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FACULTY OF ARTS

DEPARTMENT OF

DEVELOPMENT STUDIES

**AN ASSESSMENT OF THE ROLE PLAYED BY THE
CHILD PROTECTION SYSTEM IN PROTECTING
CHILDREN'S RIGHTS: A CASE OF BULAWAYO
URBAN 2004 – 2014**

BY

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APPROVAL FORM

The undersigned certify that they have read and recommend the Midlands State University for acceptance, a dissertation entitled, An assessment of the role played by the Child Protection System in protecting children's rights: A case of Bulawayo urban 2004- 2014. Submitted by Gina Mhangwa in partial fulfillment of the requirements of the Bachelor of Arts in Development Studies Honours Degree.

Supervisor

Chairperson.....

DECLARATION

I Gina Mhangwa hereby declare that, An assessment of the role played by the Child Protection System in protecting children's rights: A case of Bulawayo urban 2004- 2014 is my own research work and all other sources of material are acknowledged.

Signed.....

DEDICATION

This study is dedicated to my parents, Casper Mhangwa and Lucia Mhangwa for making me all that I am today.

ACKNOWLEDGEMENTS

Firstly I thank GOD Almighty for the life that he has given me and being with me all the way. I would like to acknowledge my supervisor, this work would not have been possible without the mentorship of my supervisor Dr Mudeka who continuously interrogated my thoughts, giving me useful insights on how I could proceed throughout the compilation of my dissertation. My deepest gratitude goes to my, Parents Mr and Mrs Mhangwa for their love, support, encouragement and also believing in me throughout. Thanks Mum and Dad.

God Bless You All!

ABSTRACT

The purpose of the study is to assess the role played by the Child Protection System (CPS) in protecting children's rights in Bulawayo urban. The research will explore the impact of the CPS in protecting children's rights in the area of study. The research will pay particular attention to children's right to name and nationality, education, health, protection from child labour and protection from abuse and exploitation. This is mainly because these are the issues that need more attention in the area of study. In Zimbabwe, the CPS has become an integral component in improving children's welfare and development. Cases of child rights violation are being recorded almost on a daily basis in Bulawayo urban, for example, school dropouts are still high, poor health care and services, children are victims of child labour, sexual abuse and all forms of violence against children. The researcher will also aim to highlight some of the mechanisms that have been put forward to try and protect children's right. Hence to fully understand on the role played by the CPS in protecting children's rights a combination of research methodologies will be used and these include qualitative and desk research. Questionnaires and structured face to face interviews will be used to collect data. The study will also outline recommendations on what can be done so as to improve on the protection of children's rights.

LIST OF ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
ASPCA	American Society for the Prevention of Cruelty to Animals
AIDS	Acquired Immune Deficiency Syndrome
BEAM	Basic Educational Assistance Module
CPC	Child Protection Committees
CPS	Child Protection System
DRC	Declaration of the Rights of the Child
DCWPS	Department of Child Welfare and Probation Services
HIV	Human Immune Virus
HOCIC	Hope for a Child in Christ
MOESC	Ministry of Education, Sport and Culture
MOHCC	Ministry of Health and Child Care
MOHA	Ministry of Home Affairs
MOLSS	Ministry of Labour and Social Services
MJLA	Ministry of Justice and Legal Affairs
NGO	Non-governmental Organization
NYSPCC	New York Societies for the Prevention of Cruelty to Children
OVC	Orphans and Vulnerable Children
PPTCT	Prevention of Parent to Child Transmission
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for refugees
UNICEF	United Nations Children's Fund
UDHR	Universal Declaration on Human Rights
VFU	Victim Friendly Police Units
VFS	Victim Friendly System

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CHAPTER ONE

INTRODUCTION

The researcher will focus on assessing the role played by the Child Protection System (CPS) in protecting children's rights. The CPS consists of the legal and policy frameworks, certain structures, functions and capacities, which include a process of care (promotion, prevention and response), data and information flows, and resource flows. Child protection is analogous to health, social protection and education. It addresses its own set of identifiable goals such as preventing and addressing violence, abuse, abandonment, and exploitation of children, through an array of formal and informal structures and functions such as ministries, agencies, civil society, donors, multilaterals, etc.¹

The Children's Protection and Adoption Act, Chapter 33, defines a child in section 2 as any person (including an infant) under the age of 16 years. The Legal Age of Majority Act, 1982, defines any person below the age of 18 as a minor.² This definition is in line with the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Zimbabwe is a signatory to the ACRWC, the first regional child rights treaty, which came into force in 1999. The Charter also defines a child as every human being below the age of 18 years and like the UNCRC covers civil, political, economic, social and cultural rights.³ However, it is noted that the Zimbabwean cultural or traditional definitions of a child differ to some extent. According to customary practices in Zimbabwe, a person is still a child as long as he or she remains under parental authority. In general, children are viewed differently from one ethnic group to the other, according to their socio-economic status, gender and whether they live in urban or rural areas. The terms used to refer to persons under the age of 18 are different, as are the expectations of the corresponding activities, duties and responsibilities. But perhaps the most significant definitions of child for this report are those that occur in official documents.⁴ It is as if each Ministry constructs a different child, with different age groupings and disaggregation in the data.

The data on children is governed by the idea that a child needs protection. The issue of child protection is complex and is linked to several other issues. Preventing harm to children and

responding to child protection concerns requires comprehensive and sustainable action. The development and strengthening of national child protection systems has become a fundamental part of a rights - based approach to child protection in the work of many agencies.⁵ Save the Children defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children.⁶ Therefore the goal of child protection is to promote, protect and fulfill children's rights to protection from abuse, neglect, exploitation and violence as expressed in the 1989 UNCRC and other human rights, humanitarian and refugee treaties and conventions, as well as in national laws.

Children's rights are the human rights of children with particular attention to the rights to special protection and care afforded to minors, including their right to association with both parents, human identity as well as to basic needs such as food, health care, universal education and criminal laws appropriate for the age and development of the child, equal protection of the child's civil rights, and freedom from discrimination on the basis of the child's race, gender, sexual orientation, national origin, disability, religion, color, ethnicity, or other characteristics.⁷ Interpretations of children's rights range from allowing children the capacity for autonomous action. Other definitions include the rights to care and nurturing.⁸ Children and young people (every human being under the age of 18) have the same basic general human rights as adults. Children also have specific human rights that recognise their special need for protection.

Children's rights are commonly viewed by children's advocates as falling into three categories, protection rights, provision rights, and participation rights. Each of these rights applies to the different spheres of everyday life - at home, at school, or at leisure.⁹ The right to protection includes protection from harmful acts and practices. These are the rights that ensure that children are protected from acts of exploitation or abuse, by adults or institutions that threaten their dignity, their survival and development, protection and care. Protection rights can also include protection from abuse and neglect, exploitation, bullying, cruelty, discrimination, and also safety within the justice system and among others.¹⁰

The right to provision includes provision of basic needs such as the rights to the resources, the skills, services, the inputs that are necessary to ensure children's survival and development to

their full potential, for example, the right to adequate health and healthcare in Article 14 of ACRWC. Provision rights also include the right to an adequate standard of living, the right to free education, and the right to legal and social services. The child's right to provision of basic needs can also refer to sharing and distribution and includes the right to possess, receive or have access to certain resources and services.¹⁰ Therefore provision is understood as a more general concept, and is involved in many parts of children's life.

