the National Gender Based Violence Strategy, the Sexual and Reproductive Health and Rights Policy under the Ministry of Health and Child Care, and the Monitoring and Evaluation Framework of the Ministry of Women Affairs, Gender and Community Development. There is a need, however, to harmonize all the policies in order to guide all-encompassing child protection work across all government ministries and departments, the private sector, non-governmental organizations (NGOs) and civil society actors.

² Practices such as *kuzvarirwa*, *kuripa ngozi*, *musenga bere*, etc.

³ African Journal of Social Work, vol. 6, no. 1, June 2016.

The presence of more than one source of law in dealing with the practice of child marriage has created problems in defining the practice as illegal. For instance, under the Customary Marriages Act there is currently no age limit on marriage, while the general law sets the age of majority at 18. This has had a negative impact on efforts to end child marriage. Furthermore, under the Matrimonial Causes Act, a married minor child is not able, or lacks capacity, to sue without the assistance of the parent or guardian, presupposing that there is nothing wrong with child marriage.

The study notes that even after the landmark judgment by the Constitutional Court of Zimbabwe on 20 January 2016, children continue to be married off. The 2013 constitution provides a fresh opportunity to inform, educate and re-engage Zimbabweans on ending child marriage. To date, the Government of Zimbabwe and the private sector have not allocated adequate financial and human resources to facilitate the implementation of the *Mudzuri* judgment and the harmonization of laws and policies for the purpose of fighting child marriages.

Methodology

Study location and sampling

The study was carried out in three locations in Zimbabwe: Mount Pleasant, Epworth and Bindura Ward 17. Purposive sampling was used to select an enumeration area to be studied in each district. This was done to ensure inclusion in the sample of relevant variables of rural, urban and peri-urban contexts with high and low child marriage prevalence. The study population consisted of focus-group discussion participants categorized according to age and sex, drawn from three age categories: 12–17 years, 18–24 years and 25 years and above. This categorization was done in order to bring out the voices of children and their perspectives on child marriage. The views of young people aged 18 and over were also important in bringing out the social norms they perceive to be perpetuating or preventing child marriage.

An initial sample of 300 respondents was found to be adequately representative and was initially proposed. This was reduced to 150 respondents after the client noted that it was expected to be more of a qualitative than a quantitative study. The constrained budget and limited time also necessitated a reduction in the sample size and a review of previously selected locations. In Bindura and Epworth districts, two focus-group discussions (FGDs) were conducted for each age group for both sexes. In Mount Pleasant, the FGDs for the 12–17-year-old category did not take place due to the unavailability of participants. This gave a total of 16 FGDs. A total of 12 key informants were interviewed (in Mount Pleasant two key-informant interviews (KIIs) were conducted with Childline and the local leadership; in Epworth there were three KIIs – one with the local leadership, one with the church leadership and one with a representative from Mavambo Trust; while in Bindura four KIIs were conducted – one with the church leadership, one with the local leadership, one with Childline and one with the Department of Social Services. In addition, three other key informants were interviewed in Harare. These included one child marriage survivor, one legal practitioner who is a member of the Zimbabwe Women Lawyers Association, and a staff members of Justice for Children.

Key findings

Marriage forms, types and practices

In all three study areas (Bindura, Epworth and Mount Pleasant), the most common form of marriage is monogamy. Respondents and FGD participants noted that this is often preceded by first sexual encounter for girls (with or without a confirmed pregnancy) or by girls being expelled by their parents

or guardians for coming home late. The expected form of marriage is the traditional marriage in Bindura and Epworth, and both traditional and civil marriage in Mount Pleasant, where the couple is expected to observe the traditional way of marrying, through payment of bride price, before being joined in matrimony by a registered marriage officer, e.g., a pastor or priest who is authorized by the state to conduct marriages, or any magistrate. Respondents said that most people resort to co-habiting on account of economic hardship, as they cannot afford to pay the bride price or to finance a wedding. When they eventually formalize their marriage, it is mostly the traditional form that is chosen because of economic hardship.

Monogamy was found to be the most common type of marriage in Epworth and Mount Pleasant, and a mix of monogamy and polygyny was found in Bindura. Respondents also noted that divorce is common in these monogamous unions, and it is not uncommon for a man to have several unions at a time and to abandon these women to find a younger wife. Within the apostolic sect members in Bindura and Epworth especially, such treatment of women was said to be averted by polygyny.

The study found that the most common practice was for girls to elope to their boyfriends, whether or not they are pregnant. This was followed by parents or guardians chasing girls from home back to the boyfriend for misbehaving (coming home late or engaging in sex before marriage), leading to marriage.

Age of marriage for girls and boys

The study found that, regardless of social or economic status, the common age of marriage for girls is lower than that for boys, and that for girls it is often below the legal age of marriage. In Epworth and Bindura, it was found that the common age of marriage is, on average, 12–17 years for girls and 18–21 for boys. Additionally, it was found that a more acceptable marriage is where the male is much older than the female, because of their expected role of taking care of the wife. This notion that older men will protect and care for their younger wives was common at all study sites and will be analysed later, when beliefs and expectations are explored further. Generally, respondents agreed with the age of 16 as appropriate for girls. This, they said, was because a lot of girls drop out of school for various reasons that include poverty. They further noted that if these girls delay marriage, they end up engaging in immoral behaviour and eventually become unmarriageable, as men prefer to marry a girl who is a virgin. Adults also said that the girls want to marry when they are as young as 14 due to poverty, idleness and, in the case of apostolic sect members, to show ‘respect’ for religious leaders and elders.

The box below represents the most common reasons for marrying young, as stated by 70 per cent of respondents who married early.

Box 1: Stated reasons for marrying young

...forced to marry the girl after they were found together; wanted to find a friend for his mother; was naughty; was not going to school/did not have anything to do; disobedience; influenced by friends; forced to have sex and decided to elope with him; was pregnant; was willing to marry; did not have money to pay bride price; seeking a companion because of loneliness; I came home late after spending time with my boyfriend so my mother/father told me to go back where I was.

The community's expected age of marriage for girls was 16 in Bindura and Epworth, and 18 in Mount Pleasant; while for boys it was 25 in all three study areas. Respondents hastened to note that while the expected age of marriage for girls is around 16, in their view more girls are getting married much younger (12–14 years in Bindura and Epworth). Both the common and the expected age of marriage for boys made it difficult to probe respondents for norms around the marriage of minor boys. This report therefore presents findings on beliefs and expectations about 'child brides' rather than about boys who decide to marry or who are forced into marriage or who co-habit below the legal age.

The study confirms that child marriages often take place to resolve the 'anomaly' of child or teen sexuality or perceived inappropriate conduct with a person of the opposite sex. As such, it should be understood that normative and cultural rationalizations are significant within society, and play an important role in supporting this practice. In many instances, child marriages are perpetuated to fulfil a socially positive function of restoration of 'family honour'. Despite the fact that this often negates the rights of the child, as provided for under the CRC, parents and guardians support it. In other instances, some children will insist on getting married for various reasons.

It was found that girls elope to be with the person they love, or who has promised to marry them, or after they have had sex with the man, or because there are prospects of a better life when they join the boy's family. Eloping is sometimes a choice that is made by girls to escape ill-treatment or servitude at home or to gain perceived 'freedom'. It was noted that they imagine their husbands will take care of their financial and material needs. Often, the boys and girls who choose to enter into marriage are not adequately informed and do not anticipate the negative consequences of these child marriages.

Other reasons given by children for entering into child marriage demonstrate that they do not always marry because they love each other. For example, a boy 'finding a friend' for his mother suggests that this wife is not regarded as a lifetime companion, but serves other purposes that include a lifetime of servitude for the girl. Also, a girl who is forced to have sex or is raped almost always decides to elope with the sexual abuser/rapist. She does not interpret this as a violation that should be reported so that the boy or man can answer for his actions according to the law. Socially and culturally, it is acceptable that he takes her as a wife, and this attitude perpetuates sexual violence against the girl for life.

The socio-cultural association of sexual intercourse with child marriage is unfortunately ever present. This explains why girls elope to their boyfriends when they first lose their virginity, with or without a confirmed pregnancy. It predisposes married children to a life of poverty, risks associated with child birth, and sexual and gender-based violence, and perpetuates the vicious cycle of child marriage.

Key actors' beliefs and expectations and the rural-urban dynamic

The study found that there are many actors and established structures that promote, and therefore perpetuate, child marriage. Some of these key actors have significant power and authority over the children, so that the children agree with anything they say, even if they do not like it. Table 1 below highlights identified key actors and roles that perpetuate child marriage.

Table 1: Key actors and their roles

Actor	Actual and perceived role
Parents	<p>For girls – they encourage and facilitate child marriage (to protect girls against pregnancy outside marriage, for which the girl is forthwith seen as a disgrace to the family. This may result in the girl and her mother being chased away from the home by the husband/father).</p> <p>For boys – marrying an under-age girl is an acceptable defence against child sexual abuse and rape; a man must gain sexual experience in order to be able to please his future wife.</p>
Religious leaders	<p>For girls – they sanction the union even in church. A virgin young girl is given to an adult man (<i>Madzibaba</i>) by God – in a dream. No one goes against God, and against religion.</p> <p>For boys – you can marry as many women as you are able to look after.</p>
Church leaders	<p>For boys and girls – increasingly, some church leaders entice young children and rape them during ‘counselling sessions’.</p>
Children/peers	<p>For girls – they believe adults expect them to marry, they want to escape abuse, hard work, poverty. They believe marriage is ‘rosy’ and offers them unlimited freedom from protective parents. Younger girls want to fall in love with older men who can ‘look after them’.</p> <p>For boys – they are under the illusion that it is good to have sex with a number of girls before they marry ‘to gain experience’.</p>
Teachers	<p>They are alleged to have affairs with their students and to have sexual relations with them.</p>
Pleasure managers	<p>They are said to entice children to night clubs (both boys and girls); they promote prostitution of young girls with older men; they sleep with young boys. Local socialites (musicians and sportsmen) like to date young girls and are known for engaging in multiple and concurrent partnerships. Reports of little boys having relationships with older women who have money are said to be on the rise.</p>
Police	<p>They are alleged to be corrupt. They are alleged to accept bribes to let rapists and child abusers go scot-free.</p>

The study also found that socially normative beliefs and expectations around child marriage have existed from time immemorial. Key informants (KIs) and FGD participants noted that these were said to be almost always supported by high tolerance and a positive and supportive attitude from important actors in the lives of children. They usually had no regard for the needs of the children being groomed for these marriages (paraphrased from several key informants). Table 1, above, lists the actors’ roles that perpetuate child marriage. The study also found that where child marriage takes place, it is usually a result of an interplay of several norms being held by key actors.

Empirical beliefs and expectations surrounding child marriages

Key informants and FGD participants expressed the following empirical beliefs and expectations about child marriage (see Table 2).

Table 2: Empirical beliefs explain value-laden points

Children and parents believe that many children are already having sex at age 16: both boys and girls think that their peers are already having sex by age 16 and they also start engaging in sexual activity which, in many cases, was said to lead to child marriage.

Parents believe that responsible parents in the community are marrying off their children young in order to protect them against indulging in risky behaviour (sexual immorality): many parents believe that other parents consider child marriage to be the best way to protect sexually mature children from immorality. Mothers therefore conform to what they think is the norm, in order to avoid social degradation and other indignities, because a girl is believed to misbehave because the mother has failed to play her role in bringing up the girl.

Girls and their parents believe that when a girl loses her virginity, the chances of getting a good husband are reduced, and also that men prefer to marry virgins. Chastity is very important and has to be preserved at all costs.

Society believes that unmarried, older girls are sleeping with goblins (*zvidhoma*), are bewitched, have spiritual husbands, sleep around and are prostitutes (*mahure*). This encourages children to marry young to avoid this label.

There is a belief that society accepts child marriage as a defence against rape or sexual abuse. Men therefore coerce girls into sex or rape them, knowing they will get away with it.

A boy who marries late has weak sex organs: boys are therefore compelled to prove their virility.

Older girls who are educated are not willing to submit to their husbands, and they do not respect their in-laws.

Young wives are 'less expensive', i.e., men pay lower bride price (*lobola/roora*) for them.

Marrying young girls off is 'our' culture/tradition.

Younger women are more fertile than older women.

Girls think that once you have sex with a boy, parents and community expect him to marry you, or no other man will be willing to marry you.

Normative expectations surrounding child marriage

The study found that children and adults share similar beliefs and expectations. For instance, the normative expectation, whereby children think the community expects every girl to be married at a certain age or when they reach puberty, was expressed many times by respondents and FGD participants. It is believed that the most important thing for any girl is to get married to a good husband (usually an older man) who will look after her.

Most men believe that reasonable men are expected to marry young virgins, as they are believed to make good wives because they have not been 'tainted'. When it comes to a boy or man, it was found that – even if he has had other sexual relationships – he and the community still expect him to marry a virgin. A girl who loses her virginity before marriage is shamed and is considered to be 'loose', whereas a boy who sleeps around is said to be 'naughty' or is described as a 'hero' or *gamba*. The boys' sexual immorality and irresponsibility usually continues even when they get married. This predisposes married girls in particular to emotional, physical, sexual and gender-based violence.

Girls who delay marriage face social and peer pressure because of the belief that the community thinks they are involved in immoral behaviour (sex before marriage).

Rural versus urban differences

The study found that there are some differences between rural and urban areas in terms of the social norms surrounding child marriage. However, the differences in the role of key actors in urban and rural areas were few and far between. Some church and religious leaders were found to play a similar role, regardless of whether children are in an urban or a rural setup. Box 2 below illustrates some similarities in certain rural urban dynamics and how they play out in the lives of rural and urban children.

Box 2: Similarities in rural and urban dynamics for children

Both girls and boys, rural or urban, struggle to meet their partner's needs because a 'good wife/husband' is not explained or taught to them prior to their 'marriage'. This extends to the definition of – or the characteristics of – a good daughter/son-in-law.

In terms of differences, it was found that in rural and peri-urban areas, children tend to marry much earlier than their urban counterparts. Respondents mentioned that in rural areas, it is not surprising for girls to marry as young as 12 years, so long as they have reached puberty and look physically mature.

Rural girls were found to be more susceptible to forced sex, and therefore unplanned pregnancy, which often led to child marriage. Key informants also confirmed that rural girls generally start having sex – closely followed by child-bearing – much earlier than their urban counterparts. This is confirmed by the Zimbabwe Demographic and Health Survey (ZDHS) (2015), which analysed teenage child-bearing and found that more than twice the number of teenagers (27 per cent compared with 10 per cent) with primary education who had begun child-bearing were rural girls. For girls with secondary education, 38 per cent of rural teenagers (compared with 17 per cent of urban girls) had started child-bearing. These proxy indicators are used here to make inferences, because at all the study sites, children and adults were in agreement that marriage is a prerequisite for child motherhood (ZDHS 2015).

Rural girls were found to have fewer options for social and economic advancement than their urban counterparts. For instance, when they attend school, they walk far and are exposed to abuse by older boys and men on their way home. Incidents of rape were said to occur in the bush, and it is something that every herd boy 'has to experience' a few times before he settles on a girl to marry. It was noted that such sexual abuse goes unreported; girls end up enjoying the sex and eventually graduate to having sex with older men, leading to school dropout and the perpetuation of a cycle of poverty.

The rural girl is more at risk of pregnancy complications, because often the hospitals or health centres are far away. This was said to be potentially a 'death sentence', particularly for young apostolic sect girls, who are not allowed to seek medical treatment. The ZDHS (2015) found that for urban women, 93 per cent of births were attended by a health professional, and 81 per cent were delivered in a health facility. By comparison, the figures were 71 per cent and 68 per cent for rural women. While these statistics include all ages of women, they do give an idea of how vulnerable the rural girl is for the reasons already mentioned elsewhere in this report.

While it is noted that sexual and gender-based violence (SGBV) disproportionately affects more girls than boys, this study also found that it affects rural girls more than it does urban girls. This is because the former are said to have less information and fewer life skills, and are less likely to attend outreach programmes implemented by government, civil society and NGOs working on child protection issues. Since most apostolic sect members do not attend school, they do not benefit from the information that schoolchildren receive through guidance and counselling sessions.

Gender dynamics in child marriage

This study also confirms past research findings, which show that in many ways the patriarchal and gender-insensitive context in which children are nurtured means that child marriage disproportionately affects girls more than it does boys. Key informants and FGD participants also noted that there are more girls who are married when they are under age than there are boys. They further noted that despite this, both the child ‘brides and grooms’ are often forced by their families and communities to endure unions which

inevitably give rise to SGBV, chronic poverty, sexual and reproductive health challenges (particularly for girls), and all these negative experiences are hidden from society because everybody believes it is what all marriages go through (*chakafukidza dzimba matenga*).⁴ Some children also choose to endure difficult marriages because they have nowhere to go, especially if they already have children. This vicious cycle often continues, as their own children also become child brides and grooms.

A girl experiencing sexual and gender-based violence is told that ‘all married women’ go through some form of abuse in their marriage, will be beaten or raped until they show respect to their husbands and are therefore discouraged from reporting the abuse to outsiders. The young boys are also taught that a proper husband has to occasionally beat or rape his wife into submission. – Key informant

Responses from both female and male respondents reinforced the general patterns of gender roles that have been established and perpetuated over generations. The gendered nature of the beliefs and expectations that perpetuate child marriage was clearly expressed during discussions with all age groups, in all three study areas. For instance, when the family is poor, it is the girl who is ‘sacrificed’ by being married to a well-off older man to bring in some income (through *lobola/roora*, or even material provisions, such as food) and to relieve her family of the burden of her care. Key informants noted that usually it is a younger girl who is supposed to take care of her husband, respect him and his family, implying that her own needs and happiness are secondary.

Child care and running the household are the sole responsibility of the young wife, who is not able to meet her husband’s or her in-laws’ expectations of a good wife.

Children, young people and adults interviewed (in FGDs) expressed a general belief that marriage is an important goal for any girl, ahead of education and a career. This belief is associated with another belief that good parents (particularly mothers) ensure that their daughters are married properly and according to tradition. This indirectly forces mothers to encourage their young girls to marry to safeguard them against immoral behaviour (premarital sex or pregnancy out of wedlock), as this will bring disgrace to the family, as well as avoid the burden of taking care of the child when it is born. Over time (more than a generation), this has become normal, and poorer girls desire to get married even if they are under age; some are said to drop out of school in order to get married. In such instances, another belief that is at play is that an older husband will care for and provide security for his wife and children (key informant from Bindura). A younger girl fits that role to men’s expectations and obeys her in-laws and other members of the extended family.

In all the study areas, preservation of family, church or religious honour was said to be of paramount importance. As a result, even though parents, church and religious leaders know that marriage may not be in the best interests of the child, they still proceed to give children away in marriage so that they are not disgraced. Therefore, girls who rebel against the expectations of their communities or families can be forced into child marriage as a means of ‘controlling’ them. Key informants noted how mothers who also married young will marry off their daughters to older men – knowing full well the associated risks of their actions – in order to avoid being harassed by their husband for bringing up an ill-mannered child who disgraces the family. Therefore, an older husband is believed to provide a safeguard against inappropriate behaviour, and also frees the parents from the burden of guarding their daughter.

⁴ Literally: “Keep your issues to yourself, do not display your dirty linen for all to see.”

In Bindura and Epworth, respondents said the belief that when a girl loses her virginity her chances of getting a husband are reduced predisposes children to child marriages. This belief is supported by the fact that chastity is considered very significant and has to be preserved at all costs – including at the cost of the child’s own freedom of choice to continue with education, or to choose a marriage partner. Therefore, when a child is raped, or in the event that she is found to have had casual sex, she has to be married, often against her will.

Throughout the discussions with the different age groups in all three study areas, respondents revealed that the beliefs and expectations that perpetuate child marriages are numerous, sometimes related and intertwined.

Both girls and boys who do not marry at the expected age of marriage have to face several negative social sanctions from the community. These include false labelling that they ‘sleep with goblins’, have ‘spiritual husbands’, are prostitutes, have been bewitched, or – for boys – that their sexual organs are weak. According to respondents, such girls run out of choices and risk being unmarried all their lives, or end up marrying a divorced or widowed man because ‘they have lost value’ and no good man wants them.

Several beliefs and expectations are usually at inter-play when parents and guardians decide to marry off a young child, or when a child voluntarily elopes to be with her future husband. – Key informant

Because of their deep connection to their traditions, which are anchored in patriarchy, parents and children alike expressed the need to conform to the family’s and community’s way of doing things. This way they gain approval and support from the people who matter to them. Different examples were given where, in different contexts, women taught their young daughters that their sole ambition should be to marry a good man and work hard to please him in every way; that there are no benefits or rewards to waiting until they are older; that every good girl gets married; that nothing else matters; and so on.

Key informants interviewed added that, in spite of what they see happening with other married children (and despite their own experiences as young brides), they go on to marry off their children, because society pressures children to get married at a certain age. Some of the push factors identified by respondents show that decisions to marry off a child are not based on one major reason. It is a complex mix of issues that build on one another over time. If asked to explain why they made these decisions, most parents would give more than one explanation (key informant).

They are afraid of changing from what they know to what is unknown because the reasons for abandoning the practice is not clear to them. What will their girls become if they do not become wives and start their own lives? In any case, these poor women are not prepared to face the wrath of their husbands. – Key informant (referring to women in the apostolic sect movement)

Interviews in Epworth and Bindura showed that there are not many children who resist these child marriages. In fact, some children choose to marry for a number of reasons mentioned elsewhere in this report, including the fact that there is nothing better for them to do with their lives, especially if they are out of school or live in poverty. Key informants noted, however, that the few who resist this practice follow their parents or relatives who have had an education or who are pursuing a career; but they also noted that it was not ‘normal’ and that for a girl child to stay unmarried into her twenties was frowned upon by society. In a Mount Pleasant FGD, participants noted that children are more concerned with getting an education and building a career, than they are with getting married young, and in this they have the support of their parents. They also have role models that they look up to.

Respondents also added that even though the supreme law is there and should protect children, cultural and social beliefs and expectations from society that perpetuate 'child marriage' carry more weight than the law. A child belongs to the whole clan or village or community. In the absence of new provisions to ensure security of family honour (and its redefinition), socio-economic support within the community and the replacement of retrogressive values, this may be just another piece of legislation that will not carry any weight.

Concluding remarks

This study concludes that social norms surrounding 'child marriage' carry more weight in local communities, even in the face of a comprehensive set of laws. An interplay of normative and empirical beliefs and expectations leads to adults marrying off under-age children and to children choosing to get married. The notion that marriage brings respect for girls who have started having sex or who get raped is wrong, as it predisposes the young girls to a life of suffering. In addition, the gendered socialization of women is largely responsible for the perpetuation of SGBV against women in the home. For instance, from an early age, both boys and girls are socialized to believe that women are not expected to make decisions in their relationship. This is partly responsible for girls and women staying in an abusive relationship for fear of social sanctions imposed on females who 'expose' their boyfriend or husband.

The notion of the attributes possessed by an ideal wife, husband, daughter or son-in-law and of the roles they are expected to play in a marriage/union is misplaced. This study shows that society typically normalizes servitude, and usually the married girl is on the receiving end: she is faced with a diverse range of expectations on the part of her husband and her in-laws, all militating against her happiness and personal fulfilment. These expectations perpetually predispose her to SGBV, emotional and physical abuse. This study confirms that society's assumptions about women's sexuality tacitly condone sexual violence.

Child marriage is a sanction for several other things. The elopement of under-age girls with their boyfriends symbolizes a gap in the socialization of girls. Parents and guardians fail to engage adequately with their children on issues of sexuality and on how children can deal with growing up; and this failure has grown over time. As an example, sexual and reproductive health and rights (SRHR) education for children in and out of school has not always been informed by progressive social norms emanating from the community. As a result, the SRHR education provided by a wide range of stakeholders has not received a favourable response from parents and guardians. It has been misconstrued as encouraging and perpetuating undesirable sexual activity by children. There is a significant association between child marriage and a range of SRHR outcomes, including negative reproductive, psychological and emotional outcomes (Walker 2012).

It is likely that several norms held by children and adults may be misperceptions of actual healthy norms. For example, parents may perceive it to be the case that other parents marry off their daughters when they are discovered to have become sexually active, whereas in reality this is not the case. Thus, misperceptions set up a dangerous situation in which individuals make unhealthy choices in order to conform to an incorrectly perceived norm, and this can contribute to increased risky behaviour, which further shifts the perceived norm.

The human rights-based approach should give an impetus to the ongoing national campaign against child marriage. Guided by these approaches, there is need to look at how society deals with sexuality, with the aim of strengthening the sexual and reproductive health of children, so that they are able to make informed decisions that result in positive sexual and reproductive health outcomes.

Recommendations

Parents, guardians, other actors that include government, policy-makers, civil society, NGOs and international NGOs should implement programmes that focus on changing negative social norms surrounding child marriage. These should focus, on the one hand, on preventing child marriages, and on the other hand, on avoiding a sudden onset of young people marrying as soon as they attain the age of 18. This is because, in the majority of cases, an 18-year-old boy or girl is still not socially or economically ready to found a family and adequately handle the responsibilities of maintaining a family. With this in mind, the recommendations below are proffered:

- In order to end child marriage, there is a need for concerted efforts across all government departments, the private sector, the family and the community, with children and adults at the centre of a broad-based social norms advocacy campaign. Therefore, context-specific advocacy campaigns around the creation of new and progressive child marriage norms should be implemented, in order to replace the retrogressive child marriage norms so that the war against child marriage can be won.
- A nationwide community-driven, gender-sensitive redefinition and progressive interpretation of masculinities and femininities is therefore required in order to facilitate the desired behaviour change. This advocacy would encompass the development, promotion and dissemination of progressive, age-appropriate and culture-sensitive normative messages around child marriage, targeting specific audiences. They should utilize multi-media and reach out to all groups of people, including people living with disabilities and other hard-to-reach groups.⁵ A local/community-led redefinition and progressive interpretation of marriageability and the creation of new norms surrounding family honour are required to facilitate a change toward progressive marriage norms.
- A re-entry policy for girls who drop out of school should be developed and adequately resourced, to avoid girls dropping out due to lack of resources. This should be spearheaded by the Ministry of Primary and Secondary Education. This policy would see the incorporation of progressive social norms around child marriage into school curricula at all levels, from early childhood development education through to high school and tertiary education. This would also necessitate social norms training being included in teacher training curricula. That would ensure that teachers' capacity to utilize the school system to promote progressive norms around the continued socialization of children is sustained from early childhood through to adolescence and beyond. For instance, girls would be encouraged to delay marriage in order to get an education and develop a career, and boys would be encouraged to respect girls' sexual and reproductive health and rights.
- It is also recommended that a fund should be created to resource the above-mentioned initiatives. The government is urged to consider introducing a special levy aimed at resourcing national programmes on ending child marriage. The Ministry of Women's Affairs, Gender and Community Development (MWAGCD) is already driving activities around the campaign to end child marriage, and it should increase this momentum by roping in all the other ministries to play their part in ending child marriage. Organizations and institutions such as the Zimbabwe Women Lawyers Association, Women and Law in Southern Africa, Justice for Children Trust, Roots, the Women's Coalition of Zimbabwe, Padare Men's Forum, Human Rights Watch, NGOs and international NGOs working on child marriage should take advantage of the timely leadership provided by the MWAGCD and ensure that their activities contribute to the national goal for this campaign. For instance, president of the Zimbabwe Chiefs' Council, Chief Charumbira, recently called for a strengthening of the traditional leaders' courts in order to competently deal with cases of child sexual abuse and child marriage. The MWAGCD is already working with the Council, and these efforts should be sustained.

⁵ Including children living in the streets, out-of-school children, children from minority groups, children in prison, etc.

References

- Andreason, A., *Marketing Social Change: Changing behavior to promote health, social development, and the environment*, Jossey-Bass, Washington, DC, 1995.
- Bacon, W., K. Cleland and L. Kantor, *Sexuality-related social norms among middle school students in an urban public school system*, Paper presented at the annual meeting of the American Public Health Association, Philadelphia, 2002.
- Bicchieri, C. and H. Mercier, 'Norms and beliefs: how change occurs', *Iyyun: The Jerusalem Philosophical Quarterly*, vol. 63, 2014 (reprinted in B. Edmonds (ed.), *The Complexity of Social Norms*).
- Bicchieri, C., T. Jiang and J.W. Lindemans, 'A social norms perspective around child marriage: The general framework', Draft-5/15/2014, Behavioural Ethics Lab., University of Pennsylvania, 2014.
- Gaffney-Rhys, R. 'International law as an instrument to combat child marriage', *International Journal of Human Rights*, vol. 15, no. 3, 2011, pp. 359–373, doi:10.1080/13642980903315398.
- Hodzi, C.R. 'Paedophilia not "child marriage": A critical analysis of "child marriages" in the apostolic sects in Zimbabwe', dissertation, 2014.
- Kinsman, S.B., D. Romer, FF. Furstenberg and D.F. Schwarz, 'Early sexual initiation: The role of peer norms', *Pediatrics*, vol. 102, 1998, pp. 1185–1192.
- Lee-Rife, S., A. Malhotra, A. Warner and A.M. Glinsky, 'What works to prevent child marriage: A review of the evidence', *Studies in Family Planning*, vol. 43, no. 4, 2012, pp. 287–305.
- Maswikwa, B., L. Richter, J. Kaufman and A. Nandi, 'Minimum marriage age laws and the prevalence of child marriage and adolescent birth: Evidence from Sub-Saharan Africa', *International Perspectives on Sexual and Reproductive Health*, vol. 41, no. 2, 2015, pp. 58–68.
- Mikhail, S.L.B. 'Child marriage and child prostitution: Two forms of sexual exploitation', *Gender and Development*, vol. 10, 2002, pp. 43–49.
- Myers, J. and R. Harvey, *Breaking vows: Early and forced child marriages and girls' education*, Plan International, London, 2011.
- Perkins, H.W., 'Social norms and the prevention of alcohol misuse in college contexts', *Journal of Studies on Alcohol*, Supplement No. 14, 2002, pp. 164–172.
- Perkins, H.W., *The Social Norms Approach to Preventing School and College Age Substance Abuse: A handbook for educators, counselors, and clinicians*, Jossey-Bass, Washington, DC, 2003.
- Perkins, H.W. and A.D. Berkowitz, 'Perceiving the community norms of alcohol use among students: Some research implications for campus alcohol education programming', *International Journal of the Addictions*, vol. 21, 1986, pp. 961–976.
- Pitso, M.N.J. and G.A. Carmichael, 'Premarital childbearing in Thamaga Village, Botswana', *Journal of Population Research*, vol. 20, no. 2, 2003, pp. 187–202.
- Robinson, K.L., S.K. Telljohann and J.H. Price, 'Predictors of sixth graders engaging in sexual intercourse', *Journal of School Health*, vol. 69, 1999, pp. 369–375.
- Romer, D., M. Black, I. Ricardo, S. Feigelman, L. Kaljee, J. Galbraith, R. Nesbit, R.C. Hornik and B. Stanton, 'Social influences on the sexual behavior of youth at risk for HIV exposure', *American Journal of Public Health*, vol. 84, 1994, pp. 977–985.
- Thompson, B., 'Africa's charter on children's rights: A normative break with cultural traditionalism', *International and Comparative Law Quarterly*, vol. 41, 1992, pp. 432–444.
- Walker, J., 'Early marriage in Africa: Trends, harmful effects and interventions', *African Journal of Reproductive Health*, vol. 16, no. 2, 2012, pp 231–240.
- UNDP, *Poverty in Focus: What is poverty? Concepts and measures*, 2006, <www.ipc-undp.org/pub/IPCPovertyInFocus9.pdf>
- UNICEF, 'Early marriage, child spouses', *Innocenti Digest 7*, Innocenti Research Centre, Florence, Italy, 2001.
- UNICEF, *State of the World's Children 2016*. <www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf>

ANALYSING SOCIAL NORMS THROUGH U-REPORT – CHILD MARRIAGE, PRESSURED SEX, CORPORAL PUNISHMENT AND TEENAGE PREGNANCY

T. Muromo and S. Mhizha

Introduction to the project

Over the past decade, there has been an increased international focus on the welfare of children. It has thus become common for governments in partnership with UNICEF on the continent to present strategies and action plans intended to: address child vulnerability stemming from various factors; protect the physical and emotional integrity of children from harmful practices; and create an inclusive environment for all children to develop and participate in all spheres of life. This study is a response to a growing need for robust evidence to inform policies, programming and practices in child rights, development and protection. Zimbabwe is one of the four countries in the global study on the Drivers of Violence Against Children (social determinants study). As part of the study, the Women's University in Africa and the University of Edinburgh have developed a unique methodology/tools for 'Analysis on Drivers Pathways to Violence against Children'. The current study used these tools to explore the social norms among children in Zimbabwe. This study focuses specifically on utilizing U-Report, an SMS-based platform to explore and analyse social norms data. Social norms data were analysed to determine norm-based drivers of violence affecting children through child marriage, pressured sex, corporal punishment and teenage pregnancy.

Policy background in Zimbabwe

Child marriage

Child marriage is a form of sexual exploitation and sexual abuse involving a formal marriage or informal union before the age of 18. It is a reality for both boys and girls; however, girls are disproportionately affected (Svanemyr et al. 2012). Child marriage is prevalent in Zimbabwe, with 32.8 per cent of women and 3.7 per cent of adults aged 20–49 years saying that they were married before the age of 18 (Zimbabwe National Statistics Agency (ZIMSTAT) 2015). Similarly, 31 per cent of women and 4 per cent of men aged 25–49 were married by the age of 18 (ZIMSTAT and ICF International 2012).

Article 34 of Convention on the Rights of the Child (CRC), which Zimbabwe has signed, obliges States Parties to the Convention to prevent the sexual exploitation and sexual abuse of children. However, Zimbabwe has no clear policy on child marriage, and the laws on it seem contradictory. The Marriages Act (5:11 in section 22(1)) sets different minimum ages for boys and girls, with girls able to get married at 16 and boys at 18; yet the Customary Marriages Act (5:07) sets no minimum age for marriage. In the case of *Loveness Mudzuru and Another v. (1) Minister of Justice, Legal & Parliamentary Affairs and Others*, in January 2016 the Constitutional Court ruled that section 22(1) of the Marriages Act (5:11) is unconstitutional, because it allows the marriage of girls below the age of 18; and the Customary Marriages Act (5:07) is unconstitutional in that it does not set a minimum age limit of 18. Thus, child marriages have been banned in Zimbabwe, though there is a need for a specific policy on the matter.

Pressured sex

Another form of violence against children is pressured sex, which involves having sexual intercourse through pressure, including threats, harassment, luring or deception. ZIMSTAT, UNICEF and Collaborating

Centre for Operational Research and Evaluation (CCORE) (2013) reported that 33 per cent of females and 9 per cent of males aged 18–24 years reported having been pressured into sexual intercourse, with 67.5 per cent of the females reporting having been pressured by their lovers or male partners.

The policies on forced or pressured sex in Zimbabwe are, however, unclear. The Government of Zimbabwe launched its Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe in 2012, which was developed after reviewing and strengthening the previous protocol, launched in 2003. The 2012 Protocol sets out minimum standards and key procedures for all relevant stakeholders to provide survivor-centred services to survivors of sexual violence and abuse. This policy buttresses the Constitution of Zimbabwe, the Criminal Law (Codification and Reform) Act and the Domestic Violence Act (5:16), which all outlaw the sexual abuse of children. There are, however, gaps regarding the laws on sexual violence against children in Zimbabwe. The Criminal Law (Codification and Reform) Act approaches forced sex on boys and girls differently, defining forced sexual intercourse by men on girls as rape (section 65) while forced penetration of any body organ on boys as aggravated indecent assault (section 66).

The former prosecutor general was reported to have suggested that children as young as 12 can be married if they do not go to school (Katongomarara 2015). Such opinions are not law in themselves, but they do echo the confusion over sexual violence against children. There is a need for harmonization of the Criminal Law (Codification and Reform) Act to have a uniform and clear interpretation of sexual violence on both girls and boys.

Corporal punishment

The other form of violence against children is corporal punishment. Corporal punishment can be meted out to adults, but the article focuses on corporal punishment of children. Thus, for children, the UN Convention on the Rights of the Child (CRC) (2006) asserts that corporal punishment can be defined as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”. This includes smacking, slapping or spanking with the hand or an implement, but at times can involve kicking, shaking or throwing children, scratching, pinching and burning, among other forms of violence. Additionally, on children, ZIMSTAT, UNICEF and CCORE (2013) define corporal punishment among children as a form of physical punishment encompassing violent acts including: slapping, pushing, hitting with an object, kicking, or beating a child who is below the age of 18 years. In terms of prevalence of corporal punishment, according to ZIMSTAT, UNICEF and CCORE (2013), 63.9 per cent of males and 76 per cent of females aged between 18–24 years reported facing corporal punishment, with 43 per cent (males) and 59 per cent (females) having been administered by the victim’s mother; 46 per cent (males) and 28 per cent (females) by the victim’s father; and 95 per cent (males) and 99 per cent (females) by the victim’s school teachers.

Zimbabwe, through its obligations under the CRC, particularly article 37, and the Zimbabwean Constitution (section 53), has committed itself to ensuring that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and capital punishment. Nonetheless, there is need for further clarity regarding corporal punishment in Zimbabwe. The Criminal Law (Codification and Reform) Act section 241(2a–b) authorizes moderate corporal punishment of children by parents, guardians and schoolteachers, while the Children’s Act section 7(6) confirms the right of parents and guardians to “administer reasonable punishment”. On 31 December 2014, High Court Judge Muremba, in a criminal review judgment in *The State v. Willard Chokurumba*, declared, among other things, that section 241 of the Criminal Law (Codification and Reform) Act was unconstitutional. Though the judgment was concerned with judicial corporal punishment, the judge expressed the view that corporal punishment by parents, guardians and other persons might now be unconstitutional. The government states that it is currently preparing a new Children’s Bill outlawing corporal punishment on children, though it seems keen to allow “reasonable punishment” of children.

Teenage pregnancy

Teenage pregnancy is a form of violence against children, if the girl falls pregnant before reaching the age of 18. ZIMSTAT (2015) reports that 22.4 per cent of women aged 20–24 reported having at least one live birth before the age of 18, and among women aged 15–19, 24 per cent of them were either mothers or were pregnant. There is no clear policy in Zimbabwe on teenage pregnancy, though the National Youth Policy of Zimbabwe 2010–15 sought to reduce its prevalence through the promotion of safer sexual and reproductive health practices among youths. The strategies do not seem to be able to reduce the level of teenage pregnancies in the context of extreme poverty, child sexual abuse and multiple and concurrent sexual partnerships. The Minister of Health and Child Care stated that Zimbabwe did not have a policy to provide contraceptives to under-age children (Gadzikwa 2013), while Gumbo (2010) wrote that the Government of Zimbabwe has a policy of allowing for the continued education of girls who become pregnant at primary or secondary school, though it depends on the circumstances of each individual case, which results in some pregnant girls being barred from attending school.

Methodology

This study was focused specifically on utilizing U-Report, an SMS-based platform, to explore and analyse social norms data from participants sampled from all over Zimbabwe. With the assistance of the NVivo computer-aided data-analysis software, social norms data were analysed to determine norm-based drivers of violence affecting children through child marriage, pressured sex, corporal punishment and teenage pregnancy. The research methodology and analysis are outlined in the conceptual model (see Figure 1).

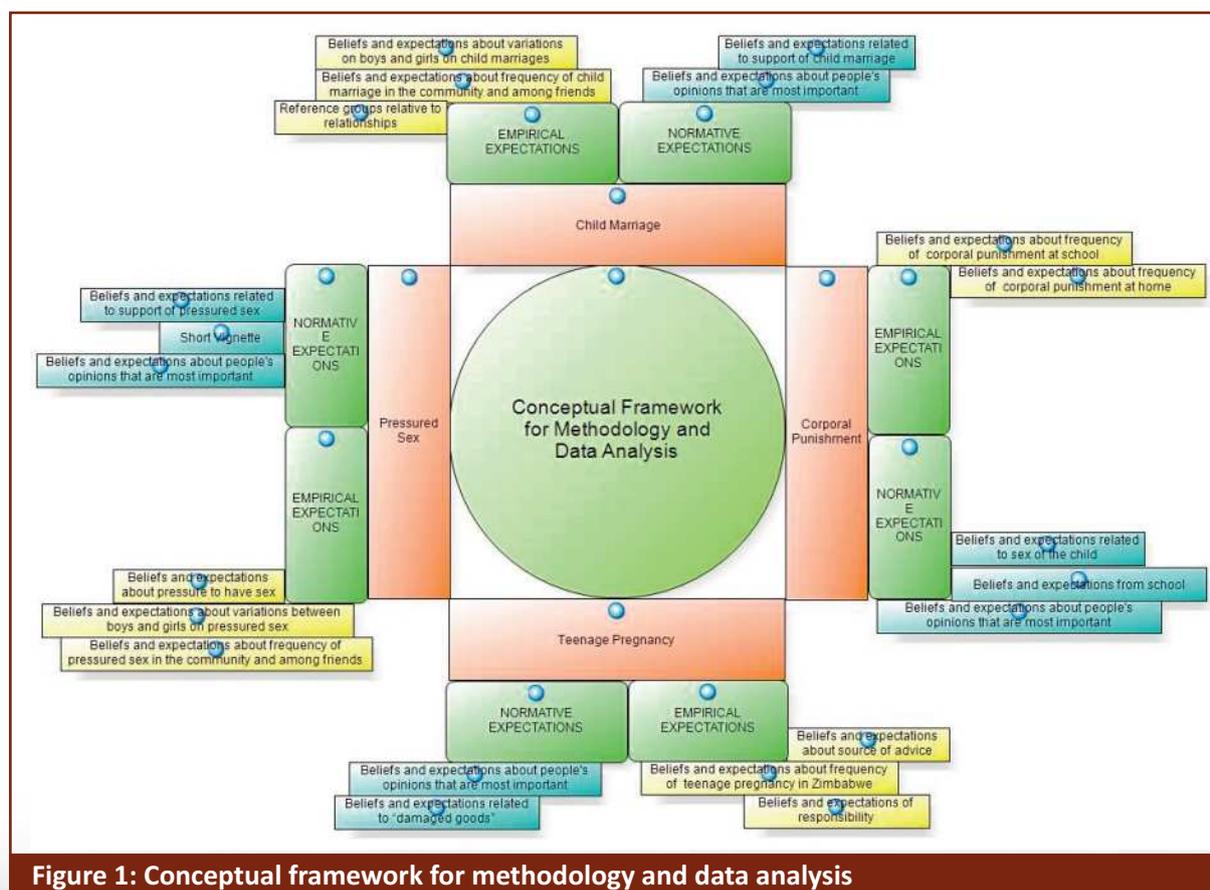


Figure 1: Conceptual framework for methodology and data analysis

Not all the U-Report respondents responded to all the thematic areas, and it was not necessarily the same U-Reporters who responded to the various thematic areas. The table below summarizes the final data set that was used for this study.

Social Norms Thematic Area	Total No. of Respondents	Sample Size	Comments
Teenage pregnancy (empirical expectation)	594	594	Data were collected on categorical scale, therefore it was not sampled
Corporal punishment (empirical expectation)	496	496	
Child marriage (empirical expectation)	904	904	
Pressured sex (empirical expectation)	519	372	Data were mostly in continuous form, therefore it was randomly sampled using the Statistical Package for Social Science (SPSS) for a sample size of 372
Teenage pregnancy (normative expectation)	784	372	
Note: Data on normative expectations for corporal punishment, child marriage and pressured sex were not received from U-Report			

Findings in brief

Child marriage

Beliefs and expectations about the behaviour of others in relation to child marriage (empirical expectations)

It was found that most people believe only a few of their friends got married before the age of 18. This may suggest that, since only a few of their friends married before 18, they might not be concerned about the phenomenon of child marriage. However, most respondents believed that child marriage was prevalent in the community, especially among girls (see Figure 2). So the respondents believed that child marriage was an issue in the community, but not among their friends. Hence it is likely that they might not be concerned about it.

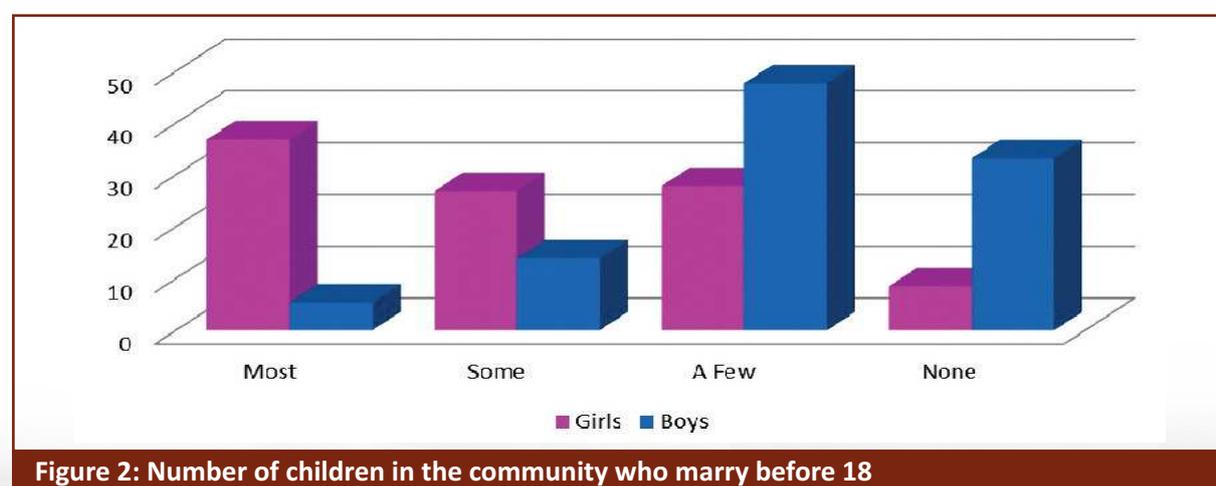


Figure 2: Number of children in the community who marry before 18

Most people said that friends were the reference group with whom they would discuss important issues (see Table 2). It was believed that most people in the reference groups frown on marriage before the age of 18.

Table 2: Cross-tabulation of reference group versus agreement with getting married before 18

		Most people I would respect or admire support marriage before the age of 18 years		Total
		Yes	No	
Reference group: Who do you talk to most about important issues	Friends	23	315	338
	Mother	12	130	142
	Siblings	4	83	87
	Relatives	4	39	43
	People at church	1	36	37
	Father	5	19	24
	Others	1	15	16
	Community	4	12	16
Total	54	649	703	

It can be concluded that most people believe that those people who are significant to them and whom they respect and admire do not support marriage before the age of 18. This could underestimate the number of people who support child marriage. It suggests that child marriage is not normative in the sample group.

Pressured sex

Beliefs and expectations about the behaviour of others in relation to pressured sex (empirical expectations)

It was believed that more girls have an early sexual debut than boys (see Figure 3). Most girls were thought by the participants to have had their sexual debut by the age of 16. Boys were believed to have had their sexual debut by the age of 18. There is a belief and expectation that boys and girls will have had sex before the age of 18. Therefore, it was generalized as acceptable for children to have sex before 18. Most respondents believed that it does not take very long for children to start having sex after they begin dating. Indeed, the majority gave responses such as soon, 1 week, 1 month and 3 months, with 1 month being the mode (see Figure 4).

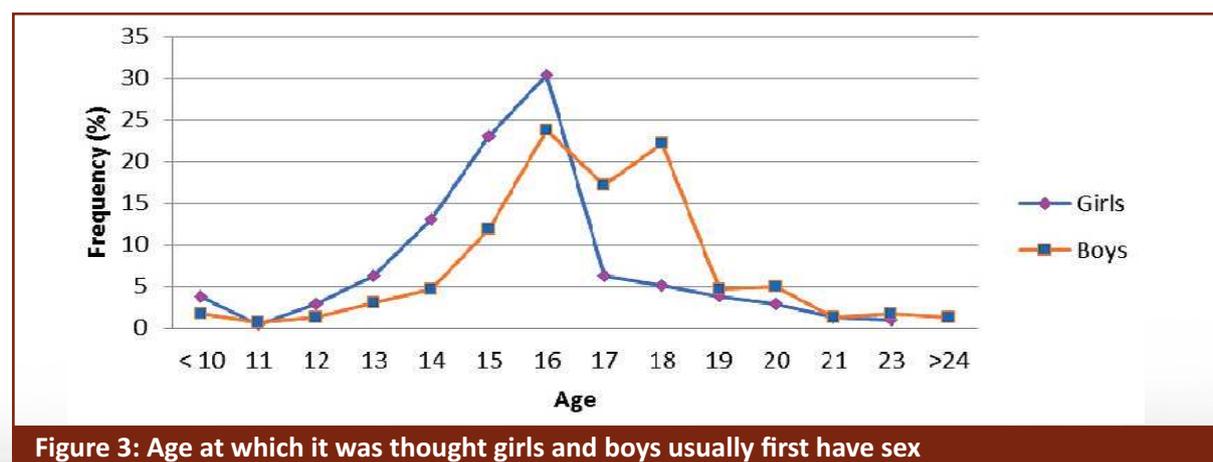


Figure 3: Age at which it was thought girls and boys usually first have sex

Generally, it was believed that there is a lot of pressure from friends to have sex, and this was found to be more so among girls (see Figure 6).

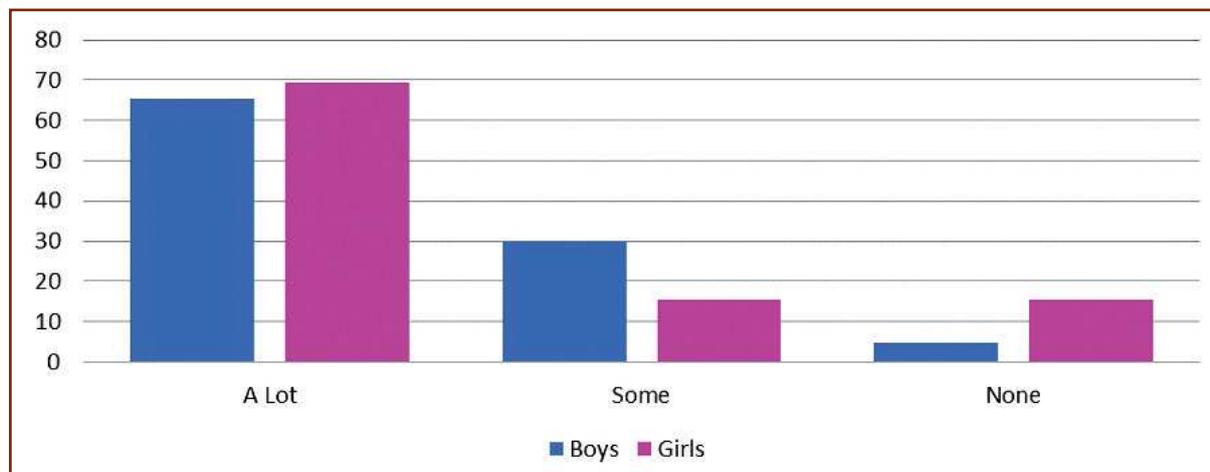


Figure 6: Amount of pressure from friends for boys and girls to have sex after they start dating

It was believed that most incidents of pressured sex are due to peer pressure and the need for boys to prove their manhood (see Figure 7).

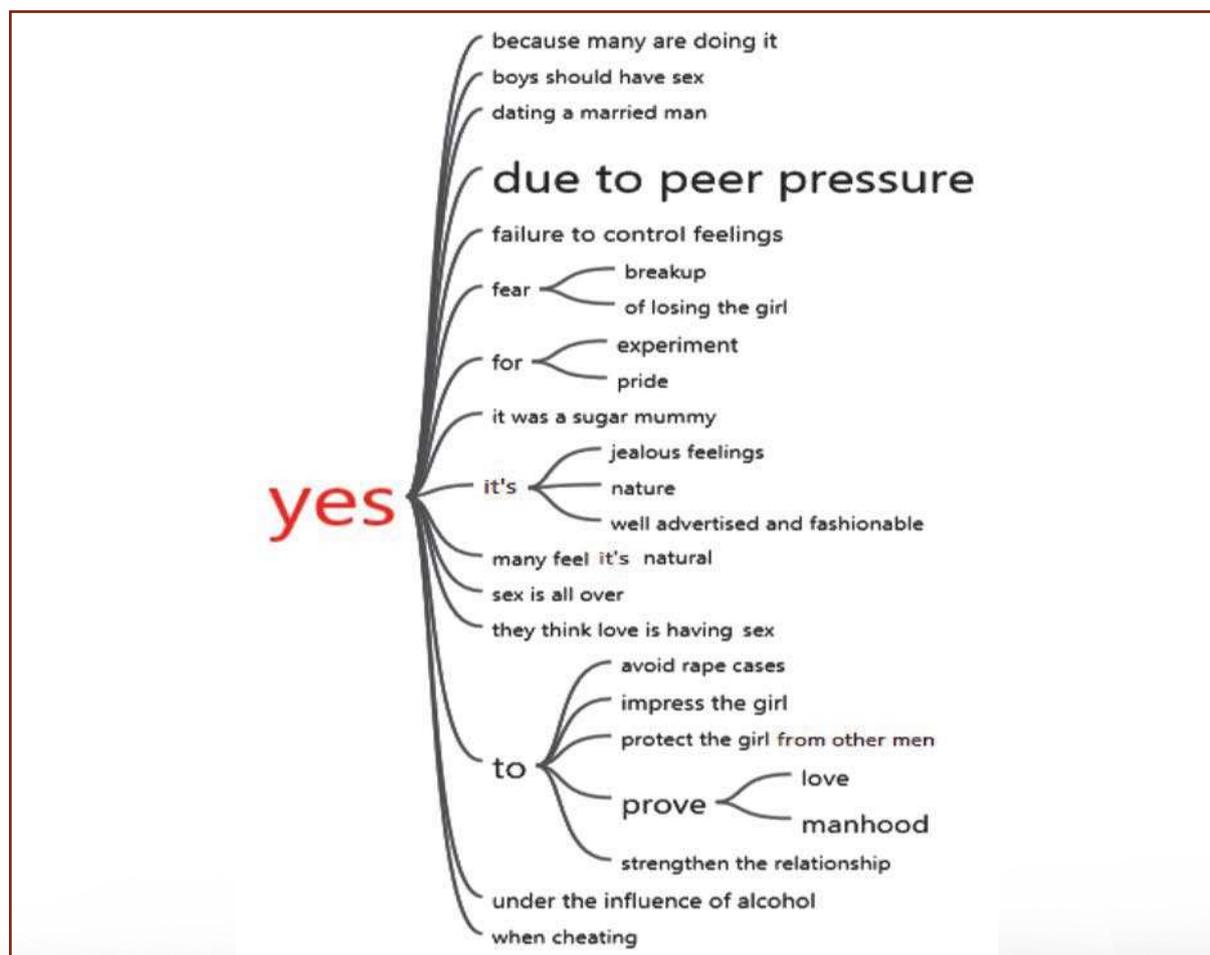


Figure 7: Have any of your friends been pressured to have sex when they did not want to?

Corporal punishment

Beliefs and expectations about the behaviour of others in relation to corporal punishment (empirical expectations)

Most people believed that most parents and teachers used corporal punishment. It was generally believed and expected that corporal punishment is acceptable both at home and in school. For parents, it was mostly believed that corporal punishment ensures that children are respectful and obedient (see Figure 8), while for teachers, corporal punishment was believed to be the most effective method of changing behaviour (see Figure 9).

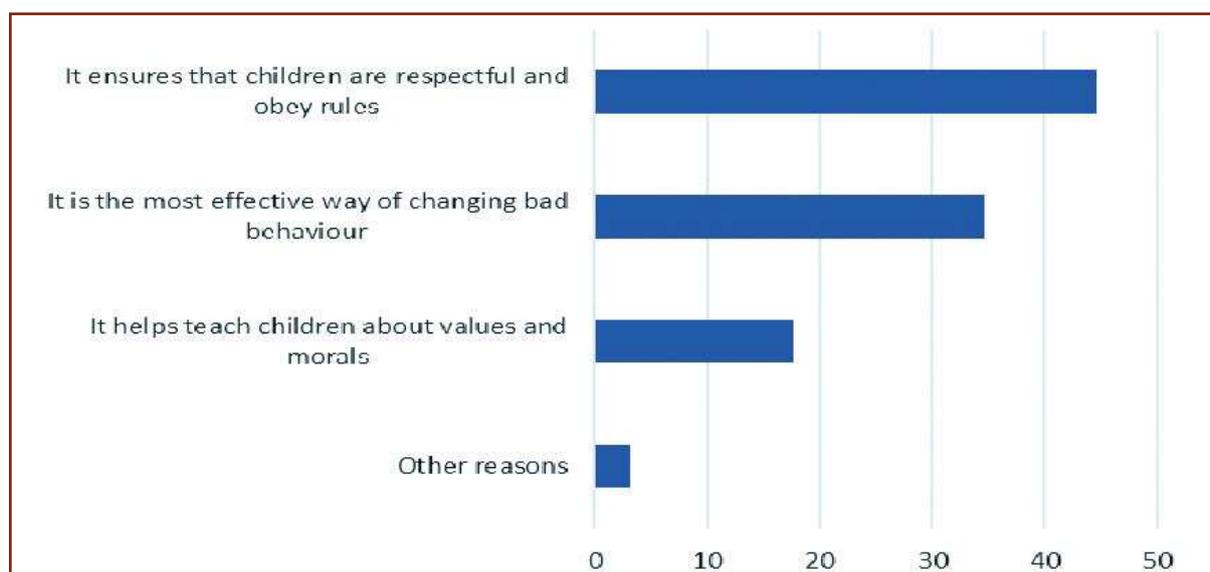


Figure 8: Number one reason why it was thought parents use corporal punishment

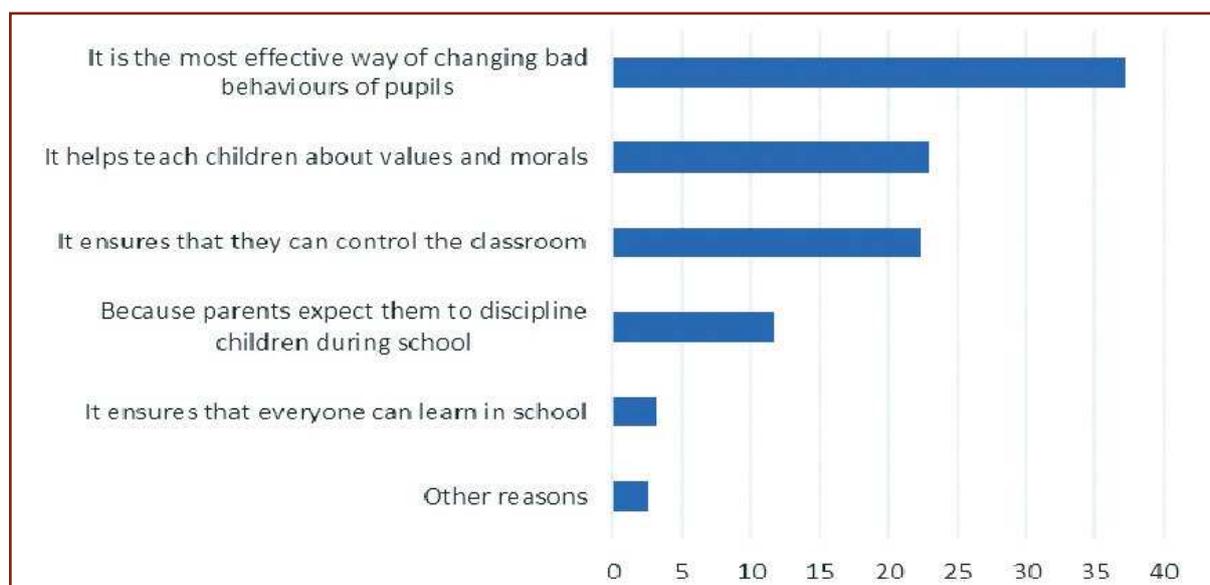


Figure 9: Number one reason why it was thought teachers use corporal punishment

Therefore, corporal punishment is perpetuated by the belief that many people think it ensures that children are respectful and obedient, and it is the most effective method of changing behaviour.

Teenage pregnancy

Beliefs and expectations about the behaviour of others in relation to teenage pregnancy (empirical expectations)

Most people believe that most girls get pregnant before the age of 18. At the same time, it seems most people believe that only a few boys below the age of 18 impregnate girls. Therefore, it was generally believed and expected that most girls get pregnant by older men, rather than by boys of a similar age. It is also believed and expected that when a girl gets pregnant, it is mainly the problem of the girl and her parents. It was believed that more reputational damage is caused to the girl and her family by teenage pregnancy than to the boy and his family. It seems as if this is a problem that the community generally accepts has to be endured by the girl and her family. However, when it comes to responsibility for preventing pregnancy, it was generally believed that that is the boy's responsibility.

Beliefs and expectations of others towards one's own behaviour (normative expectations)

Most respondents believed that people do not expect girls to get pregnant before the age of 18. From this, it would seem that people underestimate the prevalence of teenage pregnancy, on the basis of their belief that only a few people would approve of teenage pregnancy. In order to extract the beliefs and expectations of others towards the respondents' own behaviour, a hypothetical story was used: "Rudo is 14 years old and has just found out that she is pregnant by John, who is 17 years old. They are not married."

John was expected by most respondents to go back to school and have his parents help, so that he can be financially stable and get married to Rudo (see Figure 10). Therefore, it is believed and expected that a boy who impregnates a girl should continue with his education and delay marriage until he is able to support the family. As for Rudo, she was believed and expected to keep the baby (continue with the pregnancy), inform her parents, go back to school or get married (see Figure 11). Therefore, it is believed and expected that a girl who gets pregnant will keep the baby. It seems the girl would face a dilemma, with some people expecting her to go back to school and others expecting her to get married. The expectation that she will go back to school is not as clear as it was for John. As for marriage, John is expected to get married later, once things are stable, while Rudo is expected to marry as a result of the pregnancy.

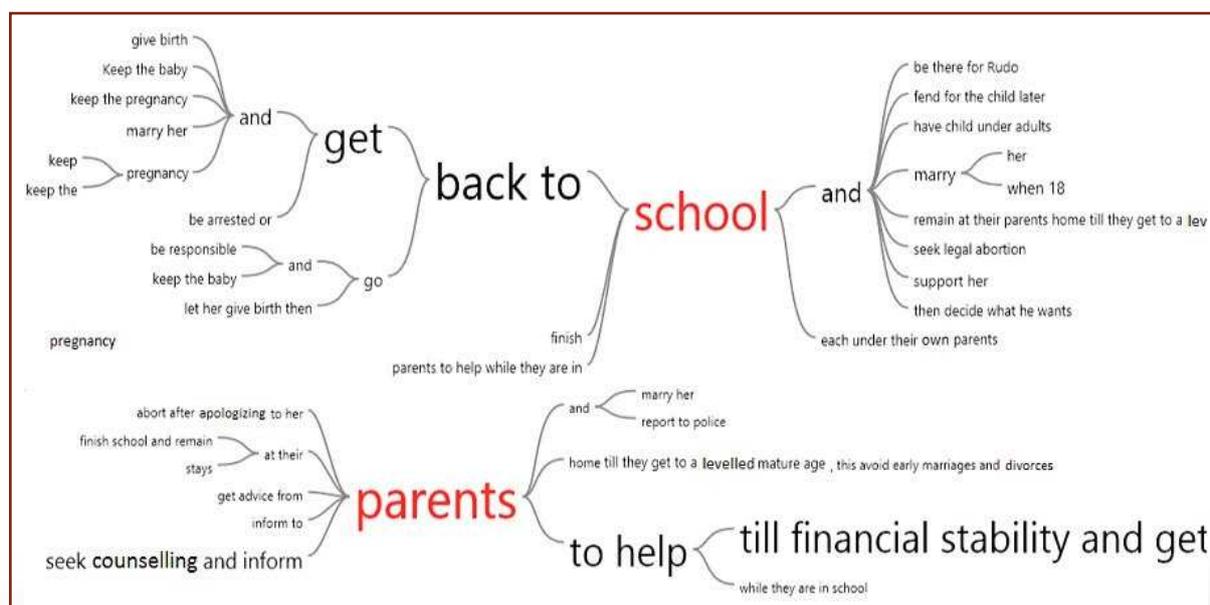


Figure 10: What John should do

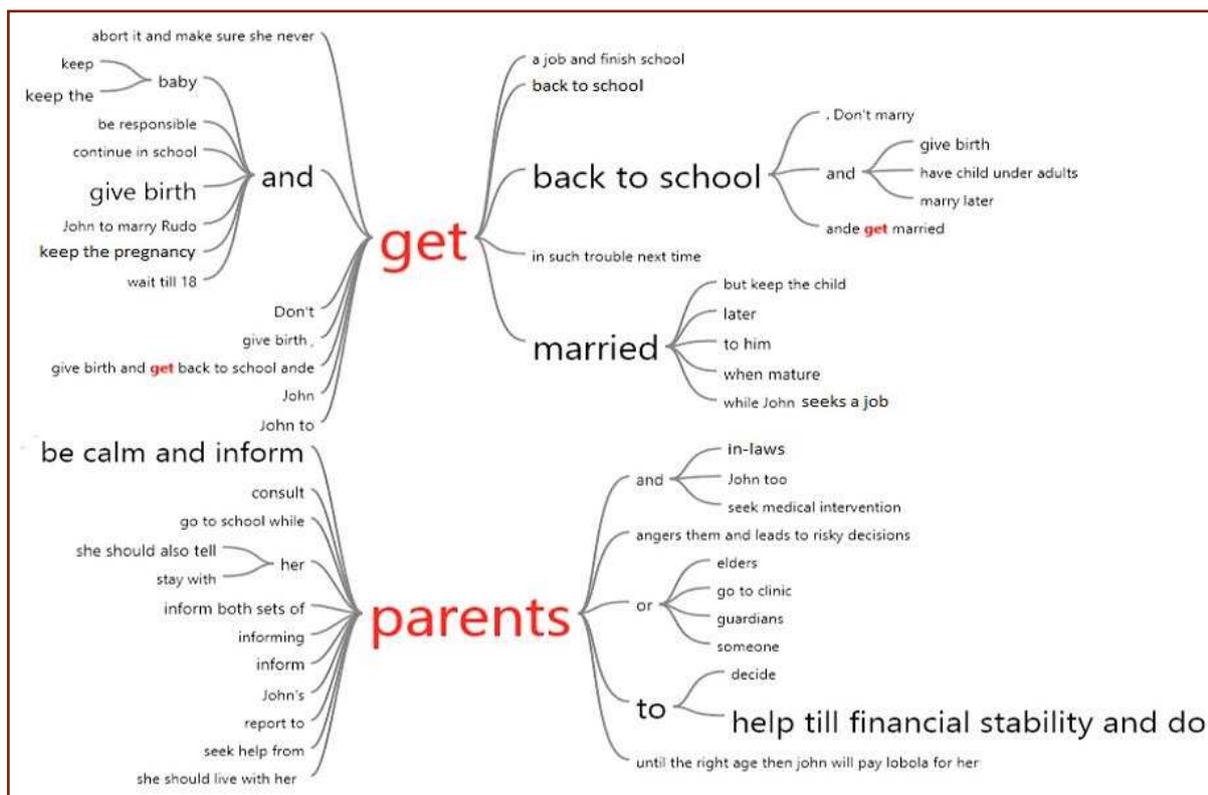


Figure 11: What Rudo should do

From this story, it was expected that Rudo would be affected most through public humiliation, stigma, single parenting and dropping out of school. On the other hand, John was believed and expected to be relatively unaffected. As for responsibility, it was found that John and Rudo were believed to be unequally responsible: John was believed (and expected) to be more responsible than Rudo, because it was believed (and expected) that he could have prevented the pregnancy, since he is older (see Figure 12 and Figure 13). It is believed that John is expected to be more responsible for the provision and maintenance of the child and the family.

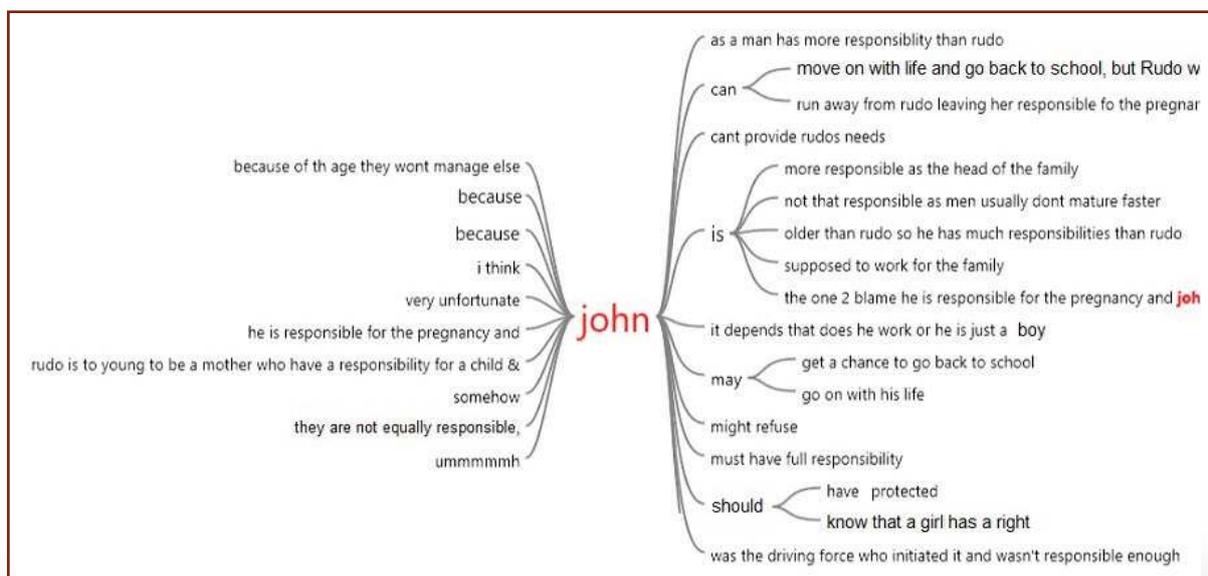


Figure 12: Reasons why John is not equally responsible

On the other hand, Rudo is expected to be less responsible, since she is younger, a woman and is assumed not to have initiated the sex.

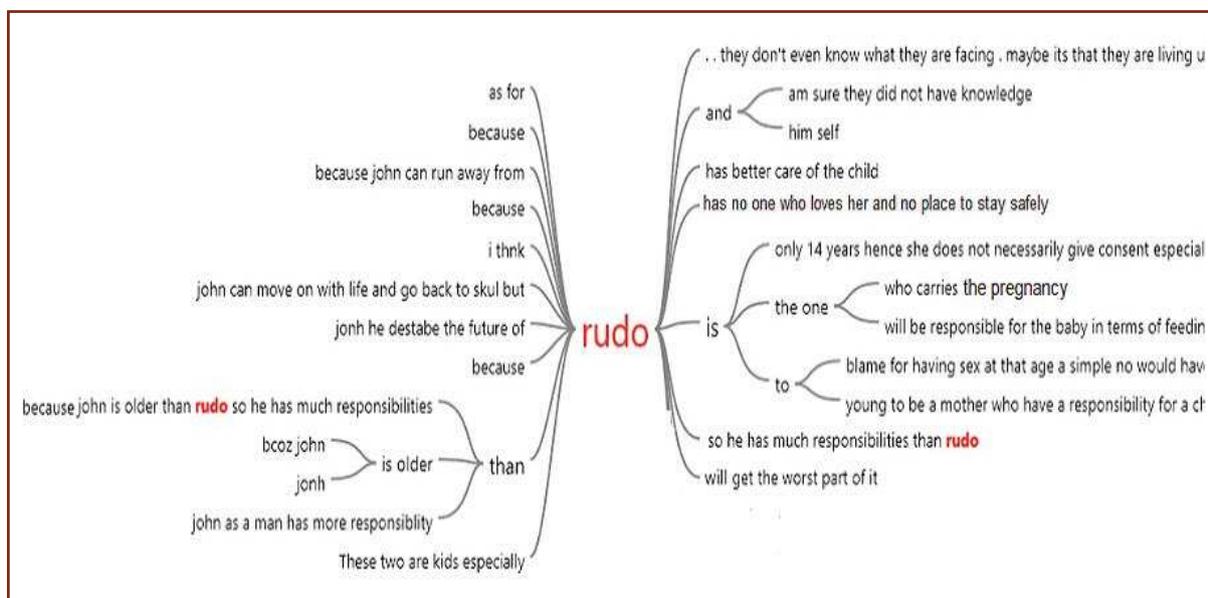


Figure 13: Reasons why Rudo is not equally responsible

It was then investigated who would be seen as ‘damaged goods’. The results show that when a girl gets pregnant, she is mostly believed and expected to be damaged goods than the boy (see Figure 14).

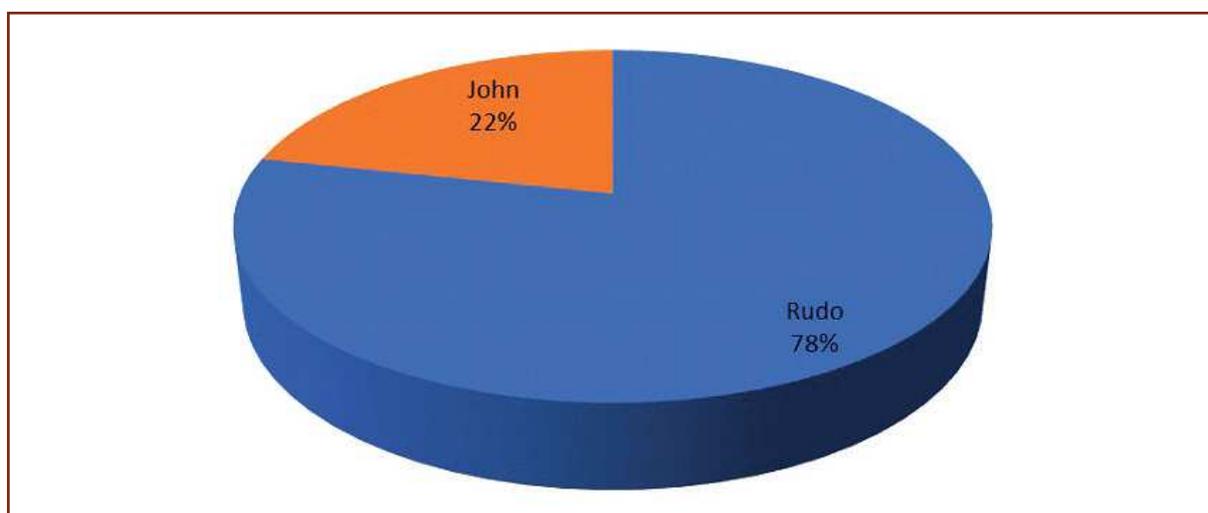


Figure 14: Who would be seen as ‘damaged goods’

It was strongly felt that the girl would believe that many people would view her as ‘damaged goods’. The community was generally seen as the reference group that would see the girl as ‘damaged goods’. Generally, this finding tallies with the cultural norm of paying ‘damage’ for impregnating a girl before marriage. The girl expects and believes that society regards her as ‘damaged goods’. It may be concluded that society believes and expects the boy to be relatively free from the effects of teenage pregnancy, while the girl faces the challenges. It is generally expected that a girl should be resilient and accept her fate. Boys can delay marriage and treat the pregnancy as a passing event; but for girls, this is the end.

Implications of findings for policy and practice

Child marriage

- i) The relevant ministries should expedite their work on harmonizing the laws on child marriage with the constitution.
- ii) The relevant government departments and researchers should mount research-informed, targeted awareness campaigns to educate communities on child marriage as a violation of children's rights.
- iii) The relevant government departments should afford girls more opportunities for education (changing girls' social norms and reference groups for the better).
- iv) The relevant government departments should work with religious leaders, traditional leaders, teachers, peer groups, political leaders and opinion leaders to raise community awareness on child marriage as a violation of children's rights.
- v) The relevant government departments should initiate and coordinate debates on the social norms on child marriage and engage the reference groups for children when seeking to change social norms. The current study found parents, peers, uncles and aunts to be reference groups.
- vi) The relevant government departments should find new role models (including musicians, artists and footballers) and involve media on campaigns against child marriage in both mainstream and social media and design sanctions for those who are involved in child marriage.

Pressured sex

- i) The relevant government departments should ensure the involvement of peer educators among the children to educate fellow children on assertiveness in groups, through research-informed, targeted awareness campaigns to combat pressured sex.
- ii) The relevant government departments should afford girls better education, life skills and skills training opportunities (changing social norms and reference groups for the better).
- iii) The relevant government departments should work with religious leaders, traditional leaders, peer groups, political leaders and opinion leaders to educate children on assertiveness in groups.
- iv) The relevant government departments should initiate and coordinate debates on the social norms on pressured sex in communities and schools, and should engage children's reference groups (such as parents, peers, uncles and aunts) when seeking to change social norms.
- v) The relevant government departments should find new role models (including musicians, artists and footballers) and involve media on campaigns against pressured sex in both mainstream and social media and design sanctions for those who are involved in pressured sex.

Corporal punishment

- i) The relevant government departments should coordinate community awareness programmes on the effects of corporal punishment and its alternatives.
- ii) The relevant government departments should expedite the alignment of laws to outlaw corporal punishment.
- iii) The relevant government departments should work with teachers, religious leaders, family clubs, traditional leaders, peer groups, political leaders and opinion leaders (including musicians, artists and footballers), while also training teachers in the use of non-violent or positive methods of discipline and ensuring that the school environment is enabling, supportive, inclusive and with safe spaces in which children can learn and flourish.

- iv) The relevant government departments should initiate and coordinate debates on the social norms on corporal punishment, should search for new alternatives and engage children's reference groups when seeking to change social norms. These include parents, peers, uncles and aunts.
- v) The relevant government departments should initiate and coordinate awareness raising on the negative effects of corporal punishment, in order to challenge the normalization of violence, and should design sanctions for those who employ corporal punishment.

Teenage pregnancy

- i) The relevant government departments should provide support mechanisms for girls who fall pregnant, and debate critically on contraceptives for girls.
- ii) The relevant government departments should initiate and coordinate community awareness and peer education programmes on the effects of teenage pregnancy.
- iii) The relevant government departments should work with teachers, religious leaders, family clubs, girl clubs, teachers, traditional leaders, peer groups, political leaders and opinion leaders to educate communities in the effects of teenage pregnancies.
- iv) The relevant government departments should initiate and coordinate debates on the social norms on teenage pregnancy and engage children's reference groups when seeking to change social norms. These include parents, peers, uncles and aunts.
- v) The relevant government departments should afford girls more education, life skills and skills training opportunities (changing social norms and reference groups for the better), and should design sanctions for those who impregnate children.
- vi) The relevant government departments should find role models and campaigns against teenage pregnancy in both mainstream and social media (including musicians, artists and footballers).

Conclusion

The current study has revealed that there are social norms that sustain, promote and support child marriage, corporal punishment, teenage pregnancy and pressured sex. The following global recommendations should be implemented by the relevant government departments:

- 1) Institute social, economic and other programmes and interventions that create opportunities for girls and boys to actively challenge gender norms which sustain these vices, forging a legitimate channel for the voices of survivors of violence against girls to be heard and for those survivors to play an active role in the response to tackling child marriage, teenage pregnancy, corporal punishment and pressured sex.
- 2) Implement multi-component and integrated research and evidence-based interventions to prevent child marriage, teenage pregnancy, corporal punishment and pressured sex. These should be supported and reinforced by multiple sources, such as media campaigns, combined with locally targeted outreach efforts and training workshops.
- 3) Campaigns should also be used to raise awareness and dispel misconceptions, such as in the case of 'pluralistic ignorance' (i.e., when the majority of a group privately rejects the prevalence of a harmful social norm – saying, for example, that child marriage is not prevalent).
- 4) Partner stakeholders (such as traditional leaders, parents and child rights-based organizations, religious leaders, popular opinion leaders and politicians) in changing communities' normative and behavioural beliefs towards child marriage, corporal punishment, teenage pregnancy and pressured sex.

The efforts could also involve a shift towards reducing harmful behaviour by weakening existing social norms through tackling incorrect beliefs – for instance, the belief that girls cannot say “yes” to sex. It is necessary at the same time to provide examples of the harm caused by such incorrect factual beliefs – such as forced sex.

It is also important to raise awareness with regard to certain factually incorrect beliefs – for example, that girls cannot be responsible for their pregnancy or that girls who become pregnant cannot go back to school. Correcting such harmful social norms may involve targeting them, using the appropriate reference group (for example, most religious leaders do not believe in child marriage). Another strategy might involve highlighting the direction of change within the reference group: for example, “More and more traditional leaders are challenging child marriages – are you?” That question may challenge the person to change their harmful social norms, and also to realize that the reference groups they had been relying on had changed their harmful social norms and behavioural beliefs in the direction of a more desirable social norm.

It is also suggested that there should be promotion of positive alternatives to replace the harmful social norms. One example would be to replace the social norm that girls are better off married early with the new social norm that it is in the best interests of girls to acquire viable life skills, vocational training and other learning opportunities before they marry. Indeed, when a girl child is educated or empowered, she can benefit herself, her family and her future children better than when she is uneducated and marries early.

Finally, it is important to publicize behaviour change achievements that result from a change in social norms and the benefits of the new behaviours that are consistent with desired social norms. Reinforcement of negative behaviour should be avoided. Some efforts do so unintentionally. For example, billboards with the message “Teenage Pregnancy is a Problem in Binga” are meant to discourage the negative behaviour. But the repetition of negative and harmful social norms may inadvertently *strengthen* such behaviour. Echoing the message that teenage pregnancy is a problem in Binga may make teenage pregnancy a popular and attractive behaviour in Binga, to be emulated by others in Binga and further afield. Instead, desirable behaviour could be celebrated, featuring those who pursue their education and decide to marry when they are older.

It is hoped that the findings of this study will inform policy and practice to achieve sustainable change in communities’ normative and empirical expectations, in order to end child marriage, pressured sex, corporal punishment and teenage pregnancy through interventions that target the identified normative beliefs that drive such behaviours.

References

- Gadzikwa, L., ‘Teenage pregnancy issue needs sober minds’, *Daily News*, 3 October 2013, <www.dailynews.co.zw/articles/2013/10/03/teenage-pregnancies-issue-needs-sober-minds>
- Global Initiative to End All Corporal Punishment of Children, *Corporal punishment of children in Zimbabwe: A report prepared by the Global Initiative to End All Corporal Punishment of Children*, 2016. <www.endcorporalpunishment.org>
- Gumbo, T., *The Zimbabwe Education Ministry clarifies policy on Pregnant Students*, 2010, <www.voazimbabwe.com/a/ministry-of-education-maintains-policy-for-pregnant-school-girls-102989719/1462612.html>
- Hodzi, R.C., ‘Paedophilia not “child marriage”: a critical analysis of “child marriages” in the apostolic sects in Zimbabwe’, thesis submitted in partial fulfilment of the requirements of a Masters Degree in LLB, University Of Zimbabwe, Harare, 2014.

- Judicial Services Commission (JSC), *Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe*, Judicial Services Commission, Harare, 2012.
- Sibanda, M., *Married Too Soon: Child Marriage in Zimbabwe*, The Research and Advocacy Unit, Harare, 2011.
- UN Committee on the Rights of the Child, *CRC General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment*, United Nations, Geneva, 2006.
- Zimbabwe National Statistics Agency (ZIMSTAT) and ICF International, *Zimbabwe Demographic and Health Survey 2010–11*, ZIMSTAT and ICF International Inc., Calverton, Md, 2012.
- Zimbabwe National Statistics Agency (ZIMSTAT), *Zimbabwe Multiple Indicator Cluster Survey 2014, Final Report*, ZIMSTAT, Harare, 2015.
- Zimbabwe National Statistics Agency (ZIMSTAT), United Nations Children’s Fund (UNICEF) and Collaborating Centre for Operational Research and Evaluation (CCORE), *National Baseline Survey on Life Experiences of Adolescents, 2011*, ZIMSTAT, Harare, 2013.

CHAPTER 3



Monitoring Budgetary Allocations for Children in Zimbabwe

INTRODUCTION TO CHILD FRIENDLY BUDGETING

Chakanyuka Nziradzemhuka

The rights of children are a fundamental component of society. There is need to uphold and resource the effort toward preserving children's rights. Zimbabwe is a signatory to a number of conventions that guide and elaborate the rights of Children. These include the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child among other variant international declarations.

From a child rights perspective, child friendly budget work focuses on building long term institutions for advancement of child friendly policies and budgets. Among the driving motivations is the realisation of public finance and child friendly budgeting principles. In the former case, these are equity, efficiency and stability integrated with the former embraced under maximum available resources, participation and accountability. The principles are key throughout the budget cycle as governments aspire to honour their obligations under the multiple treaties of children's rights.

The snapshot of rights that children are entitled to which deserve Government attention through resource provision include;

1. Best interests of the Child (Article 3),
2. Registration, name, nationality and care (Article 7),
3. Health and health services (Article 24),
4. Education (Articles 28 and 29), and
5. Leisure, play and culture (Article 31).

Child friendly budgeting aims to influence budget allocations in favour of children as a key stakeholder and yet powerless segment of society that has limited access to economic resources and little capacity to influence budget decision making. Child friendly budgeting also enhances literacy of stakeholders understanding their role towards the mechanisms by which Government raises funds and evaluates the expenditures.

It is clearly evident in the case of Zimbabwe that the Government is constrained with respect to its revenue measures. Prioritisation of resource allocation is a deterministic factor that influences the budgets; thus the need for child friendly budgeting to be more profound. This has a material impact on the ability of the Government to realise child rights through the full implementation of the principles of child friendly budgeting and public finance.

This section of the Monitor provides a commentary on using fiscal policy to address child poverty and inequality and also gives brief analyses of the budgetary allocations made to three sectors by Government namely, Social Welfare; Education and Health for the 2016.

ZIMBABWE 2016 NATIONAL BUDGET BRIEF

AN OVERVIEW ANALYSIS

UNICEF Zimbabwe (2016): Social Policy and Research Section

Budget 2016 key highlights

- ❖ Economy is projected to grow by 2.7 per cent in 2016, from the 1.5 per cent growth in 2015.
- ❖ Foreign direct investment to grow marginally to US\$614 million in 2016, from US\$591 million in 2015.
- ❖ Diaspora remittances to reach US\$960 million, from US\$944 million in 2015.
- ❖ Current account balance to improve to -18.2 per cent of GDP, against the -9 per cent Southern African Development Community (SADC) threshold.
- ❖ Actual revenue to December 2015 estimated at US\$3.54 billion, 13.6 per cent lower than initial estimates in the 2015 budget.
- ❖ 2016 revenue projected at US\$3.85 billion, 6.1 per cent lower than the initial 2015 budget estimate.
- ❖ Total expenditure projected at US\$4 billion, resulting in a deficit of US\$150 million, or about 1.1 per cent of GDP.
- ❖ Employment costs to increase from US\$3.159 billion to US\$3.191 billion (about 80 per cent of total spending).
- ❖ Capital expenditure to account for 8 per cent, while other current expenditure will account for 12 per cent.
- ❖ Ministry of Education received the highest allocation; however, it also received some of the lowest non-wage allocations.
- ❖ Social services sector allocated a combined total of US\$1.35 billion, 33.7 per cent of the total budget.
- ❖ Disbursement rates against the allocations is critical, as non-wage disbursements remain low in key sectors that affect children.