The right to participation includes participation in decisions affecting their lives, to have a say in matters affecting their social, economic, religious, cultural and political life. These are the rights that provide children with the means by which they can engage in those processes of change. These will bring about the realisation of their rights, and prepare them for an active part in society.¹² Participation rights include the right to freedom of expression, freedom of association and the right to participate in public life. Focus on the child as an independent and active individual, with own status in legal matters. In other words, active rights exercised by children acting on their own behalf with real influence in decision-making include children's freedom to express opinions, to join associations and to assemble peacefully.¹³ Therefore, engaging these rights as they mature helps children bring about the realization of all their rights and prepares them for an active role in society.

BACKGROUND OF THE STUDY

The researcher will focus on assessing the role played by the Child Protection System (CPS) in protecting children's rights. This study will look at how the CPS has impacted on children's rights, particularly to a name and nationality, education, health, protection from child labour and protection from abuse and exploitation of children in Bulawayo urban. This is mainly because these are the issues that need more attention in the area of study.

It should be noted that the child protection system has impacted on children in a number of ways. To some extent, in 2012 and 2013 the child rights sector has responded to the high rates of neglect and child abuse in Zimbabwe through conducting child rights advocacy and education training workshops in peri-urban, urban and rural communities. Available data shows that 60%

of rape survivors brought to the attention of the authorities are children, and an overwhelming majority of the victims are girls. In 2009, the Zimbabwe Republic Police recorded 3448 child abuse cases while the Victim Friendly Court dealt with 1222 cases.¹⁴ Cases of child rights violation are being recorded almost on a daily basis in Zimbabwe. For example, high cases of lack of birth records, of school dropout, poor health care services, child labour, sexual abuse and all forms of violence. Therefore, children need effective protection from all sectors across society. Statistics show that in 2008, only 20% of pupils passed primary exams and the pass rate at Ordinary Level also went down steeply.¹⁵ About 3.5 million children are living below the poverty datum line, with a significant percentage of them malnourished. Between January and October 2012, there were also over half a million cases of child labour. It is estimated that in 2009, 45% of children under five in urban areas and 70% in rural areas did not have birth certificates. This means that all these children did not have a legal name, nationality or citizenship rights. This is of disadvantage because the birth certificate is in itself a child protection mechanism.¹⁶ According to the Baseline Survey on Life Experiences of Adolescents in 2013, figures at hand indicate that as many as 124 girls were sexually abused every 12 days in the month of October 2012. About 9% of girls aged between 13 and 17 in the country and 2% of boys in the same age group were sexually abused during the period under review. UNICEF also highlighted that cases of child rape were reported to have increased by 42% in 2009. In December 2012 Report, the Zimbabwe Republic Police Victim Friendly Unit highlighted that between January and October 2012 more than 2,400 children under the age of 18 were victims of rape. There were 3,421 sexual abuse cases of minors reported during that period.¹⁷ All this points to a decline in societal moral standards, which has exposed children to violation of their rights. Therefore it is against this background that the researcher sought to assess the role played by the CPS in safeguarding children's rights.

Though the CPS is an essential, life saving protection response and helps support the future well-being and development of children, it is also important to note that in protecting children's rights, the CPS has also faced a number of challenges. The above statistics indicate the collapse of the CPS in Zimbabwe largely due to the shortages of resources and manpower, particularly social workers in preventing and managing the vulnerable groups. This is mainly because social

workers are the backbone for carrying out all the statutory tasks principally enshrined in the Children's Protection and Adoption Act (2001) and the Social Workers Act 27:21 (2001).

The researcher will aim to highlight some of the mechanisms that have been put forward to try and protect children's rights. These processes will enable the creation of the rightful place of children in the socio-economic and political development policy across diverse sectors of society. The Government of Zimbabwe has managed to establish ways to strengthen child-friendly benches and child protection units in all areas. These include enhancing the capacity of law enforcement organs, the judiciary as well as the media through education, training and advisory services. This is also very important in putting up mechanisms that will also help to create a database of all the victims of violence, especially children.

STATEMENT OF THE PROBLEM

Children constitute the vulnerable group, yet they are the future of tomorrow. Zimbabwe has a total population of 12,521,000 of which 50% are aged 18 and below.¹⁸ This 50% therefore is constituted by children and this is according to ACRWC that defines any person below the age of 18 as a child. Little is known on the role played by the CPS on children's right to name and nationality, education, health, protection from child labor and protection from abuse and exploitation in Bulawayo urban. There has been a lot that has been done to contribute to protection of children's rights in the area of study.

In Zimbabwe the CPS have become an integral component in improving children's welfare. Through the CPS, children's welfare has been improved. It is also important to note that in protecting children's rights, the CPS has also faced challenges. Cases of child rights violation are being recorded almost on a daily basis in Bulawayo urban, for example, school dropouts are still high, health care services are poor, children are still victims of child labour, sexual abuse and all forms of violence. As a result of this a lot has been asked on how successful the CPS has been improving the status of children and whether it really protects children's rights in Bulawayo

urban. For this reason the researcher has embarked on this study to show the prevalence level of this problem in the area of study.

The present study is focused on assessing the impact of the CPS in empowering children in the area of study. Hence, there is also the need to assess the steps that have been made by the CPS in protecting children's rights. Therefore, it is against this background that the researcher sought to assess the role played by the CPS in safeguarding children's rights.

RESEARCH AIM

The aim of the study is to assess role played by the child protection system in protecting children's rights in Bulawayo urban.

RESEARCH OBJECTIVES

- a) The study seeks to bring out the impact of the Child Protection System on the lives of children in Zimbabwe, with a particular focus on Bulawayo urban.
- b) The research also aims to establish the challenges faced by Child Protection System in their quest for children's rights as exemplified by the Bulawayo urban case.
- c) To examine the strategies applied to ensure the protection of children's rights.
- d) To make recommendations for an effective CPS that will boost child development in the country.

RESEARCH QUESTIONS

- a) What is the role played by the CPS in protecting children's rights?
- b) What is the impact of the CPS on child welfare and development?

- c) What challenges/ Risks faced by the CPS in protecting children's rights?
- d) What are the strategies that are being put forward to cope with these challenges?

JUSTIFICATION OF THE STUDY

The researcher's interest on the topic has been triggered by the general decline in the living standards of children. Interestingly a number of children are deprived of their right to name and nationality, education, health, protection from child labor and protection from abuse and exploitation. Ignoring the rights of children affects their future and the child's development and this should not be the case as children are nation's future. Therefore the researcher's choice on the role played by the CPS in protecting children's rights as the CPS mainly focuses on children's welfare and development.

The research is crucial as it seeks to explore why child rights are still violated, and challenges that are faced by the CPS. Therefore, by showing the challenges that are experienced by the CPS, thus being able to mitigate these challenges and have an effective CPS that will boost child development in the country.

The researcher also realized that there are very limited studies upon the role played by the CPS in protecting children. Thus this is an under researched area. Therefore the research will add value to available literature and scholarly work. The study is also important for the student as it is a requirement for the fulfillment of the Bachelor of Arts in Development Studies Honours Degree at Midlands State University.