Growth and inflation developments

Economic growth forecast

The Zimbabwean economy remains in distress. Growth reached a peak of 11.9 per cent in 2011. Since then, however, it has been sluggish, and was estimated at 1.5 per cent in 2015 – some 1.7 percentage points lower than the initial forecast of 3.2 per cent in the 2015 budget. However, the government expects growth to gather pace – expanding by 2.7 per cent in 2016. This modest growth is premised on the following key factors: (i) implementation of the fiscal space and sustainability framework; (ii) clearance of arrears to international financial institutions, thereby unlocking new financing; (iii) improved cost and ease of doing business; (iv) improved liquidity conditions; (v) stability in the banking sector; (vi) successful implementation of reforms under the Staff Monitored Programme (SMP); (vii) low international oil prices, implying reduced energy import costs; and (viii) positive growth in tourism, construction and communications, and a good agricultural season.

In pursuit of growth, the government’s policy thrust in 2016 focuses on fiscal reform, arrears clearance and re-engagement with the international community. Already, some fiscal reform measures are underway to reduce the public-sector wage bill, while the government’s strategy on arrears clearance was approved during the International Monetary Fund (IMF)/World Bank Annual Meeting in Lima in October 2015. The strategy entails the following: (i) use of domestic resources to clear US\$111 million arrears to the IMF; (ii) arrangement of bridging finance with regional and international banks to clear US\$601 million African Development Bank arrears; and (iii) use of a medium- to long-term loan facility to clear US\$1.1 billion arrears to the World Bank Group. These arrears are expected to be cleared by mid-2016, thereby potentially unlocking fresh capital injections into the economy from the multilateral institutions. Similarly, the government commits to full implementation of the reform programme under the SMP and to engage with other bilateral creditors in a programme to clear arrears.

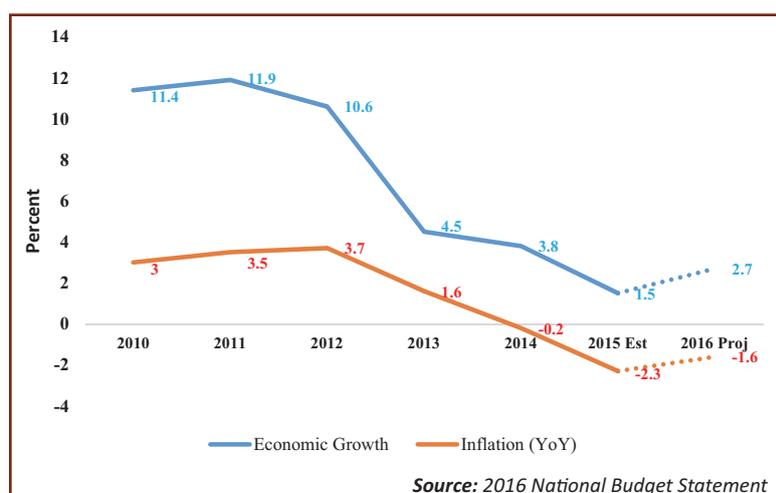


Figure 1: GDP growth and inflation trends

However, there continue to be significant obstacles to growth. These will impose significant drag on growth. Of particular note are the climatic conditions, which will have an adverse impact on agricultural production and growth. Moreover, the imminent drought will increase food imports, thereby worsening the already precarious current account balance, and at the same time diverting resources from productive activities. Other risks to growth include: (i) weak aggregate demand and low international mineral prices; (ii) fiscal space constraints – weak revenue outturn

against rising expenditure demands, including unplanned but unavoidable expenditures, such as food imports; (iii) institutional weaknesses in local authorities and state enterprises, affecting the policy transmission mechanism; and (iv) weak export competitiveness on account of a weakening South African rand.

In addition, the external sector remains in a precarious position. The current account balance is projected to be US\$2.58 billion, about -18.2 per cent of GDP, against the SADC macro-economic convergence target of less than 9 per cent of GDP. Furthermore, even after clearing the US\$1.8 billion arrears to the IMF, the World Bank and African Development Bank, the country will remain with a debt of US\$6.57 billion, about 195.9 per cent of budget revenue, of which 61.3 per cent is owed to bilateral creditors. This will remain an impediment to accessing the external lines of credit that are critical for growth.

Ongoing political discourse is likely to continue to be a drag on the growth and development prospects of the country. With the political climate apparently deteriorating, with political rivalry and violence on the rise and with a decisive election due in less than a year’s time, economic growth may be constrained for some time to come.

Inflation outlook

Zimbabwe is set for further deflation in 2016, with an annual average forecast of -1.6 per cent by the end of the year, though that is 0.7 percentage points higher than in 2015 (see Figure 1). In 2015, the general price level in the economy remained low, with year-on-year inflation opening the year at -1.3 per cent and reaching -3.3 per cent by October 2015. The general price deceleration has largely been attributed to price correction, weak aggregate demand, tight liquidity and depreciation of the South African rand against the United States dollar.

Budget performance and 2016 estimates

The 2016 national budget anticipates raising total revenues amounting to US\$3.85 billion, 6.1 per cent lower than the initial estimate of US\$4.1 billion projected in the 2015 national budget. Total expenditure for 2016 is projected to be US\$4 billion, giving a deficit of US\$150 million, about 1.1 per cent of GDP. This will be financed mainly from domestic borrowings, with the potential problem of ‘crowding out’ private investment.

Revenue

The slowdown in economic growth has had an adverse effect on revenue performance. Having reached a peak of US\$3.93 billion in 2014, budget revenues are estimated to have declined to US\$3.54 billion in 2015, about 13.6 per cent lower than the 2015 budget estimate (see Figure 2).

The lower-than-expected revenue performance can be attributed to a number of factors, including: (i) subdued economic activity, with low capacity utilization, company closures and job losses, (ii) depressed aggregate demand, (iii) liquidity constraints, (iv) revenue leakages and (v) illicit financial flows.

In 2016, the government target is to collect revenue of US\$3.85 billion, about 27.2 per cent of GDP. This is one of the highest tax-to-GDP ratios in Sub-Saharan Africa. Without major reforms, the aforementioned negative factors are likely to remain in 2016, affecting the revenue outturn. Any shocks to the revenue projection will further worsen the already precarious fiscal space, thereby undermining implementation of the planned projects.

No significant changes are expected to the structure of revenue composition between 2015 and 2016. Tax revenues are expected to contribute around 97 per cent of total government revenues, with the remainder coming from non-tax revenues (see Figures 3a and b).

Value added tax (VAT) is expected to remain the major source of revenue, accounting for 25 per cent of total revenue. Pay As You Earn (PAYE) is expected to account for 21 per cent,

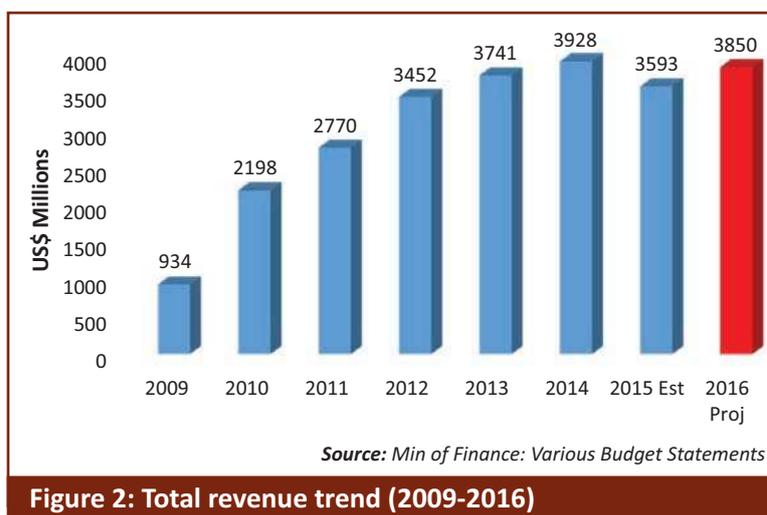


Figure 2: Total revenue trend (2009-2016)

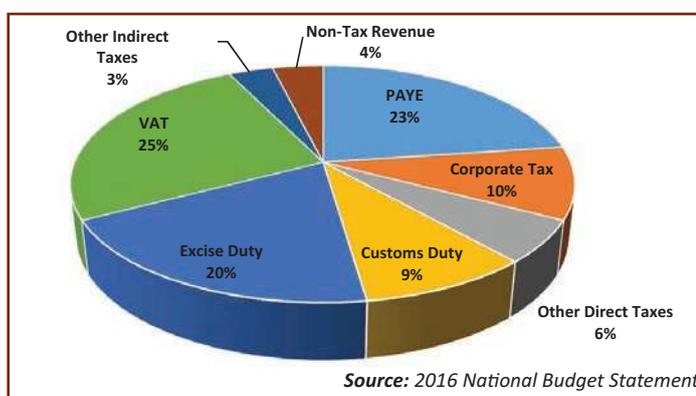


Figure 3a: Composition of revenue in 2015 (est.)

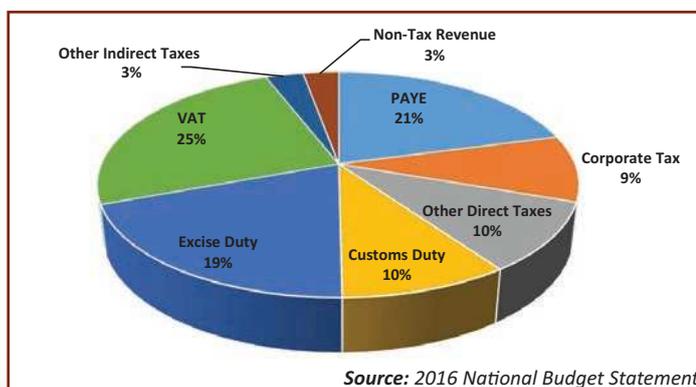


Figure 3b: Composition of revenue in 2016 (proj.)

some 2 percentage points lower than in 2015, mainly reflecting the job losses experienced in the economy following the 17 July Supreme Court ruling, which empowered employers to terminate workers' contracts with three months' notice. Some 20,000 workers are estimated to have lost their jobs, thereby affecting revenue from PAYE. Corporate tax is also expected to be 1 percentage point lower in 2016, at 9 per cent, as most companies continue to struggle with liquidity constraints and the influx of cheaper commodities from South Africa. Other tax heads are not expected to record significant changes from 2015.

VAT	30%
PAYE	20%
Excise Duty	13%
Corporate Tax	10%
Customs Duty	10%
Non-Tax Revenue	10%
Other Direct Taxes	7%

Source: 2013 National Budget Statement

This notwithstanding, there have been some notable shifts in the contribution of individual revenue heads since 2013. For instance, the VAT contribution has fallen from 30 per cent to 25 per cent, reflecting a contraction in aggregate demand in the economy. The economy is now more dependent on individual income tax (PAYE), whose contribution has increased from 20 per cent to an estimated 23 per cent in 2015. Excise duty has also increased, benefiting mainly from upward reviews in rates for fuel. The demise of the diamond sector has also meant that non-tax revenues have declined from 10 per cent to 4 per cent in 2015, while corporate tax has remained largely unchanged, reflecting the constrained business environment.

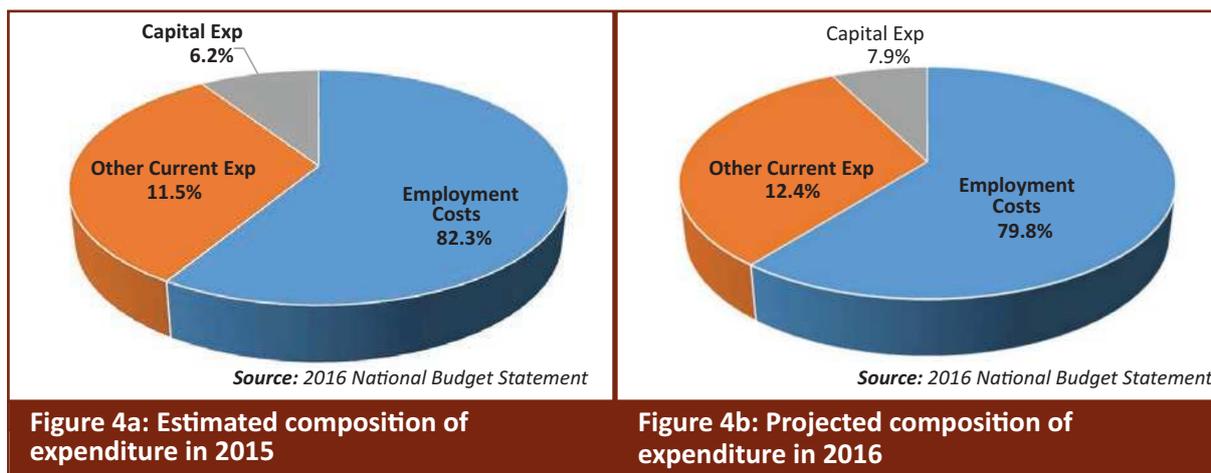
Expenditure

Total government expenditure is largely determined by the size of the resource envelope, as the government seeks to limit the size of fiscal deficits. In 2015, total government expenditure was estimated at US\$3.837 billion against revenue estimates of US\$3.543 billion, hence a budget deficit of US\$294 million (2.1 per cent of GDP), financed largely through domestic borrowing. This saw total domestic borrowing (net) reach US\$258 million, about 9 per cent of total expenditure, as of end-September 2015. With only US\$190 million having been spent on capital projects over the same period, this raises the question as to whether the government is borrowing to meet its wage obligations. This is not only unsustainable, but has a crowding-out effect on private sector borrowing, which hurts growth.

In 2016, total government spending is projected to be 4.2 per cent higher than in 2015. Total expenditure and net lending is projected to be US\$4 billion, against total revenue of US\$3.85 billion, hence a budget deficit of US\$150 million (1.1 per cent of GDP), about 1 percentage point lower than in 2015.

Composition of expenditure

Because of revenue under-performance, government expenditure was incurred on a 'what's-more-pressing' basis, with wages receiving top priority. In 2015, US\$3.159 billion (82 per cent) of the government budget went on employment costs. Growth-enhancing capital expenditure accounted for only US\$237 million, or 6 per cent of the budget, with the remaining 12 per cent being spent on other recurrent costs and loan repayments (see Figure 4a).



The situation is expected to remain broadly unchanged in 2016, with the budget remaining an ‘employment budget’ and unsupportive of long-term growth. Employment costs are projected to increase in nominal terms by 1 per cent – to US\$3.19 billion in 2016. As a share of total spending, employment costs are projected to account for 80 per cent of total budget and 22.5 per cent of GDP, compared to sustainability thresholds of 30 per cent and 7 per cent, respectively, in line with other countries in the region.

Only US\$315 million (8 per cent of total expenditure and 2.2 per cent of GDP) was allocated to growth-supporting projects in 2016. This, therefore, calls for a limit on consumer spending and for at least 20–25 per cent of the budget to go on capital and social spending that can stimulate growth and improve social outcomes. The proposal by the government to implement wage reforms (in order to reduce employment costs to below 40 per cent of total expenditure) is welcome, as it is one way of creating the fiscal space for development spending.

Proposed wage-saving measures

The high share of employment costs to total expenditure remains the government’s ‘albatross’, crowding out other non-wage capital and social spending, which is key to stimulating growth and reducing poverty. The government acknowledges the need to rein in its high wage costs and create room for other growth-enhancing expenditure.

Consistent with the above, the 2016 national budget proposes a number of measures that were proposed in the fiscal space and sustainability framework that was developed jointly by the government, UNICEF and other development partners, as well as private and civil society players.

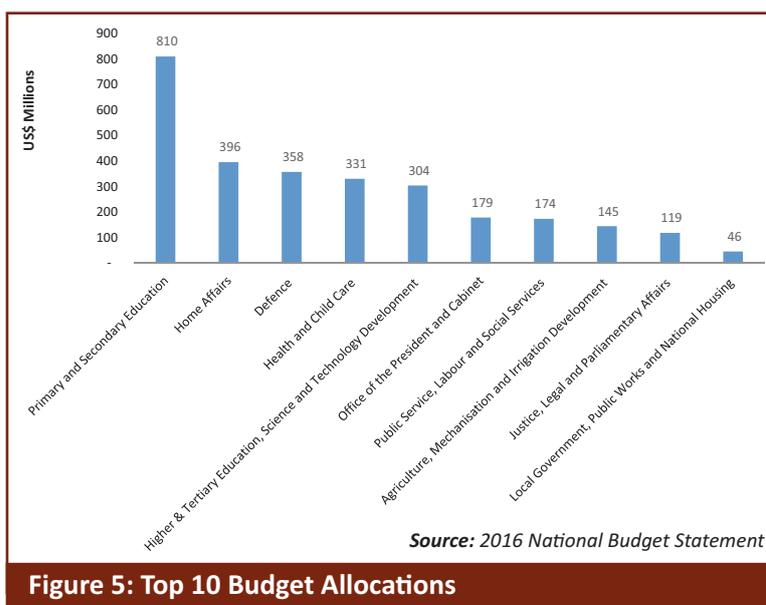
If fully implemented, these measures could yield US\$170.4 million in annual savings. Most of the proposed measures relate to the education sector, where savings of at least US\$100 million can be realized from the proposed reforms. It would therefore be important for such savings to be channelled towards real investments in education infrastructure and into improving school enrolment. (See Table 2).

TABLE 2: PROPOSED WAGE SAVING MEASURES		
PROPOSED MEASURE	MONTHLY SAVINGS IN US\$	ANNUAL SAVINGS IN US\$
Rationalisation of Youth Officer posts at Ward Level	1,611,509	19,338,108
Rationalisation of the Ministry of Youth's Harare and Bulawayo Metropolitan Provincial Structures	32,339	388,068
Rationalisation of the Ministry of Women Affairs Harare and Bulawayo Metropolitan Provincial Structures	34,046	408,552
Rationalisation of Extension Worker Structures at the Ward Level in the Agricultural Sector	2,514,320	30,171,840
Rationalisation of Ministry of Local Government's Provincial and District Office Structures for Harare and Bulawayo Metropolitan Provinces	65,852	790,224
Reviewing Vacation Leave Policy in the Education Sector	3,932,772	47,193,264
Reviewing Manpower Development Leave Policy	830,772	9,969,264
Rationalisation of Student Teacher Allowances	2,159,288	25,911,456
Withdrawing Support to Non-Formal Education	111,324	1,335,888
Withdrawing Support from Funding Bridging Programmes Offered by Tertiary Colleges	13,462	161,544
Non-payment of Remuneration to Teachers at Trust Schools	1,650,048	19,800,576
Retirees on Annually Renewable Contracts	450,000	5,400,000
Reducing Employment Cost Obligations to Grant Aided Institutions	793,417	9,521,000
Total	14,199,149	170,389,784

Source: 2016 National Budget Statement

Allocations to line ministries

The Ministry of Primary and Secondary Education (MoPSE) was allocated the highest budget, of US\$890.14 million (20.26% of total expenditure and net lending) (Figure 5).¹ Home Affairs got the second highest budget of US\$396.97 million (9.9% of total budget). This is despite the fact that departments under the Ministry's purview – such as the Registrar General, Zimbabwe Republic Police, and the Immigration Services – are expected to collect and retain a combined total of US\$67 million. Furthermore, although the country is not in a state of war or under any security threat, the Ministry of Defence got the third highest allocation, of US\$357.67 million. Health and Child Care was fourth, at US\$330.79 million, representing 8.3% of total expenditure and net lending. Other social sector ministries, such as Public Service, Labour and Social Welfare and Environment, Water and Climate, accounted for 4.4% and 0.9% of total expenditure, respectively.



¹ The share of sector budget allocations has been calculated using the value of the total government budget, less debt-service payments as a denominator. It includes statutory and constitution and vote appropriations.

Given that 80% of the budget goes on employment costs, these allocations largely reflect the number of employees in each ministry. Therefore, the allocation to the Ministry of Primary and Secondary Education is nothing but a reflection of the number of civil servants in that ministry. Total employees (teachers and administrative staff) in the Ministry account for two-thirds of the total number of civil servants in Zimbabwe.

While MoPSE got the highest budget allocation, 98.4% of its budget will go on employment costs.

In terms of non-wage spending, however, the sector ranks 16th, with just US\$13 million (1.6% of the sector's allocation) being earmarked for non-wage spending in learning and teaching materials and school infrastructure investments (Figure 6). With a total of 8,000 schools (excluding early childhood development), this would translate to less than US\$1,640 per school per year, or US\$546 for each school per term. Per student, this would translate to less than US\$3.34 per year or US\$1.11 per term. Clearly this is insufficient to make a meaningful impact on the teaching and learning environment –hence the weak learning outcomes.

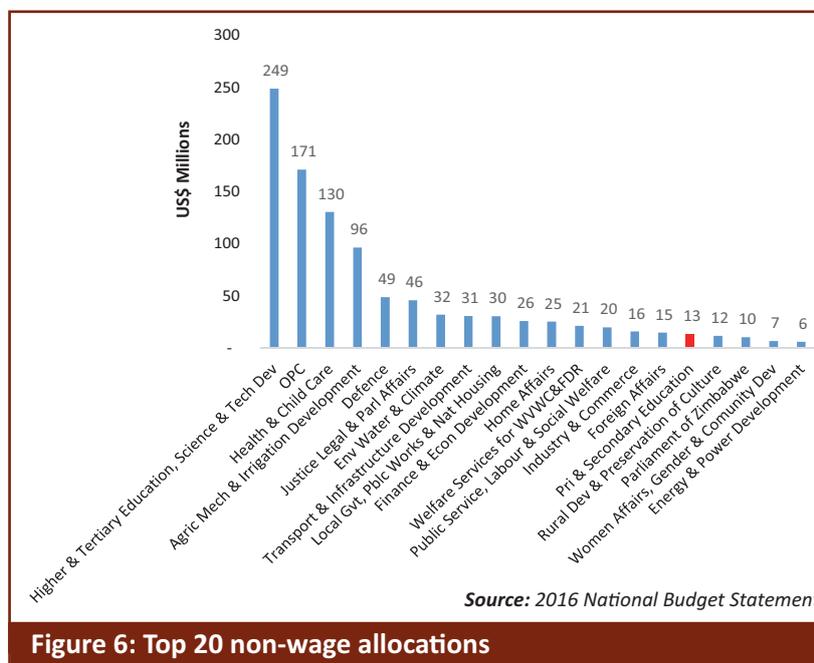


Figure 6: Top 20 non-wage allocations

Higher and Tertiary Education, Science and Technology Development got the highest non-wage allocation (Figure 6). Some 88.8% of its budget is earmarked for administration and general expenses, as current transfers to state universities and colleges. Capital expenditure accounts for only 9.6% of the non-wage spending.

Key messages arising

Fiscal space remains tight, with limited room for increased investments in children. There is, therefore, a need for a commitment by the government to implement the proposed fiscal and wage bill reforms and the proposed revenue-enhancing measures. Equally important is the need to fully implement the SMP and the arrears clearance strategy approved by creditors at the Lima 2015 IMF/World Bank Annual Meetings.

Consistent with the above, the **government needs to embrace national and decentralized budget monitoring and tracking** as a way of enhancing efficiency, accountability and transparency in public sector spending.

The disbursement of non-wage allocations to critical sectors that benefit children remains a major concern. In 2015, only 30% of the non-wage expenditure in education and health was actually disbursed, reflecting both the dire fiscal circumstances and the impact on quality of services for children.

Aggressive advocacy must continue, so as to ensure that the new fiscal space created is invested in children. UNICEF and other development partners should continue to advocate for fiscal discipline, implementation of sound/credible policies and better expenditure prioritization, particularly on foreign travel v. social spending.

Experience has shown that the government is amenable to advice on economic and fiscal reforms, and support is needed to push for the implementation of such reforms. In February 2015, UNICEF convened a High-Level Policy Dialogue on Fiscal Space, which was attended by senior officials in government, the Zimbabwe Revenue Authority (ZIMRA), the Reserve Bank of Zimbabwe (RBZ), the heads of development partners, and ambassadors. The outcome of the dialogue was a Fiscal Space Roadmap of reforms, some of which were adopted and will be implemented through the 2016 National Budget (Annex 1).

More resources would still be required, particularly in view of the imminent drought and the need to safeguard the gains recorded in social sectors to date. Hence, in the short to medium term, pressure will be on the UN and other development partners to mobilize resources for enhancing food security, as well as for non-wage spending in social and infrastructure investments.

Annex1:

List of the proposed fiscal reform measures adopted in the 2016 budget

MEASURE	ACTIONS
Mining fiscal regime	<ul style="list-style-type: none"> Bill to enhance transparency and accountability to be finalized by June 2016
Consolidate all revenues to the Consolidated Revenue Fund (CRF)	<ul style="list-style-type: none"> Treasury to enhance oversight on statutory funds by directing all collecting entities to open accounts with the RBZ and transfer all balances
Reforming the public pension system to Defined Benefits (DB)	<ul style="list-style-type: none"> Gvt to migrate from the Pay As You Go to DB Pension arrangements
Wage bill reforms	<ul style="list-style-type: none"> See Table 2 Public Enterprises and Local Authorities to maintain a 30/70% employment costs/service delivery ratio
Public enterprise reforms	<ul style="list-style-type: none"> 10 state-owned enterprises (SOEs) to be restructured, starting with Grain Marketing Board and Cold Storage Company Strengthening of SOE corporate governance framework
Investment climate	<ul style="list-style-type: none"> Minister of Youth, Indigenization and Economic Empowerment to announce and gazette before Christmas the frameworks' templates and procedures for implementing the indigenization policies to promote investment and eliminate discretionary application of the law
Easy of doing business reforms	<ul style="list-style-type: none"> Thematic Technical Working Groups on specific indicators now in place Targeted industries and zones for Special Economic Zones identified Ministerial Working Committee is working on an appropriate model for an effective 'one-stop shop' that is e-based
Attracting diaspora remittances	<ul style="list-style-type: none"> Regulatory framework for money transfer agents reviewed, including permission to remit funds outside the country National Diaspora policy to be finalized in 2016
Public procurement	<ul style="list-style-type: none"> Bill to enhance efficiency and transparency in public procurement to be finalized by mid-2016
Review of the Public Finance Management Act	<ul style="list-style-type: none"> To enhance transparency and sound debt management
Efficiency in tax administration	<ul style="list-style-type: none"> Installation of CCTVs at borders to reduce leakages at borders Revenue monitoring dashboards for the minister, secretary, revenue department in the Ministry of Finance and Economic Development and the ZIMRA board chairperson Automated verification of travelers for rebate of duty Efficiency at Beitbridge border post

PRIMARY AND SECONDARY EDUCATION BUDGET BRIEF 2016

UNICEF Zimbabwe: Social Policy and Research Section

Key messages

- ❖ Primary and secondary education was allocated US\$810.43 million – about 20.3 per cent of the total budget, but 9.5 per cent lower than in 2015.
- ❖ The 2016 allocation is higher than the Sub-Saharan Africa average of 16.5 per cent of state budget.
- ❖ Employment costs represent a staggering 98.4 per cent of the 2016 budget allocation.
- ❖ There is continued reliance on off-budget non-wage education support by donors – estimated at approximately US\$60 million in 2016.
- ❖ This donor support, albeit much needed at the current time, is not only declining, but is also unsustainable in the medium to long term, and carries the risk of undermining government systems and capacities.
- ❖ Proposed wage bill reforms are predominantly targeted at reducing the education sector wage bill by reducing the number of teachers on the government payroll.
- ❖ It is critical that the savings made from wage bill reform – estimated at US\$170 million – should benefit children.
- ❖ Public spending data should be disaggregated to district level, to enable analysis and development of innovative solutions to existing challenges within the sector.

Introduction

Zimbabwe's education sector falls under two ministries: the Ministry of Primary and Secondary Education (MoPSE) and the Ministry of Higher and Tertiary Education, Science and Technology Development. This brief focuses on the provision of basic education, which falls under MoPSE. The ministry's overall mandate is to provide quality, inclusive, relevant and competent infant, junior, secondary and non-formal education. It also oversees the national examination system, managed by the Zimbabwe Schools Examination Council.

Having developed a new education curriculum and syllabi in 2015, the ministry is seeking to implement the new curriculum and finalize the information and communication technology (ICT) policy in education. Other priority areas in 2016 include: construction of new schools through joint venture partnerships; strengthening of the Teacher Capacity Development Programme; and realignment of the Education Act with the new constitution.

Budget allocation for 2016

To implement the above priorities and other projects, the ministry was allocated US\$810.43 million, which is about 20.3 per cent¹ of the US\$4 billion total budget and 5.7 per cent of GDP. The remaining top-five ministries in terms of allocations are: Home Affairs (9.9 per cent), Defence (8.9 per cent), Health and Child Care (8.3 per cent) and Higher and Tertiary Education, Science and Technology Development (7.6 per cent).

¹ The share for the education sector has been calculated by using the value of the total state budget, less debt-service payments as a denominator. It includes statutory and constitution and vote appropriations.

The 2016 allocation is 9.5 per cent lower than the US\$890.14 million allocated to the sector in 2015, mainly on account of expected weak revenue outturn. Operating on a cash budgeting basis, and given the economic challenges, the revenue collections are expected to decline, which will have an impact on the actual non-wage disbursement rates in the education sector.

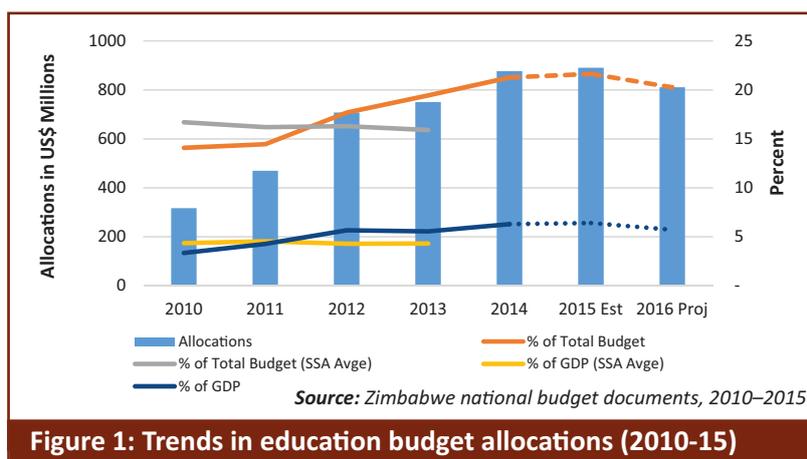


Figure 1: Trends in education budget allocations (2010-15)

Despite the drop in education allocation, it remains higher than the Sub-Saharan Africa (SSA) average. By the end of 2013, SSA countries were allocating an average of 16.5 per cent of their state budgets and 4.2 per cent of their GDP to education, compared to the 20.3 per cent of total budget and 5.7 per cent of GDP in 2016 for Zimbabwe.

However, the large allocations to education may not be a true reflection of the government’s financial commitment to improving education. MoPSE has been allocated the highest budget (see Figure 2); a staggering 98.4 per cent of the education budget goes on employment costs, thus the allocation largely reflects the number of employees in each ministry.

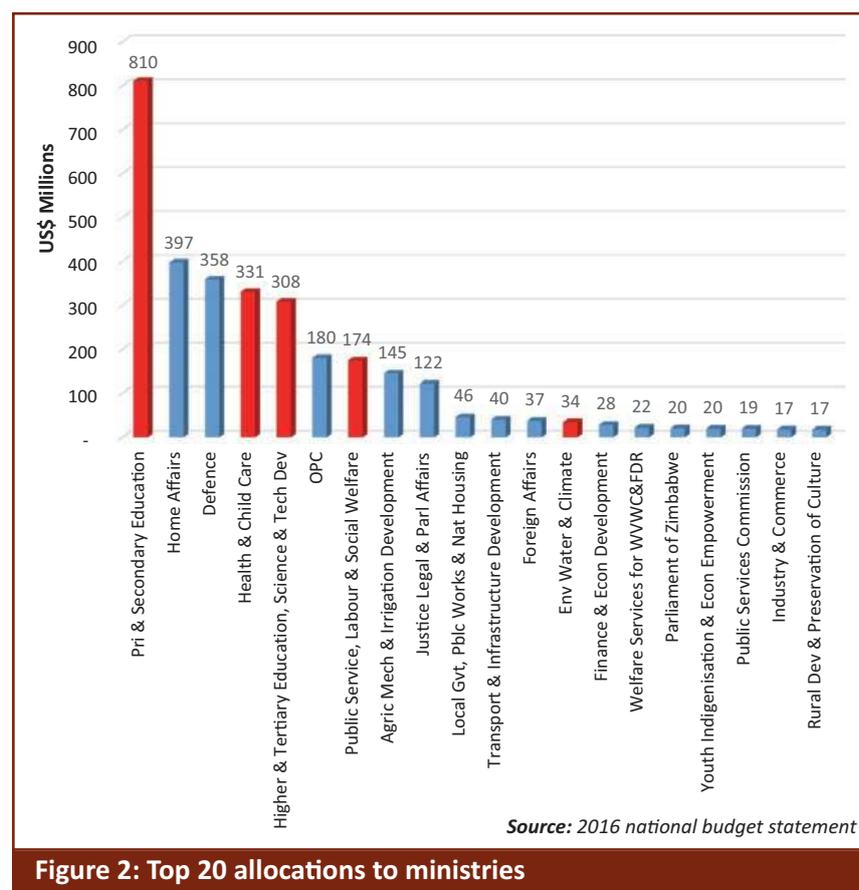


Figure 2: Top 20 allocations to ministries

MoPSE has been allocated the highest budget (see Figure 2); a staggering 98.4 per cent of the education budget goes on employment costs, thus the allocation largely reflects the number of employees in each ministry. Hence, the allocation to MoPSE is just a reflection of the number of civil servants in the ministry. Total employees (teachers and administrative staff) in the ministry account for two thirds of the total number of civil servants in Zimbabwe. The non-wage education allocation amounts to US\$13 million. With an estimated total of 8,000 schools (excluding early child development), this would translate to less than US\$1,640 per school per year, or less than US\$3.34 per year per child.

Projected sources of education resources

In addition to direct budget allocations, the education sector is expected to receive additional funding from development partners and statutory funds. Total resources are projected to be US\$844.51 million,

with government revenues accounting for 96 per cent. Statutory funds (see Figure 3), which include fees and levies collected and retained by state-owned enterprises in education, are expected to account for 3.3 per cent (US\$27.7 million) of total resources. Other on-budget resources, mainly from development partners, are expected to account for 0.7 per cent of total resources (US\$6.3 million).

Importantly, the 0.7 per cent only reflects donor contributions through the government systems. It is worth noting that development partners have been playing a key role in supporting the education sector and other social sectors, particularly with regard to non-wage spending.

Development partners have been channelling their support through pooled funding mechanisms, such as the Education Transition Fund and its successor, the Education Development Fund (EDF). For example, estimates for 2015 show that government spending in teaching and learning material amounted to US\$16.9 million compared to the US\$32.7 million from the EDF (see Table 1). In 2016, the EDF support for education is projected to be US\$21 million, about 1.6 times the government budget support of US\$13.1 million.

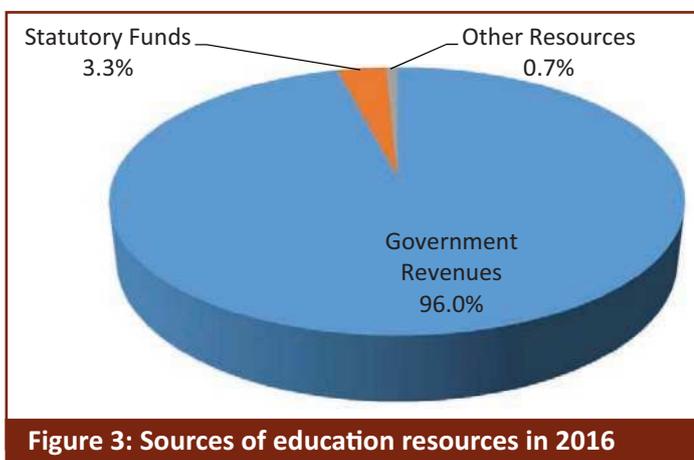


Figure 3: Sources of education resources in 2016

Table 1: Actual EDF Expenditure in US\$ (2014-2016)			
	2014	2015	2016 Proj
EDF	35,239,558	32,703,345	21,000,000

Composition of the education budget allocation

As already alluded to, allocative efficiency in Zimbabwe’s public expenditure system is low, particularly in the education sector. Allocative efficiency is a measure of assessing whether the distribution of resources is optimal across different expenditure categories to achieve the desired objectives. It helps answer the question of whether resources are being allocated to the right activities, in order to ensure the provision of quality education, or whether a different allocation might make the sector more efficient.

Hence, with less than 2 per cent of the budget being spent on non-wage investments, the risks to the sector remain high. These are characterized by dilapidated

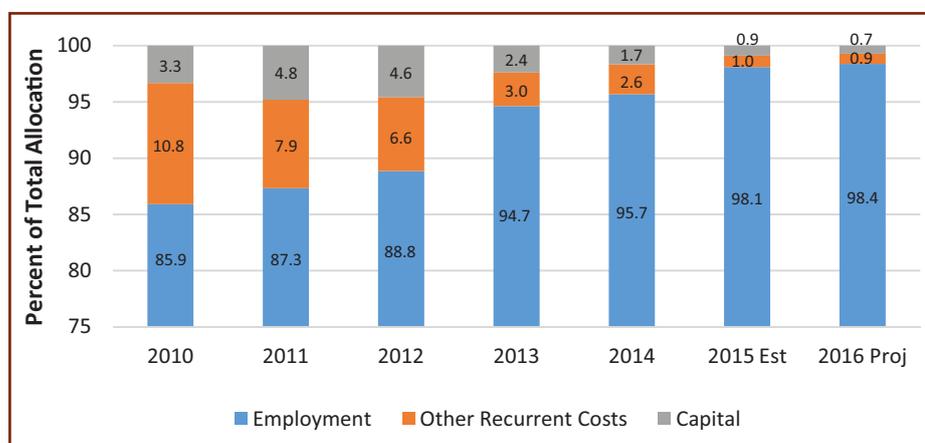


Figure 4: Trends in the composition of education allocations

and inadequate school infrastructure, teaching and learning environments, and teaching and learning materials. Persistent underfunding of the capital budget has resulted in a deficit of 33,600 classrooms nationwide, severely impacting on children’s well-being, particularly in the rural and resettlement areas. This is further fuelling the deprivations and inequities that Zimbabwean children face.

Therefore, to rectify the situation, as fiscal space grows, so the size and quality of government investment in non-wage education infrastructure should be increased, prioritizing the more deprived provinces and districts, and ensuring the well-being and protection of children.

Budget allocations for 2016 by programme area

Junior education (covering Grades 1–7), received the largest share of the sector budget, 46.1 per cent. Some 34 per cent was allocated to secondary education and 17.8 per cent to infant education; meanwhile education coordination and development and administration and general got a combined 2.1 per cent (see Figure 5). With employment costs accounting for 98.4 per cent of the total education allocation, these numbers are a reflection of the number of employees in each of the two sub-categories. Hence, the 46.1 per cent allocated to Junior Education reflects the fact that the sub-category employs a higher number of staff compared to secondary education.

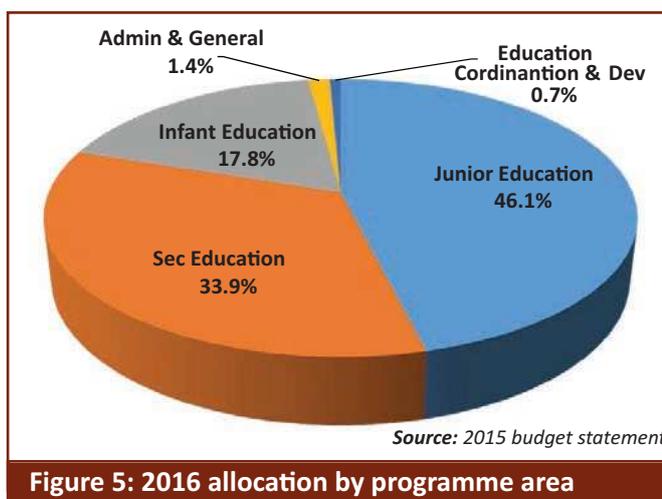


Figure 5: 2016 allocation by programme area

There was a huge increase in the amount of resources allocated to infant education (early childhood development (ECD)): from US\$2 million in 2015 to US\$144 million in the 2016 budget. The increase in the ECD allocation largely reflects the redirection of a significant amount of teaching staff to ECD. This would need to be matched with increased investment in ECD infrastructure. This is particularly important, given that 46.1 per cent of the classroom deficit nationwide is attributed to ECD.

Such mutually reinforcing investments would help ensure that children are ready for school by the time they enrol in primary education. The Multiple Indicator Cluster Survey (MICS) 2014 results showed that only 21.6 per cent of children aged 3–5 years were attending organized ECD: 26.2 per cent attended in urban areas, but only 20.1 per cent in rural areas. This in turn affects school readiness, which is estimated at 86.2 per cent (MICS 2014). School readiness measures the percentage of children in the first grade of primary school who attended pre-school during the previous school year. It is linked to learning, school completion, later skill development, and acquisition of academic competencies and non-academic success. Children who enter school ‘ready to learn’ are more likely to stay at school and succeed at school.

Budget execution

Actual spending in the education sector has been above the budget allocations, mainly reflecting expenditure on employment cost overruns. Given that the education budget is almost entirely consumed by employment costs, actual spending has been equal to or higher than allocations (see Figure 6). There were employment cost overruns between 2010 and 2013, with spending on wages exceeding 100 per cent of wage allocations (see Figure 7). This reflected wage increases in the general public service, leading to higher actual spending, compared to allocations.

However, in 2014, government experienced cash-flow constraints, resulting in some of its wage obligations being carried over into 2015. Only 94.1 per cent of the wage obligations were paid in 2014 (see Figure 6). As such, only 90.9 per cent of the allocation was utilized, resulting in total actual expenditure being lower than the sector’s budget allocation. By the end of September 2015, 73.6 per cent of the total allocation had been spent, with an employment budget utilization of 74.6 per cent of what was budgeted, as the government incurred employment costs and pension arrears on account of lower-than-expected monthly revenue outturn.

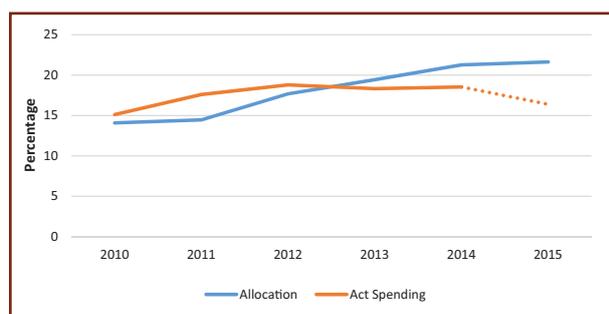


Figure 6: Allocation v. actual spending as % of total budget



Figure 7: Actual spending on education (2010-15)

Source: Various budget statements.