LITERATURE REVIEW

The study is on assessing the role played by the Child Protection System in protecting children's rights in Bulawayo urban. In this section, the researcher will give a description of the literature relevant to the study. The section will give an overview of what has been said, who the key writers are and the questions that are being asked. According to Cooper (1988) "... a literature

review uses as its database reports of primary or original scholarship, and does not report new primary scholarship itself. The primary reports used in the literature may be verbal, but in the vast majority of cases reports are written documents. The types of scholarship may be empirical, theoretical, critical/analytic, or methodological in nature. Secondly a literature review seeks to describe, summarise, evaluate, clarify and/or integrate the content of primary reports."¹⁹

Article 19 of the UNCRC states that ‘Governments shall take all steps necessary, legal, administrative, social and educational, to protect the child from 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 parents, legal guardians or any other person who has the care of the child.’ This Article and others also state that governments should establish social programmes to provide necessary support for children and caregivers, as well as prevention programmes that include identification, reporting, referral, investigation, treatment and follow-up of child maltreatment. Every child has the right to be helped to recover from violence. The UNCRC emphasize that it is the duty of the state to lead and coordinate the response for ending violence against children.²⁰

In line with the above Jareg (2008) states that governments in most countries have taken steps to address issues of child rights and establish CPS, but the degree to which these systems are operational varies greatly. Though the CPS exists in most countries, governments are yet to assume full responsibility for taking the lead coordinating role, accelerating legal reforms which conform with the UNCRC and other international standards, establishing child-friendly services for care and protection, making judicial systems more child-friendly, creating space for children to give their views and opinions in matters that concern and affect them and setting up a monitoring and evaluation system to ensure services are delivered in an effective and efficient manner.²¹ This lead role by the governments is necessary in order to have a process of strategizing and building national, district and community CPS around a national plan, a sound legal framework, policies and programmes. In support of this, the study also assessed the legal Policy Framework as one of the three basic components of the CPS that is aimed at protecting children’s rights.

Powell et al (1994) states that “ the legal mandate for the protection of children in Zimbabwe resides with the Department of Social Welfare in the Ministry of Public Service, Labor, and Social Welfare.” The act that specifically protects children, the Child Protection and Adoption Act, was inherited at independence and contains provisions that are very similar to those that existed in South Africa during Apartheid, a country with which Zimbabwe (formerly Rhodesia) had a special relationship including extradition arrangements for children. Being a former colony of Great Britain, child protection provisions were and are modeled on the British system, right down to “case work,” but often without the human and material resources including vehicles to support such a system.²² Lachman (2002) also noted that for a while, after the attainment of political independence in 1980, institutional care appeared to be the solution for children of all races deemed in need of care. This included children with disabilities, orphaned and abused children, as well as children in conflict with the law, and those where parents/guardians were unable to exercise proper control, such as truants. In some instances, these children became wards of the state.²³ Therefore the researcher has gained a lot from the works of Powell as she assessed the duty of the structures and institutions under the CPS on its protection of children’s rights.

Armstrong (1994) notes that the CPS consists of the legal and policy frameworks, certain structures, functions and capacities, which include a process of care (promotion, prevention and response), data and information flows, and resource flows. Child protection is analogous to health, social protection and education. It addresses its own set of identifiable goals such as preventing and addressing violence, abuse, abandonment, and exploitation of children, through an array of formal and informal structures and functions such as ministries, agencies, civil society, donors, multilaterals, etc. In other words to ensure the rights and welfare of the child, policy, legislation and institutions must be coordinated and act in concert horizontally across sectors such as social protection, health, education, justice, and others, and vertically at the national, sub-national and community levels.²⁴ The appropriate public response is to strengthen national capacity to manage and administer the CPS over the long term, improving coordination under a common set of goals while strengthening the systems human resources and ability to meet standards of delivery. National capacity must be complemented by community based approaches that address the protection needs of the child and community at the front lines of

service delivery, with an appropriate continuum of care both formal and informal identified and addressed at this level and coordinating and increasing governmental and donor financial resources for child protection activities is a necessary part of the agenda in many countries.²⁵ Therefore in this study, the researcher also looked at how challenges such as financial resources contribute to negative impacts in the activities of the CPS.

World Vision (2008) defines a CPS as a set of coordinated formal elements for example, national legislation or social welfare services and informal elements (for example, families and churches) working together to prevent and respond to abuse, neglect, exploitation and other forms of violence against children. World Vision is committed to protecting children from harm so that every child has the essential foundations for life in all its fullness and especially champion and advocate for strategies and programming that influence the protection of the most vulnerable children those whose quality of life and ability to fulfill their potential is most affected by extreme deprivation, violation of their rights and catastrophic or abusive/ exploitative situations. Child protection is critical to achieving the fulfillment of child rights and realising the ministry goal, which is the sustained well-being of children within their families and communities, especially the most vulnerable.²⁶ A safe and loving family and community positively affects all of World Vision's Child Well-being Aspirations, but significantly contributes to the Child Well-being Outcomes supporting the Aspiration, girls and boys are cared for, protected and participating. Conversely, violence or exploitation can undermine well-being and growth. Child protection is a matter of the heart facing fears or biases and awakening a commitment to confront child protection issues, head (critically thinking and reflecting on opportunities to address vulnerability, abuse and exploitation) and hands (implementing methods to protect children). Protecting children is an expression of our Christian commitment, and is one of the most fundamental expressions of justice for children because it provides children with the security to grow spiritually and pursue their dreams.²⁷

World Vision (2011) goes on to explain that CPS are organized around a purpose and goal with structures, functions, capacities, a continuum of care, process of care and accountability. They also operate within the broader system inclusive of justice, health, mental health and education. World Vision's approach is similar, linking laws, services and capacities with a circle of care

concept and utilizing a child-focused resilience and participatory approach. The model also stresses coordination, cooperation and collaborative mechanisms.²⁸ Though the World Vision only talks of how child protection is important in the achievement of its goal, in this study the researcher looked at the exact work that these NGOs have done in protecting children's rights.

Save the Children (2009) stated that by definition a CPS has certain structures, functions, and capacities, among other components that have been assembled in relation to a set of child protection goals. An effective CPS recognizes that the state has the ultimate responsibilities and human rights obligations to children. Save the Children believes that by building and strengthening CPS that are based on children's rights, measures to protect all children will be holistic, inclusive, sustainable and well-coordinated.²⁹

In line with the above UNICEF (2008) also explains that a functioning CPS should be informed by children's views and experiences and strengthens families in the care and protection of their children. It connects child and family support mechanisms in the community with child-friendly services at all levels. These are regulated by quality standards and delivered by the government or accredited social agencies.³⁰ In addition to this Save the Children (2010) also outlines the critical components of a CPS and emphasizes the importance of community-based mechanisms at the grassroots level that allow for immediate action (which is especially helpful in emergency situations).³¹ It connects child and family support mechanisms in the community with child-friendly services at all levels, regulated by quality standards and delivered by the government or accredited social agencies. There are coordination mechanisms across government, with civil society, human rights bodies and mechanisms, international organisations and between sectors at different level, with a framework for reporting and referral of child protection issues for each agency involved in working with children's rights and wellbeing, in emergency as well as development context. However in line with this the researcher also brought to light the mechanisms that have been put in place to ensure the protection of children's rights.