Employment cost overruns crowd out non-wage spending, resulting in lower execution on the non-salary items. This trend has been in evidence since 2010 (see Figure 6). In 2013, for instance, MoPSE reported a 100.3 per cent execution rate of its overall budget: wages accounted for 103.3 per cent, whereas other recurrent costs and capital budget utilization accounted for 54.8 per cent and 39.4 per cent, respectively. The same trend prevailed in 2014 through to 2015. By the end of September 2015, budget execution for operating costs and investment in capital improvements was 22.4 per cent (US\$16.9 million). This translates to 97 cents per child (or 48 cents per child per term) on operating costs and investment in learning infrastructure.

Equity in resource allocation

Achieving equality in education should be a key priority of any government. Resource allocation should be directed to those provinces and districts with the greatest need (i.e., the worst social indicators). However, Zimbabwe follows a centralized budgeting system, making it difficult to view the budget of the education sector by province or by individual district. It would thus be important for MoPSE to have its budget allocations disaggregated at the district level. This would help facilitate equity analysis at the district level against other education indicators, such as generally out-of-school, completion rates, school readiness and pass rates, which are disaggregated at the district level.

Zimbabwe is a country that has achieved much for its children in terms of education; however significant equity gaps persist. Across all wealth/income groups, there has been improvement in education access at both primary and secondary level, but huge disparities begin to emerge at the higher and tertiary education level.

There was equity in primary education and significant inequity in secondary education, as expressed by the steeper lines in secondary education. Secondary education dropouts were concentrated in the poorer wealth quintiles. The payment for secondary school was a game changer, as children in the poorest wealth quintiles drop out and so equity diminishes. Another equity barrier is O-level examinations that prevent children with poor O-level results from continuing to A-level. The quality of education in schools attended by children from the poorest wealth quintile (WQ1) and their parents’

limited ability to pay the school fees may be why only approximately 1 per cent of children from WQ1 proceeded to A-level. By comparison, the figure for children in the richest wealth quintile was 31 per cent.

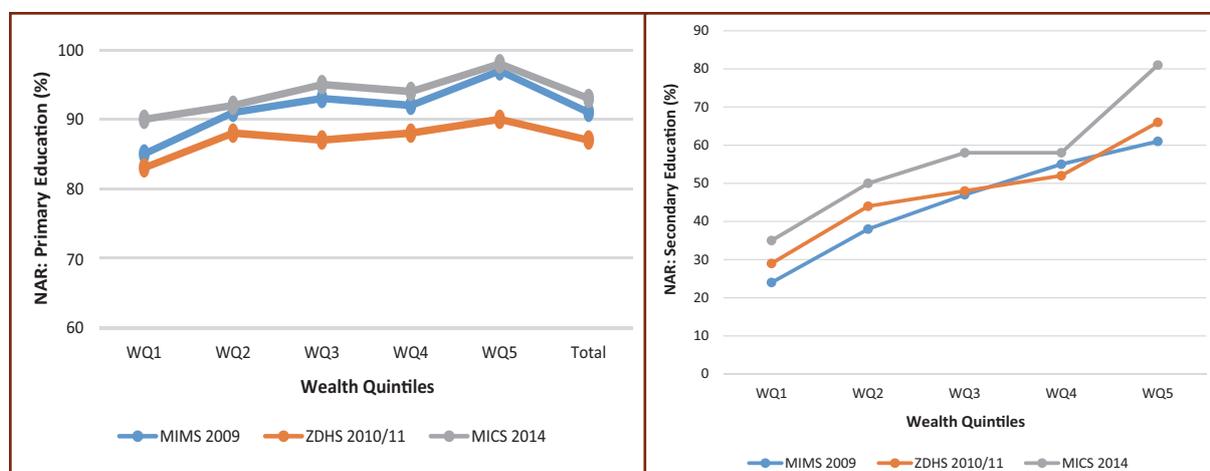


Figure 8: Net attendance ratio – primary and secondary education

Notes: Multiple Indicator Monitoring Survey (MIMS); Zimbabwe Demographic and Health Survey (ZDHS); Multiple Indicator Cluster Survey (MICS).

Conclusion and recommendations

- MoPSE has received the highest budget allocation in recent years. However, this largely reflects the size of its workforce, as non-wage spending has remained low and is inadequate to bring about any real improvement in the education infrastructure. This affects children’s learning experience, in terms of over-crowded classrooms and insufficient infrastructure and equipment.
- Dependence on donor support for non-wage education expenditure will continue. There is an estimated backlog of 2,000 schools to be built in Zimbabwe, and this remains a huge bottleneck in terms of equity and access to quality education. In addition, through various out-of-pocket payments to schools, parents supplement donor funding to keep the education system alive in the face of inadequate fiscal funding.
- In order to achieve the sector’s mandate and improve education outcomes, the government must review the education wage bill, with a view to creating the fiscal space required to increase the size, efficiency and equity of investment in education infrastructure. This is important to safeguard the gains recorded over the past six years, while at the same time gradually reducing dependence on development partners for non-wage spending.
- Improvements in fiscal space should be channelled towards those districts and provinces with the greatest need to achieve equitable education outcomes. This could also include targeted interventions to ensure adequate ECD coverage in marginalized and hard-to-reach areas.
- Significant equity gaps – based predominantly on socio-economic status – exist within the education system, and this is becoming more acute at higher levels of education attainment. Low-income households clearly are not accessing higher and tertiary education, and this, if left unchecked, could have a long-term impact on adolescent development.
- Furthermore, quality data on public spending would need to be disaggregated at the district level to enable analysis and development of innovative solutions to existing challenges that bedevil the sector. Indeed, equity in the education sector is a critical factor affecting overall education outcomes.

Health and Child Care Budget Brief 2016

UNICEF Zimbabwe: Social Policy and Research Section

Key messages

- ❖ The Ministry of Health and Child Care (MoHCC) is one of three ministries where programme-based budgeting (PBB) was implemented as a pilot phase in 2015.
- ❖ The 2016 national budget allocated US\$330.79 million, representing 8.3 per cent of the total budget, to the MoHCC, making it the fourth highest vote.
- ❖ Total health and child care allocation has remained below the 15 per cent Abuja target and the Sub-Saharan Africa (SSA) average of 11.3 per cent. As a share of GDP, the health and child care budget is 0.7 percentage points lower than the SSA average of 3 per cent.
- ❖ Zimbabwe's per capita allocation is significantly lower than its regional peers, at US\$24.34, against the Southern African Development Community average of US\$146.29.
- ❖ Employment costs account for 60.5 per cent of the total allocation: this is high, unsustainable and unsupportive of improving access and quality health outcomes.
- ❖ Expenditure on medical/curative services will absorb 83.7 per cent of all health and child care expenditure, effectively crowding out preventive services and research.
- ❖ Given that 60.5 per cent of the government funding goes on employment costs, the burden of programme spending and infrastructure has fallen mainly on development partners and individuals, through out-of-pocket payments.
- ❖ Looking ahead, there is a need to mobilize additional resources, including from domestic sources and development partners, while at the same time improving the efficiency and equity of spending.

Introduction

The Ministry of Health and Child Care (MoHCC) is mandated to provide health care services to all Zimbabweans, in line with the primary health care approach set out in the National Health Strategy. In line with the country's economic plan – ZIMASSET (2013–2018) – the ministry's main targets are to reduce morbidity and mortality from priority diseases and conditions, with a special emphasis on HIV, tuberculosis, malaria and non-communicable diseases.

The ministry is one of the lead ministries under the first phase of programme-based budgeting (PBB). PBB entails the mapping of public expenditure according to programmes, and represents a paradigm shift by the government from the traditional arrangement of classifying expenditure by line items, which relate to inputs required to deliver services. It is envisaged that full implementation of PBB will help improve efficiency and prioritization of public spending, in a manner that enhances service delivery and improves social outcomes.

The ministry's key budget priority in 2016 is to procure essential medicines and equipment for referral, provincial and district hospitals. This involves the recapitalization of the National Pharmaceutical Company, Natpharm. Other priorities include the need to: reduce the burden of diseases through strengthening the health system and thus improve the quality of service delivery; reduce mortality and improve life expectancy at birth; improve health care infrastructure and promote safe water and sanitation.

Budget allocation to the health sector

Health-related funding is primarily channelled through the MoHCC, which is the focus of this brief. However, other government ministries, such as defence, justice, home affairs, education and labour and social welfare, also receive funding from the budget for health-related support. Through the Ministry of Public Service, Labour and Social Welfare, the government allocates funds to the Premier Service Medical Aid Society, mainly to cater for health care insurance for public service officials and their families.

The 2016 national budget allocated US\$330.79 million, representing 8.3 per cent of the total budget,¹ to the MoHCC, making it the fourth highest vote. The remaining top-five ministries in terms of allocations are: Primary and Secondary Education (20.3 per cent), Home Affairs (9.9 per cent), Defence (8.9 per cent) and Higher and Tertiary Education, Science and Technology Development (7.6 per cent).

The 2016 allocation represents a 6.1 per cent nominal increase on the US\$311.93 million allocated in 2015. As a share of total budget, the 2016 allocation is 1 percentage point higher than the 7.3 per cent in 2015 (see Figure 1). However, despite this increase, the 2016 health care allocation is 1.6 percentage points lower than the 9.9 per cent of the total budget allocated in 2013, mainly reflecting a weakening fiscal environment constraining government spending in general, and health and child care in particular.

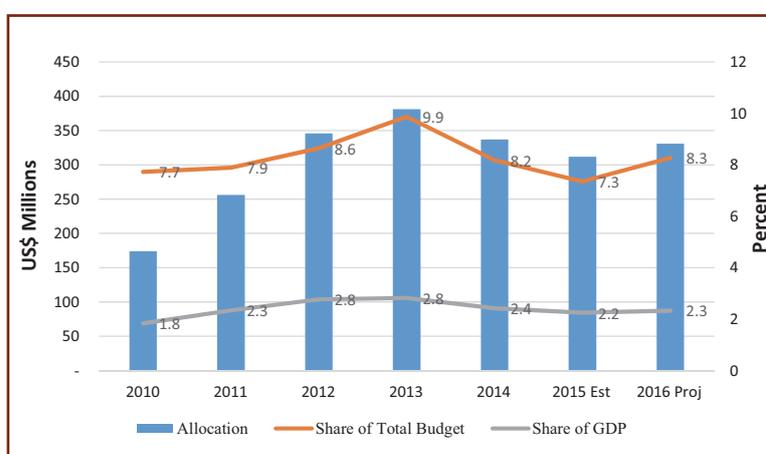


Figure 1: Trends in health and child care allocations (2010-16)

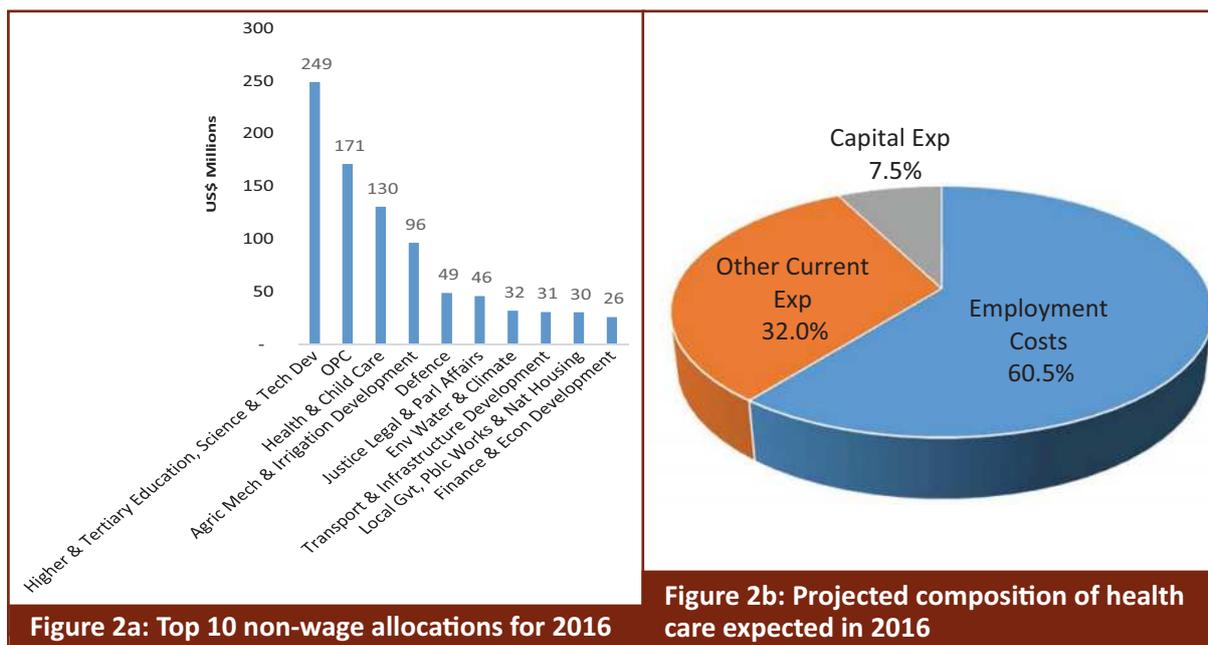
Total health and child care allocations remain below the 15 per cent Abuja target and the Sub-Saharan Africa (SSA) average of 11.3 per cent. As a share of GDP, the health and child care budget is 0.7 percentage points lower than the SSA average of 3 per cent.

Furthermore, Zimbabwe's per capita allocation is significantly lower than its regional peers. Despite the per capita allocation increasing from US\$23.18 to US\$24.34 in 2016, it remains much lower than the World Health Organization (WHO) target of US\$86 and the Southern African Development Community (SADC) average of US\$146.29.

Composition of budget allocation

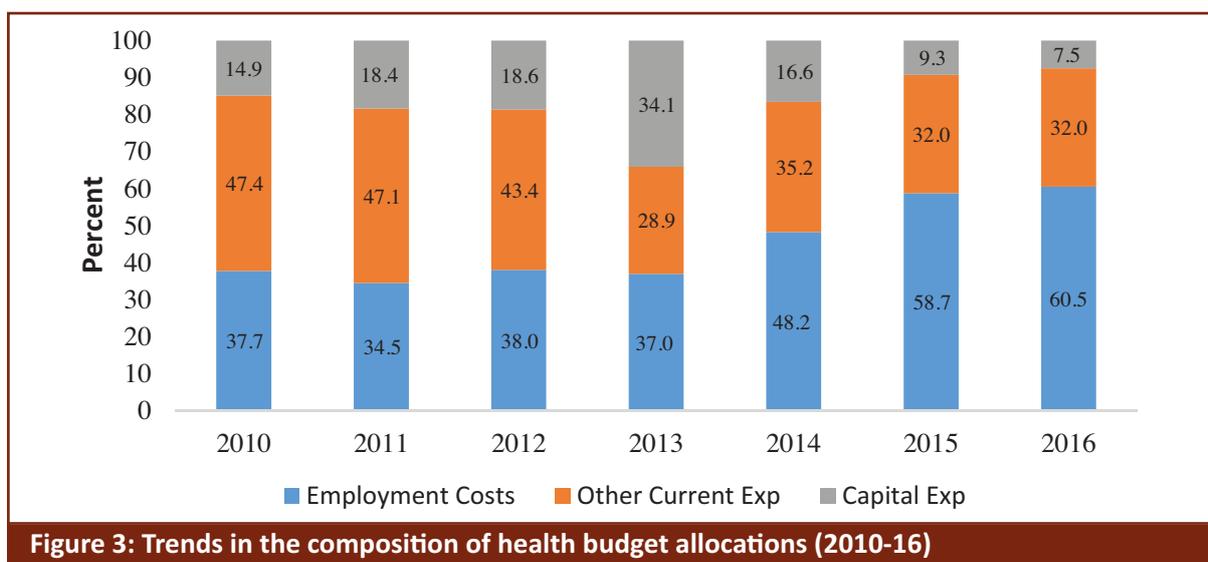
A large share of the MoHCC allocation is earmarked for wage-related costs, which crowd out capital investment, maintenance and other expenditure on programmes and service provision. Employment costs account for 60.5 per cent of the total MoHCC allocation, and total non-wage investment accounts for 39.5 per cent. Hence, in terms of non-wage allocations, the MoHCC is the third-ranking ministry, with US\$130.48 being earmarked for capital and other operational costs (see Figure 2a).

¹ The share for the education sector has been calculated by using the value of the total state budget, less debt-service payments as a denominator. It includes statutory and constitution and vote appropriations.



For all that, the non-wage share of health care expenditure remains lower than in most SSA countries. For instance, most public expenditure reviews for SSA countries undertaken by the World Bank show that employment costs average 50 per cent of total government spending in health. In general, although there are no specific benchmarks, at over 60 per cent, Zimbabwe’s wage share of expenditure is considered too high, unsustainable and incompatible with the provision of quality health care.²

In fact, the share of employment costs in the total health and child care budget allocation has increased significantly, from 37.7 per cent in 2010 to 60.5 per cent in 2016. The net effect of this has been the crowding out of capital investment, maintenance and other expenditure on programmes and service provision. Capital investment rose from 14.9 per cent of the budget in 2010 to 34.1 per cent in 2013, before declining to a projected 7.5 per cent in 2016. Underfunding of capital investments has resulted in dilapidation and inadequacies in the health care delivery systems.



² World Bank Group, *Health Public Expenditure Review: Zimbabwe*, May 2015, <<http://documents.worldbank.org/curated/en/304101468188950998/Zimbabwe-Health-public-expenditure-review>>

Budget allocation by programme

Expenditure on medical/curative services will absorb 83.7 per cent of all health and child care expenditure in 2016. This is some 2.7 percentage points higher than the 81 per cent in 2015, effectively crowding out preventive services and research, which together represent 11.3 per cent; administration and other general costs account for 5.1 per cent (see Figure 4). Some 63 per cent of the medical care allocation goes on employment cost, with only 4.3 per cent being spent on hospitals and health care centres (see Table 1).

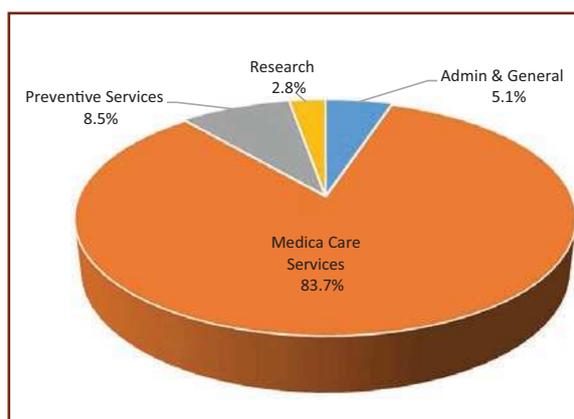


Figure 4: Composition of health care allocation (US\$330.79m)

TABLE 1: ALLOCATIONS FOR MEDICAL CARE VS PREVENTIVE CARE

	MEDICAL CARE SERVICES		PREVENTIVE SERVICES	
	Allocation	% of Total	Allocation	% of Total
Employment Costs	173,331,000	62.64	15,940,000	56.68
Medical Supplies & Services	7,625,000	2.76	680,000	2.42
Current Transfers	70,235,000	25.38	7,738,000	27.52
Programmes	75,000	0.03	2,350,000	8.36
Hospitals & Health Centres	11,771,000	4.25	664,000	2.35
Capital Exp	13,685,000	4.95	750,000	2.67
Total	276,722,000	100.00	28,122,000	100.00

Compared to other African countries, allocations for preventive services in Zimbabwe are low. For example, National Health Accounts data in countries such as Kenya, Tanzania and Uganda show that these countries spend more than double what Zimbabwe spends on preventive services, with an average of 20 per cent total health expenditure.³ Hence, in the short term, budget allocations could better align resources with health needs and achieve greater efficiency. This could include prioritizing health prevention and promotion. Subject to increased fiscal space, the government would need to increase the share of non-wage expenses, especially on medicines and services.

Sources of health and child care financing

In addition to direct budget allocations, the MoHCC is expected to receive additional funding from development partners and statutory funds. Total resources are projected to be US\$411.67 million, with government support accounting for 80.4 per cent (see Figure 5). Statutory funds – mainly the Health Services Fund (HSF) – are projected to mobilize US\$25.48 million, accounting for 6.2 per cent of total

³ World Bank Group, *Health Public Expenditure Review: Zimbabwe*, May 2015, <<http://documents.worldbank.org/curated/en/304101468188950998/Zimbabwe-Health-public-expenditure-review>>

resource flow. The HSF was established under the Public Finance Management Act to collect and administer fees for the purposes of supplementing the health budget for the development and maintenance of health services, programmes and related activities, within the health delivery system. Other resources, mainly from development partners, are expected to account for 13.5 per cent of the total resources by injecting US\$55.44 million.

While development partners may be contributing more to the health sector, this 13.5 per cent reflects only direct donor contributions through the government systems.

Most of the funding from development partners is channelled direct to programmes or through pooled funding mechanisms, such as the Health Transition Fund, now the Health Development Fund (HDF). Preliminary results from a health care resource mapping exercise⁴ by the MoHCC show that 7 per cent of resources were channelled through the pooled mechanism,⁵ while direct funding for specific diseases and programmes accounted for 43 per cent of total health resources.⁶

Given that 60.5 per cent of government funding goes on employment costs, the burden of programme spending and infrastructure has fallen mainly on development partners and individuals, through out-of-pocket payments. For instance, central government spending constitutes a small share of non-wage expenditure funding for individual district and primary-level health facilities. In 2013, central government spending accounted for only 21.1 per cent and 2.0 per cent of all revenue received by district/mission hospitals, and by rural health centres, respectively (see Figures 6a and b). The largest source of funding is user fees, through out-of-pocket payments (OPP), which account for 54.1 per cent and 14.5 per cent for rural health care centres. Development partners account for 75.6 per cent of the revenues collected by rural health centres, and for 22.1 per cent of district, rural and mission hospital revenues. Local government and insurance account for below 3 per cent of total revenue collected at both district and rural facility levels.

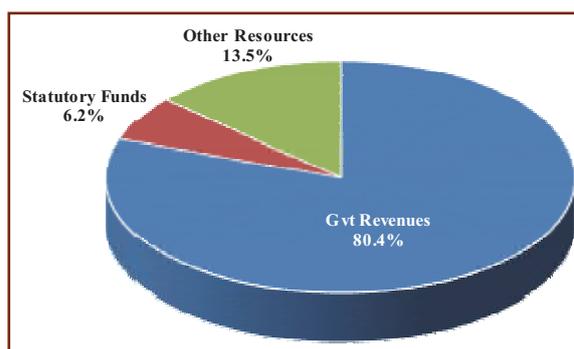


Figure 5: Projected sources of health and child care financing in 2016

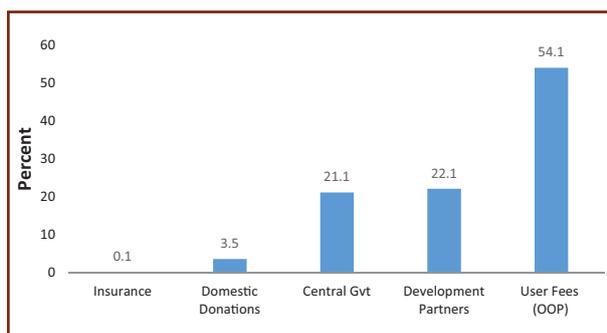


Figure 6a: Sources of revenues in district, rural and mission hospitals

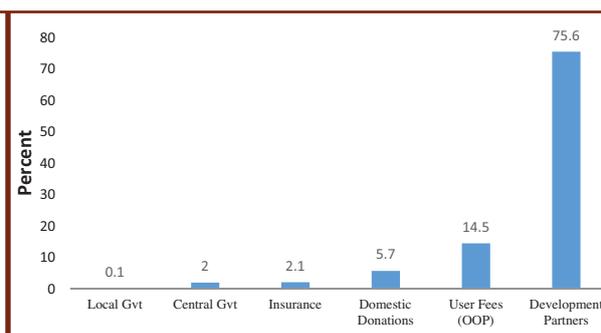


Figure 6b: Sources of revenue for rural health centres

While recent data are not available, the situation has probably not changed significantly. Thus, the basic level of health care in Zimbabwe is highly dependent on donor funding and OPP payments. This is unsustainable and perpetuates inequalities in access to health care. Funding health care from OPP is

⁴ Ministry of Health and Child Care, Resource Mapping Round 1 Preliminary Findings, 23 October 2015.

⁵ Of which HDF contributed 89 per cent, while the Integrated Support Programme accounted for 11 per cent of total pooled resources.

⁶ Of which, Global Fund (52 per cent), USAID (25 per cent), Centers for Disease Control and Prevention (6 per cent); others (including UN; World Bank; Gavi, The Vaccine Alliance; the Bill and Melinda Gates Foundation; and DFID) accounted for a combined 17 per cent.

undesirable, as it is both inefficient and regressive. Due to limited incomes, poor people typically bear a heavier financial burden from OPP. As a result, higher OPP may discourage lower-earners from seeking health care, thereby affecting health outcomes. For example, in 2014 the World Bank noted that the most common reason for not accessing health care when ill is the cost: 40.9 per cent of the poor cited that reason, compared to 26.4 per cent of the better-off.⁷

Health care budget execution

There has been significant deviation between the approved budget and actual execution of the MoHCC budget. Between 2010 and 2012, the difference between allocation and actual spending was small, but this widened by 3.3 percentage points in 2013 (see Figure 7). This is mainly on account of the cash-flow constraints, worsened by the cash-budgeting approach of the government. Cash budgeting implies that the government has first to receive cash before it can actually spend it.

Where the flows are under-performing, as is the current situation, planning is difficult, as disbursements to ministries are often delayed. The gap is narrowing, however: to 1.7 percentage points in 2014 and 1.5 percentage points in September 2015.

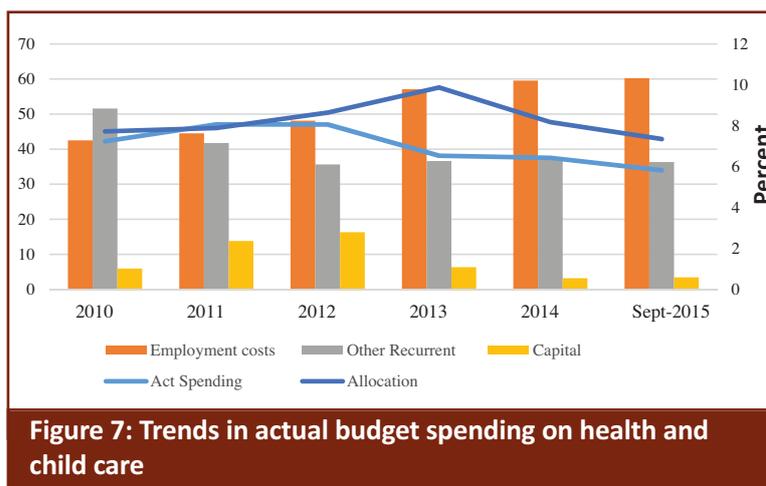


Figure 7: Trends in actual budget spending on health and child care

As at September 2015, 79.2 per cent of the budget had been disbursed, accounting for 5.8 per cent of total actual spending. Of this, employment costs accounted for 60.2 per cent, whereas only 3.5 per cent had been spent on maintenance and infrastructure investment – about 16.5 percentage points lower than the capital investments in health of the countries in the region. In fact, the actual spending on capital investment has been steadily declining: from 16.3 per cent in 2012 to 3.5 per cent in September 2015. This has been mainly on account of the growth in actual spending on employment costs, which increased from 48.1 per cent in 2012 to 60.2 per cent by the end of September 2015.

Per capita actual spending has remained below the WHO threshold of US\$34.00, amounting to US\$19.40 in 2014 and US\$16.45 at the end of September 2015. This demonstrates the level of underfunding of the health sector. It is therefore important for the government to explore options to increase the fiscal space, such as public-private partnerships, while at the same time improving its expenditure mix and prioritization of expenditure.

Equity in health care spending

It is important for any government to monitor its geographical budget allocation in view of the socio-economic conditions of different localities, in order to achieve equity between regions. Zimbabwe’s public health expenditure is centralized, with over 96 per cent of budget allocation going through the MoHCC. The remainder of the budget (3.7 per cent) is disbursed to government hospitals and health care centres along budget lines.

⁷ World Bank Public Expenditure Review Health Sector, Zimbabwe, Harare, October 2014.

Given that no other MoHCC expenditure is broken down at the provincial or district level, the equity analysis here is based on the US\$11.95 million allocated to government hospitals and health centres. Budget allocations to government hospitals and health care centres account for only a small share (3.6 per cent) of total health and child care budget.

Some 44 per cent of that money goes to provincial and district hospitals. Central hospitals account for 25.2 per cent, while the Parirenyatwa Group of Hospitals was allocated 21.5 per cent, and rural health centres and mission hospitals were allocated 4.8 per cent and 4.2 per cent, respectively (see Figure 8).

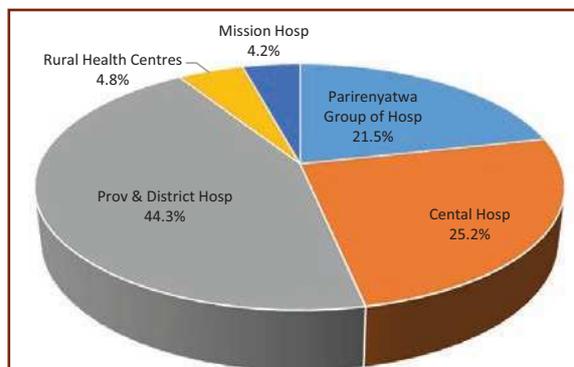


Figure 8: Share of allocations to Gvt hospitals and health care centres

An analysis of the 2016 budget allocation by province against poverty has been employed to judge whether central government expenditure for service provision prioritized poorer areas. It would

appear that the allocations are uniform across the provinces, ranging from US\$593,000 to US\$712,000. This is in spite of the differences in population sizes and the different levels of extreme poverty in each province. Extreme poverty represents those households whose per capita consumption is below the Food Poverty Line of US\$33.00 for one person and US\$166.00 for an average household of five persons, per month. Such households are assumed to face the most difficulties in meeting the cost of health care services.

By factoring in population, it can be noted that apart from Mashonaland West, per capita spending appears slightly higher in provinces with a higher proportion of extremely poor people (see Figure 9). Despite lower poverty levels, Matebeleland South has the highest per capita allocation, mainly on account of the size of its population. According to the 2012 census, the province is the least populated, with 683,893 people.

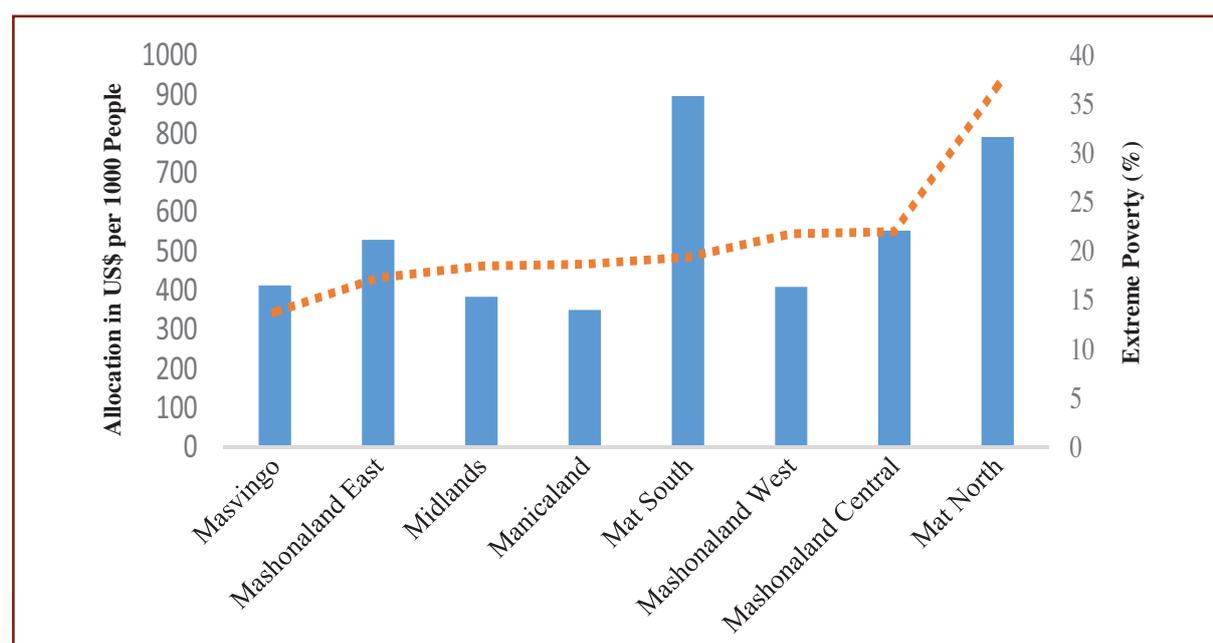


Figure 9: Pre Capita transfers to hospitals and health centres vs. poverty

Conclusion

In view of the prevailing fiscal space constraints, the focus of public spending should be on improving the quality of expenditure in health. Better targeting of expenditure (especially on primary care, medicines and supplies) and a reduction in the share of employment costs (both overall and in the health sector) should be the key policy priorities for the government. In addition, budget tracking and monitoring could help ensure that resources reach programmes and beneficiaries, to produce the intended health outcomes. Equally important is the need to ensure that public spending targets the neediest provinces and districts to achieve equity.

In the short term, and in view of the sluggish economic outlook, development partner support will remain critical. However, given the unpredictability of donor support, such resources should be considered complementary to domestic resources in the short term, while domestic resource mobilization recovers. Sustainability requires the government to increase its domestic resource mobilization efforts, including innovative financing mechanisms (such as public–private partnerships) and private investment, to increase resource flows into the economy in general and into the health sector in particular.

Related to the above, strengthening donor coordination could help improve resource allocation and health outcomes. That could improve targeting, while avoiding duplication and over-concentration in some provinces at the expense of others.

Social Protection Budget Brief 2016

UNICEF Zimbabwe: Social Policy and Research Section

Key messages

- ❖ The Ministry of Public Service, Labour and Social Welfare was allocated US\$174.24 million in 2016 – about 1 per cent higher than the US\$172.51 million in 2015.
- ❖ The social protection services were allocated US\$7.8 million – 0.2 per cent of the total budget and 0.05 per cent of GDP.
- ❖ Harmonized Social Cash Transfers were allocated US\$2 million, translating to 37 cents per targeted household in 2016.
- ❖ The Food Deficit Mitigation Strategy (FDMS) was allocated US\$500,000, insufficient to cover the project's 1.5 million food-insecure people.
- ❖ The Basic Education Assistance Module (BEAM) was allocated US\$10 million, which is a far cry from the target to support over 1 million orphans and other vulnerable children.
- ❖ Social protection is generally underfunded, placing a heavy burden on donors, families and extended families.
- ❖ The government, through partnership with UNICEF, has developed a new Social Protection Policy Framework and action plan that needs to be implemented to help unlock resources and provide better sector coordination.

Introduction

The Ministry of Public Service, Labour and Social Welfare (MoPSSLW) is responsible for the social protection system in Zimbabwe. The ministry's priorities for 2016 include the following: increasing access to the Basic Education Assistance Module (BEAM) by needy primary school children, orphans and other vulnerable children (OVC); the provision of probation services to OVCs; scaling up support grants to child care institutions; scaling up social cash transfers; and strengthening the welfare of persons with disabilities through empowerment loans.

However, these priorities need to be funded, and the 2016 allocation through the national budget leaves the social protection system vulnerable and dependent for the most part on donor support.

Budget allocation for 2016

The MoPSSLW was allocated US\$174.24 million in 2016, about 1 per cent higher than the US\$172.51 million allocated to it in 2015. The ministry ranks seventh in terms of overall allocations. However, of the US\$172.51 million allocated to MoPSSLW, US\$147 million (84 per cent) is classified as 'administration and general' expenditure, which will go on the public service medical aid scheme –Premier Service Medical Aid Society– and on the government contribution to public-sector employee pensions– through the National Social Security Authority: US\$120 million and US\$27 million, respectively.

Training centres and labour administration expenses account for 1.7 per cent a piece, while social protection and child welfare and protection services were allocated 4.5 per cent and 7.9 per cent, respectively (see Figure 1).

This brief focuses on the allocations to social protection and child welfare and to the protection services, whose programmes have a direct impact on the well-being of children in Zimbabwe.

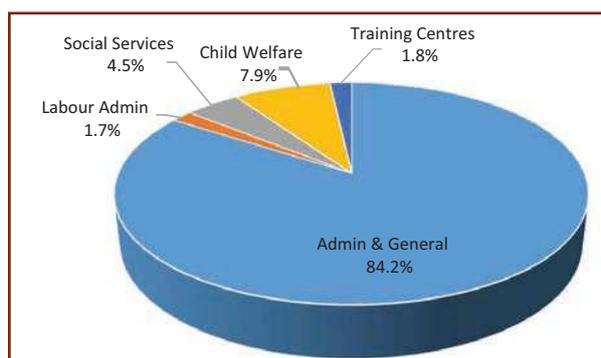


Figure 1: Composition of Budget Allocation to MoPSLSW

Social protection services

The social protection services were allocated US\$7.8 million in the 2016 budget. This represents 0.2 per cent of the total budget and 0.05 per cent of GDP. On a year-on-year basis, allocations to social services have been declining from a peak of US\$38 million in 2012 to US\$7.8 million in 2016 (see Figure 2a). Note that prior to 2014, social services allocations were combined with child protection services, hence the higher figures between 2010 and 2013.

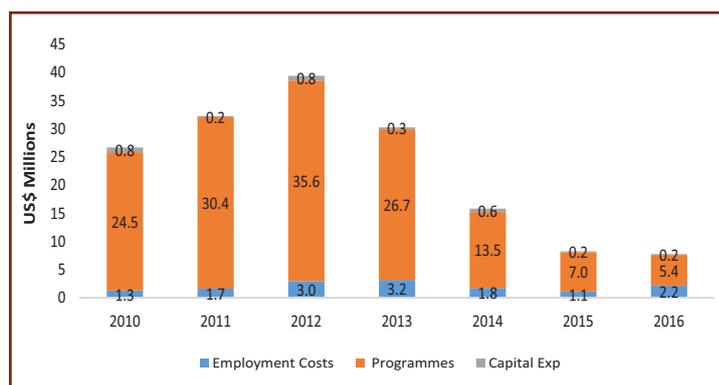


Figure 2a: Trends in social services allocations (2010-16)

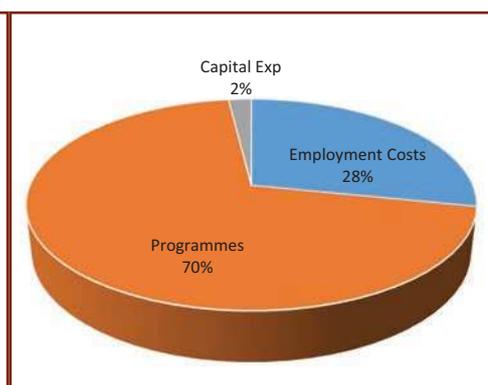


Figure 2b: Composition of social services budget allocation in 2016

A significant proportion of the budget allocation is earmarked for programmes, while wage-related costs account for 28.2 per cent of the total budget (see Figure 2b). This is in contrast to, for example, the Education Ministry, where employment costs account for a significant share of the budget. Some 70 per cent of the allocation is earmarked for programme support, while capital investment accounts for 1.9 per cent of the 2016 allocation.

The major programmes under social services include: **Harmonized Social Cash Transfers (HSCT)** and the maintenance of elderly persons, which account for a combined share of 63.3 per cent of the US\$4.74 million programme budget. The HSCT programme provides monthly cash payments to poor households. Under it, a total of US\$1.7 million was allocated in 2015, of which only US\$1.19 million had been paid to households by September 2015 (see Figure 3).

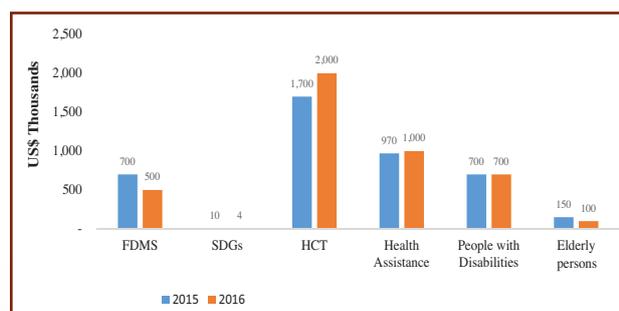


Figure 3: Allocations to programmes under social services (2015-16)

With 504,000 households living in extreme poverty,¹ the amount allocated is completely unrealistic.

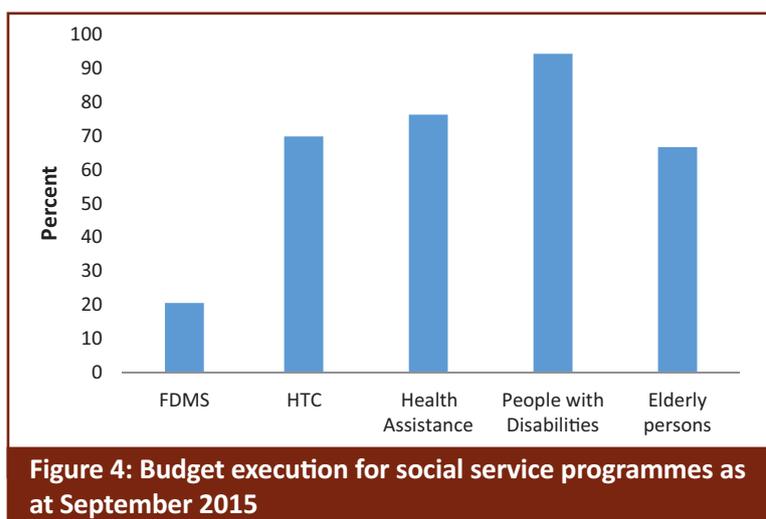
As such, the burden of providing social protection has been shouldered by development partners, families and extended families. For example, UNICEF, under the HSCT, made cash transfers of US\$9.9 million in 2015 (benefiting 53,509 households) – almost five times the government budget of US\$2 million.

The Food Deficit Mitigation Strategy (FDMS) was allocated US\$500,000. With an estimated cereal production shortfall of 650,000 tonnes, the country is expected to see a 169 per cent increase in food insecurity since 2014; 1.5 million people are projected to be affected by the drought.² As is normally the case in time of shortages, children are likely to suffer most.

Support for people living with disabilities was allocated US\$700,000. However, with an estimated 900,000 people living with a disability,³ this would translate to 77 cents per person for the whole of 2016.

Budget execution for social protection services programmes

Because of fiscal space constraints, actual budget utilization in social services has been below budget allocations. For instance, by September 2015, disbursements to programmes under social services averaged 65.5 per cent of the amounts allocated. Disbursements to support people living with disabilities stood at 94.3 per cent, health assistance 76.3 per cent, support for elderly people was at 66.7 per cent, while only 20.6 per cent had been disbursed under the FDMS allocation (see Figure 4).



Child welfare and protection services

In the 2015 budget, the government introduced the child welfare and protection services as a standalone sub-vote in the MoPSSLW. Programmes under this sub-vote include: BEAM, Children in Difficult Circumstances, Children in the Street Fund, as well as support for government child protection institutions. These programmes were previously classified under the social protection sub-vote.

The child welfare and protection services were allocated a total of US\$13.78 million, about 0.3 per cent of the total government budget and 0.1 per cent of GDP. The 2016 allocation was 28.1 per cent higher than the US\$10.75 million allocated in 2015. The increase in the allocation was mainly on account of the scaling-up of BEAM, whose allocation rose from US\$7 million in 2015 to US\$10 million for 2016.

¹ According to PICES 2011/2012, 62.6 per cent are deemed poor, while 16.2 per cent are in extreme poverty.

² Zimbabwe: Food Insecurity, Office of the UN Resident Coordinator Situation Update No. 2, 13 October 2015.

³ Ministry of Health and Child Care/UNICEF, *Living Conditions Among Persons with Disability Survey: Key Findings Report, 2013*. [https://www.unicef.org/zimbabwe/National_Survey_on_Disability_2013\(1\).pdf](https://www.unicef.org/zimbabwe/National_Survey_on_Disability_2013(1).pdf)

BEAM is designed to benefit all school-age children (6–19 years) who are from resource-constrained families and who have failed to attend school owing to household financial constraints. BEAM assists children with tuition, levies and examination fees at both the primary and the secondary level, in both rural and urban areas.

A significant share of the child welfare and protection services budget is allocated to programmes. Between 2014 and 2016, allocations to programmes averaged 82.8 per cent of total allocations, with employment costs accounting for an average of 16.5 per cent over the same period (see Figure 5a). In 2016, 82.6 per cent of the child protection budget was allocated to programmes, while employment costs and capital budgets were allocated 15.9 per cent and 1.5 per cent, respectively (see Figure 5b).

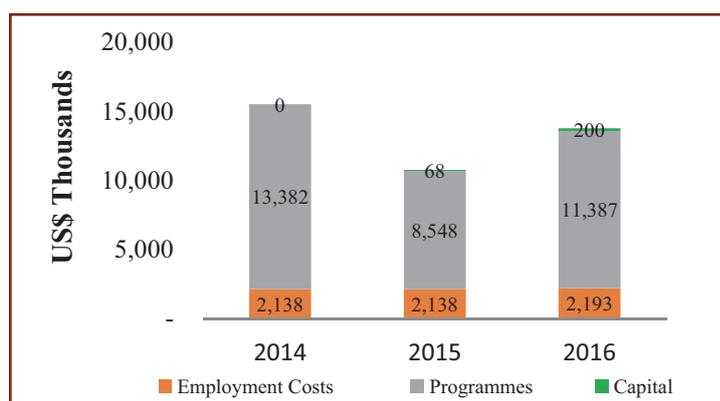


Figure 5a: Trends in child protection allocation 2014-16

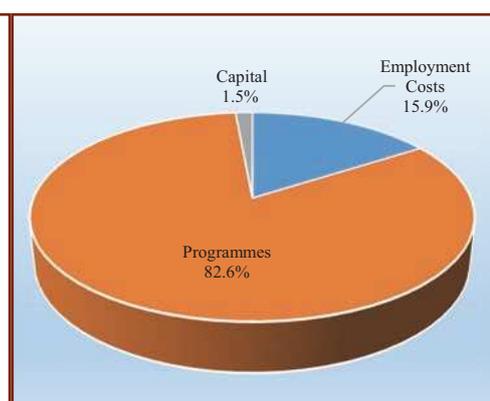


Figure 5b: Composition of the 2016 child protection allocation

BEAM is the major programme under the child welfare and protection services, accounting for 87.8 per cent of the programme allocation and 72.6 per cent of the total child welfare and protection budget. BEAM provides assistance with tuition fees, levies and examination fees to OVCs through block grants transferred direct to schools. A total of 77,885 primary and secondary school children were assisted with school fees, and 11,957 were assisted with examination fees through BEAM in 2015. This is against an estimated total of 900,000 children requiring BEAM support.

Despite the increase in budget allocation, the BEAM funding gap remains huge. Some US\$51.3 million is needed to cover the 900,000 children requiring support. In the absence of donor support – which over the years has played a significant role in supporting BEAM – many OVCs will not be able to access education. With an increasingly difficult economic outlook, job losses and the current drought,⁴ many are likely to be forced out of school. The cost to the economy and society of having so many children out of school for financial reasons is huge, and it perpetuates inter-generational poverty cycles.

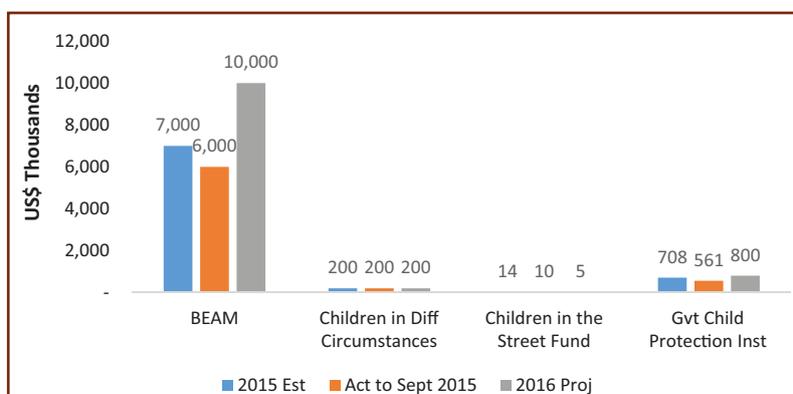


Figure 6: Allocations to child welfare services

⁴ Some 1.5 million people are projected to be food insecure during the peak of the lean season (January to March 2016); Zimbabwe: Food Insecurity, Office of the UN Resident Coordinator Situation Update No. 2, 13 October 2015.

Other programmes under the child welfare and protection services account for a combined share of 12.8 per cent of the programme allocation. These include: Children in Difficult Circumstances (allocated US\$200,000), Children in the Street Fund (allocated US\$5,000) and support for government child protection institutions (US\$800,000) (see Figure 6). These allocated amounts fall significantly short of the requirements.

While acknowledging the government commitment to supporting child protection programmes, it is clear that the support falls far short of the requirements.

Conclusion

The weak macroeconomic performance, coupled with constrained fiscal space, is limiting the levels of public investment in social sectors in general, and in social and child protection in particular. With increased expenditure pressures, particularly on the wage bill, and some unbudgeted and unavoidable expenditure (such as the response to the current drought), public spending on social and child protection is likely to suffer from underfunding. While the government continues to explore options for growing the economy (and hence its fiscal space), development partner support in social sectors remains important in the short-to-medium term.

Aggressive advocacy through all possible channels is necessary to ensure that priority focus is given to child-sensitive social protection. Given the need across various vulnerable groups and areas of Zimbabwe, and the possibility of recurring drought due to climate-change impacts, the social protection system requires a financial injection – now more than ever.

The adoption of a new Social Protection Policy Framework and action plan may help unlock resources and provide better sector coordination. This should be informed by studies to cost the minimum package of social protection, which is important for government planning and budgeting. Similarly, such evidence will inform the basis for resource mobilization, including from development partners.

Thorough cost modelling of social protection in Zimbabwe is required to ascertain the fiscal implications. Furthermore, it is important to assess the cost of doing nothing and to strengthen advocacy for social protection prioritization within political and economic decision-making circles.

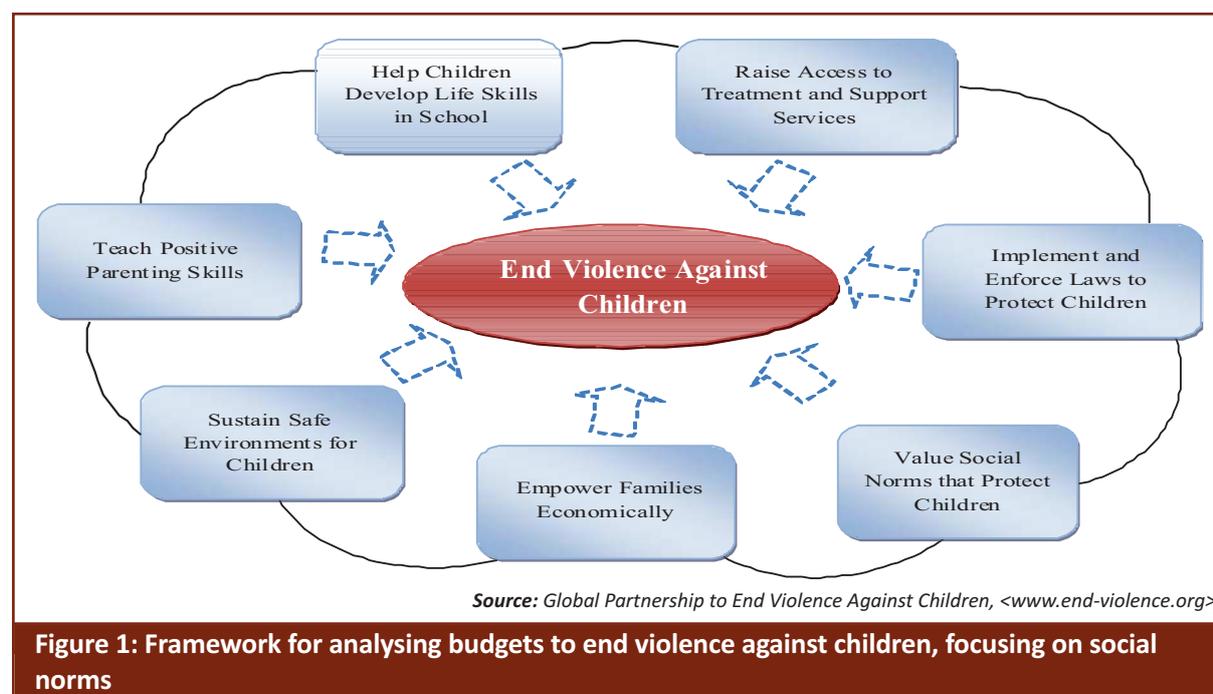
ANALYSING THE BUDGETARY ALLOCATIONS FOR PREVENTING VIOLENCE AGAINST CHILDREN WITH A PARTICULAR FOCUS ON SOCIAL NORMS

Tawanda Chinembiri

Introduction

This budget analysis project is part of a wider study by the Women’s University in Africa that focuses on an analysis of drivers of violence against children; Zimbabwe is one of four countries taking part in a global study on the Drivers of Violence against Children. This study seeks to support the larger project, which aims to achieve a better understanding of the social norm drivers of violence as they affect children in Zimbabwe and what can be done to address those drivers. Specifically, the study focuses on exploring the budgetary allocations for preventing violence against children in Zimbabwe, with a particular focus on social norms. The findings of this study are expected to help further support stakeholders, including the Government of Zimbabwe and UNICEF, to develop a comprehensive social norms strategy for more effective and focused preventive interventions. In this study, violence against children is defined within the framework of the Convention on the Rights of the Child (CRC), as “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.

The analysis of the national budget follows the framework designed by the Global Partnership to End Violence Against Children, which focuses on the following seven evidence-based strategy areas for prevention of violence against children (see Figure 1).



The research takes a content-analysis approach to national budgets for the years 2013–2016, exploring how they address the prevention of violence against children, with a specific focus on the impact on social norms both as a cross-cutting issue and as a separate strategy area. Identification of the social

norms follows the simple indicators in the Demographic and Health Survey (DHS) or Multiple Indicator Cluster Survey (MICS), suggesting the presence of a social norm – defined as rules or expectations of behaviour within a specific cultural or social group, offering social standards of appropriate and inappropriate behaviour, governing what is (and is not) acceptable and coordinating our interactions with others.

The research looks at budget revised allocations and actual expenditure against the allocations at a standard period of September every year. The analysis is restricted to the period under the current government, in order to avoid the potential bias of the dynamics of the 2009–2013 inclusive government. The analysis follows each of the seven strategic areas identified above. Due to the bias of the budget allocations toward salaries (more than 85 per cent) for the years under review, the focus of the analysis is on programmes, because these have a direct bearing on how children are impacted; salary and other administration expenses are treated as constants across all the allocations. Where the allocation is not clearly available, the closest possible allocation will be used, especially where there is scope to expand the content of the allocation to include a focus on the strategic intervention area. Since strategies may be addressed from a wide stakeholder perspective, analysis of the allocations for an intervention is performed in terms of how that allocation compares to other programmes under the same ministry.

Policy background in Zimbabwe related to budgetary allocations

Guaranteeing the rights of children is a key step towards sustainable development. It is both a legal and a moral responsibility of every government, and hence should be at the centre of policy formulation – including how a country’s financial resources are allocated. It is worth noting that without adequate resources, any commitments on children’s rights will remain hollow, and the children will not be able to contribute meaningfully to the future development of the country. Prioritizing the rights and needs of all children for these and future generations requires increased investment in the implementation of relevant legislation and programmes that deliver results for children.

Chapter 17 of the Constitution of Zimbabwe clearly provides a framework for prudent public financial management. Included in this section are issues concerning the principles of public financial management, parliamentary oversight of state revenue and expenditure, allocation of resources between provincial and local tiers, withdrawals from the Consolidated Revenue Fund, and safeguarding public funds. These provisions, in other words, direct the way in which the state should manage resources for the public good, implying that the mandate of the Ministry of Finance in the dispensation of its duties is a constitutionally given mandate. This mandate is complemented by several other policy pronouncements that give direction and specific guidelines on the projects and thrust of economic progress.

The recent past has seen a growing recognition that children have rights, and that resources are required to achieve results for children. While the Government of Zimbabwe has shown commitment to the rights of the child by signing and ratifying international treaties, such as the 1989 United Nations CRC and the 1999 African Charter on the Rights and Welfare of the Child (ACRWC), there is a high risk that without appropriate public spending, these treaties will remain largely unfulfilled. Put simply, the government needs to transform the obligations made under those treaties into action by committing resources to programmes and projects with a high impact on the rights and well-being of children.

The Government of Zimbabwe, through a wide array of economic and social policies, has set frameworks that guide the allocation of national resources through the national budget. Such policies would include the 1980 Growth with Equity at Independence and the current Zimbabwe Agenda for Sustainable Socio-Economic Transformation. Through the Ministry of Finance, the government annually produces a Budget

Strategy Paper that draws on the national policy framework to set parameters for the upcoming budget. This normally follows widespread consultations with different stakeholders (debates rumble on every year about whether the consultations are real or just token). However, within the context of the Sustainable Development Goals, it is important that resources should be provided within the government’s 10 priority goals to facilitate the realization of children’s rights, especially prevention of violence and abuse, trafficking, sexual and other types of exploitation, harmful practices such as child marriage, the worst forms of child labour, and the promotion of safe public spaces, including safe and non-violent learning environments.

Key findings of the research

Using the DHS and the MICS reports, the following are the key indicators suggesting the presence of social norms under each of the seven intervention areas that guided this budget analysis.

Table 1: Key indicators in each of the prevention areas

	Prevention area						
	Teach positive parenting skills	Help children develop life skills and stay in school	Raise access to treatment and support services	Implement and enforce laws to protect children	Value social norms that protect children	Empower families economically	Sustain safe environments for children
Key Indicators	<ul style="list-style-type: none"> Breast-feeding initiation and duration Safe disposal of child’s stool Attitude towards domestic violence 	<ul style="list-style-type: none"> Attendance at early childhood development (ECD) Father’s support for learning Mother’s support for learning School readiness Gender Parity Index Ratio of school attendance of orphans to school attendance of non-orphans 	<ul style="list-style-type: none"> Contraceptive prevalence rate Ante-natal care attendance Skilled attendant delivery Institutional delivery Awareness of HIV prevention among young people Knowledge of mother-to-child transmission (MTCT) 	<ul style="list-style-type: none"> Birth registration Violent discipline Marriage before 15 and before 18 Smoking before 15 years Use of alcohol before 15 	<ul style="list-style-type: none"> Early child-bearing Spousal age difference Sex with non-regular partners Condom use with non-regular partners Young people who have never had sex Sex before 15 among young people Age mixing of sexual partners 	<ul style="list-style-type: none"> Child labour Women’s empowerment and asset ownership 	<ul style="list-style-type: none"> Availability of playthings Inadequate care ECD index Child living arrangements

Source: MICS and DHS reports

Overall total prevention of violence allocation as a percentage of the total budget and allocation per capita

Allocations to all forms of programmes aimed at preventing violence against children have overall been very small over the years under review. Figure 2 shows the allocations as a percentage of total budget, as well as in per capita terms.

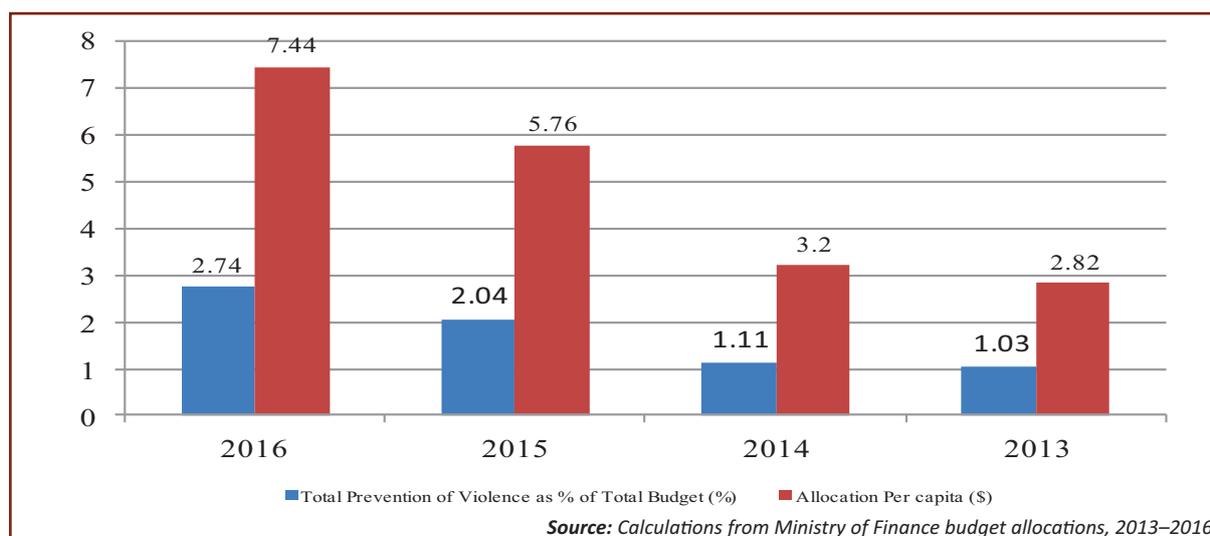


Figure 2: Total prevention of violence programme budget allocation as a percentage of total budget and allocation per capita

Allocations for prevention of violence against children programmes totalled 1 per cent in 2013, and steadily increased to 2.7 per cent in 2016 (see Figure 2). Though the trend is encouraging, the rate of increase is not large enough to bring about the required change, especially in the current economic environment prevailing in Zimbabwe.

On the other hand, allocation per capita has also been rising steadily, from a meagre US\$2.82 to US\$7.44 in 2016. However, these allocations do not always translate into expenditure, as sometimes resources either are not released by the treasury or else are released too late to make any expenditures against the allocation, though the gesture indicates the government’s commitment to the sector.

Subsequent sections show more details of the specific allocations to each sub-sector.

Budgetary allocations and expenditure on teaching positive parenting skills

The teaching of positive parenting skills includes delivering education programmes that facilitate transfer of knowledge to parents on how to communicate with their children, how to inflict punishment when necessary, and how to reward good behaviour when it is exhibited. Also included are issues relating to child care, including breast feeding and attitudes towards domestic violence. If parents are not taught positive parenting skills, this may lead to poor parenting skills, which could be harmful to children, as parents may not be well equipped to deal with children’s issues in a way that benefits the children.

A look at Zimbabwe’s national budgets for the years under review reveals that there is no specific allocation to any programme exclusively for the teaching of positive parenting skills. However, experience has shown that such teaching can be addressed as a content issue under maternal and child care programmes. There is potential for the broadening of content provided during pre-natal, ante-natal and post-natal sessions to include broader issues of positive parenting. While the bulk of positive parenting skills teaching is available from the religious sector, this has not taken centre stage in teachings for parents, unless there is a problem warranting external intervention. Attendance at a few maternal sessions has shown that teaching is mostly restricted to caring for the pregnancy, as well as looking after the newborn baby, including proper child breast feeding (initiation and duration). Therefore, for this study we will look at allocations to maternal and child care programmes, and how these have evolved over time in the period under review, as a potential avenue for the teaching of positive parenting skills.

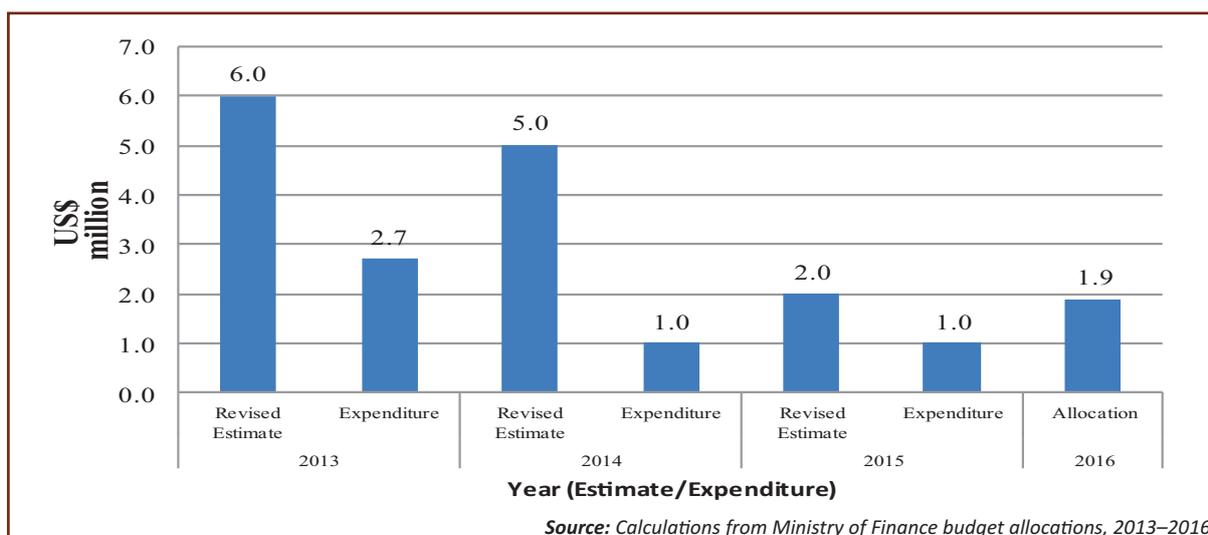


Figure 3: Budgetary allocations towards maternal and child health care

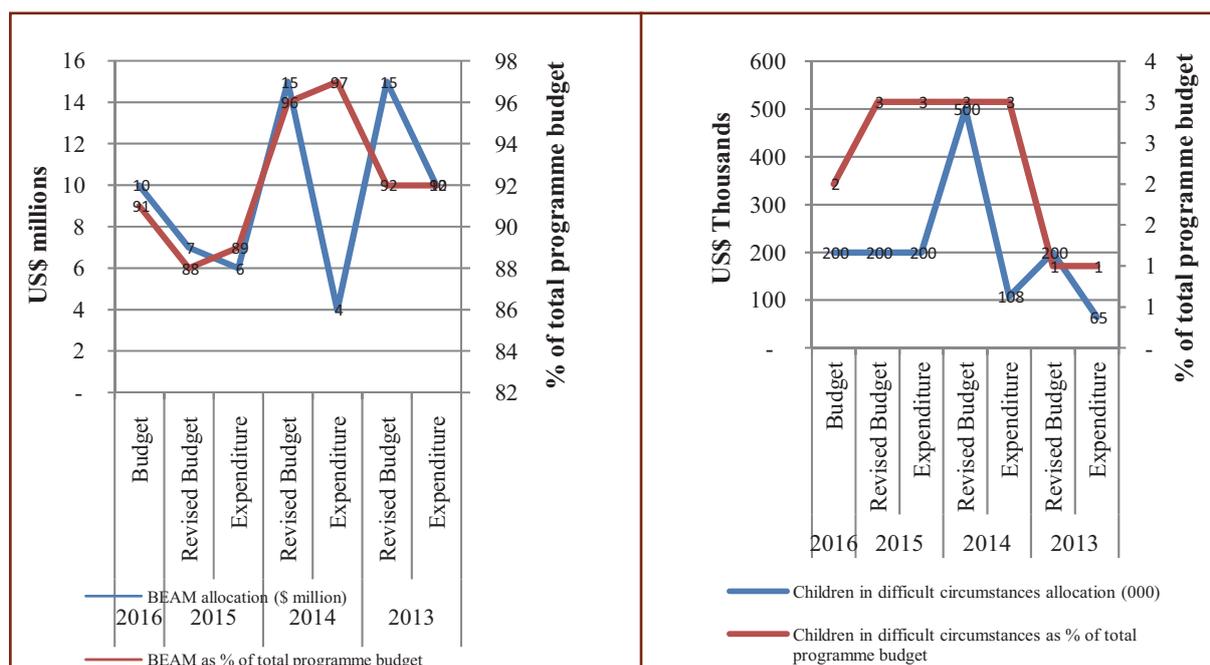
From Figure 3, it is clear that allocations for maternal and child health have been declining – from about US\$6 million dollars in 2013 to about US\$1.9 million in 2016. This shows that the government has been de-prioritizing maternal and child care programmes over the years. A review of allocations versus expenditure also shows that, for all the years under review, actual expenditure was below 50 per cent of total allocations, meaning that either the government did not release the resources, or the absorptive capacity of the implementers could not match the resources. In addition to the above, there is no statutory allocation or resources from other sources for maternal and child care programme in the years under review.

Budgetary allocations and expenditure on helping children develop life skills and stay in school

The allocations for this strategy are provided mainly under three ministries: the Ministry of Public Service, Labour and Social Welfare; the Ministry of Primary and Secondary Education; and the Ministry of Higher and Tertiary Education. Allocations for this purpose help ensure that children can be children at the appropriate age and that they are engaged in age-appropriate activities, including developing their skills to levels relevant for their future. Failure to allocate resources towards this will result in children dropping out of school or failing to acquire much-needed life skills. Children in difficult circumstances will have their situation exacerbated by restrictions in accessing other essential services.

In recognition of this, the government, through the Ministry of Public Service, Labour and Social Welfare, has set up the Basic Education Assistance Module (BEAM) to try and ensure that the most disadvantaged of society’s children are able to attend school. The BEAM programme is currently administered under the ministry’s Child Welfare and Probation Services Department, after having been administered by the Social Services Department until 2014. The ministry also allocates resources to another intervention that addresses the same challenge: a programme targeting children in difficult circumstances, to ensure that they enjoy good welfare and are able to attend to their day-to-day activities normally, like any other child of the same age. Figure 4 shows the trend in the allocations for the two interventions.

Allocations for the BEAM programme have declined, after peaking at US\$15 million in 2013 and 2014, to a low of US\$10 million in 2016 (see Figure 4). The BEAM programme on average accounted for more than 90 per cent of all resources earmarked for programmes under the Child Welfare and Probation Services Department, indicating a serious commitment to the programme. Worrying, however, was the



Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Figure 4: Basic Education Assistance Module and children in difficult circumstances budget allocation, 2013–2016

low burn rate in 2014, when a total of US\$15 million was allocated, but only US\$4 million was spent by September 2014.

On the other hand, allocations for children in difficult circumstances averaged between 1 per cent and 3 per cent of the total programme budget for child welfare and probation services, increasing from US\$65,000 in 2013 to US\$200,000 in 2016. Though US\$500,000 was allocated in 2014 to the programme, only US\$108,000 was spent, indicating a burn rate of about 25 per cent. Only 2015 shows a high burn rate (100 per cent), indicating demand for the services.

Through the Ministry of Primary and Secondary Education as the principal agent, the government also allocates resources to help children develop life skills and stay in school, spread across the primary and secondary education continuum. Targeted programmes include life skills training, guidance and counselling, scholarships and grants, among others (as summarized in the following sections).

Table 2: Government allocations for promotion of health and safety life skills programmes

	2016		2015		2014		2013	
	Allocation	Budget	Exp	Budget	Exp	Budget	Exp	
Total administration programme budget (US\$)	120,000	136,000	0	100,000	0	76,000	0	
Promotion of health and safety life skills (US\$)	10,000	15,000	0	50,000	0	35,000	0	
Promotion of health and safety life skills as a percentage of total administration budget (%)	8.3	11.0	0.0	50.0	0.0	46.1	0.0	
Guidance, counselling and psychological services (US\$)	0	105,000	0	64,000	0	100,000	0	

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Table 3: Allocations for programmes in infant education

	2016	2015		2014		2013	
	Allocation	Revised Budget	Exp	Revised Budget	Exp	Revised Budget	Exp
Infant education scholarships Transfers (US\$)	0	5,000	0	4,000	0	5,000	0
Rural pre-school transfers (US\$)	0	0	0	8,000	0	10,000	0
Infant Education Schools Feeding Programme (US\$)	200,000	200,000	0	500,000	0	0	
Grant to support infant schools (US\$)	250,000	500,000	500,000	1,300,000	200,000	0	0

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Despite massive poverty challenges that have left the majority of both rural and urban children without access to infant education, between 2013 and 2015 the government only allocated an average of US\$5,000 per year for infant education scholarships, and nothing at all in 2016. No expenditure was recorded against these allocations in any year. Also, despite allocations of US\$10,000 and US\$8,000 in 2013 and 2014, respectively, nothing was subsequently spent on rural pre-school transfers. The only notable allocations were on grants to support infant schools, where US\$500,000 and US\$200,000 was spent in 2015 and 2014 against allocations of US\$500,000 and US\$1.3 million, respectively. None of the allocations under this programme were statutory, but merely appropriations.

In a quest to keep girls relevant for the job market, with a specific focus on science and technology, the government, through the Ministry of Higher and Tertiary Education, in 2016 made an allocation of US\$200,000 to the Girl Child Scholarship for Science and Technology Programme as a statutory allocation, a development that will likely see the resources being ring-fenced in coming years. The other years saw no allocations towards this programme.

Budgetary allocations and expenditure to raise access to treatment and support services

Allocations towards increasing access to treatment and support services are essential for improving children’s access to health services. Failure to allocate resources to this will result in a huge burden for the country to support treatment arising from a high disease burden. A child sector with a large disease burden means that children are prevented from enjoying a healthy young life, and also that they are restricted from accessing other services, like education, due to the down time.

These allocations mainly go through the Ministry of Health and Child Care, but they also partly go through the Ministry of Public Service, Labour and Social Welfare’s Health Assistance Programme. Allocations that impact on curbing violence against children fall under both preventive services programmes and medical services programmes. As in other sections, the focus is on programmes to avoid the bias introduced by salary allocations and expenditure.

Some 83.7 per cent of the total Ministry of Health and Child Care budget for 2016 goes on medical care services (see Table 4). This is the arm of the ministry that focuses on curative services, including drugs procurement and administration. Naturally, medical care services are expected to cost more than preventive services. Over the years, medical services accounted for more than 75 per cent of the total

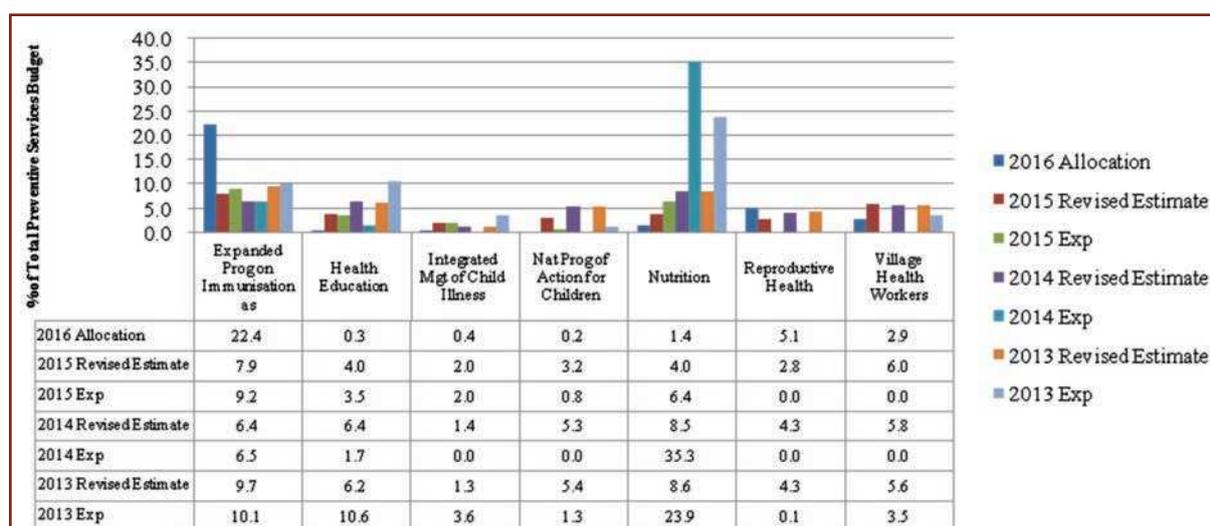
Table 4: Allocations to raise access to treatment and support services

	2016				2015		2014		2013	
	Allocation	Statutory	Other	Total 2016	Revised Estimate	Exp	Revised Estimate	Exp	Revised Estimate	Exp
Preventive services as a percentage of total ministry budget	8.5	0.0	82.0	17.9	9.2	9.2	8.3	9.0	6.7	8.1
Medical care services as a percentage of total ministry budget	83.7	100	18.0	75.8	80.8	83.1	78.4	82.8	83.4	81.0
Total preventive services programme budget as a percentage of preventive services budget	8.4		100.0	65.0	9.1	7.0	16.7	6.7	18.3	8.8

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Health Ministry budget, compared to a maximum of 17.9 per cent for the 2016 allocation for preventive services. Medical care services also enjoy statutory allocations, which are not available to preventive services. However, within the preventive services budget, allocations for programmes declined from 18.3 per cent in 2013 to 9.1 per cent in 2015, before rising to 65 per cent in the 2016 allocation. Expenditure against these allocations was also very low, averaging 7 per cent of allocations for the period under review.

Figure 5 shows an analysis of line items within the programme budget in relation to the preventive services programme budget.



Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Figure 5: Preventive services programmes allocation as a percentage of total preventive services programme budget

The figure shows that the Expanded Programme on Immunization got the highest allocation of the preventive services programmes, accounting for 22.4 per cent of the total preventive services programmes budget in 2016. However, allocations for the integrated management of child illnesses accounted for less than 2 per cent in all the years under review, implying that this may not be a priority programme for preventive services, though it has a direct implication for the welfare of children. Reproductive health also accounted for very insignificant amounts of the total preventive services programme budget, with the highest allocation of 5.1 per cent in 2016. In 2015, no expenditure was recorded for reproductive health, a situation that could be attributable to the de-prioritization of the sector, as most activities were supported under the donor-funded Integrated Support Programme. The National Programme of Action for Children also performed badly in terms of both allocations and expenditure, with a maximum of only 5.4 per cent allocated (in 2013). The importance of health workers as the foot soldiers able to identify cases in communities and refer them for treatment, especially among children, saw no expenditure in 2014 and 2015, even though there were allocations of 6 per cent and 5.8 per cent of the total preventive services programme budget. This has the implication of restricting the work of these very important health cadres in the health delivery system.

The Health Assistance Programme under the Ministry of Public Service, Labour and Social Welfare also plays an important role in access to health services, especially for the poor rural majority.

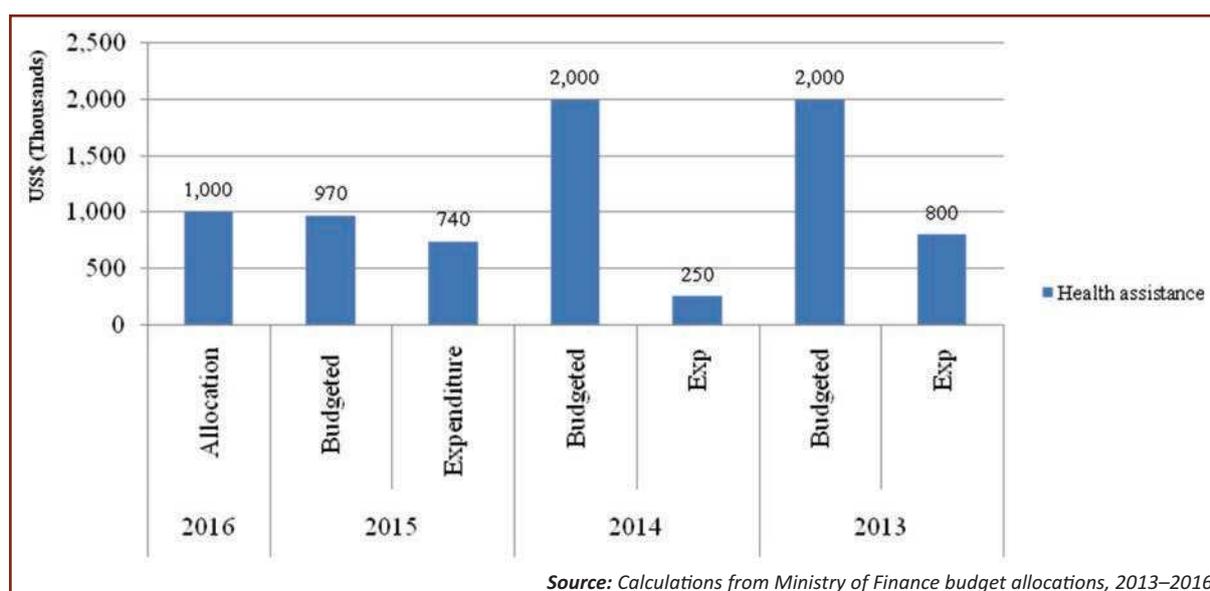


Figure 6: The Health Assistance Programme

Figure 6 shows that budgetary allocations for the Health Assistance Programme declined from a high of US\$2 million in 2013 and 2014 to US\$970,000 in 2015 and US\$1 million in 2016. Expenditure against allocations was lowest in 2014, when only US\$250,000 of the allocated US\$2 million was spent (12.5 per cent). The allocations and expenditure, however, do not match need, as the country still bears the burden of orphans and other vulnerable children who need support in accessing health services.

Budgetary allocations and expenditure to implement and enforce laws to protect children

The implementation and enforcement of laws that protect children is of paramount importance to the reduction in violence against children. In the Zimbabwean context, this is done by allocating resources to institutions that handle law enforcement, including the Ministry of Home Affairs through its various

departments, as well as the judiciary system. If resources are not made available for this strategic intervention area, children will be exposed to violence, in the sense that the laws protecting them will not be enforced; this will subject them to lack of (or restricted) recourse for wrongs done to them.

Allocations under the Ministry of Home Affairs

Under the Ministry of Home Affairs, apart from resources for the police, allocations for birth registration have a direct bearing on children’s rights. This is because access to birth registration is every child’s right and is provided through the services of the Registrar General’s Department of the Ministry of Home Affairs. Failure to register any child results in violation of that child’s right, as the child will not be able to access other basic rights, including education. Below is an analysis of how much was allocated to mobile registration, as this is a programme that provides an opportunity for children, especially rural children and those who are hard to reach, to get registered.

	2016			2015		2014		2013	
	Allocation	Statutory	Total 2016	Budgeted	Exp	Budgeted	Exp	Budgeted	Exp
Registrar General (US\$ million)	13.83	34.40	48.23	16.56	12.31	14.08	9.66	12.30	14.19
Police (US\$ million)	374.47	31.47	405.94	378.92	260.06	393.62	299.84	286.97	341.49
Analysis									
Police as a percentage of total budget (%)	94.3	46.9	87.5	93.5	94.1	93.3	0	91.67	93.5
Registrar General as a percentage of total budget (%)	3.5	51.3	10.4	4.1	4.5	3.3	0	3.9	3.9
Mobile registration (allocation) (US\$ million)		3.4	3.4	0.18	0.18	0	0	0	0
Mobile registration programme as a percentage of Registrar General	-	9.9	7.1	1.1	1.5	-	-	-	-

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

The table shows that the Registrar General accounted for less than 10 per cent of the total Ministry of Home Affairs budget for the years under review, with the Zimbabwe Republic Police getting an average of 93 per cent between 2013 and 2015, and 87.5 per cent in 2016. However, it is notable that the ministry enjoys one of the highest statutory allocations – even higher than the appropriations for 2016. In relation to programmes, only the mobile registration programme was allocated resources in 2016 (US\$3.4 million) and 2015 (US\$180,000). For 2015, the expenditure under mobile registration was 100 per cent of the total budget allocation, making this one of the best-performing programmes in the entire year’s budget across all ministries. However, under the Zimbabwe Republic Police, there is no specific allocation for the Victim-Friendly Unit programme. This unit plays a very important role in protecting the rights of children, by offering counselling and support, as well as by handling domestic violence issues that violate the rights of children.

Allocations under the Ministry of Justice, Legal and Parliamentary Affairs

Under the justice delivery system, the allocation to the Pretrial Diversion Programme is critical to ensuring that children are rehabilitated, in order to avoid them growing into criminals in the future. If the Pretrial Diversion Programme is not allocated adequate resources, children will end up being sent to jail (where they may be incarcerated with adults and may come out worse), when there could have been the option of non-custodial corrective action. Figure 7 shows the allocations and expenditure on the Pretrial Diversion Programme of the Ministry of Justice, Legal and Parliamentary Affairs.

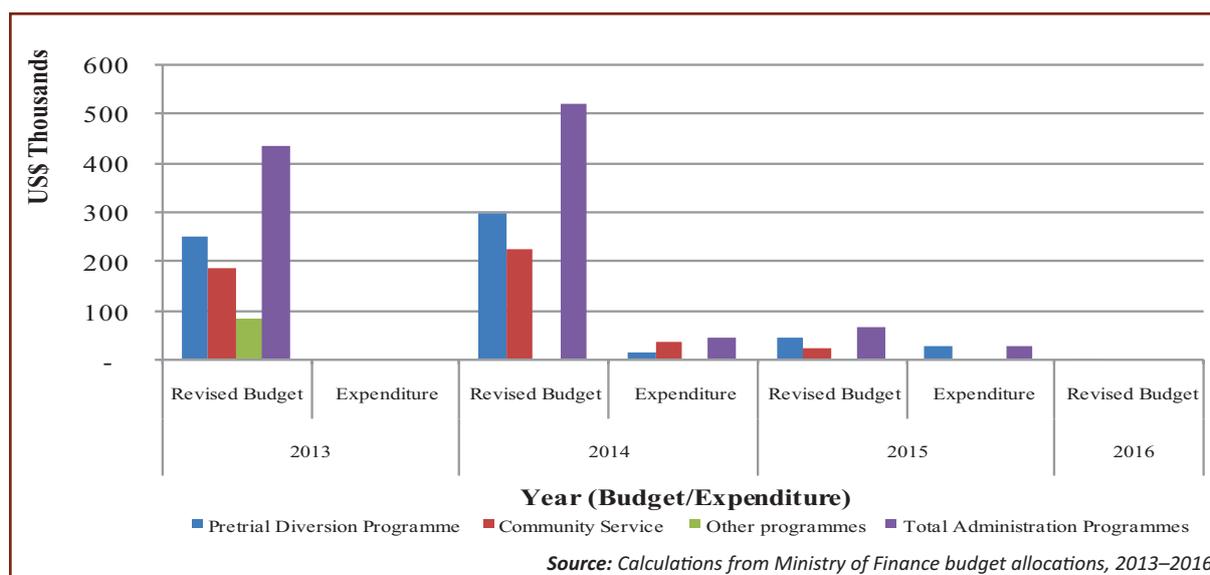


Figure 7: Pretrial Diversion Programme allocation – Ministry of Justice, Legal and Parliamentary Affairs

From the analysis of the figures, it was noted that there is no statutory allocation to this very important programme – only appropriations, which are at the discretion of the Minister of Finance. There are also no resources available from other sources to fund the programme. The programme got its highest allocation in 2014 (US\$300,000), with allocations of US\$84,000, US\$45,000 and US\$250,000 in 2016, 2015 and 2013, respectively. However, in 2013, no expenditure was recorded against the allocations, and less than 5 per cent of the allocation was spent in 2014. The trend shows that the allocations have been declining over the years.