UNHCR (2010) defines a CPS as including a “coordinated series of functions and actions undertaken by a range of duty bearers at all levels, family, community, provincial, national and international that combine to prevent, respond to and mitigate, the multiple child protection risks children face”.³² Save the Children (2011) explains that a CPS will include both formal and informal mechanisms. It will be governed by laws that are compliant with international standards and by national policies and regulations that cover all levels in a country. In addition, emergency situations enquire that humanitarian and refugee treaties and conventions are followed. In many countries, there is a de facto or de jure traditional /custom based authority. In a functioning child protection system this traditional authority is accountable in some way to the government, so that customary laws are linked to national laws and regulations. In addition to the formal mechanisms for instance, a family centre run by a local or in the absence of them, communities and families often rely on informal mechanisms to protect children.³³ These can include extended family and kinship care, religious and cultural groups, friends and neighborhood support networks. Such informal mechanisms are crucial to children’s wellbeing and safety, as they are often the first line of response and better placed to recognise problems and respond to them quickly. Therefore it is critical to ensure that these types of informal responses are connected and supported by formal child protection mechanisms.

Mhamba and Mtembei (2010) also goes on to highlight that countries are developing their own definitions and frameworks, either independently or drawing on global guidance as appropriate. For example, Kenya defines a CPS as “A set of laws, policies, regulations, services and capacities wherein...monitoring and oversight is needed across all social sectors to prevent and respond to protection-related risks.” Malawi uses the following definition, “A coordinated, harmonized and systematic approach to protecting children from violence, abuse, exploitation, and neglect, with a special emphasis on HIV.” They also go on to describe the system as “the foundation of social welfare and transformative social protection.” Tanzania uses the following definition at the district level “the formal and informal interrelated functioning mechanisms which prevent and respond to violence, exploitation and abuse committed against children.”³⁴

Thorne (2011) also highlighted that a strong and responsive CPS is the only way in which a country would succeed in preventing and responding to harm, situations of insecurity and

conflicts in children. It has been noted that having stable systems help in securing the right of children to a life free from violence, abuse, exploitation and neglect on both emergency and non-emergency settings. Building a CPS means investing in a range of inter-related services, laws and policies, mobilising public commitment, investing in skilled workforces and other entities so that together they combine effectively to prevent and respond to harm against children.³⁵ Therefore putting in place such systems directly contributes to the achievement of national socio-economic development and poverty reduction agendas in Africa.

THEORETICAL FRAMEWORK

SYSTEMS APPROACH

A Systems Approach has been prepared to facilitate the exchange of knowledge and to stimulate discussions relevant to child protection issues.³⁶ It is a comprehensive and sustainable approach to preventing and responding to child protection issues, comprising of the set of laws, policies, regulations and services required across all social sectors, especially social welfare, health, education, security and justice to respond to and prevent protection-related risks.

International organizations like, United Nations Children's Fund (UNICEF), United Nations High Commissioner for refugees (UNHCR) and Save the Children are increasingly turning to "a systems approach" to establish or strengthen comprehensive child protection efforts. As guided by the United Nations Convention on the Rights of the Child (UNCRC), the systems approach differs from earlier child protection efforts, which have traditionally focused on single issues such as street children, child trafficking, child labour, emergencies, institutionalization, or HIV/AIDS. Although such efforts have produced substantial benefits, this diffused approach often resulted in a fragmented child protection response, marked by numerous inefficiencies and pockets of unmet need. Rather than treat each child safety concern in isolation, the systems approach promotes a holistic view of children and child protection that necessarily engages the full range of actors involved in protecting children's rights.³⁷

A systems approach to child protection is sufficiently flexible and robust to implement a wide range of interventions for the benefit of all children in various situations. While simultaneously addressing, promoting and advocating for the interests of significantly under-represented, marginalised or vulnerable children in a particular situation or context. When focusing on a particular child protection issue, a systems approach seeks to address child protection issues in a comprehensive and sustainable manner. Affirm the role of parents and caregivers as the first responsible for care and protection of children. Affirm the responsibility of states to guarantee the care and protection of children, through respecting, protecting and fulfilling children's protection rights outlined in the United Nations Convention on the Rights of the Child (CRC) and other international human rights instruments.³⁸

LIMITATION AND DELIMITATION OF THE STUDY

Resources - There were limited resources in the library to assist the researcher to boost her literature review. The researcher therefore used the internet sources as her main sources of information.

Finance - the researcher had limited financial resources to cater for travelling expenses since she is unemployed and relies on funds from her family for her expenses.

Time - the researcher had limited time and this had an impact on the nature of the data that was presented due to deadline attached to this research.

RESEARCH METHODOLOGY

The study is on assessing the role played by the Child Protection System (CPS) in protecting children's rights. This chapter points out the research methods which were used to assess the role played by the CPS in protecting children's rights in Bulawayo urban. Hence to fully understand a combination of research methodologies were used and these include qualitative and desk research.

With qualitative research the researcher has an idea of what to expect. Gigerenzer, (2000) notes that “Qualitative methods involve emphasising meanings, experiences, descriptions and so on.”³⁹ Qualitative methods allow one to capture the subtle nuances of a situation and present information in a way that the general population can relate to. Quantitative research is a way to determine how often things happen. Instead of using surveys to compile and use different types of information, this type of research figures out how often something happens and why. It is also used to monitor behavior because it produces notes and observations of not just behavior, but motivation as well.⁴⁰ The researcher used the qualitative method as it gave the research no strict design to work with and freedom to do what comes to the researcher. This also gave the researcher more detailed and rich written descriptions and visual data through the social meaning of how it affects different people.

However when using qualitative research, one can find that it is very heavily involved with process, so it gives the researcher a subjective view and can only base the results on his or hers interpretations. Another disadvantage is that the method is very time consuming. The data for qualitative research generally consists of descriptions whether verbal recorded interviews and conversations involving experimental subjects or a description of observed phenomena. The analysis of the qualitative data (words, text or behaviours) typically follows the path of aggregating it into categories of information and presenting the diversity of ideas gathered during data collection.⁴¹

DATA COLLECTION

Primary data

Primary data means original data that has been collected specially for the purpose in mind. Primary data can be defined as the type of information that is obtained directly from the original source, first-hand sources and cannot be found elsewhere. Primary data may be collected by means of surveys, in-depth interviews, observation or experiments such as taste tests. The questionnaire is the most widely used technique for collecting primary data. Primary data is published and is derived from a new or original research study and collected at the source. In

other words primary data are data that were previously unknown and which have been obtained directly by the researcher for a particular research project.⁴² Therefore the researcher used primary data as it is gathered by people who can focus directly on the purpose in mind. This helped ensure that questions are meaningful to the purpose. However it is also important to note that though primary data offers tailored data it is expensive, takes time, and can introduce bias.

Interviews

An interview is a conversation between two people the interviewer and the interviewee, where questions are asked by the interviewer to obtain information from the interviewee. The researcher used structured face to face interviews. Children and officials from a number of ministries were interviewed by the researcher. The major advantage of using interviews is that they allowed more opportunity to assess the respondent's understanding and interpretation of the questions and to clarify any confusion that arise about the meaning of the question or the response.⁴³ They also allow for the opportunity to present material to respondents and obtain their reactions. Face-to-face interviews were helpful when sensitive information was being sought. The researcher was also able to establish a relationship of trust with the respondent and be better able to solicit answers to questions which respondents were otherwise reluctant to answer or to answer truthfully. Where less is known about the way in which respondents think about an issue or about the range of possible answers to a question, face-to-face interviews created an opportunity for the interviewer to ask supplementary questions, when adequate answers were needed.

However, interviews also create the potential for an interviewer to intentionally or unintentionally influence results and violate consistency in measurement. Survey respondents will be sensitive to cues given by the interviewer's verbal and non-verbal behavior. As well, an interviewer will have to ask additional questions or provide clarifications and may unduly influence responses.