In relation to total administration programmes, the Pretrial Diversion Programme was the only programme to be allocated resources in 2016; in other years, allocations accounted for between 55 per cent and 70 per cent of the ministry’s total administration programmes (see Figure 8). The burn rate also remained low against these allocations, with only 56 per cent of the allocation being spent in 2015.

Allocations under the Judicial Service Commission

Also important in the prevention of violence against children are allocations for the Judicial Service Commission. This commission plays an important role in enabling access to justice for the hard-to-reach population, especially children, through the circuit court and the victim-friendly court programmes. Lack of allocations to these will reduce children’s protection and expose them to various forms of violence – economic, social or physical.

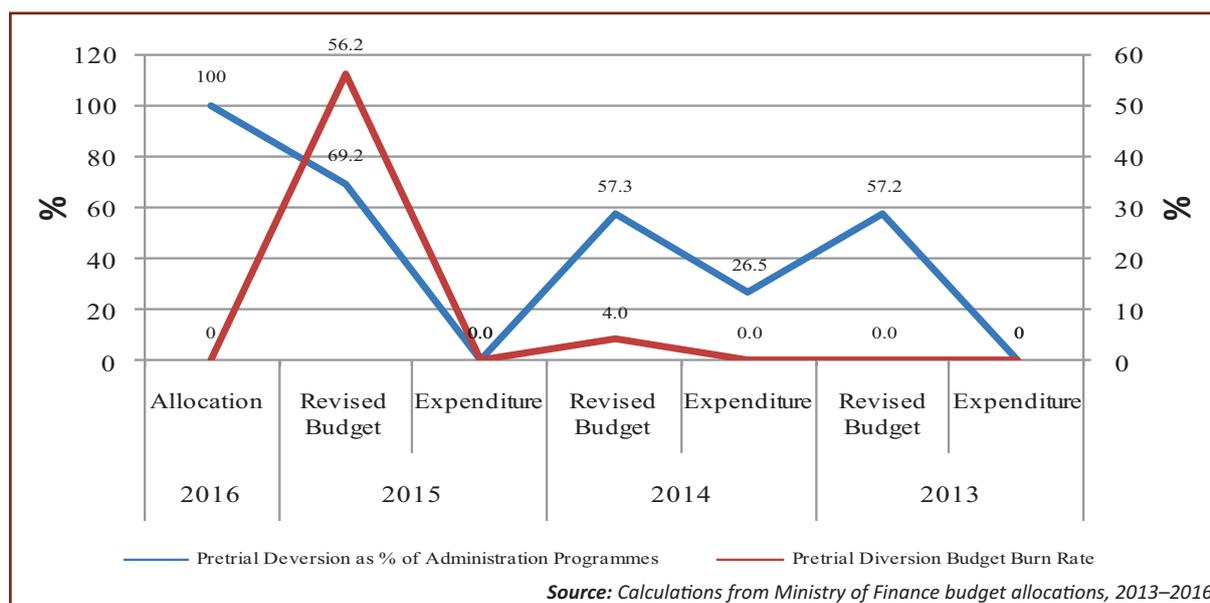


Figure 8: Pretrial Diversion Programme expenditure – percentage of administration programmes and burn rate

Figure 9 shows that in 2016, the victim-friendly court and the circuit court programmes were the only two under the Judicial Service Commission to receive allocations – of US\$150,000 and US\$307,000, respectively. However, despite all the programmes (including both victim-friendly courts and circuit courts) receiving allocations in 2014 and 2015, no expenditure was recorded up to September. This is an indication that for nine months of the years under review, there was probably no activity under these programmes. This would have denied these much-needed services to citizens in need, especially children and the rural majority. The table shows that there were positive indications in terms of allocations to the victim-friendly courts, with an increase from US\$44,000 in 2013 to US\$50,000 in 2014 and US\$213,000 in 2015, though the allocations then declined to US\$150,000 in 2016. There were no allocations for the circuit court programme in 2013 or 2014.

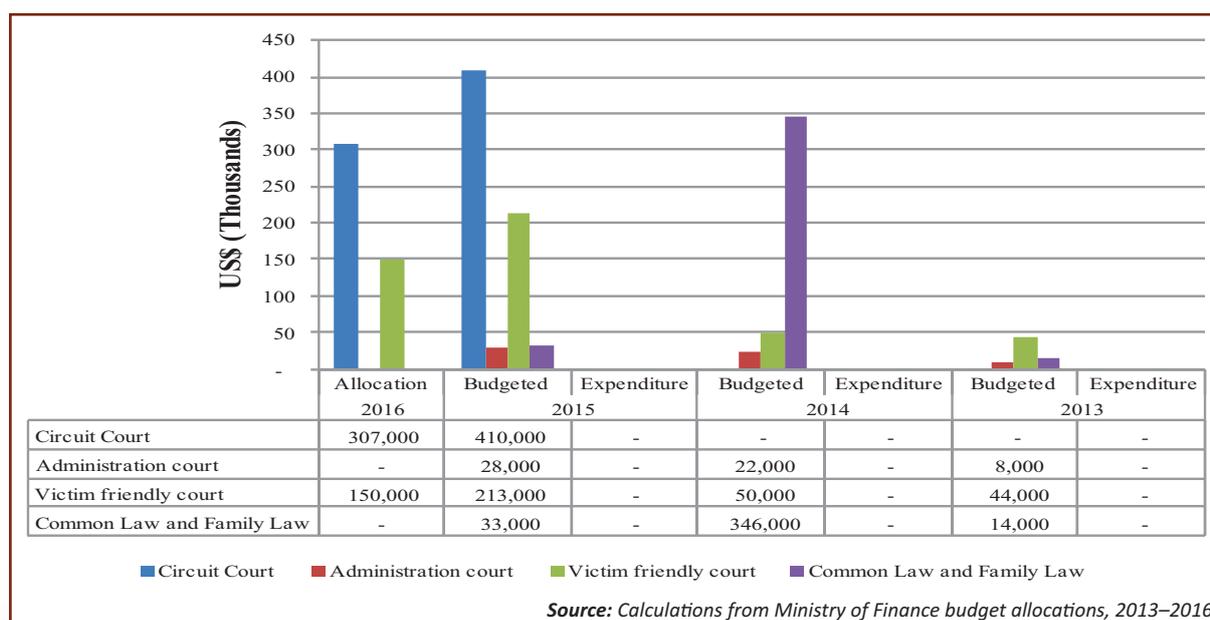


Figure 9: Judicial service programmes

Figure 10 also shows that from 2015 (when allocations for the circuit court programme began), nearly two thirds of total allocations under the Judicial Service Commission went on the circuit court programme.

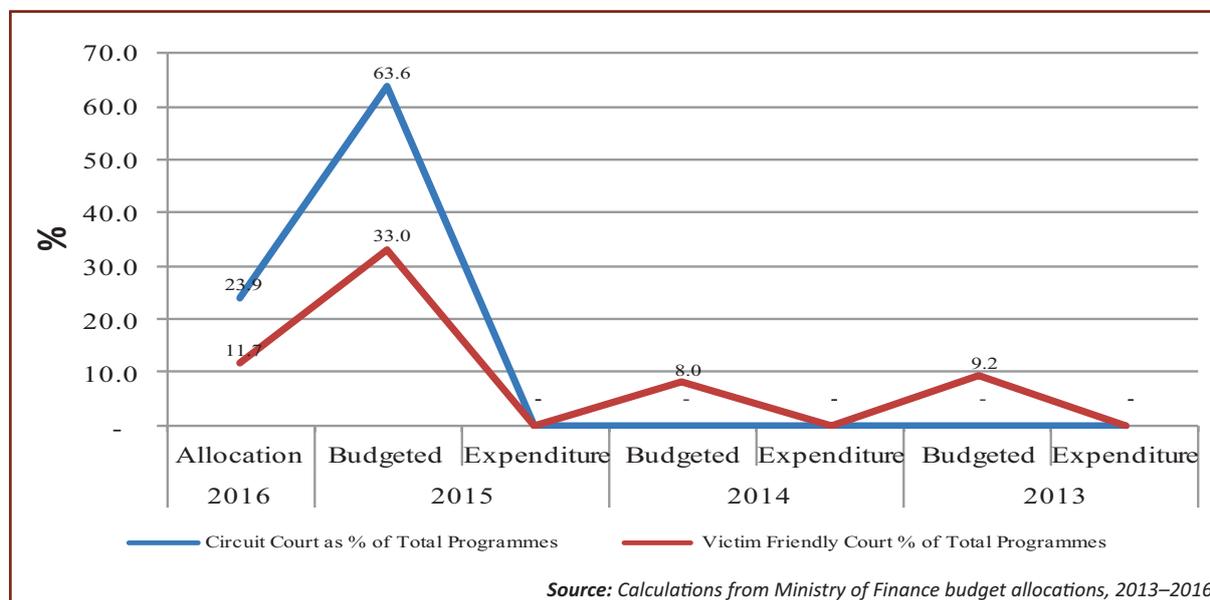


Figure 10: Circuit court and victim-friendly court programmes as a percentage of total programmes allocations for the Judicial Service Commission

As Figure 10 shows, the victim-friendly court programme got its highest allocation (33 per cent of the total Judicial Service Commission programmes budget) in 2015. Expenditure against these allocations was zero in all the years under review.

Budgetary allocations and expenditure to value social norms that protect children

As the aim of this study is to explore budgetary allocations to reduce violence against children with a specific focus on social norms, it is necessary to see whether the budget has specific allocations that directly address social norms as a standalone strategy. This is because institutions responsible for preserving culture and traditions also have an impact on the evolution of social norms, and thus have an effect on the nature, extent and form of violence against children anchored in traditional and cultural beliefs. Analysis of the national budgets for the years under review shows that there were no direct programmes or allocations designed to affect or influence social norms. However, included in the national budgets are allocations for ‘traditional leadership’ – and traditional leaders are the custodians of culture and norms to safeguard the values and welfare of their communities. They play key roles in presiding over what are considered to be taboos in their areas of jurisdiction. Figure 11 shows the allocations for traditional leadership, as well as for the Culture Development Fund in the years under review.

Traditional leadership began to receive budget allocations in 2015, when US\$4.5 million was allocated; about 23 per cent of that amount was spent up to September of that year. For the same year, this allocation accounted for 36 per cent of the total allocation for the Ministry of Rural Development, Promotion and Preservation of National Culture and Heritage. However, the allocation did not include any money for programmes, implying that the resources could have been targeted at allowances and

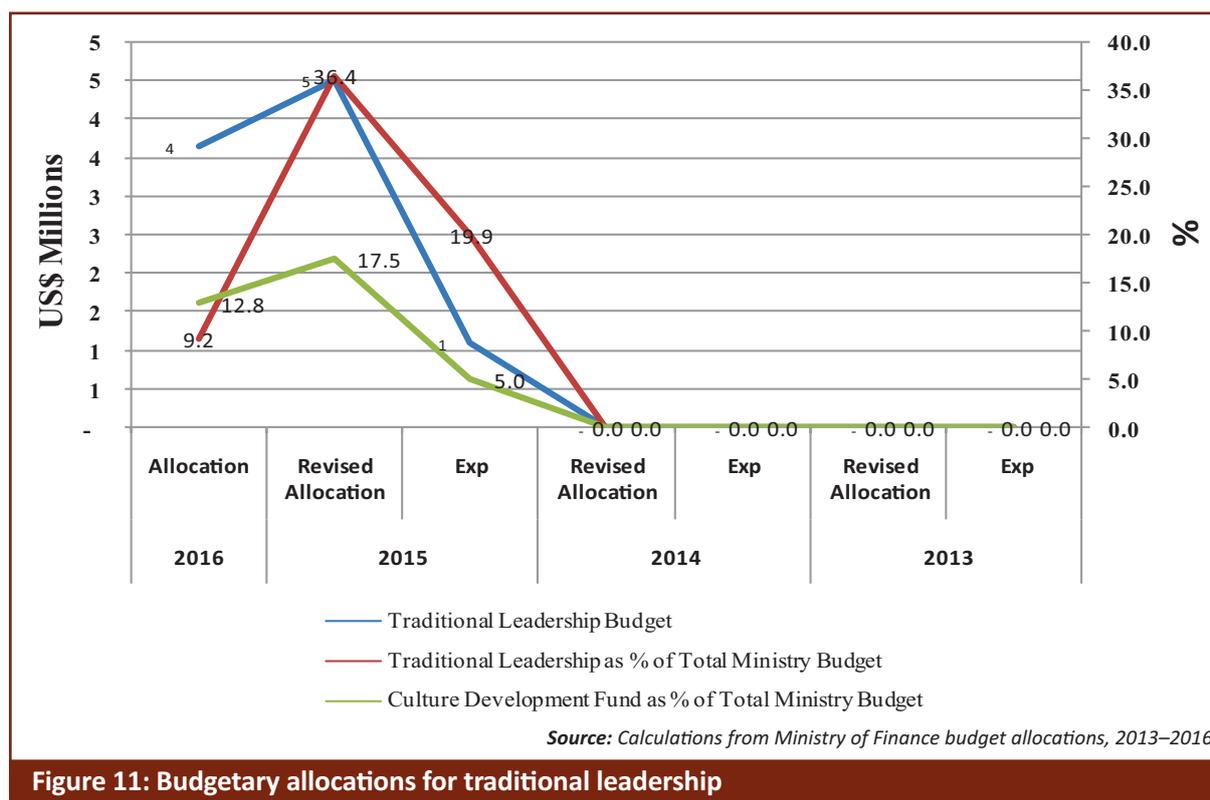


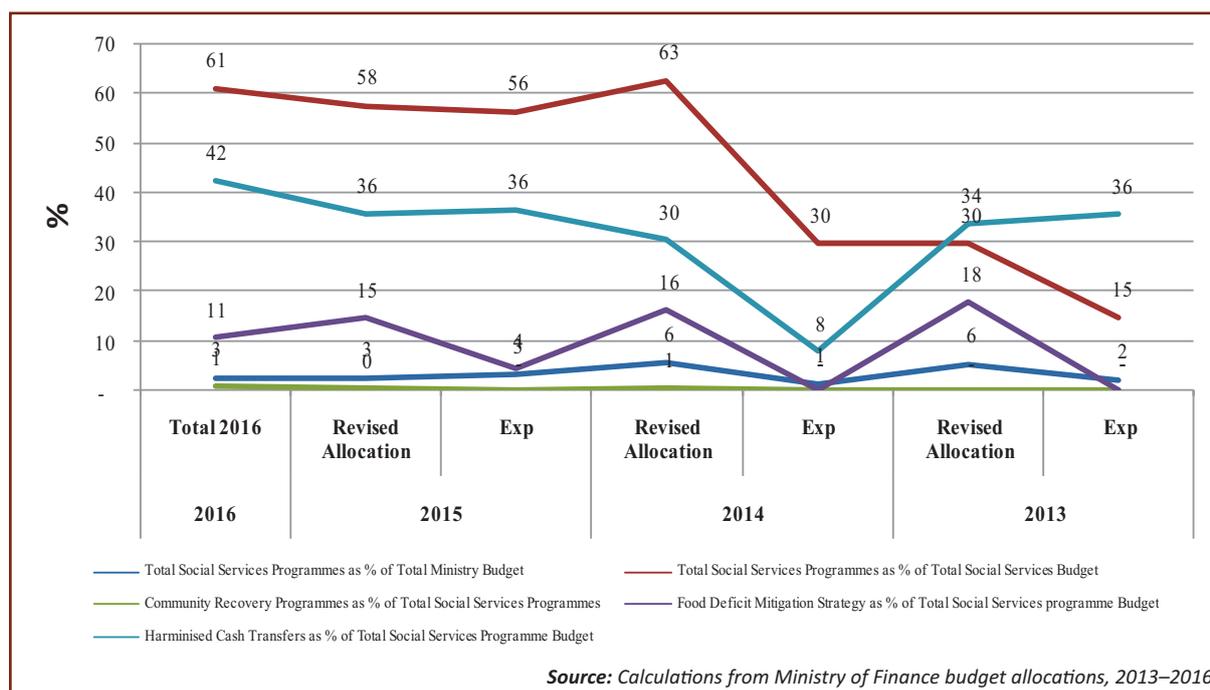
Figure 11: Budgetary allocations for traditional leadership

other recurring expenditure for traditional leaders. Traditional leaders need specific programmes to help them teach their communities about positive social norms, in order to prevent violence, especially against children. The Culture Development Fund accounted for 17.5 per cent in 2015; only 5 per cent of that was spent that year. The fund received no allocations in 2013 or 2014.

Budgetary allocations and expenditure to empower families economically

Broadly speaking, the empowerment of families occurs if the economy is doing well, with people getting jobs and businesses able to make profits. However, this study restricts analysis to looking at allocations that directly target families as the nucleus, in order to improve welfare and allow a child-friendly environment to prevail. In terms of violence against children, most children subject to the worst forms of violence – including rape, withdrawal from school and lack of legal protection – are those from poor economic backgrounds. Failure to provide some minimum level of economic well-being will increase the possibility of the worst forms of violence being perpetrated against children. Key among allocations that impact on this include community recovery programmes, as well as the Harmonized Social Cash Transfer (HSCT). Figure 12 shows an analysis of the two key interventions by the Ministry of Public Service, Labour and Social Welfare.

Figure 12 shows that for the years under review, Harmonized Social Cash Transfers accounted for 42 per cent (US\$2 million) of total allocations for social services programmes in 2016. Expenditure versus allocations also shows that in 2015, 100 per cent of the total allocations for HSCT was spent by September; only 8 per cent had been spent in the same period of 2014. Allocations for community recovery programmes remained very low for the years under review, with US\$50,000, US\$20,000 and US\$50,000 allocated in 2014, 2015 and 2016, respectively, accounting for less than 1 per cent throughout.



Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Figure 12: Community recovery and Harmonized Social Cash Transfer programme – Ministry of Public Service, Labour and Social Welfare

Budgetary allocations and expenditure to sustain safe environments for children

Sustaining safe environments for children is key to preventing violence against children. Failure to allocate resources towards creating safe spaces for children results in children encroaching on areas where they may be subjected to abuse. As an example, such allocations could be intended for safe and secure recreational facilities for children, either in the communities or in the schools they attend. Some programmes aimed at such interventions have been rolled out under the Ministry of Public Service, Labour and Social Welfare, the Ministry of Primary and Secondary Education, and the Ministry of Local Government, Public Works and Urban Development. They include allocations for the Child Protection and Probation Services Programme, the Children in the Streets Programme, child protection institutions, social amenities, and victim-friendly programmes in schools.

Table 6 shows the allocation for programmes under child protection and probation services.

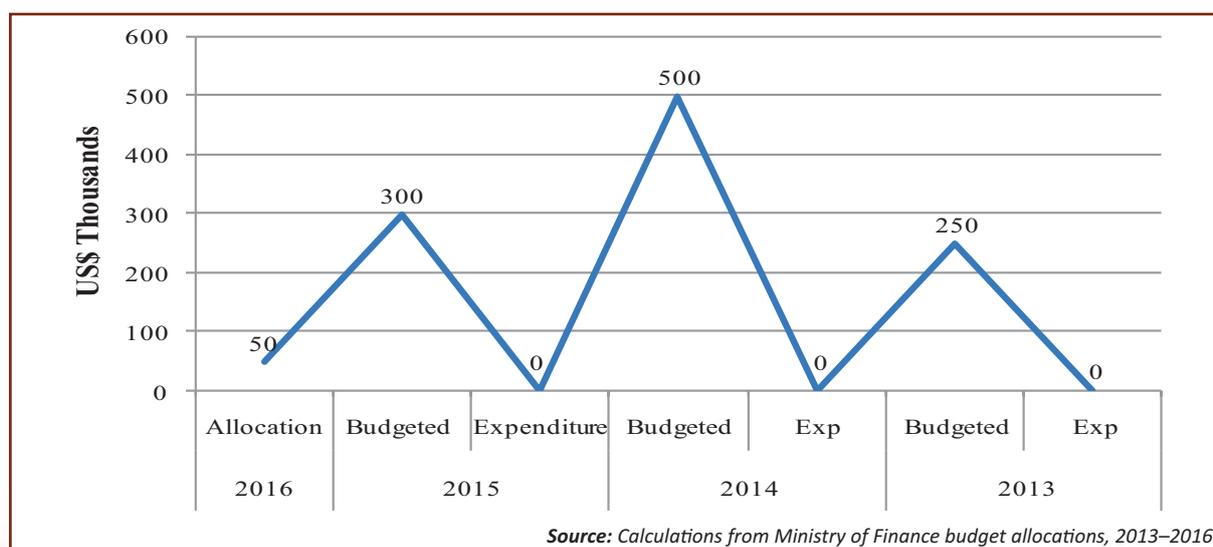
Table 6 shows that the Department of Child Protection and Probation Services (CPPS) in the Ministry of Public Service, Labour and Social Welfare received its highest allocation (US\$30.3 million) in 2013, with US\$16.2 million of this amount going towards programmes. The allocations then declined – to US\$13.8 million in 2016. CPPS programmes accounted for 80 per cent (2016), 74 per cent (2015), 100 per cent (2014) and 54 per cent (2013) of the total CPPS budget, an indication that programmes claimed the bulk of resources in the department. However, more worrying are the allocations for government child protection institutions, which accounted for less than 10 per cent throughout the years under review, with expenditure against these allocations averaging less than 10 per cent of the allocated amount. There were also no resources allocated to this in 2014, a situation that exposes such children to vulnerabilities that could potentially be managed if resources were allocated.

Table 6: Sustaining safe environments allocations – Ministry of Public Service, Labour and Social Welfare

	2016	2015		2014		2013	
	Allocation	Revised Estimate	Exp	Revised Estimate	Exp	Revised Estimate	Exp
Total Ministry of Public Service Labour and Social Welfare budget (US\$ million)	175.1	172.5	96.3	168.7	103	159.1	111
Total Child Protection and Probation Services (CPPS) budget	13.8	10.8	8.0	15.5	4.1	30.3	17.2
Total CPPS programme budget	11.0	7.9	6.8	15.5	4.1	16.2	10.8
Programmes on safe environments for children							
Children in the Streets Fund	5,000	14,000	10,000	20,000	-	20,000	
Government child protection institutions	800,000	708,000	561,296	-	-	1,000,000	755,001
Total CPPS budget as a percentage of ministry budget	7.9	6.2	8.3	9.2	4.0	19.0	15.5
Total CPPS programmes budget as a percentage of total CPPS budget	80	74	84	100	100	54	63
Children in the Streets Fund budget as a percentage of total CPPS programmes budget	0.05	0.18	0.15	0.13	-	0.12	-
Government child protection institutions budget as a percentage of CPPS programme budget	7.27	8.93	8.29	0.00	0.00	6.16	6.98

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

In addition to the above allocations, it is important for resources to be allocated to social amenities, in order to provide safe spaces where children can play and interact on their own, without straying into spaces primarily meant for adults. Figure 13 shows developments in the allocation and expenditure of resources meant for social amenities.



Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Figure 13: Allocations for social amenities

Figure 13 shows that allocations for social amenities peaked at only US\$500,000 in 2014. However, it is of concern that even though allocations were made for each of the years under review, no expenditure was recorded as of September in each year, implying either that resources were not released or that the spending institutions did not spend the resources made available. There were also no statutory allocations towards social amenities.

The Ministry of Primary and Secondary Education, through its victim-friendly programme and its promotion of health and safety life skills programme, contributes directly towards creating a safe environment for children. Table 7 shows allocations to these programmes.

Table 7: Programmes on provision of safe environments for children in schools							
	2016	2015		2014		2013	
	Allocation	Revised Budget	Exp	Revised Budget	Exp	Revised Budget	Exp
Promotion of health and safety life skills	10,000	15,000	-	50,000	-	35,000	-
Victim friendly	10,000	20,000	-	50,000	-	41,000	-
Quality assurance	100,000	101,000	-	-	-	-	-
Total administration programmes	120,000	136,000	-	100,000	-	76,000	-

Source: Calculations from Ministry of Finance budget allocations, 2013–2016

Table 7 shows that, although allocations were made to both the victim-friendly programme and the promotion of health and safety life skills programme, no expenditure was recorded in the period up to September each year. The amounts are also very small, given that they are expected to cover the needs of the entire country. In addition, all allocations were appropriations, with no statutory allocation to ring-fenced resources towards safe environments for children.

Implications of findings for policy and practice

The lack of resource allocation from the treasury to programmes aimed at addressing violence against children is of great concern, given the role that children are expected to play in national development, currently and in the future. The following are the key recommendations, drawing on the findings of this research:

- There is a need to ring-fence resources to prevent violence against children through statutory allocations.
- There is a need for a ‘spend or explain’ policy for all allocated resources: if resources are not spent despite an allocation, there must be a clear explanation, so that the origin of underspends can be tracked.
- Considering the importance of the Victim-Friendly Unit of the Zimbabwe Republic Police and of the justice delivery system, it is important for resources to be ring-fenced and allocated in specific budget lines, to avoid the sectors being subject to discretionary allocations as appropriations.
- Lobby and advocacy activities need to be targeted at specific intervention areas, as a broad-brush approach may not yield the desired results.

- It is also important for the treasury to report in its Blue Book when disbursements occurred, so that disbursement (or the lack thereof) can be eliminated as the cause of non-expenditure against allocations.
- It is also important to note that prevention is always less costly than cure, for example in access to health. This should be replicated across all intervention areas.

Conclusion

The analysis took a programme approach, in order to isolate the impact of salaries and other recurring expenditure on allocations that directly address violence against children. The results show that the government has demonstrated some commitment towards allocating resources to sectors that have the potential to prevent violence against children. The report focuses on the effect of social norms as a standalone variable, and also as an issue that cuts across six other intervention areas to prevent violence against children. The analysis of all the budgets has shown that allocations for programmes to prevent violence against children remain tiny in relation to other programmes – and even tinier in relation to the total national budget. The main concern is that much of the money allocated remains unspent over the years under review, especially on programmes that fall under the Ministry of Justice, Legal and Parliamentary Affairs and the Judicial Service Commission. The research has also established that ring-fencing of resources through statutory allocations helps to ensure that resources are made available every year, and removes the treasury's power of discretion as to whether or not to allocate resources.

The biggest omission in the list of allocations is one that contributes to the campaign to end child marriage – a cause that was recently taken up by the African Union and globally. This is in spite of the fact that evidence shows child marriage to be a huge menace not only in Zimbabwe, but on the continent of Africa as a whole.

References

- Heise, L. and K. Manji, Social Norms, Professional Development Reading Pack, 2016.
- Mackie, G., F. Moneti, H. Shakya and E. Denny, *What are Social Norms? How are They Measured?*, UNICEF/University of California, San Diego, Centre on Global Justice, 2015.
- Ministry of Finance and Economic Development Blue Books, 2013–2016.

CHAPTER 4



Monitoring the Rights of Children Using Child Indicators

THE USE OF CHILD INDICATORS TO MONITOR THE IMPLEMENTATION OF CHILD RIGHTS PRINCIPLES IN ZIMBABWE

T.C. Nhenga-Chakarisa

The need for child indicators

Children across the world, and particularly in developing countries, carry a disproportionate burden of deprivation. It is important to build an understanding of the dynamics of child well-being, in order to inform policy and programme responses that are appropriately conceptualized and well targeted. There is little debate about the importance of statistical measures to monitor socio-economic conditions, inform policy decisions and evaluate progress. The collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation of children's rights (UN Committee on the Rights of the Child General Comment No. 5 (2003)).

The United Nations Development Programme (UNDP) states that indicators are “powerful tools in the struggle for human rights”.¹ They make it possible for people and organizations – from grassroots activists and civil society to governments and the United Nations – to identify important actors and hold them accountable for their actions. They can be used as tools for:

- Making better policies and monitoring progress;
- Identifying unintended impacts of laws, policies and practices;
- Identifying which actors are having an impact on the realization of rights;
- Revealing whether the obligations of these actors are being met;
- Giving early warning of potential violations, prompting preventive action;
- Enhancing social consensus on difficult trade-offs to be made in the face of resource constraints;
- Exposing issues that had been neglected or silenced.

Crucially, child rights indicators can help countries and stakeholders to recognize when national and international policy adjustments are required.

In the mid-1990s, the UN Committee on the Rights of the Child (UNCRC) called for the development of indicators that could meet some basic requirements, such as validity, objectivity, sensitivity, comparability, accuracy and disaggregation. The UNCRC saw child-rights indicators as having two main objectives, namely:

- (i) Maintaining systematic information systems on the national conditions of children's lives, in order to plan, implement and evaluate interventions for children's well-being and enjoyment of their rights; and
- (ii) Fulfilling the government's obligations as a State Party to the Convention on the Rights of the Child, by showing the progressive achievement of children's rights.

Here we have that twin focus: on the rights holder – the child – and the extent to which children enjoy their rights; and on the duty bearer – the government – and whether and how it is respecting, protecting and fulfilling children's rights under the Convention.

In this section, indicators on violence against children in Zimbabwe are presented, as extracted from data collected by Childline Zimbabwe.

¹ UNDP, Human Development Report 2000: Human rights and human development, <http://hdr.undp.org/sites/default/files/reports/261/hdr_2000_en.pdf>

A SECONDARY ANALYSIS OF DATA FROM CHILDLINE ZIMBABWE

The University of Edinburgh (UoE), Childline Zimbabwe and the United Nations Children's Fund (UNICEF) Zimbabwe

Key findings

- ❖ In 2014, Childline received a total of 15,446 reports; half were received by the helpline and the other half came in through one of its 31 drop-in centres located across the country.
- ❖ Some 54 per cent of all reports received in 2014 were about abuse, at a rate of 123.9 reports per 100,000 children; the remaining 46 per cent were reports of 'children in need', at a rate of 106.9 per 100,000 children.
- ❖ Of the reports of abuse received in 2014, slightly more than one in three (39 per cent) was about sexual abuse, followed by neglect (25 per cent), physical abuse (22 per cent), emotional abuse (12 per cent) and bullying (2 per cent).
- ❖ Among all reports of abuse in 2014, around two in three (70 per cent) were reports about girls, with one in three about boys (30 per cent).
- ❖ Among girls reported to have experienced some form of abuse in 2014, the majority were reported to have experienced sexual abuse, whereas the largest proportion of reports received about boys concerned neglect.
- ❖ Of all reports of abuse received by the helpline for both sexes in 2014, around one report in three was about children between the ages of 13 and 15 years.
- ❖ Some 55 per cent of abuse reports about girls received by the helpline in 2014 were about those aged 13–17 years, compared to 36 per cent of abuse reports made about boys for this age group.
- ❖ Reports of sexual abuse received by the helpline in 2014 were more common among older age groups than among younger ones, while neglect and physical abuse became less commonly reported.
- ❖ Across all age groups of boys, the most commonly reported forms of abuse received by the helpline in 2014 were physical abuse and neglect; reports related to sexual abuse against girls increased with age.
- ❖ At most drop-in centres in 2014, reports of abuse about girls were more likely than those about boys.
- ❖ There was a 21 per cent increase in the number of reports received by Childline between 2011 and 2014.
- ❖ Between 2011 and 2014, there was a 163 per cent increase in reports received by the helpline, while there was a 20 per cent decrease in reports received by drop-in centres over this same time period.
- ❖ Reports about sexual abuse received by Childline (through both the helpline and drop-in centres) showed a 100 per cent increase during the four-year period from 2011 to 2014.
- ❖ Reports of abuse received about girls remained consistently higher than those received about boys between 2011 and 2014.
- ❖ Between 2011 and 2014, Childline saw a 70 per cent increase in the number of reports of physical abuse against boys, and an increase of 80 per cent against girls; there was also a 109 per cent increase in the number of reports of sexual abuse against girls during this time period.

Background

Childline Zimbabwe is a child-focused, not-for-profit community-based organization (CBO), founded in 1997 by Soroptimist International of Zimbabwe, an international women's service organization with members in 115 countries. Childline provides therapeutic and educational services to all children in the country under the age of 18.¹ The overall aim of Childline is to listen to, comfort and protect children in need. The mission of Childline is:

- To respond to all children in distress, to counsel, comfort and protect all children in Zimbabwe; and
- To promote, foster and encourage the protection and care of all children in Zimbabwe.

The main service provided by Childline is free and confidential counselling, accessed by children directly or by members of the community with concerns about children via three methods:

- A free, confidential 24-hour 116 helpline accessible from all phones (both landlines and mobiles, regardless of network) in Zimbabwe, subject to GSM coverage in the area. Childline's two call centres are located in Harare and Bulawayo, and are operated by trained volunteers providing counselling in three languages: English, Shona and Ndebele;
- Free postal service; and
- Thirty-one community-based drop-in centres located across the country (covering all 10 provinces) operated by qualified social workers and counsellors supported by trained community volunteer counsellors.

Other services include:

- Follow-up home visits by social workers or community volunteer counsellors in their local districts for reports of child abuse or neglect received through the helpline or postal service. This service is provided in partnership with the government's Department of Child Welfare and Protection and police officers in the Victim-Friendly Unit. The social workers and community volunteer counsellors often provide ongoing counselling and support to children and/or their families to ensure the safety, appropriate care and healthy development of children; and
- Advocacy activities at both local and national levels to promote the prevention of child abuse, exploitation and neglect, and to raise awareness of children's rights. Childline works with the media, private-sector partners and various government ministries, and also provides training on a regular basis to promote children's rights and the safeguarding of children across the country.

Childline is run by a national director appointed by a board of trustees. The director is supported by a team of 35 dedicated professionals and over 150 volunteers to ensure the efficient running of Childline, which serves the most vulnerable children in Zimbabwe. Childline Zimbabwe is an active member of Child Helpline International (CHI), which is a global network of telephone helplines and outreach services for children and young people.

Objectives

The purpose of the present secondary analysis is to utilize existing data collected by Childline Zimbabwe through its 116 helpline and drop-in centres to describe the current situation with regards to the number and nature of reports received by Childline, including the different forms of violence and abuse against

¹ Although persons under the age of 18 are considered children under Zimbabwean law, Childline will respond to any young person requesting assistance.

children and the sex and age of children who are reported to be victims of violence. Additionally, trends in the number and nature of reports received by Childline, the types of abuse reported and selected characteristics of child victims will also be described.

Research questions

To analyse Childline's available helpline and drop-in centre data in order to describe:

1. What is the number of reports received by the helpline and drop-in centres in 2014 at the national level? What proportion came in via the helpline versus the drop-in centres? Have these increased or decreased over time?
2. What proportion of reports received were related to violence and abuse versus children in need at the national level in 2014? Have these increased or decreased over time?
3. Of those cases of violence and abuse, what proportions were related to different categories of abuse and violence in 2014 (e.g., physical, sexual, emotional, neglect and bullying)? Has this changed over time?
4. What are the profiles of children reported to have experienced violence and abuse in 2014 (e.g., age and sex)? Has this changed over time?
5. Are there variations in the number and types of reports received at different drop-in centre locations?

Definitions

Unless otherwise stated, Childline Zimbabwe utilizes the set of definitions put forth by Child Helpline International (CHI) in its Glossary of Terms.²

Child: All human beings under the age of 18.³

Abuse: All forms of harm directed toward a child by an adult or another child with more power and/or authority. While there are many forms of abuse, including negligence and commercial exploitation, there are three main types: physical, emotional and sexual. Child abuse may take place in many settings: home, school, institutional, etc.

Violence: The intentional use of power to control a child through obvious and less obvious ways, including any actions or words intended to hurt another person, whether through intimidation, verbal acts or bodily threats. The terms 'violence' and 'abuse' are used interchangeably in this report.

Physical abuse: The exertion of physical force against a child with the intention of hurting or injuring the victim. Physical abuse can occur within the home, in public institutions (schools, police custody) and in public.

Emotional abuse: The persistent lack of display of love and affection toward a child by an adult entrusted with his care and development, or by another child in a position of authority. This includes constant belittlement, blaming and criticizing, as well as intentionally failing to display emotion to a child, such as not smiling at a child or acknowledging a child's existence by not looking at him or exclusively engaging a child in a closed and confining emotional relationship.

Sexual abuse: Includes sexual penetration, which consists of sexual intercourse with a child; the intentional exposure of a child to sexual activity, such as showing and/or taking sexually

² Child Helpline International, *Glossary of Terms*, Updated January 2014.

³ Retrieved from: United Nations Convention on the Rights of the Child, article 1.

explicit or implicit pictures of the child or telling jokes or stories of a sexual nature; tickling in erogenous zones and demanding to be tickled in return. Pressure is usually exerted by an adult or a child in a position of authority. This includes rape and incest. Commercial sexual exploitation also falls under sexual abuse for CHI purposes.

Neglect: The failure of a parental figure, whether intentional or not, to provide a child with the basic needs required for the child's development. Basic needs include food, shelter, clothing, love, affection and appropriate discipline.

Bullying: Usually involves a child being repeatedly picked on, ridiculed and intimidated by another child, other children or adults. Bullying may involve physical, emotional or sexual abuse. Cyber-bullying is also included in this category, whereby the abuse occurs through the Internet (including social media).

Methodology

Data collection

The helpline utilizes a call-tracking database to capture some initial information about calls that are received, including:

1. Type of call (responsive versus non-responsive);
2. Nature of concern (using a set of standardized categories);
3. Details about the caller (e.g., age, sex, relationship to the child);
4. Details about the reported child (e.g., age, sex, address, educational status);
5. Details about the reported child's primary caregiver (e.g., age, sex, relationship to the child);
6. Details about the alleged perpetrator (e.g., age, sex, contact info, relationship to the child); and
7. Details of the reported incident (e.g., duration of abuse, child's immediate safety, date and time of latest incident, place of incident, reports to other services).

The form also includes space to draft a narrative to describe the case in greater detail, including the counsellor's assessment of the level of concern for the child's immediate welfare and the initial care plan provided to the caller. Some of the above fields of information are mandatory (such as the child's name, age and sex) while others are not (such as details pertaining to the perpetrator).

The drop-in centres primarily utilize a paper-based form to capture initial information about cases that are received and input information into an electronic database. The forms record the following information:

1. Case status (new versus previously closed and being reopened);
2. Child orphan status;
3. Details about the reported child (e.g., age, sex, address, school, caregiver);
4. Details about who is making the referral;
5. Description of the reported incident (including nature of the problem using a set of standardized categories);
6. Details of the reported incident (e.g., date, place, any earlier disclosure);
7. Details about the reported perpetrator (e.g., sex, age, relationship to child);
8. Assessment of the level of concern for the child's immediate welfare; and
9. Initial care plan.

For those cases requiring follow-up by a social worker, a number of additional forms are also completed pertaining to assessment (e.g., child's developmental needs, challenges, strengths and parenting capacity), care plans, referrals, follow-ups and home visits, etc.

When a report about abuse is received, either the helpline or drop-in centre social worker assigns a primary category (type) of abuse for which the report is being made. Social workers can, however, choose multiple categories of abuse if the child has experienced more than one type of victimization.

Construction of case categories

Cases received by Childline are categorized according to whether the child was subjected (or suspected of being subjected) to different forms of abuse (hereafter referred to as 'reports of abuse') or whether the child contacted Childline for reasons other than to report abuse (hereafter referred to as 'children in need').

There are three main issues related to consistency with regards to the categories used for both reports of abuse and children in need. The first issue pertains to differences across years, particularly for the period from 2011 to 2013, such that some categories used for earlier years are not included in more recent ones. The second issue is related to differences in the categories included in the helpline database versus those included in the drop-in centre database. The final issue is that some modification/recoding of categories has occurred throughout the years. For instance, up until 2014, child marriage cases were classified as sexual abuse.

Beginning in 2014, Childline attempted to harmonize the categories used for reports received through the helpline and drop-in centres.

The table in the Annex summarizes the categories used for both abuse reports and children in need in the helpline and drop-in databases for each year between 2011 and 2014. In some instances, with the children in need reports, categories were combined/recoded in order to maintain comparability across the two databases and years. For this analysis, no categories were excluded, even if they existed in only one database or only for databases of earlier years.

Data extraction

Childline currently maintains separate databases for those reports received via the helpline versus those received at the drop-in centres. These databases (aggregated to the national level in the case of helpline data and to both national and centre location in the case of drop-in data) were shared by Childline for the years 2011 to 2014.

The helpline database contains the number of reports received each year by month (further disaggregated by whether the call was received by the Harare or Bulawayo call centre) and by case category (further disaggregated by child sex and age, when available). The drop-in centre database contains the number of reports received each year (aggregated from monthly counts) by centre location and by case category (further disaggregated by sex).

Relevant data from both databases were extracted and compiled into a single master database in Excel to facilitate analysis.

Analysis

Descriptive statistics

Basic cross-tabulations (i.e., counts of reports) and distributions of all variables relevant to the research questions were computed to describe the 'current' situation, using 2014 data from the combined helpline/drop-in centre database.

Trends analysis

Data collected between 2011 and 2014 were compared to explore patterns in the data over time.

Limitations:

- Data were extracted from existing databases from the helpline and drop-in centres, and the analysis was constrained by the availability of only a few key variables.
- The analysis presents a description of reported cases of abuse within a given time period, as well as characteristics of children who were reported to Childline and therefore should not be taken as a measure of the prevalence of child abuse in Zimbabwe during the reported time periods.
- No inferences or generalizations about the experiences of abused children can be made on the basis of the analysis, since the data represent a small and particular subset of all children who have been victims of abuse: namely those whose experiences have been reported to Childline. In addition, some geographical areas of the country enjoy better access to Childline's services, therefore there may be a bias towards children's experiences from those parts of the country.
- In the case of reports about abuse, data used for the analyses refer only to the primary type of abuse reported to Childline. Therefore, caution should be exercised when interpreting the findings, since some children may be victims of more than one type of abuse.
- Data are cross-sectional in nature and therefore only present a 'snapshot' of a moment in time.
- Data on the age of the child were only available for those reports received via the helpline, since Childline experiences significant challenges with capturing this information for cases that come in via the drop-in centres. Therefore, the combined database includes reports about children aged 0–17 years received by the helpline, and all cases (possibly including some about adults) received by the drop-in centres. However, after speaking to Childline staff, it can safely be assumed that around 95 per cent of reports received by the drop-in centres are in reference to children.
- Data quality was subject to the following conditions:
 - 1) the accuracy of the information provided to Childline during the reporting process; and
 - 2) the degree to which Childline was able to successfully and accurately document information on the reports received.

A note on data interpretation: In this report, some percentages are presented as X per cent (n=a), where 'n' refers to the actual number of reports which constituted the numerator for the calculations, e.g., 10 per cent (n=1,000) refers to 10 per cent or 1,000 reports of children.

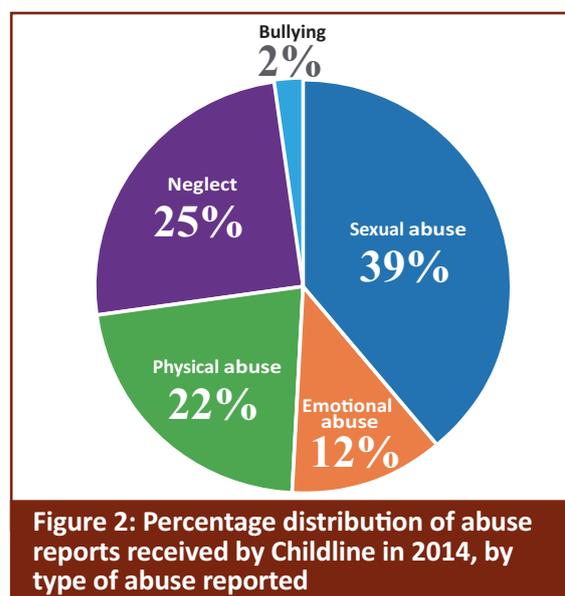
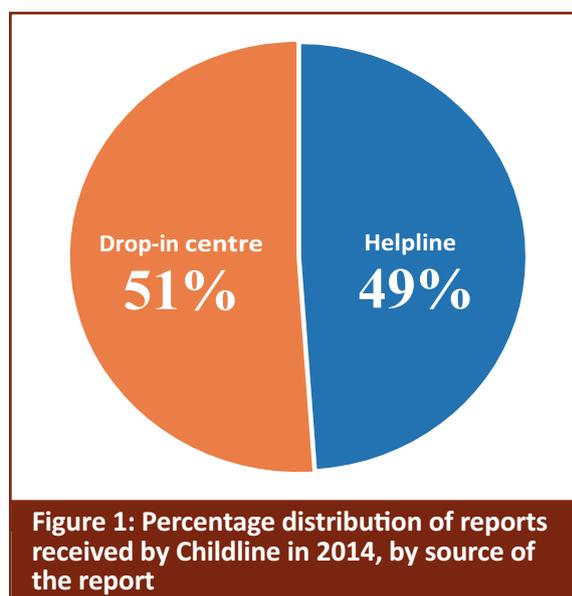
Findings

Current situation

In 2014, Childline received a total of 15,446 reports through both its helpline and its 31 drop-in centres located across the country. Of these, 49 per cent (n=7,524) were received via the helpline, while 51 per cent (n=7,922) came in through one of the drop-in centre locations (see Figure 1).

Of these 15,446 reports, slightly more than half (54 per cent; n=8,281) were reports of abuse,⁴ a rate of 123.9 reports per 100,000 children. The remaining 46 per cent (n=7,155) were reports of ‘children in need’,⁵ a rate of 106.9 per 100,000 children.⁶

As shown in Figure 2, of the approximately 8,000 reports of abuse received in 2014, slightly more than one in three (39 per cent; n=3,224) was about sexual abuse, followed by neglect (25 per cent; n=2,032), physical abuse (22 per cent; n=1,850), emotional abuse (12 per cent; n=1,031) and bullying (2 per cent; n=154). The fact that forms of sexual abuse are the most commonly reported is in line with other data indicating its relatively widespread existence in the country, particularly among adolescents.⁷ Research literature has identified poverty, political and economic instability, and traditional cultural and religious beliefs in patriarchy as being some of the main drivers behind child sexual abuse in Zimbabwe.⁸ The fact that some forms of violence (such as emotional abuse) are less frequently reported to Childline might be partly due to difficulties in defining what constitutes emotional abuse, given that it tends to be culturally driven and is less often recognized as a form of violence against children, particularly when perpetrated by parents or other caregivers.⁹



⁴ This includes reports of physical abuse, sexual abuse, emotional abuse, neglect and bullying.

⁵ This comprises all reasons other than abuse. For example, reports related to commercial exploitation (including domestic child labour), child marriage, problems with friends or parents, substance abuse, academic problems, health concerns, suicide, etc.

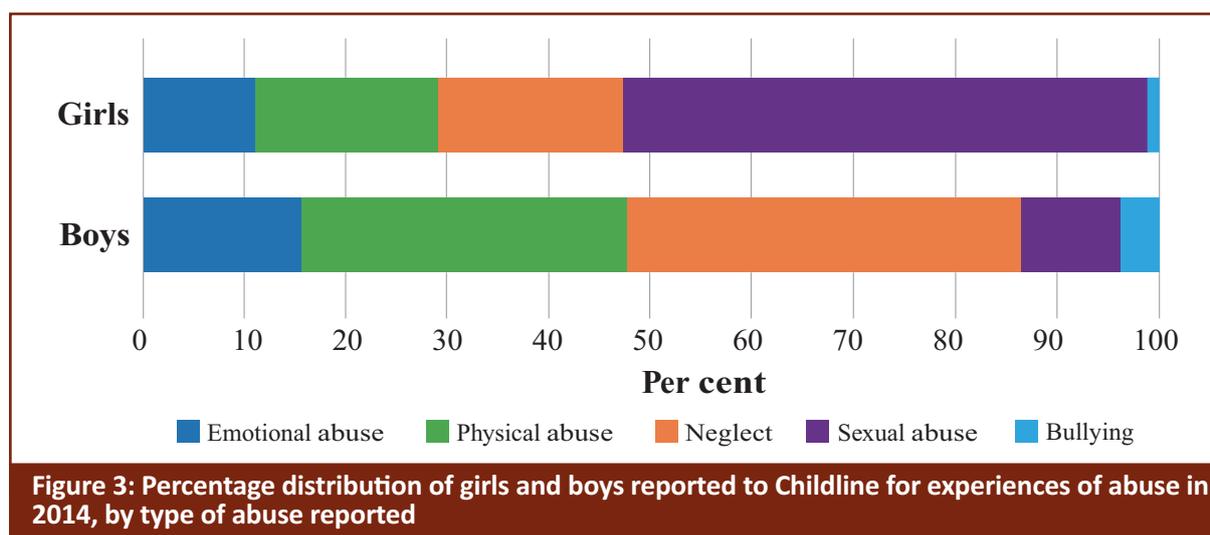
⁶ Rates were calculated based on the population of children aged 0–17 in Zimbabwe in 2014 (6,691,800) from: United Nations, Department of Economic and Social Affairs, Population Division, *World Population Prospects: The 2015 revision*, 2015 (CD-ROM Edition).

⁷ See, for example: United Nations Children’s Fund, *A Statistical Snapshot of Violence against Adolescent Girls*, UNICEF, New York, 2014; Zimbabwe National Statistics Agency, United Nations Children’s Fund and Collaborating Centre for Operational Research and Evaluation, *National Baseline Survey on Life Experiences of Adolescents*, 2011, Harare, 2013.

⁸ For a comprehensive review of research literature on the drivers of violence against children in Zimbabwe, see: United Nations Children’s Fund and the University of Edinburgh, *A Systematic Review of the Drivers of Violence Affecting Children: Country Report, The Multi-country Study on the Drivers of Violence Affecting Children Series*, UNICEF Office of Research – Innocenti, Florence, Italy (in press).

⁹ United Nations Children’s Fund, *Hidden in Plain Sight: A statistical analysis of violence against children*, UNICEF, New York, 2014.

One of the most striking findings was the proportion of girls reported to have experienced some form of abuse, as compared to boys. Among all reports of abuse, around two in three (70 per cent; n=5,780) were reports about girls, compared to one in three about boys (30 per cent; n=2,511). This finding, however, needs to be interpreted in light of the relatively well-documented pattern of underreporting of incidents of violence and abuse against males, in particular.¹⁰ The available data also showed distinct differences in the types of abuse reported by child sex (see Figure 3). Among girls reported to have experienced some form of abuse, the majority were reported to have experienced sexual abuse (52 per cent; n=2,981), followed by physical abuse and neglect (both 18 per cent; n=1,043 for physical abuse and n=1,057 for neglect). Among boys reported to have experienced abuse, the largest proportion was for reasons of neglect (39 per cent; n=975), followed by physical abuse (32 per cent; n=807). By comparison, only 10 per cent (n=243) of reports about boys were related to sexual abuse. However, it is not possible to know to what extent these observed differences are related to actual variations in patterns of risk exposure by sex, as opposed to underreporting of violence among males, especially when it comes to certain forms, like sexual abuse.¹¹



Age disaggregation of children reported to the helpline

As was mentioned in the limitations section, data on the age of the child reported was only available for those reports received via the helpline, since Childline experiences significant challenges with capturing this information for cases that come in via the drop-in centres. Therefore, it was only possible to explore age-disaggregated data among reports made to the helpline. It is important to note here that these data refer to the child’s age at the time of reporting, which is not necessarily the same as his/her age at the time the reported incident of abuse occurred.

As can be seen in Figure 4, among reports of abuse received by the helpline for both sexes in 2014 for which information on the age of the reported child was available (n=4,199), the largest proportion involved reports about children aged 13–15 years (34 per cent; n=1,429), followed by 10–12-year-olds (21 per cent; n=874), 0–6-year-olds (17 per cent; n=717), 16–17-year-olds (15 per cent; n=637) and 7–9-year-olds (13 per cent; n=542).

¹⁰ See, for example: Finkelhor, D., ‘The international epidemiology of child sexual abuse’, *Child Abuse and Neglect*, vol. 18, no. 5, 1994, pp. 409–417.

¹¹ For an example specific to Zimbabwe, see: Brakarsh, J., *The Victim Friendly Courts System in Zimbabwe: A holistic approach to child sexual abuse & HIV prevention*, DFID Resource Centre for Sexual and Reproductive Health, John Snow International, London, 2003.

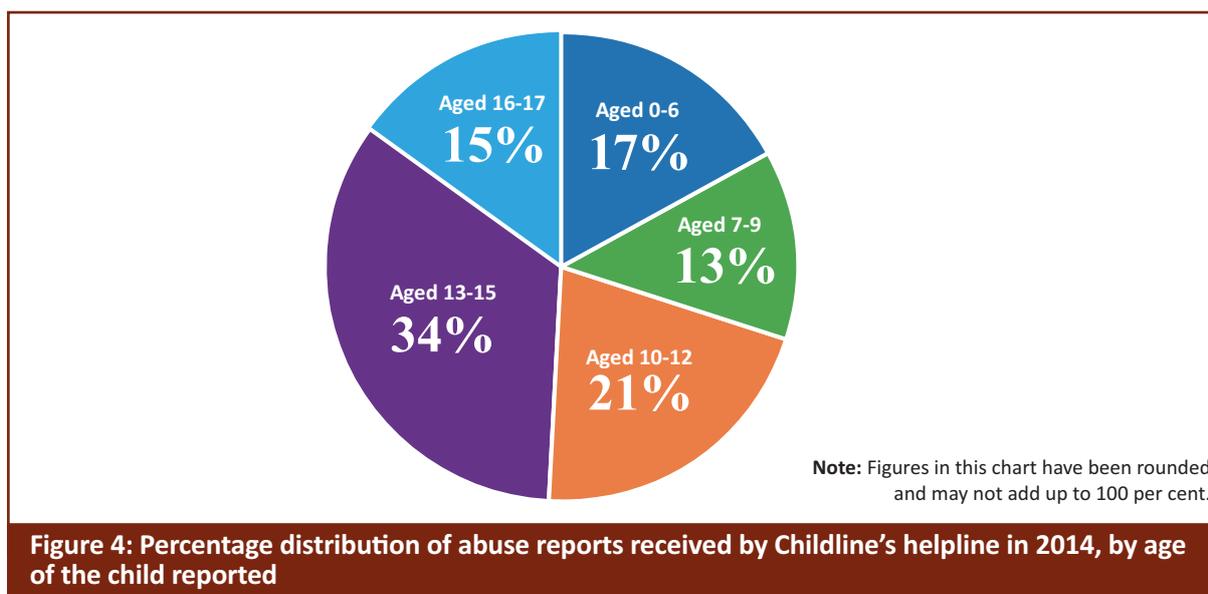


Figure 4: Percentage distribution of abuse reports received by Childline’s helpline in 2014, by age of the child reported

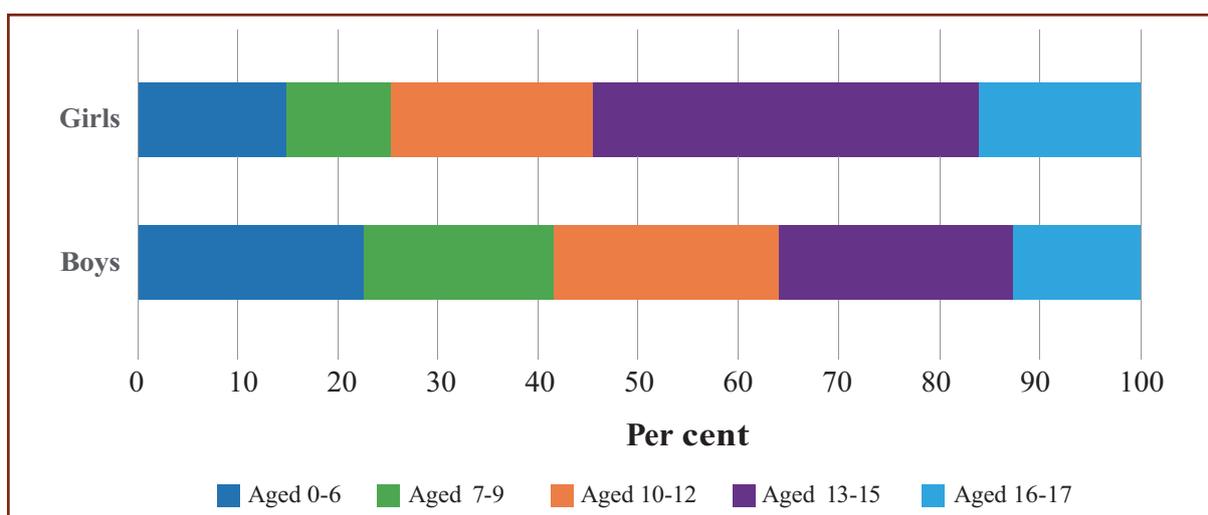


Figure 5: Percentage distribution of girls and boys reported to Childline’s helpline for experiences of abuse in 2014, by age group

There were also some sex differences in reporting of abuse between age groups. Figure 5 shows that around three out of four (75 per cent; n=2,221) of the reports of abuse involving girls were about females in their early and mid-adolescent years (10–17 years old), while the remainder (25 per cent; n=749) were about girls in childhood between the ages of 0 and 9 years. On the other hand, around half of the reports of abuse about boys (42 per cent; n=510) involved males in childhood, with the other (rough) half (59 per cent; n=719) being about males in their adolescent years. Differences in reporting about abuse by sex are particularly evident in the age group 13–17: 55 per cent (n=1,622) of all reports about girls were made about this age group, compared to 36 per cent (n=444) of all reports about boys. An understanding of gender norms in the country might be one potential lens through which to interpret this finding. For instance, it might be that reporting incidents of abuse against boys in adolescence is less common, because such experiences are not seen as violence. Here again, however, some degree of caution should be exercised when interpreting these findings of sex differences, given that there were about half as many reports of abuse about boys in the sample as there were about girls.

There were some notable differences in the types of abuse reported across age groups. As is shown in Figure 6, a much larger proportion of the reports received about older age groups of children (13–17 years) concerned sexual abuse than was the case for children aged 12 and under. In fact, 64 per cent (n=972) of the reports of sexual abuse were about children between the ages of 13 and 17 years. On the other hand, neglect and physical abuse were less commonly reported in older age groups than among younger children. Of the reports made about physical abuse and neglect, 65 per cent (n=752) and 64 per cent (n=663), respectively, were about children aged 12 and under. These findings are consistent with the literature, indicating that the types of violence that children are exposed to changes as they age, and that the risks associated with different types of violence vary across developmental stages.¹²

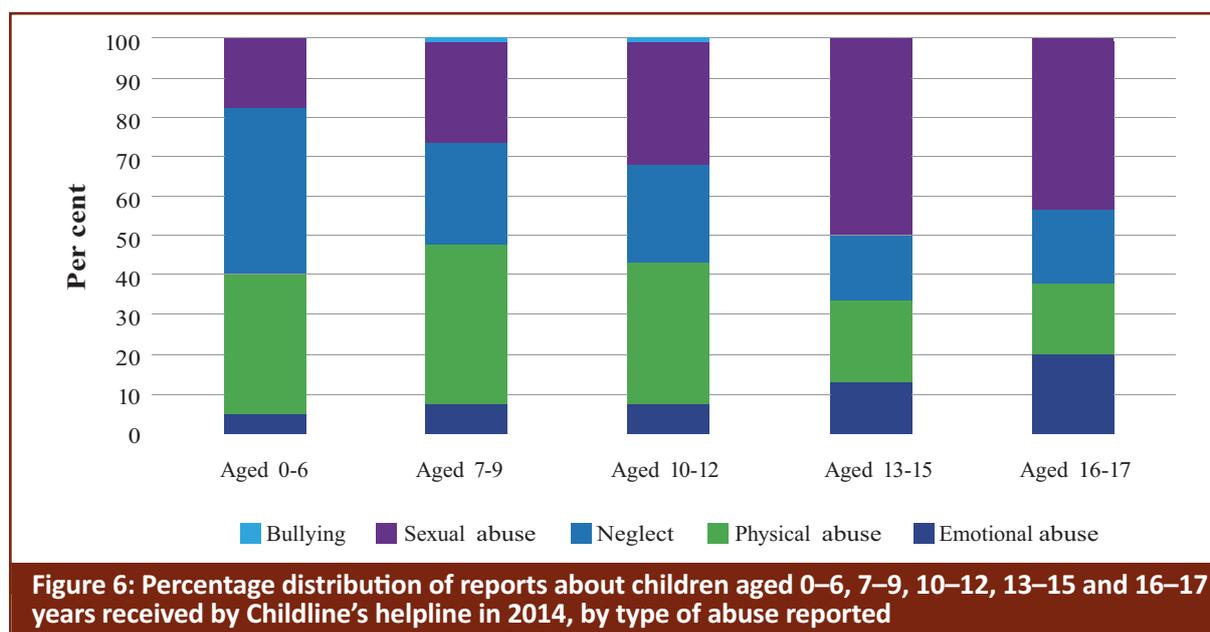


Figure 6: Percentage distribution of reports about children aged 0–6, 7–9, 10–12, 13–15 and 16–17 years received by Childline’s helpline in 2014, by type of abuse reported

Patterns of type of abuse by age group were also found to differ by sex. Among reports about boys, the largest proportions were related to physical abuse and neglect, across all age groups (see Figure 7a), although the share of reports attributable to these two forms of abuse became smaller as the boys’ ages increased.

Additionally, reports about sexual and emotional abuse contributed to a larger proportion of the total reports received among older age groups of boys (13–17), than was the case for younger boys (0–12).

A significant proportion of the reports received about girls across all ages were in relation to sexual abuse (see Figure 7b). However, the share of reports attributable to sexual abuse increased substantially as girls’ ages increased: one report in four (25 per cent) among girls aged 0–6, compared to more than one report in every two (59 per cent) for girls aged 13–15. As was the case with boys, reports of both physical abuse and neglect contributed to a smaller share of the total reports received about older age groups of girls than about their younger counterparts.

¹² United Nations Children’s Fund, *Hidden in Plain Sight: A statistical analysis of violence against children*, UNICEF, New York, 2014.

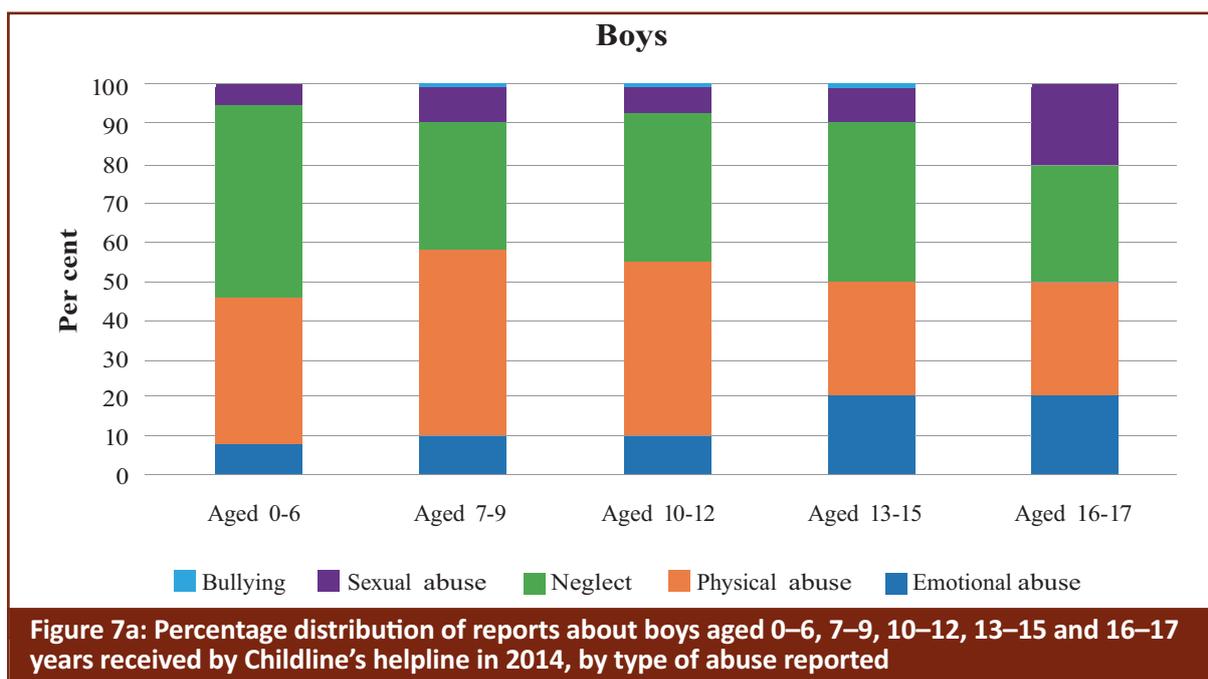


Figure 7a: Percentage distribution of reports about boys aged 0-6, 7-9, 10-12, 13-15 and 16-17 years received by Childline's helpline in 2014, by type of abuse reported

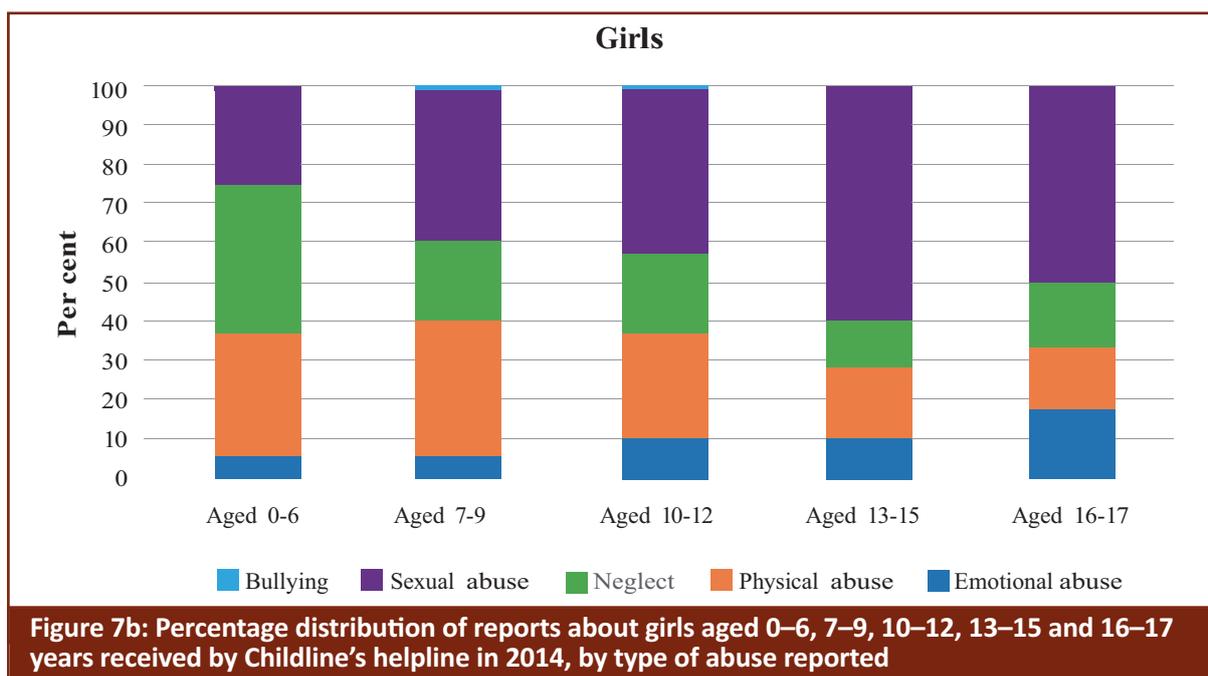


Figure 7b: Percentage distribution of reports about girls aged 0-6, 7-9, 10-12, 13-15 and 16-17 years received by Childline's helpline in 2014, by type of abuse reported

Disaggregation by drop-in centre location

As was mentioned in the methods section, data on children reported to one of the drop-in centres was also disaggregated by location of the centre.

The largest number of reports received by drop-in centres for both sexes in 2014 came from the Kwekwe location (n=824), representing 10 per cent of all reports received by the drop-in centres that year. The second-largest number of reports received in 2014 were made to the Mutoko location (n=721), representing 9 per cent of all reports received that year. The Beitbridge location received the smallest number of reports in 2014 (n=1).

When it came to reports of abuse specifically, the Rotten Raw Courts drop-in centre received the most in 2014, with 469 (representing 12 per cent of all abuse cases received by Childline that year).

Interestingly, of the total 1,264 reports of abuse against boys that were received by all the drop-in centres in 2014, the largest number was from the Kwekwe location (n=149). Of the total 2,780 reports of abuse against girls received by Childline’s drop-in centres in 2014, the largest number was from the Rotten Raw Courts location (n=365). There were also some rather striking variations across drop-in centre locations in the number of reports received by sex (see Figure 8). For instance, at the Warren Park, Beitbridge and Chimanimani centres, reports of abuse were likely to concern boys and girls equally. At the House of Smiles and Mufakose centres, such reports were slightly more likely to concern boys, while at most of the remaining drop-in centres, reports of abuse of girls were more likely than reports about boys.¹³ Some especially pronounced sex differences were noted at a few centres. For instance, at the Rusape location, reports of the abuse of girls were 19 times more likely than reports about boys, and at the Courts drop-in centres, abuse of girls was around seven times more likely to be reported than abuse of boys.¹⁴

The largest sex difference in abuse reports received by the drop-in centres was found at the United Bulawayo Hospital location, where reports of the abuse of girls were 56 times more common than reports of the abuse of boys.¹⁵ A closer look at the data reveals that all but four of the 225 reports of abuse of girls at this location concerned sexual abuse (which may not be altogether surprising, given that the centre is located in a hospital setting).

Patterns in the types of abuse reported also differed by drop-in centre location.¹⁶ For instance, at the Eastlea, Rotten Raw Courts, Gweru, Bulawayo, United Bulawayo Hospital, Tredgold Courts and Chipinge locations, over half of all reports of abuse received related to sexual abuse. In places like House of Smiles, Mufakose and Tsholotsho, over half of all abuse reports received in 2014 concerned neglect; while at the Chitungwiza, Dzivarasekwa, Hatcliff, Kuwadzana, Marondera and Chimanimani centres, at least one in three reports of abuse concerned emotional violence.

At the Glenview, Gweru, Pumula and Kwekwe locations, at least one in every four reports about abuse related to physical abuse.

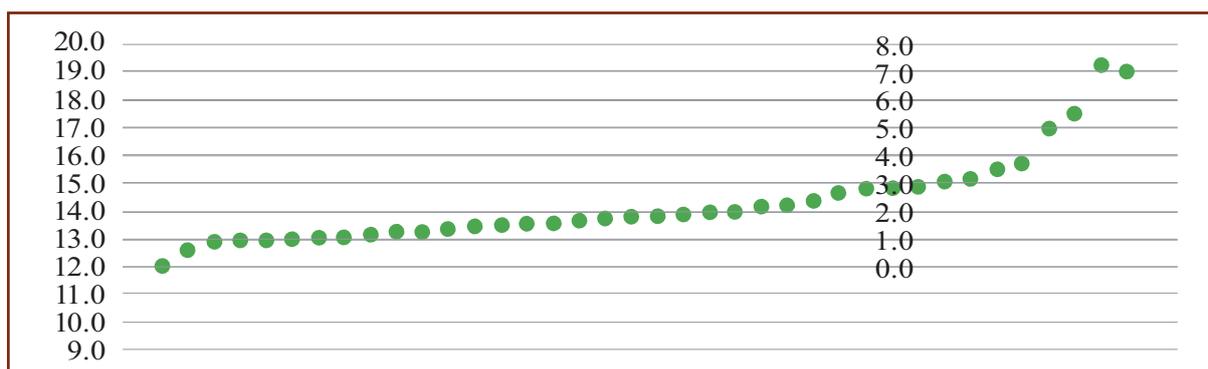


Figure 8: Ratio of children reported abused to one of Childline’s drop-in centres in 2014, by sex (girls over boys)

Notes: Each dot represents a drop-in centre location. A ratio of 1.0 (0.95–1.04) indicates that reports of abuse in the two groups (girls/boys) are equal. Data for some drop-in centres contain some level of uncertainty, since the ratios have been calculated on the basis of a small number of reports; this would affect the significance of the ratios.

¹³ It should be noted here again that this is largely driven by the fact that the number of reports of abuse received about girls overall is much higher than the number received about boys.

¹⁴ These figures contain a degree of uncertainty, since they have been calculated on the basis of a small number of reports about boys; this would affect the significance of the ratios.

¹⁵ Excluded from Figure 8 for clarity; this figure contains a degree of uncertainty, since it has been calculated on the basis of a small number of reports about boys; this would affect the significance of the ratio.

¹⁶ Drop-in centres that received fewer than 25 reports of abuse in 2014 were excluded from the analysis.

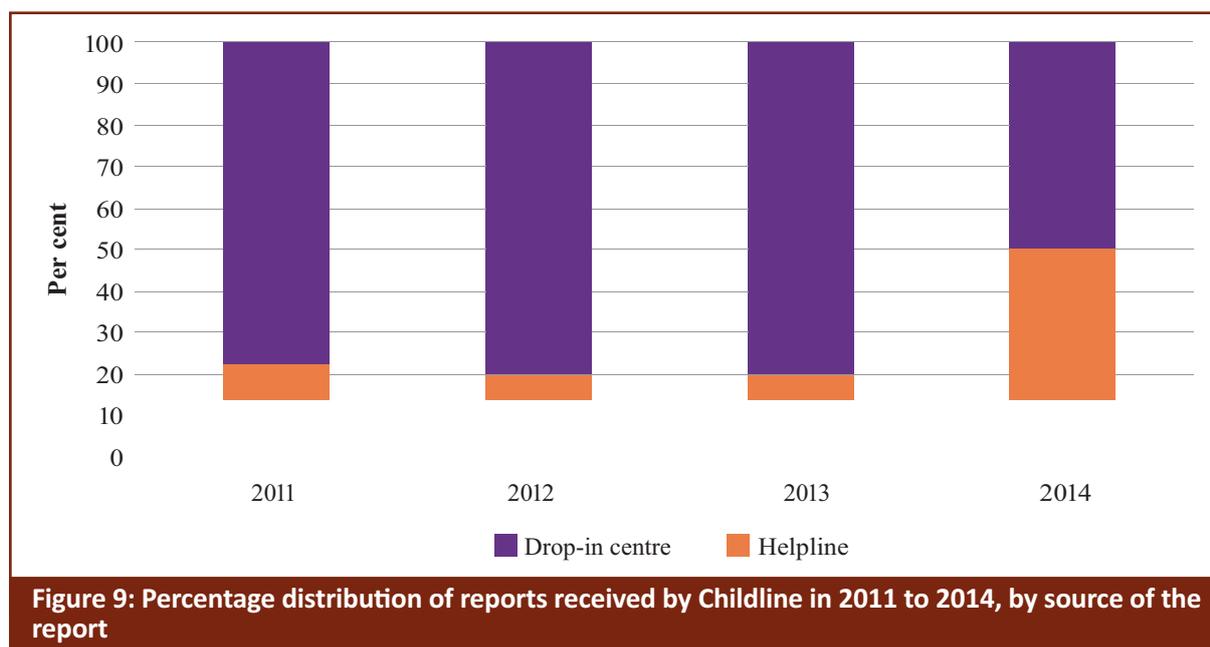
Trends

The availability of Childline data from the years 2011 to 2014 allowed for an exploration of changes over time.

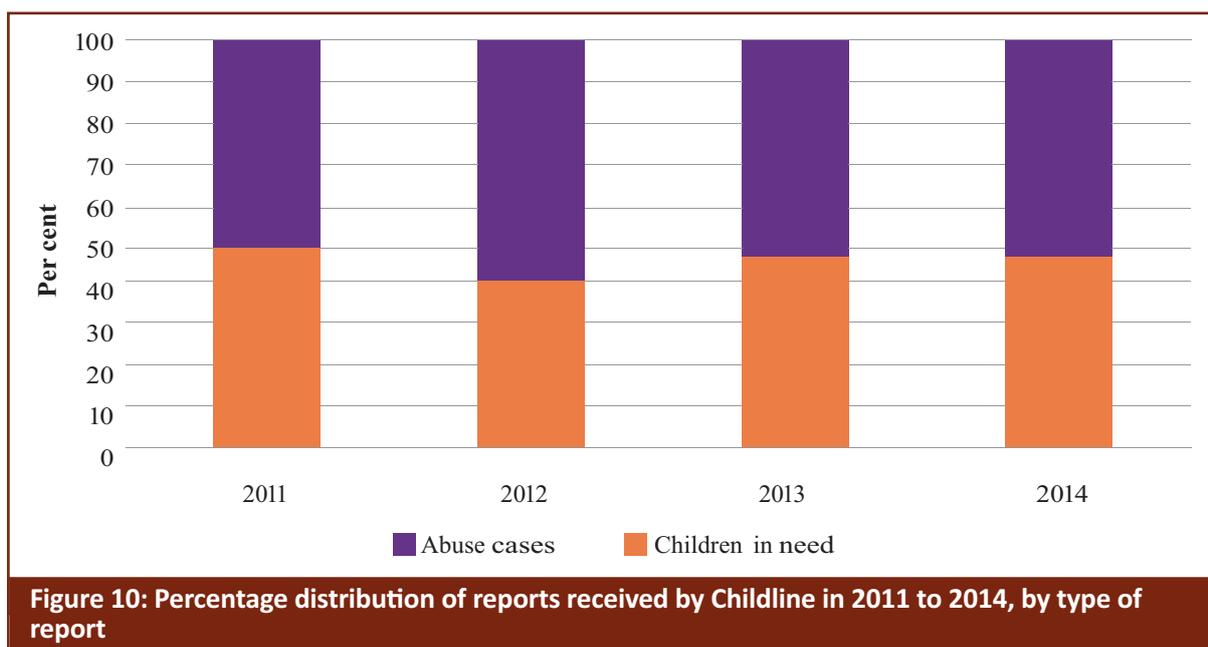
In 2011 and 2014, Childline received a total of 12,759 and 15,446 reports, respectively, through both its helpline and its drop-in centres. This represents a 21 per cent increase in the number of reports received over the four-year period.

Of the reports received in 2011, 22 per cent (n=2,856) were received via the helpline, while this proportion rose to 49 per cent (n=7,524) in 2014 (see Figure 9). This represents a 163 per cent increase in reports received by the helpline from 2011 to 2014. Childline staff attributed this change partly to awareness-raising campaigns about the helpline, as well as recent increases in the number of counsellors available to respond to incoming calls. On the other hand, 76 per cent (n=9,903) of reports in 2011 came in through drop-in centre locations, compared to only 51 per cent (n=7,922) in 2014, representing a 20 per cent decrease in reports received by drop-in centres over this time period.

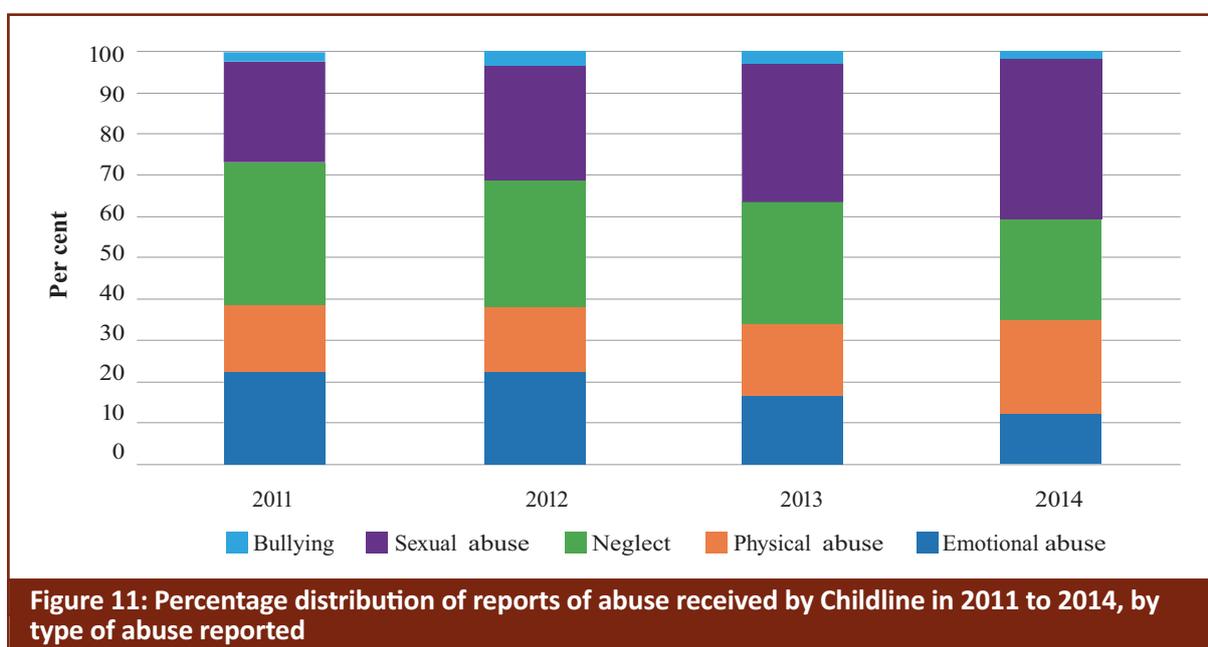
Available data reveal that there have been no significant changes in the types of reports received by Childline over the four-year period (see Figure 10). The proportion of reports received about abuse remained relatively constant from 2011 to 2014, representing about half of all reports received each year. The other half of the reports were in relation to ‘children in need’.



Of the reports about abuse received in 2011, 22 per cent (n=1,472) were about emotional abuse, while this proportion fell to 12 per cent (n=1,031) in 2014 (see Figure 11). This represents a 30 per cent decrease in reports received about emotional abuse from 2011 to 2014. On the other hand, 24 per cent (n=1,609) of the reports of abuse in 2011 were made about sexual abuse, compared to 39 per cent (n=3,224) in 2014, representing a 100 per cent increase in reports about sexual abuse received by Childline over a four-year period. Reports about physical abuse also showed an increase during this time, rising from 16 per cent (n=1,052) of abuse reports in 2011 to 22 per cent (n=1,850) in 2014 – a 76 per cent increase. Reports of both neglect and bullying showed only small decreases from 2011 to 2014.



It is important to note here that these observed increases and decreases cannot be interpreted as actual changes in the incidence of different types of abuse during the reported time periods, but rather provide an indication that the reporting of different forms of abuse to Childline has shown some changes over time.

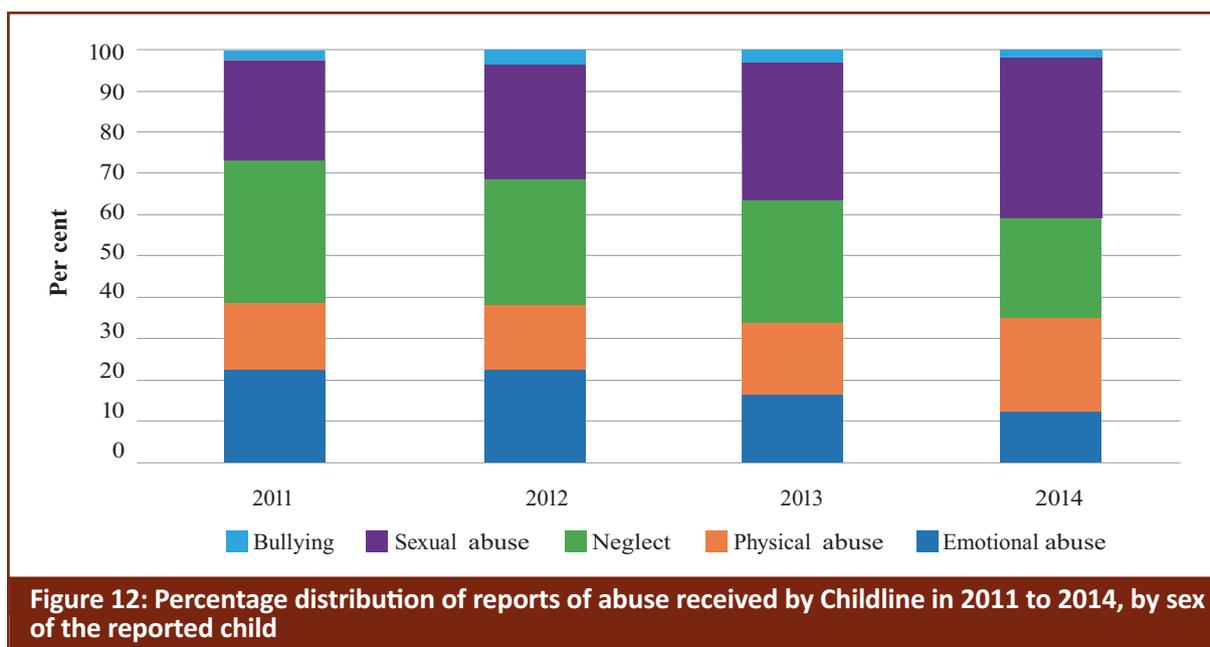


When it comes to reports about abuse received according to child sex from 2011 to 2014, the proportion referring to girls was consistently higher than that referring to boys (see Figure 12).¹⁷ Among reports of abuse made about boys, there was no significant change in the number of reports received over the four-year period. Among reports of abuse among girls, there was a 41 per cent increase in the number

¹⁷ See earlier cautions regarding the interpretation of observed sex differences.

of reports received from 2011 to 2014. Here again, this increase does not necessarily reflect an actual change in the incidence of abuse among girls, but rather that reporting to Childline of real or suspected incidents of abuse of girls has increased over this time period.

There were also some notable differences in the types of abuse reported by sex from 2011 to 2014. Among reports of abuse about boys, the largest change was with regard to physical abuse: Childline recorded a 70 per cent increase in the number of reports about this form of abuse against boys between 2011 and 2014. There was also a 35 per cent increase in the number of reports of sexual abuse of boys between 2011 and 2014, and a 34 per cent decrease in the number of reports of emotional abuse against boys. When it comes to the abuse of girls, there was an 80 per cent increase between 2011 and 2014 in the number of reports of physical abuse, and a 109 per cent increase in the number of reports of sexual abuse. The number of reports of emotional abuse registered a 27 per cent decline among girls from 2011 to 2014. Once again, these findings do not necessarily reflect actual changes in the incidence of different types of abuse among girls and boys. They rather provide an indication that reports to Childline of certain categories of abuse against girls and boys have changed over time.