Questionnaires

Questionnaires allow for the collection of information from a large number of individuals relatively inexpensively. The savings result from the reduced need for staff and, possibly, travel expenses. The researcher used questionnaires as they contribute to reliability by promoting greater consistency. The questionnaires were disseminated through hand by the researcher to the respondents so as to save time because if it is to be mailed it will take more time. The researcher personally delivered them to the respondents and allows the respondent time to answer and collect on some other day. The researcher took the telephone numbers of her respondents' in order to contact them if they had completed the questionnaire. Questionnaires reduce the introduction of bias by eliminating the ability of interviewers to influence answers either intentionally or inadvertently.⁴⁴

However unlike survey interviews, questionnaires do not provide an opportunity for the auditor to clarify questions, verify that answers are understood, seek clarification or elaboration of answers or ensure that the respondent answers all questions on the form. There may not be an opportunity to go back to respondents if all the information needed to support a conclusion was not asked for or provided or if it becomes evident that questions were not clear⁴⁵ nor is it possible in most instances to seek corroboration of answers. In general, the same depth of information is not available from a questionnaire as through interviews.

Secondary data

Secondary data refers to data that has been previously collected, analyzed, and organized with a specific purpose in mind by another researcher and is usually available in published or electronic form.⁴⁶ As a result of this it may have limited applications to a specific research. The researcher used secondary data as it offers savings in both time and cost. This is mainly because secondary data is readily available and inexpensive to obtain. In addition, secondary data can be examined over a longer period of time. Secondary data may include data that has been published by government agencies is readily available and free of charge, while data collected and analyzed by private companies may require permission for use. Secondary data can be found through company reports, government agencies, newspaper articles, extension publications, etc.⁴⁷ Research where one gathers this kind of data is referred to as desk research and this can also

refer to data from a book. However, because the data was gathered for other purposes, one may need to tease out the information to find what you're looking for. The disadvantages of using secondary data include measurement error, source bias, lack of reliability and time scale.

SAMPLING

The researcher did not collect data from all the organizations and ministries that fall under the CPS, this is mainly because researchers usually cannot make direct observation of every individual in the population they are studying. Instead, they collect data from a subsequent of Sampling can be defined as selecting part of the elements in a population.⁴⁸ Sampling can also be seen as a process using a segment (sample) of a population to represent the entire population's activities, attitudes, opinions, and interests and the results from the sample study can be inferred upon the population. Advantages of sampling includes saving labour, time and money.

Sample Population

The sample population included children from selected schools, as well as officials from a number of ministries and organizations. From the list of the ministries and organizations that fall under the CPS five were selected and these included the Ministry of Education, Victim Friendly System, Ministry of Health and Child Care, Ministry of Labour and Social Services and the Ministry of Home Affairs. Three officials from each of the five ministries or organizations were selected randomly. The researcher got a list of schools in Bulawayo urban from the Ministry of Education. The list revealed that there are 131 primary schools and 52 secondary schools in Bulawayo. A total of four schools, two primary and two secondary schools were selected by the researcher. As a result of this 1,5% of the total primary schools and 3,9% of the total secondary schools were selected due to their convenient accessibility to the researcher. The researcher used convenience sampling.

Convenience Sampling

Convenience sampling is a non probability sampling technique where selection of units is made randomly, subjects are selected because of their convenient accessibility and proximity to the researcher. The subjects are selected because they are the easiest to recruit for the study.⁴⁹ The

researcher did not consider selecting subjects that are representation of the entire population. In all forms of research it would be ideal to test the entire population but in most cases, the population is just too large that it is impossible to include every individual. This is the reason why most researchers rely on sampling technique like convenience sampling. The researcher preferred this sampling technique because it is fast inexpensive, easy and the subject is readily available.

DATA PRESENTATION AND ANALYSIS

According to Yin (1984) data analysis consists of examining, categorizing, tabulating or otherwise re-combining the evidence, to address the initial propositions of a study. Data analysis can also be seen as a process within which several phases can be distinguished and processing of data refers to concentrating, recasting and dealing with data in such a way that they become as amenable to analysis as possible.⁵⁰ Once data was collected, an analysis of the research findings was done. Qualitative and quantitative techniques were used to analyse data. Data obtained from both primary and secondary sources was presented in the form of tables, charts and graphs.

ETHICAL CONSIDERATIONS

Data collected was used solely for the purpose of the study. When data was collected from scholarly work citations were made so as to avoid plagiarism. There were a number of ethical issues to be taken into consideration during the research process. The aspect of confidentiality and anonymity was maintained as no information was revealed concerning the identity of the participants. Ethical standards also require that researchers do not put participants in a situation where they might be at risk of harm as a result of their participation.

CHAPTER TWO

INTRODUCTION

Firstly the chapter will trace the history and origins of the Child Protection System (CPS) looking at how it emerged. Secondly the chapter will trace the history and origins of children's rights, looking at the different factors that contributed to the concept of children's rights. The United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) are the two charters that were adopted to make sure that the children's rights are observed. The focus will be on how and why the UNCRC and the ACRWC were adopted. Lastly the chapter also traces the history of children's rights in Zimbabwe.

HISTORY AND ORIGINS OF THE CHILD PROTECTION SYSTEM UP TO 1970

Organized child protection emerged from the rescue in 1874 of 9-year-old Mary Ellen Wilson, who lived with her guardians in one of New York City's worst tenements, Hell's Kitchen.¹ Mary Ellen was routinely beaten and neglected. A religious missionary to the poor named Etta Wheeler learned of the child's plight and determined to rescue her. Wheeler consulted the police, but they declined to investigate. Wheeler sought assistance from child-helping charities, but they lacked authority to intervene in the family. At that time, of course, there was no such thing as CPS, and the juvenile court did not come into existence for another quarter century. Eventually, Wheeler sought advice from Henry Bergh, the influential founder of the American Society for the Prevention of Cruelty to Animals (ASPCA). Bergh asked his lawyer, Elbridge Gerry, to find a legal mechanism to rescue the child. Gerry drew up the necessary papers, and a judge ordered Mary Ellen removed from her guardians. Following the rescue of Mary Ellen, animal protection advocate Henry Bergh and attorney Elbridge Gerry lamented the fact that no government agency or Nongovernmental organization (NGO) was responsible for child protection.²

Bergh and Gerry decided to create a nongovernmental charitable society devoted to child protection, and thus were born in 1875 the New York Societies for the Prevention of Cruelty to Children (NYSPCC), the world's first entity devoted entirely to child protection. Gerry became

the president of NYSPCC and served in that capacity into the 20th century. News of the NYSPCC spread, and by 1922 some 300 nongovernmental child protection societies were scattered across America. Although 300 is an impressive number, for much of the 20th century, many cities and nearly all rural areas had little or no access to formal CPS.³ For most abused and neglected children help came-if it came-from family and neighbors willing to get involved, police, and courts. As nongovernmental CPS sprang up across the country, another important innovation appeared, the juvenile court.

The world's first juvenile court was established in Chicago in 1899 and in 1912, the federal Children's Bureau was established to manage federal child welfare efforts, including services related to child maltreatment. Although the reformers who created, the juvenile court were concerned primarily with delinquent children, juvenile courts from the outset had authority to intervene in cases of abuse and neglect. In the 19th and early 20th centuries, child protection agencies were nongovernmental. The first few decades of the 20th century witnessed increasing calls to shift child protection from nongovernmental societies for the prevention of cruelty to children (SPCCs) to government agencies.⁴ Douglas Falconer wrote in 1935, "For many years responsibility for child protection was left almost entirely to private agencies . . . Great sections of child population were untouched by them and in many other places the service rendered was perfunctory and of poor standard . . ." The belief has become increasingly accepted that if children are to be protected from neglect the service must be performed by public agencies. The call for government child protection coincided with the increasing role of state and federal governments in social services. Prior to the 20th century, there were relatively few state-level departments of social services.⁵ The government services that were there were the provinces of local government. During the early 20th century, however, states created or strengthened state departments of welfare, social services, health, and labour.

The Great Depression of the 1930s hastened the demise of nongovernmental SPCCs. The charitable contributions that were the lifeblood of SPCCs withered with the economy, and only the heartiest SPCCs weathered the economic drought. In the 1930s and 1940s, many SPCCs merged with other organizations or closed. In some communities child protection was assumed by the juvenile court or the police while in other communities organized protective work ceased.

In 1956, Vincent De Francis, director of the Children's Division of the American Humane Association, and a pioneer in child protection, conducted a national inventory of CPS. De Francis found 84 nongovernmental SPCCs, down from the high of 300 early in the century. Thirty-two states had no nongovernmental CPS.⁶ At mid-century, many communities had no agency in charge of this vital service.

In 1958, amendments to the Social Security Act mandated that states fund child protection efforts. In 1962, professional and media interest in child maltreatment was sparked by the publication of Henry Kempe and associates' "The battered child syndrome" in JAMA. By the mid-1960s, in response to public concern that resulted from this article, 49 U.S. states passed child-abuse reporting laws.⁷ In 1964, Elizabeth Glover and Joseph Reid wrote in a similar vein, "In hundreds of counties, there is no protective service for children, other than police services". By 1966 De Francis also wrote that, "Responsibility for provision of CPS under voluntary auspices, like the old soldier it is, is slowly fading away". In most states protective services were not available statewide.⁸ Most communities lacked 24-hour coverage. Thus, for the first 6 decades of the 20th century, protective services in most communities were inadequate and in some places nonexistent.

However by 1967, nearly all states had laws placing responsibility for child protection in government hands. 1970s became a central role for the federal government in efforts to protect children from abuse and neglect.

THE CHILD PROTECTION SYSTEM IN AFRICA

There has been increasing momentum of the CPS in African countries such as Burkina Faso, Niger, Senegal, the Democratic Republic of Congo, Kenya, Tanzania, Uganda and Zimbabwe. In sub-Saharan Africa nearly half the countries have completed or launched exercises to map and assess their CPS, allowing them to describe those systems and specify priority areas of engagement and investment. Some countries, including Ghana, Kenya, Rwanda, Sierra Leone Tanzania and Zimbabwe, have begun the process of redefining their CPS through development of new policy frameworks,⁹ tapping into existing practices and resources and forging links

between the informal and formal parts of the system, thereby making the system in its entirety more sustainable, effective, and ‘fit’ for the country context.

Zimbabwe being a former colony of Great Britain, its child protection provisions were and are modeled on the British system. The act that specifically protects children, the Child Protection and Adoption Act, was inherited at independence in 1980 and contains provisions that are very similar to those that existed in South Africa during Apartheid, a country with which Zimbabwe (formerly Rhodesia) had a special relationship, including extradition arrangements for children.¹⁰

In Zimbabwe, the legal mandate for the protection of children resides with the Department of Social Welfare in the Ministry of Public Service, Labor, Social Welfare and Non-governmental Organisations (NGOs). The government of Zimbabwe and NGOs also saw the need to set-up the CPS in major cities including Bulawayo urban so as to increase the availability of birth registration services, support the scaling up of the Victim Friendly Initiative, advocate the rights and views of children and young people in the constitution, Support the prevention of neglect, abuse and all violations against children’s rights and to develop ways to improve access to basic social services.¹¹

HISTORY AND ORIGINS OF THE CHILDREN’S RIGHTS INTERNATIONAL LAW

The emergence of child protection led to the formation of international law. Children’s rights were first referred to by Eglantyne Jebb and her sister Dorothy Buxton in London, England in 1919. These two drafted the 1923 Declaration of the Rights of the Child, endorsed by the League of Nations in 1924 and adopted by the United Nations in the 1948 Universal Declaration of Human Rights, as well as the 1959 Declaration of the Rights of the Child. All this later served as the basis for the Convention on the Rights of the Child.¹² The Universal Declaration of Human Rights is seen as a basis for all international legal standards for children's rights today. There are several conventions and laws that address children's rights around the world.

The 1924 League of Nations endorses the first Declaration on the Rights of the Child. The first efforts at the international level were undertaken by the League of Nations, which established a special committee to deal with questions relating to the protection of children and adopted conventions prohibiting the traffic in women and children (1921) and slavery (1926). The 1924 Geneva Declaration on the Rights of the Child, which enunciated the child's right to receive the requirements for normal development, the right of the hungry child to be fed, the right of the sick child to receive health care, the right of the backward child to be reclaimed, the right of orphans to shelter, and the right to protection from exploitation.¹³ This Geneva Declaration on the Rights of the Child, was not cast in terms of state obligation but of duties declared and accepted by "men and women of all nations" and according to which "the child must be given the means requisite for its normal development, both materially and spiritually."

The General Assembly adopted a second Declaration of the Rights of the Child, the 1948 Universal Declaration of Human Rights (UDHR). It stated that "... men and women of all nations, recognising that mankind owes to the child the best that it has to give, declare and accept it as their duty to meet this obligation in all respects...." Subsequently, the UDHR of 1948 proclaimed a basic catalog of internationally recognized human rights, most of which were equally applicable to children and adults.¹⁴ The UN General Assembly recognises children's rights by stating that "all human beings are born free in dignity and rights" and that motherhood and children were entitled to special care and protection. The 1948 UDHR contains two articles that specifically refer to children. Article 25(2) states "motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy the same social protection." Article 26 calls for the right to education for all, and deals both with access to and the aims of education. Thus, education is to be free, at least in the elementary and fundamental stages, elementary education is to be compulsory and education should be "directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."¹⁵ Nevertheless parents have a prior right to choose the kind of education that shall be given to their children.

A more detailed third Declaration of the Rights of the Child was adopted by the UN General Assembly. However, the most important policy statement in this field adopted by the UN General Assembly in the 1959 Declaration of the Rights of the Child stresses that, "mankind owes to the child the best it has to give." The UN Declaration of the Rights of the Child (DRC) also builds upon rights that had been set forth in the League of Nations Declaration of 1924. The Preamble notes that children need "special safeguards and care, including appropriate legal protection, before as well as after birth," reiterating the 1924 Declaration's pledge that "mankind owes to the child the best it has to give." It specifically calls upon voluntary organizations and local authorities to strive for the observance of children's rights.¹⁶ One of the key principles in the DRC is that a child is to enjoy special protection as well as opportunities and facilities, by law and by other means, for healthy and normal physical, mental, moral, spiritual, and social development in conditions of freedom and dignity. The paramount consideration in enacting laws for this purpose is the best interests of the child,¹⁷ a standard echoed throughout legal instruments on children's rights. Among other DRC principles, a child is entitled to a name and nationality, to adequate nutrition, housing, recreation and medical services; to an education and for the handicapped, to special treatment, education and care.¹⁸ Other principles are on protection against neglect, cruelty and exploitation, trafficking, underage labour and discrimination.

However the United Nations Convention on the Rights of the Child (UNCRC) is the most comprehensive document on the rights of children.¹⁹ Based purely on the number of substantive rights it sets forth, as distinct from implementation measures, it is the longest UN human rights treaty in force and unusual in that it not only addresses the granting and implementation of rights in peacetime, but also the treatment of children in situations of armed conflict. The UNCRC is also significant because it enshrines, for the first time in binding international law, the principles upon which adoption is based, viewed from the child's perspective.²⁰ The UNCRC, is the first legally binding international instrument to incorporate the full range of human rights - civil, cultural, economic, political and social rights. Its implementation is monitored by the Committee on the Rights of the Child. National governments that ratify it commit themselves to protecting and ensuring children's rights, and agree to hold themselves accountable for this commitment before the international community.²¹ The UNCRC is the most widely ratified human rights

treaty with 190 ratifications. Somalia and the United States of America are the only two countries which have not ratified the UNCRC. The UNCRC, along with international criminal accountability mechanisms such as the International Criminal Court, the Yugoslavia and the Rwanda Tribunals, and the Special Court for Sierra Leone, is said to have significantly increased the profile of children's rights worldwide. The UNCRC is primarily concerned with aspects of children's rights, that is, participation by children in decisions affecting them, protection of children against discrimination and all forms of neglect and exploitation and prevention of harm to them.²² For the purposes of the UNCRC, a child is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" and this is in line with article 1 of the convention.

REGIONAL LAW

The African Charter on the Rights and Welfare of the Child (ACRWC) is one of the laws designed to ensure the protection of Children's rights. ACRWC was born out of the feeling by African member states to the United Nations that the drafting of the Convention on the Rights of the Child missed important socio-cultural and economic realities of the African experience. However, the African Charter on the Rights and Welfare of the Child is not opposed to the United Nations Convention on the Rights of the Child. Instead these two pieces of legislation are complementary. The African Charter stresses on the need to include African cultural values and experience whenever discussing or considering issues pertaining to the rights of the child in Africa.

The African Charter on the Rights and Welfare of the Child (ACRWC), the first regional treaty on children's rights, builds on the 1979 Declaration on the Rights and Welfare of the African Child, but most of its provisions are modeled after those of the UNCRC. "The main difference lies in the existence of provisions concerning children's duties in article 31, in line with the African Human Rights Charter".²³ ACRWC was adopted by the Assembly of Heads of States and Organisation of African Unity (OAU), now the African Union, in 1990. The Children's

Charter is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. The ACRWC and the UNCRC are the only international and regional human rights treaties that cover the whole spectrum of civil, political, economic, social and cultural rights. It calls for the creation of an African Committee of Experts on the Rights and Welfare of the Child.²⁴ Therefore its mission is to promote and protect the rights established by the ACRWC, to practically apply these rights, and to interpret the disposition of the ACRWC as required of party states, AU institutions, or all other institutions recognized by AU or by a member state.

The Preamble states that “the child occupies a unique and privileged position in the African society” and requires legal protection as well as “particular care with regard to health, physical, mental, moral and social development.” A child is defined as “every human being below the age of 18 years” (article 2). The ACRWC sets forth the principles of non-discrimination and the best interests of the child and also provides that children have an inherent right to life, protected by law. The death sentence is not to be applied to crimes committed by children (articles 3-5). Children have a right to a name and nationality as well as to freedom of expression, association and peaceful assembly, thought, religion, and conscience, privacy, education, and rest and leisure (articles 6-12).²⁵

Special measures of protection are to be taken for handicapped children and children should enjoy physical, mental, and spiritual health (articles 13-14). Children should also be protected against all forms of economic exploitation and from performing work likely to be hazardous (article 15) and against all forms of torture, maltreatment, and abuse (article 16), harmful social and cultural practices (article 21), all forms of sexual exploitation or abuse (article 27), the use of narcotics and illicit drugs (article 28), and abduction, sale, trafficking, and use in begging (article 29)

THE HISTORY OF CHILDREN’S RIGHTS IN ZIMBABWE

Zimbabwe ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990, while the African Charter on the Rights and Welfare of the Child (ACRWC) was ratified on the 19th January 1995.²⁶ Zimbabwe also ratified the ILO Convention No. 182 on the Worst Forms of Child Labour in 2000 and ILO Convention No. 138 on the Minimum Age of Employment, in 2000. The main child rights related laws in the country include the Children’s Act Chapter 5:06 which provides for protection, adoption and custody of all children and the Guardianship of Minors Act,(Chapter 5:08) (2003) which deals with the guardianship of children. The Children’s Act sets up the Children’s Court (formerly known as the Juvenile Court) to deal with matters pertaining to children. In addition, mechanisms such as the National Programme of Action for Children (NPAC) facilitate and coordinate the implementation, monitoring and evaluation of the UNCRC and the ACRWC to ensure survival, development and protection. Therefore despite international and regional laws Zimbabwe also has its own laws that protect children.

Zimbabwe is one of the few African countries that have got a standing Children’s Act. In addition to the Children’s Act there are acts like Domestic Violence Act, Education Act, Sexual Offense Act and Maintenance Act. The child rights sector of Zimbabwe is made up of several players, all working towards the well being of children. All their efforts are done in the best interest of the child and are complementary government efforts. One of the challenges that the sector has had is the ineffective coordination of all advocacy work that the stakeholders are doing.²⁷ The report on the UN Committee on the Rights of the Child Concluding Observation of 1996 concluded that there was no effective coordination of all the good work by stakeholders in the Child Rights Sector of Zimbabwe. Therefore the Child Protection Coalition was formed whose main mandate is to have a coordinated approach to advocacy for the respect, promotion, protection of child rights and participation of children.²⁸

Zimbabwe’s laws in respect of child participation are weak. The Children’s Act (Chapter 5:06) is silent on the right of children to express themselves in child protection proceedings. But Section

20 of the Constitution provides that no person shall be hindered in the enjoyment of his freedom of expression - that is, freedom to hold opinions. Nonetheless, there are a number of initiatives being undertaken to facilitate child participation. For instance, the National Youth Policy (2000) facilitates the participation of young people in the mainstream development process of the country. The Zimbabwean Government put in place the Section 338 of the Criminal Procedure and Evidence Act Chapter 9:07, Legal Aid Act of 1996 that provides for the establishment of a Legal Aid Directorate.²⁹ Its main function is to provide legal aid to persons who do not have sufficient means to obtain the services of legal practitioners from their own resources and this may also apply to children so as to safeguard their right to protection.

In Zimbabwe, the right to life, survival and development is a constitutionally guaranteed right under Section 12 of the Constitution. While the provision does not specifically refer to children, it should be understood as also referring to children since they are also human beings. The right to life of children is therefore guaranteed. Further to this however, while the Constitution states that deprivation of life in relation to the carrying out of a death penalty is allowed in terms of the Constitution, the law in Zimbabwe exempts children from being subjected to the death penalty. The National Programme of Action for Children (NPAC) encompasses Child Survival, Development, Protection and Security. This includes, inter alia, Baby Friendly Initiative and Child Friendly Clinics for provision of comprehensive health care in child friendly environments.³⁰ Child protection and security mechanisms include, Victim Friendly Units, Victim Friendly Courts and the National Action Plan for Orphans and Vulnerable Children.

The child protection and security mechanisms ensure that the best interests of the child are safeguarded. The principle of the best interests of the child is a long established and recognised principle of the law in Zimbabwe. Generally speaking, existing legislation dealing with maintenance, divorce, matrimonial causes, adoption, custody, and institutional care are all governed by the principle that the best interests of the child concerned must be paramount. For instance, Section 5 of the Customary Law and Local Courts Act (Chapter 7:05) provides for the best interests of the child. The Matrimonial Causes Act (Chapter 5:13), which deals with matters relating to marriages, judicial separation and divorce, provides for the best interests of the child in Section 10.³¹

CHAPTER THREE

THE CONCEPTS AND WORK DONE BY THE CHILD PROTECTION SYSTEM IN PROTECTING CHILDREN'S RIGHTS

INTRODUCTION

The Child Protection System in Zimbabwe is made up of three basic concepts which include the legal and policy frameworks, structures and institutions and the presence of a monitoring and evaluation system. The first concept, the legal and policy frameworks, consists of laws that are aimed at protecting children from harm. The government of Zimbabwe is signatory to the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Zimbabwe has also coined a power Children's Act such that at continental level, it is one of the few African countries that have got a standalone Children's Act. In addition to the Children's Act, there are other acts like Education Act, Maintenance Act, Sexual Offences Act and Domestic Violence Act that are aimed at protecting children.

The second concept of the CPS consist of structures and institutions such as Victim Friendly Police Units (VFU), Ministry of Justice and Legal Affairs, Ministry of Labour and Social Services (MOLSS), Ministry of Health and Child Care (MOHCC), Ministry of Home affairs, Ministry of Education (MOE), Non-governmental Organisations (NGOs) and Child Protection Committees (CPC). These are the several players that work together towards the wellbeing of children. Their duties include identifying possible environments of risk, children who have been abused and put in place measures to prevent possible and future abuse of children, as well as prosecute cases of child abuse.

The third concept consists of a Monitoring and Evaluation System. This system is very important for the successful implementation of any project of the CPS. The CPS Monitoring and

Evaluation System consist of the Child Welfare Council which is the body with the mandate of assessing the effectiveness of CPS in protecting children's rights.

THE LEGAL AND POLICY FRAMEWORKS

Zimbabwe has made considerable strides in ratifying most conventions and international instruments that guarantee fundamental human rights as well as protection of children. Zimbabwe is a signatory to the UNCRC. The UNCRC is an internationally binding legislation that was ratified by Zimbabwe in September 1990. This international convention is the most encompassing and inclusive legal text, which clearly delineates children's rights and the State's obligation in upholding such rights. Zimbabwe has committed itself to respect and continue to observe the rights set forth in the Convention.¹ At regional level, the country has also ratified ACRWC on the 19th January 1995. The African Charter became the epitome of what children's rights ought to be taking into consideration, that the child, due to the needs of his physical and mental development, requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security. Thus the convention and the charter ensure survival, development and protection of children². Despite ratifying international and regional laws, Zimbabwe has got its own laws that protect children.

The Children's Act is one of the laws in Zimbabwe which protect children. Chapter 5:06 of the Children's Act provides for categories of children who need care as including those who are destitute or have been abandoned, who are denied proper health care, whose parents are dead or cannot be traced, whose parents do not or are unfit to exercise proper care over them, and whose parents or guardians give them up in settlement of disputes or for cultural beliefs and therefore abuse them. The Department of Social Welfare Services can arrange for the child to be taken away from his/her parents/guardians to someone else who will look after the child better.³ Therefore the CPS is playing an important role in preventing child abuse by including in the Children's Act provision prohibiting forced sexual acts or forced marriages with minors as the protection of the child is of particular importance as children are the future.

With the protection of children's rights in the forefront, the government of Zimbabwe has also put the Education Act. Chapter 25:04 of the Education Act, provide that every child in Zimbabwe has the right to formal education and parents are obliged to send their children to a school of their choice. The Government has also set up a number of tertiary institutions to ensure that higher education is accessible to as many children as possible. According to article 5 of the education Act, "it is the objective in Zimbabwe that primary education for every child of school-going age shall be compulsory and to this end it shall be the duty of the parents of any such child to ensure that such child attends primary school".⁴

This concern with children's right to education as well as to other life sustaining needs cannot be separated from their needs for financial support. Hence, the Maintenance Act has been put by the government of Zimbabwe. The Maintenance Act is a law that says that parents must provide for their children's financial needs including food, school fees, clothing, etc. If one or both of the child's parents are not providing for the child's basic needs, the court can order them to do so. It does not matter if ones parents are married or divorced or living with the child. Therefore promotion of the child's wellbeing as the law helps to protect children when one or both parents has the money or resources to pay for their basic needs such as school, food, shelter, and when they are not doing so, they are subject by law to maintain their child.⁵

In addition to laws that maintain children, the government has also put laws that prohibit child abuse. The Sexual Offences Act prohibit sexual offences against children, such as child pornography, prostitution and other forms of child sexual abuse.⁶ The Sexual Offences Act prohibit procuring an individual for prostitution either inside the country or transporting a person outside of the country with the intention of engaging them in prostitution.⁷ Therefore this Act prohibits extra-marital sexual intercourse, committing an immoral or indecent act or solicits or entices a young person to have extra-marital sexual intercourse with him or her shall be guilty and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a period not exceeding ten years or both. Therefore, the provisions of this law aim at protecting children from abuse and exploitation.

The importance of children's right to be protected from abuse and exploitation has also contributed to the Domestic Violence Act being passed in 2006. Chapter 5:16 of the Domestic Violence Act, has some relevant provisions on children's rights. For instance, it has a number of provisions relevant for the girl child in the context of physical, sexual and mental injury. It also has provisions addressing harmful traditional practices such as forced virginity testing, female genital mutilation, or pledging of women or girls for purposes of appeasing spirits. Section 3 of the Act defines domestic violence as "any unlawful act or omission or behavior which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent". It also includes physical abuse, sexual abuse, emotional abuse, economic abuse, harassment, stalking, malicious damage to property and forcible entry into the complainant's home.⁸ The way the law is designed is such that it is not only the victim of domestic violence who can make a report or make an application for a protection order. "The Domestic Violence Act is not meant to protect wives against physical abuse from their husbands only, it is an extensive law that applies to ex-girlfriends/boyfriends, step children, adopted children or biological children of the abuser, those co-habiting, and any other person (male or female) living in the same house with the abuser whether or not they are related to the abuser."⁹

THE STRUCTURES AND INSTITUTIONS OF THE CHILD PROTECTION SYSTEM

The Ministry of Justice and Legal Affairs is one of the institutions that are part of the CPS. The main role of this component is to ensure that a comprehensive range of access to justice services is available to all vulnerable children. This include, the establishment and/or strengthening of legal aid and paralegal services, support to child friendly court, legal and police services for children in contact with the law, educating communities and local services of children's legal rights. The Ministry of Justice and Legal Affairs in Bulawayo urban has played a key role in ensuring the provision of child-friendly justice services to children in contact with the law.¹⁰ Therefore, this Ministry has improved the content and enforcement of the general legal framework for protection of children, and put in place mechanisms to accelerate the conclusion of children's cases before the courts as well as tightening penalties to make sure they effectively deter child abuse.

The Victim