Annex

Category	Availability in drop-in centre database				Availability in helpline database				Recoding (if applicable)
	2011	2012	2013	2014	2011	2012	2013	2014	
Physical	X	X	X	X	X	X	X	X	
Sexual	X	X	X	X	X	X	X	X	
Emotional	X	X	X	X	X	X	X	X	
Neglect	X	X	X	X	X	X	X	X	
Bullying	X	X	X	X	X	X	X	X	
Witness to violence	X	X	X	X				X	
Corporal punishment								X	Recoded as physical
Child-headed family	X	X							
Abandoned	X	X	X	X					
Commercial exploitation	X	X			X	X	X		
Child prostitution			X	X				X	Recoded as commercial exploitation
Domestic child labour			X	X				X	Recoded as commercial exploitation
Child trafficking	X	X	X	X	X	X	X	X	
Children used for begging			X	X					Recoded as commercial exploitation
Custody	X	X	X	X				X	
Guardianship					X	X	X		Recoded as custody
Shelter	X	X	X						Recoded as homelessness
Homelessness				X	X	X	X	X	
Financial	X	X							Recoded as financial aid/school fees
Resources and financial aid			X	X				X	Recoded as financial aid/school fees
Financial/school fees					X	X	X		Recoded as financial aid/school fees
School fees			X	X				X	Recoded as financial aid/school fees
HIV/STIs/AIDS	X	X			X	X	X		
Info about AIDS			X	X				X	Recoded as HIV/STIs/AIDS
Access to ART			X	X				X	Recoded as HIV/STIs/AIDS
Sick caregiver			X	X				X	Recoded as HIV/STIs/AIDS
Child infected with HIV/AIDS								X	Recoded as HIV/STIs/AIDS
Legal issues	X	X			X	X	X		
Advice and info (on legal matters)			X	X					Recoded as legal issues
Children in need of legal representation			X	X					Recoded as legal issues
School-based/related issues	X	X			X	X	X		Recoded as school-related issues
Teacher problems			X	X					Recoded as school-related issues
Academic problems			X	X				X	Recoded as school-related issues
School dropout								X	Recoded as school-related issues
Birth certificate/legal	X	X							Recoded as birth registration
Birth registration			X	X				X	
Substance abuse	X	X			X	X	X		
Information about substances and misuse			X	X				X	Recoded as substance abuse

Category	Availability in drop-in centre database				Availability in helpline database				Recoding (if applicable)
	2011	2012	2013	2014	2011	2012	2013	2014	
Addiction			X	X					Recoded as substance abuse
Alcohol/drug abuse								X	Recoded as substance abuse
Drug abuse	X	X							Recoded as substance abuse
Disability	X	X	X	X				X	
Sexuality	X	X			X	X	X		
Information about sexuality			X	X				X	Recoded as sexuality
Sexual identity and masturbation			X	X					Recoded as sexuality
Sexual identity								X	Recoded as sexuality
Pregnancy	X	X	X	X	X	X	X	X	
Family relationships	X	X			X	X	X		
Maintenance			X	X				X	Recoded as family relationships
Parents in conflict (conflict between parents)			X	X				X	Recoded as family relationships
Parent/child relationship			X	X					Recoded as family relationships
Conflict between parents and child								X	Recoded as family relationships
Psychosocial/mental health	X	X							
Lonely (loneliness)			X	X	X	X	X	X	Recoded as psychosocial/mental health
Fear and anxiety			X	X				X	Recoded as psychosocial/mental health
Suicide (suicidal)	X	X	X	X	X	X	X	X	
Physical health	X	X							
Concerns about illness			X	X				X	Recoded as physical health
Health issues					X	X	X		Recoded as physical health
Bereavement	X	X	X	X	X	X	X	X	
Juvenile delinquency	X	X							Recoded as delinquency
Delinquency					X	X	X		
Delinquent			X	X				X	Recoded as delinquency
Early marriage	X	X							
Child marriage			X	X				X	Recoded as early marriage
Cultural/religion	X	X							
Culture			X	X					Recoded as cultural/religion
Religion			X	X					Recoded as cultural/religion
Discrimination								X	Recoded as cultural/religion
Career guidance	X	X	X	X					
Peer relationships	X	X			X	X	X		Recoded as peer/partner relationships
Problems with friends			X	X				X	Recoded as peer/partner relationships
Partner relationship			X	X				X	Recoded as peer/partner relationships
Other issues	X	X							
Unspecified/other			X	X					Recoded as other issues
Other								X	Recoded as other issues

A CASE STUDY OF REFERRALS PATHWAYS: CHILDLINE ZIMBABWE

The University of Edinburgh (UoE), Childline Zimbabwe and the United Nations Children's Fund (UNICEF) Zimbabwe

Introduction

Child protection (CP) systems have been defined as formal and informal structures, functions and capacities assembled to prevent and respond to violence, abuse, neglect and exploitation of children.¹ These systems generally comprise a number of components, including human resources, laws and policies, finances, monitoring and data collection, protection and response services, and case management.² Various actors work within each of the components of the system and interact with one another to produce outcomes. In recent years, there has been a shift at the global level towards the adoption of a systems approach for child protection, as an alternative to the more traditional 'issues approach', which has often resulted in fragmented responses to child protection concerns.³ In many middle- and high-income nations, there has been a growing recognition of the need to reform existing CP systems to focus more efforts on early prevention, intervention and family strengthening, while in many low- and (some) middle-income settings, there is often a need to find a balance between more formal mechanisms and informal customary or traditional elements.⁴

Increasingly, case management has become one of the central components of service delivery within the broader CP system. In broad terms, case management has been defined as "a procedure to plan, seek, and monitor services from different social agencies and staff on behalf of a client".⁵ Within the context of social work and child protection more specifically, case management is typically described as a systematic and planned process, whereby a designated caseworker assesses a client's needs (and those of his or her family in the case of children) and arranges, coordinates, advocates and monitors a package of appropriate (and often multiple) services to best meet the needs of the client.⁶

While every government develops and implements its own national protocol, standards or guidelines, there are some common core principles that generally underpin case management when it comes to child protection. These include elements such as taking a client-centred approach, providing holistic care within all of a person's contexts and environments (i.e., an ecological perspective) and what might perhaps be considered the cornerstone of most case management – providing services that are multidisciplinary in nature.⁷ In this regard, case management recognizes that children who are victims of abuse, neglect and/or exploitation are in need of, and can also benefit from, an array of services delivered by a collaborative team of agencies and professionals, all working together to respond to the multi-faceted nature of children's needs.

¹ Child Protection Systems Conference, 'Concept note', New Delhi, November 2012.

² UNICEF, UNHCR, Save the Children and World Vision, *A Better Way to Protect ALL Children: The Theory and Practice of Child Protection Systems, Conference Report*, UNICEF, 2013, <http://resourcecentre.savethechildren.se/sites/default/files/documents/c956_cps_interior_5_130620web_0.pdf>.

³ *ibid.*

⁴ Child Protection Systems Conference, 'Concept note', New Delhi, November 2012.

⁵ Committee for the Special Protection of Children (Department of Justice, Republic of the Philippines), *Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation*, 2013, p. 4, <http://cpwg.net/wp-content/uploads/sites/2/2014/05/Revised-protocol-for-Case-Mgmt_Lay-out-for-Printing-1.pdf>.

⁶ National Association of Social Workers, *NASW Standards for Social Work Case Management*, 2013, <www.socialworkers.org/practice/naswstandards/CaseManagementStandards2013.pdf>

⁷ Committee for the Special Protection of Children (Department of Justice, Republic of the Philippines) (2013); and National Association of Social Workers (2013).

Background

Childline Zimbabwe is a child-focused, not-for-profit, community-based organization, founded in 1997 by Soroptimist International of Zimbabwe, an international women's service organization with members in 115 countries. Childline provides therapeutic and educational services to all children in the country under the age of 18.⁸ The overall aim of Childline is to listen to, comfort and protect children in need. The mission of Childline is:

- To respond to all children in distress, to counsel, comfort and protect all children in Zimbabwe; and
- To promote, foster and encourage the protection and care of all children in Zimbabwe.

The main service provided by Childline is free and confidential counselling that can be accessed by children directly or by members of the community with concerns about children via three methods:

- A free, confidential, 24-hour 116 helpline accessible from all phones (both landlines and mobiles, regardless of network) in Zimbabwe, subject to GSM coverage in the area. Childline's two call centres are located in Harare and Bulawayo and are operated by trained volunteers providing counselling in three languages: English, Shona and Ndebele;
- Free postal service; and
- Thirty-one community-based drop-in centres located across the country (covering all 10 provinces), operated by qualified social workers and counsellors supported by trained community volunteer counsellors.

Other services include:

- Follow-up home visits by social workers or community volunteer counsellors in their local districts for reports of child abuse or neglect, received through the helpline or postal service. This service is provided in partnership with the government's Department of Child Welfare and Protection Services (DCWPS), which has the statutory mandate for child protection in Zimbabwe, and police officers in the Victim-Friendly Unit (VFU). The social workers and community volunteer counsellors often provide ongoing counselling and support to children and/or their families to ensure the safety, appropriate care and healthy development of children; and
- Advocacy activities at both local and national levels to promote the prevention of child abuse, exploitation and neglect, and to raise awareness of children's rights. Childline works with the media, private-sector partners and various government ministries, and also provides training on a regular basis to promote children's rights and the safeguarding of children across the country.

Childline is run by a national director appointed by a board of trustees. The director is supported by a team of 35 dedicated professionals and over 150 volunteers to ensure the efficient running of Childline, which serves the most vulnerable children in Zimbabwe. Childline Zimbabwe is an active member of Child Helpline International (CHI), which is a global network of telephone helplines and outreach services for children and young people.

Analysis

The reconstructed timelines (in bullet point format) were mapped graphically to display referral pathways taken and the approximate time periods between pathways, when such information was available.

⁸ Although persons under the age of 18 are considered children under Zimbabwean law, Childline will respond to any young person requesting assistance.

Limitations

Due to the unique nature of every case received by Childline, and given that it is necessary to take into account individual needs in determining the most appropriate care plan, the case studies included here cannot be assumed to be a representation of all cases handled by Childline, and no generalizations should be made on the basis of the information presented. Rather, the case studies are meant to illustrate how abuse cases can take varying referral trajectories, depending on the type of abuse reported, and to highlight the complexity of case management, as well as some potential bottlenecks and challenges with regard to implementing existing protocols and guidelines.

Data quality was subject to the following conditions: (1) the accuracy of the information provided to Childline during the reporting process and; (2) the degree to which Childline was able to successfully and accurately document information on the reports received.

EXISTING CASE MANAGEMENT PROTOCOLS/GUIDELINES IN ZIMBABWE

Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe 2012⁹

An original version of the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe (called 'A Protocol on the Multi-Sectoral Management of Child Sexual Abuse') was developed in 1997, with a second edition issued in June 2003. The 2012 revised protocol stresses the need for holistic, effective and efficient service delivery for survivors of sexual abuse and violence, and has expanded the scope of the protocol to include victims of all ages (not just children, as was previously the case). The protocol sets out minimum standards and key procedures for relevant stakeholders to provide survivor-centred services to victims of sexual abuse and violence. The new protocol also includes an increased emphasis on the importance of taking age, gender and disability-sensitive approaches in preventing and responding to sexual abuse and violence.

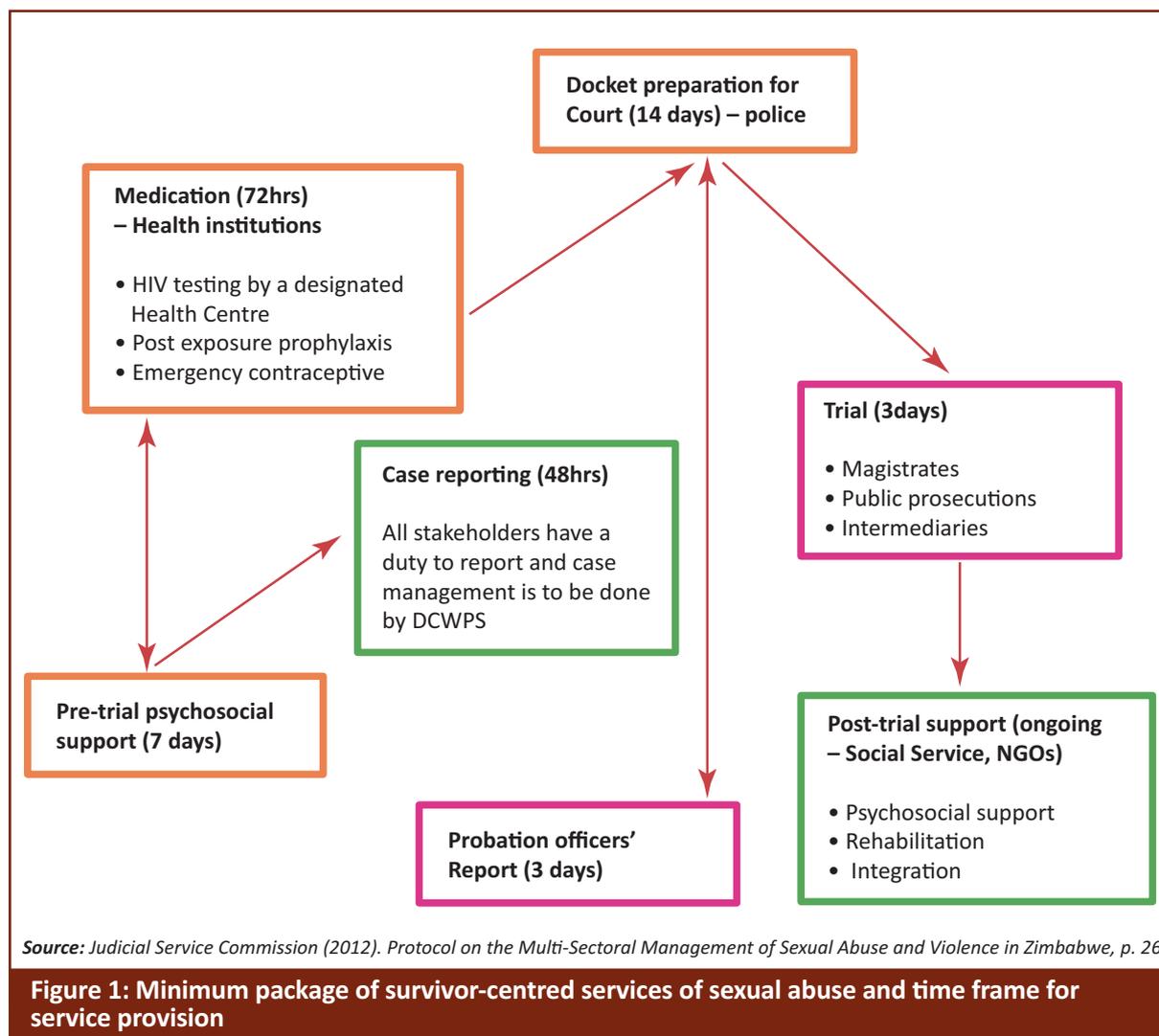
More specifically, the new protocol has the following purposes:

- i. To safeguard the rights of survivors of sexual violence and abuse, guaranteeing that they receive a holistic package of age- and gender-sensitive, survivor-centred services for their psychosocial well-being and protection by the welfare and justice systems.
- ii. To provide a standard set of age- and gender-sensitive procedures that must be undertaken to ensure this holistic response to child and women survivors of sexual abuse.
- iii. To strengthen and clarify the roles and responsibilities between service providers and agencies that have statutory and thus obligatory responsibilities in the delivery of age- and gender-sensitive, survivor-centred services, thereby enhancing their accountability and credibility. (p. 20)

While the protocol focuses on sexual abuse and violence, the response system and guiding principles are also intended for use with survivors of other forms of abuse and violence, when relevant and applicable. All government ministries and departments that are signatories to the protocol, and civil society organizations committed to managing sexual abuse and violence, are bound by the protocol. There are systems in place to report any organization or service provider that fails to meet its obligations under the protocol.

⁹ Reference for all the text included in this section is: Judicial Service Commission, *Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe*, Harare, 2012, <www.togetherforgirls.org/wpcontent/uploads/Multi_Sectoral_Protocol_2012.pdf>

The protocol is based on a set of guiding principles that are survivor centred and child sensitive (see pp. 22–23 of the protocol). Below is a diagram taken from the protocol, outlining the minimum set of actions and corresponding timeframes that must be completed in providing services to survivors of sexual abuse and violence, from prevention to referral and response.



The Department of Child Welfare and Protection Services is in the process of developing national case management.

Guidelines that will outline minimum standards and procedures for case management involving child survivors of abuse and violence.

Case studies

Details of each case were extracted from the Childline case files, and a timeline of the major actions taken, the actors involved and the timeframe was reconstructed, in order to map the referral pathways taken. The maps have been colour coded according to the type of referral/primary actor involved at that specific stage in the process, as outlined below:

Contextual information about the case
Informal help-seeking/help-giving
Involvement of law enforcement
Involvement of DCWPS
Involvement of Childline
Involvement of the justice/court system
Involvement of civil societies, NGOs or other local organizations
Involvement of medical services

The first case involves a situation in which the victim is sexually abused by a relative (i.e., incest). One of the first points illustrated by this case study is that disclosure is not always immediate, and nor is it a discrete event, but rather a process. In this instance, approximately five months elapsed between the incident and the victim's disclosure of the abuse. Research has consistently shown that most child victims of violence delay disclosing their abusive experiences, often for relatively long periods of time, while many others choose never to tell anyone.¹⁰ In this particular case, the fact that the abuse was perpetrated by a family member may have contributed to the victim's decision to keep the violence secret for a period of time; something that is consistent with research literature suggesting that children who are sexually abused by close relatives are often particularly hesitant to tell anyone of their experiences.¹¹ Often, cultural and social norms play a role in whether or not victims seek help,¹² and in many places when abuse occurs within the family (particularly sexual abuse), these norms are especially pronounced; the expectation is often that victims stay silent and the situation remains within the confines of the closed family unit, in order to avoid family embarrassment or a loss of perceived family honour. Survey data from Zimbabwe confirms that disclosure of sexual abuse is relatively uncommon in the country. For example, results from the 2010–2011 Demographic and Health Survey (DHS) revealed that 72 per cent of girls and women between the ages of 15 and 49 who reported experiences of sexual violence said they had never told anyone about the abuse.¹³ In the 2011 National Baseline Survey on Life Experiences of Adolescents (NBSLEA) carried out in Zimbabwe, close to half of women aged 18–24 who had experienced sexual violence prior to age 18, and more than half of men of the same age, said they had never told anyone about the abuse.¹⁴

¹⁰ United Nations Children's Fund (2014); Paine, M.L. and D.J. Hansen, 'Factors influencing children to self-disclose sexual abuse', Faculty Publications, Department of Psychology, Paper 59, University of Nebraska-Lincoln, Lincoln, 2002.

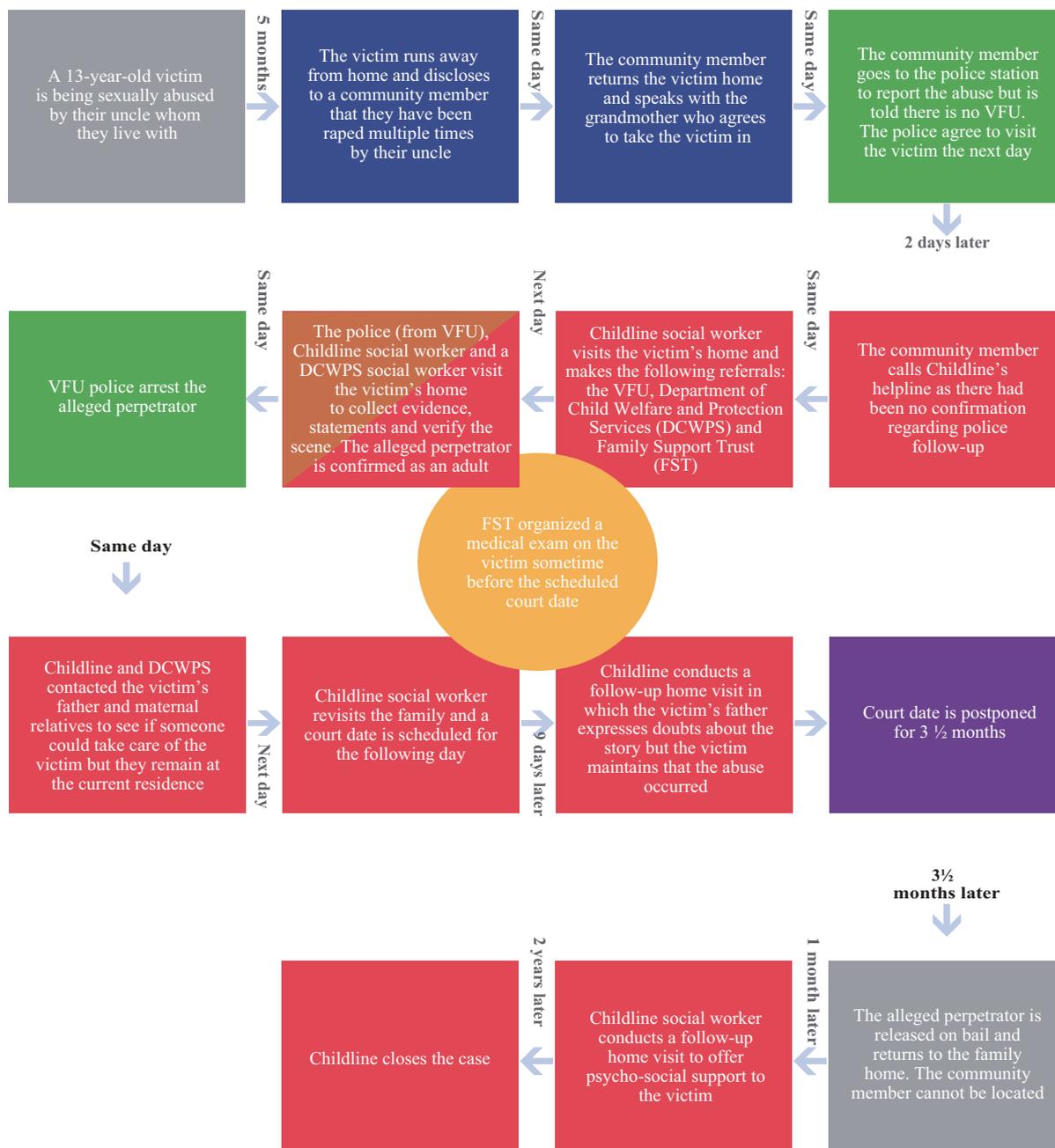
¹¹ Paine and Hansen (2002).

¹² United Nations Children's Fund (2014).

¹³ Zimbabwe National Statistics Agency (ZIMSTAT) and ICF International, *Zimbabwe Demographic and Health Survey 2010–11*, ZIMSTAT and ICF International Inc., Calverton, Md., 2012.

¹⁴ Zimbabwe National Statistics Agency, United Nations Children's Fund and Collaborating Centre for Operational Research and Evaluation (2013).

Case Study #1



A second but related point highlighted by the case study is how victims of abuse often rely on informal networks and channels when it comes to both disclosure and seeking help. In this case, the victim chose to disclose to a community member. Again, cultural and social norms may have influenced the victim's decision to tell a community member, rather than turn to the authorities, for example. Norms often dictate who is an acceptable person for victims to turn to for help.¹⁵

In fact, in the 2011 NBSLEA in Zimbabwe, most female victims of childhood sexual abuse aged 18–24 who said they had disclosed the incident reported that they had told a relative or friend.¹⁶

¹⁵ United Nations Children's Fund (2014).

¹⁶ Zimbabwe National Statistics Agency, United Nations Children's Fund and Collaborating Centre for Operational Research and Evaluation (2013).

Additionally, victims are not always aware of formal support services in their community, or they may be reluctant to seek formal help from authorities or institutions for a variety of reasons. This point is supported by findings from the 2011 NBSLEA showing that 38 per cent of female victims and 35 per cent of male victims aged 18–24 who had suffered childhood sexual abuse reported that they knew where to go for help, while less than 5 per cent of victims of both sexes actually sought professional support or assistance.¹⁷

This case study also illustrates the wide variety of actors who often become involved in cases of child abuse, both from formal and informal systems. In total, five different primary actors became involved in the case at different points in the process. Informal networks and connections primarily played a role at the start of the case – through the victim’s disclosure to a community member and the community member’s action in returning the child to his/her family. Once the community member had alerted police to the incident, actors within the formal system, including Childline and other local organizations, largely took over the process.

The case study also shows how the roles of various actors within the formal system often overlap, providing a good illustration of how different sectors can collaborate in responding to a case of child sexual abuse. For instance, once Childline became involved in the process, it immediately enlisted assistance from the VFU, the DCWPS and the FST, in order to respond to the allegations and offer support services to the victim.

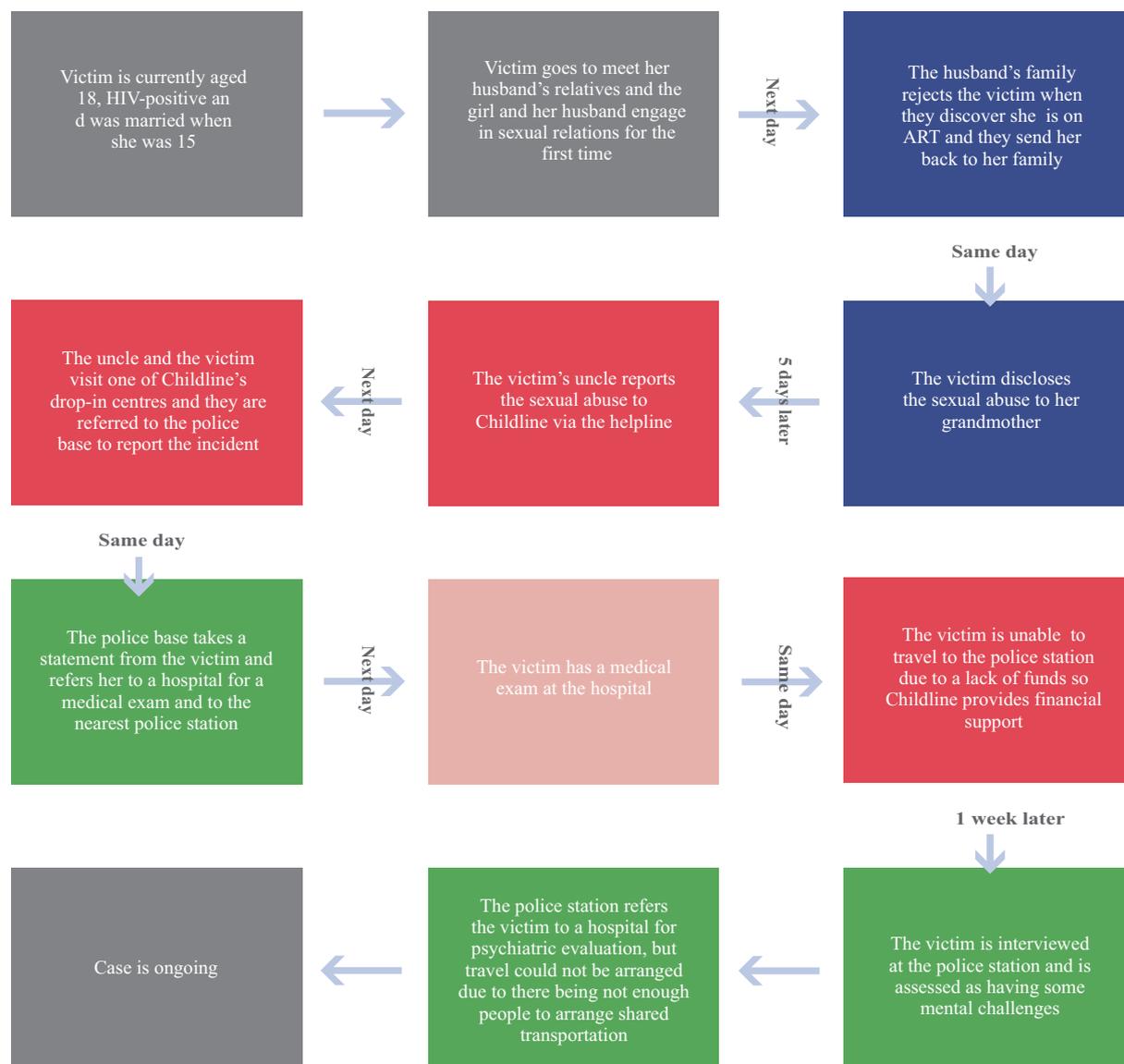
Because this was an instance of child sexual abuse, the Protocol on the Multi-Sectoral Management of Child Sexual Abuse should have been followed. It appears that once the case was received by Childline, the duty to report to DCWPS within 48 hours was met (in fact, the case was reported by Childline to DCWPS the same day it was received). The standard for having a victim receive a medical examination within the next 72 hours also appears to have been missed, as the FST arranged for the victim’s medical to take place sometime before the scheduled court date.

Additionally, it seems as though the paperwork for court was also completed within the recommended 14-day timeframe in the Protocol and appears to have in fact been done within the first week after the case came to the attention of Childline. The next action in the Protocol is for the case to go to trial within an additional 3 days. At this point in the case study, a clear bottleneck emerges. While the court date appears to have been scheduled, it is eventually postponed for a period of 3½ months, after which time the alleged perpetrator was released on bail and returned to the family home. According to the timeline reproduced from the Childline case file, the trial never took place, but the victim continued to receive psychosocial support for an extended period of time before the case was eventually closed. In this case, the response from Childline was timely and efforts among various actors within the formal sector, from law enforcement to medical and government child protective services, were well coordinated. However, delays in moving the case forward were experienced once the judicial system became involved.

It seems as though the paperwork for court was completed within the recommended 14-day timeframe in the protocol and in fact appears to have been done within the first week after the case came to the attention of Childline. The next action in the protocol is for the case to go to trial within an additional three days. At this point in the case study, a clear bottleneck emerges. While the court date appears to have been scheduled, it is eventually postponed for a period of three and a half months, after which time the alleged perpetrator was released on bail and returned to the family home. According to the timeline reproduced from the Childline case file, the trial never took place, but the victim continued to receive psychosocial support for an extended period of time before the case was eventually closed. In this case, the response from Childline was timely, and efforts by various actors within the formal sector – from law enforcement to medical and government child protective services – were well coordinated. However, delays in moving the case forward were experienced once the judicial system became involved.

¹⁷ *ibid.*

Case Study #2



This case involves a young girl who was married when she was 15 years old and experienced sexual violence at the hands of her husband. This case illustrates a situation that is, unfortunately, not altogether uncommon in the country – violence within the context of an intimate relationship. Under the national Child Marriage Act 1964, the minimum marriageable age for girls in Zimbabwe is 16 years (18 years for boys).¹⁸ Although the Zimbabwean Constitution prohibits marriage between persons below the age of 18, national legislation has yet to be aligned with the constitution, and child marriage continues to be practised under customary law in many parts of the country, for which there is no minimum legal age for marriage.¹⁹ In Zimbabwe, around one in three young women aged 20–24 were married or in a union before the age of 18, and roughly one in four adolescent girls aged 15–19 are currently married or in a union, according to 2014 Multiple Indicator Cluster Survey (MICS) data.²⁰

¹⁸ Chapter 5(11).

¹⁹ Zimbabwe National Statistics Agency, United Nations Children's Fund and Collaborating Centre for Operational Research and Evaluation (2013).

²⁰ Zimbabwe National Statistics Agency (ZIMSTAT), *Zimbabwe Multiple Indicator Cluster Survey 2014, Final Report*, Harare, 2015.

The prevalence of child marriage in the country has remained relatively stable, at around 30 per cent over the past 20 years. Research has confirmed that girls who marry early are at greater risk of exposure to intimate partner violence than same-age peers who delay marriage until adulthood.²¹ In Zimbabwe, certain traditional, cultural and religious practices continue within the context of marriage, such as the paying of bride prices, polygamy, arranged marriages and *chiramu* (a privilege afforded to males in the family, typically uncles and brothers-in-law, to engage in sexual activity with younger girls in the family).²² Harmful traditional practices such as these can place young girls at further risk of experiencing intimate partner violence. According to DHS 2011–2012 data from Zimbabwe, more than one in three ever-married adolescent girls between the ages of 15 and 19 have experienced some form of sexual violence at the hands of their current or most recent husband or partner.²³

As was the situation with the previous case, the victim chose to disclose the abuse through an informal channel first (i.e., a family member). As in the first case study, disclosure of the abuse also took place only after several years had elapsed: the incident occurred when the victim was 15, but she did not tell anyone (as far as is documented in the case file) until she was 18. Here again, the fact that the abuse was perpetrated by the victim's husband might have influenced her decision to remain silent for so long, especially given that Zimbabwe is a predominantly patriarchal society, in which male dominance over women is sanctioned and women are viewed as holding a lower status in society. When such cultural and social norms exist, violence between partners may be perceived as a normal part of interpersonal dynamics between the sexes, especially within the context of marriage.²⁴ In fact, available data from the 2014 MICS reveal that around half of adolescent girls aged 15–19 and slightly more than one in three adolescent boys of the same age think that a husband or partner is justified in hitting or beating his wife or partner under certain circumstances.²⁵ These data help to provide an understanding of how girls and women are perceived within Zimbabwean society and confirm the existence of societal beliefs and norms (even among young adolescents) which justify the use of violence against girls and women when they do not fulfil certain expected gender roles.

This case study also illustrates how, particularly in instances of sexual abuse, there is often a fine line between providing support services to victims and placing blame on them for the incident. In fact, data from the 2011 NBSLEA in Zimbabwe confirm that many victims of sexual violence do not seek professional help for fear of getting into trouble: among women aged 18–24 who reported experiences of sexual abuse prior to age 18, one in four said they had not sought support from services because they were afraid of getting into trouble, while the same proportion said they had not sought help for fear of getting the abuser into trouble.²⁶

In the current case, once the victim was identified as having some mental/intellectual challenges, the focus of law enforcement seems to have shifted to arranging for a psychiatric evaluation of the victim, while it is unclear from the case file whether any further action was taken to follow up the victim's report of sexual abuse. A recent systematic review of more than 50 studies on risk factors for violence against children in Zimbabwe identified only a handful that addressed experiences of violence among children with disabilities, revealing a major gap in the literature. Again, because this was an instance of child sexual abuse, the Protocol on the Multi-Sectoral Management of Child Sexual Abuse should have been followed. It appears that once the case was received by Childline, the incident was reported to police within 24 hours, although it was not clear from the case file whether DCWPS was also informed.

²¹ See, for example: Santhya, K.G. et al., 'Consent and coercion: Examining unwanted sex among married young women in India', *International Family Planning Perspectives*, vol. 33, no. 3, 2007, pp.124–132.

²² Definition of *chiramu* taken from: Kanchense, J.H.M., 'Urologic and gynecologic health problems among Zimbabwean women: What is the role of poverty?', *Urologic Nursing*, vol. 27, no. 5, 2007, pp. 373–389, <www.medscape.com/viewarticle/564664_4>

²³ Zimbabwe National Statistics Agency (ZIMSTAT) and ICF International (2012).

²⁴ United Nations Children's Fund (2014).

²⁵ Respondents were asked whether they thought a husband/partner is justified in hitting or beating his wife/partner in any of the following circumstances: if she burns the food, if she argues with him, if she goes out without telling him, if she neglects the children or if she refuses sexual relations with him. ZIMSTAT (2015).

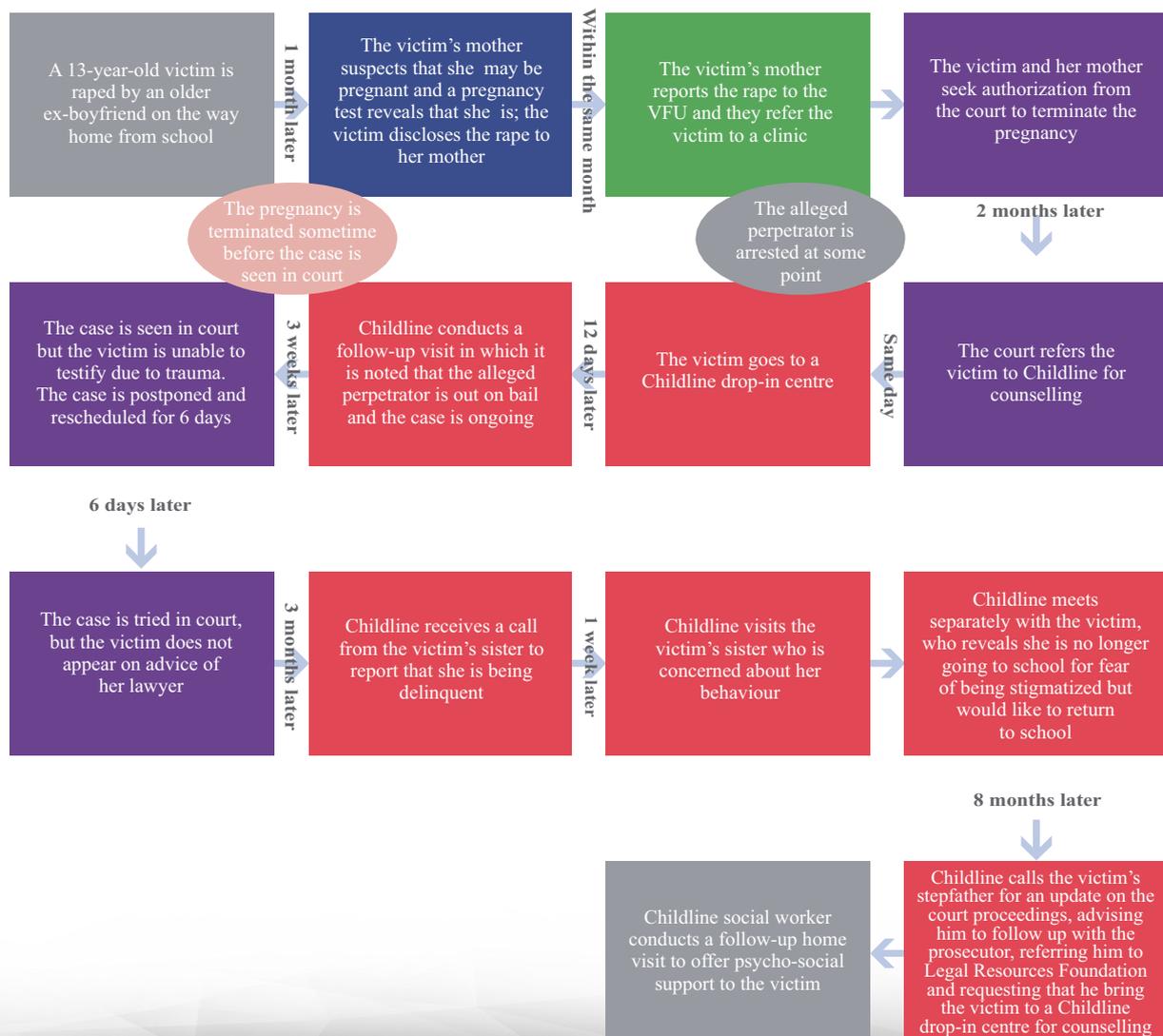
²⁶ Zimbabwe National Statistics Agency, United Nations Children's Fund and Collaborating Centre for Operational Research and Evaluation (2013).

Clearly this is a statutory case, hence state intervention is mandatory. Absence of DCWPS in the case flow illustrates a critical gap for accountability. The standard for having a victim receive a medical examination within the next 72 hours also appears to have been met, as the police base referred the victim to a nearby hospital for a medical examination. At the time the case file records were extracted and coded in June 2015, there had not been any documented involvement of the judicial system. However, since the case remained ongoing, it is possible that the court system has, or will, become involved at some point.

This case also highlights how financial barriers can become a bottleneck for victims in trying to access support services. Because the victim lived in a remote location, the closest law enforcement contact was a police base, which did not provide full services, and the victim’s lack of funds would have prevented her from travelling to the police station to take further action, had it not been for the assistance provided by Childline.

The victim’s remote location was also a barrier to her being able to have a psychiatric evaluation and to access the psychosocial support services, as there was a need to wait for shared transportation to be arranged.

Case Study #3



This case involves a young girl aged 13 years, who was raped by an older ex-boyfriend on her way home from school and became pregnant as a result of the abuse. As was the case in the previous two situations, the incident was revealed and initially disclosed through an informal network (i.e., the victim's mother). The first point of contact within the formal system took place via a report made to the Victim-Friendly Unit, and many other actors within the formal system later became involved in the case, including both medical services and the justice/court system.

One interesting point highlighted here is that the victim had to seek authorization from the court to terminate the pregnancy. According to the national Termination of Pregnancy Act 1977, women are permitted to have a legal abortion in cases where the life of the woman is in danger or if the child may suffer from a permanent mental or physical defect, or was conceived as a result of rape or incest.²⁷ In instances of pregnancy that have occurred as a result of rape, a certificate is required from a magistrate of the court in the jurisdiction in which the pregnancy is to be terminated, and the certificate is only issued after the victim has filed a report with the authorities and has been interviewed, and once it has been established that there is a "reasonable possibility" that the pregnancy was the result of unlawful intercourse.²⁸ In this case study, a clear bottleneck emerges at the point at which the judicial system becomes involved in issuing the authorization to terminate the pregnancy, since it appears to have taken somewhere around two months for the process to be completed and for the victim to be referred to Childline for counselling.

As with the previous two cases, the Protocol on the Multi-Sectoral Management of Child Sexual Abuse should have been followed, as this was a case of child sexual abuse. The first point of contact within the formal system was the police, but it was not clear from the case file whether DCWPS was informed. It was also not clear from the case file whether the standard for having a victim receive a medical examination within the next 72 hours was met, although police did immediately refer the victim to a clinic and she was later seen by medical services to terminate the pregnancy. It is clear that there were significant delays in preparing the court paperwork, since it took between four and five months after the incident was initially reported to the police for the case to go to trial. Here again, the trial had to be postponed for about a week. It does appear from the case file, however, that the victim received pre-trial psychosocial support from Childline, as per the Protocol. Post-trial follow-up support was also provided to the victim by Childline.

This case study provides a good illustration of some of the longer-term consequences that abuse can have on children, because it was discovered several months after the trial that the victim had dropped out of school. The devastating and often long-term effects of experiences of sexual violence in particular are well documented in the available research literature. Researchers have found that one of the common coping strategies adopted by victims of sexual violence is to skip school or drop out of school altogether.²⁹

The victim in this case study reported that she had dropped out of school for fear of being stigmatized by others because of the violence she had experienced. Past research has shown that child victims of sexual violence often suffer severe psychological impacts as a result of their experiences, due to the perceived shame, secrecy and stigma surrounding sexual abuse in particular contexts.³⁰

²⁷ IRIN News, 'Zimbabwe: Abortion figures underscore need for more reproductive health education', 20 March 2005, <www.irinnews.org/report/53659/zimbabwe-abortion-figures-underscore-need-for-more-reproductive-health-education>

²⁸ Zimbabwe: Termination of Pregnancy Act 1977, Chapter 15:10, 1977, <www.refworld.org/docid/4c46c4de2.html>

²⁹ See, for example: Dinwiddie, S. et al., 'Early sexual abuse and lifetime psychopathology: A co-twin-control study', *Psychological Medicine*, vol. 30, no. 1, 2000, pp. 41–52.

³⁰ Pinheiro, P.S., *World Report on Violence against Children*, United Nations, Geneva, 2006.

Conclusion

The purpose of the case study analysis was to map, as far as possible, the case management process undertaken for a sample of abuse cases received by Childline, in order to describe how cases of different types of abuse move through both the formal and the informal systems; to describe timelines associated with service provision; and to describe the degree of compliance with existing protocols and guidelines. All of the case studies highlighted the importance, and often the central role, of the informal system throughout the process. In all instances, the victims initially disclosed the abuse through an informal network or channel (i.e., family or community member). The case studies also demonstrated the complexity of abuse cases, as well as the wide variety and large number of actors involved in the process, regardless of the type of abuse. They also pointed to some potential bottlenecks in the case management process, including the accumulation of delays once the judicial system becomes involved, and difficulties with access to services for those victims living in more remote locations or with limited financial resources.

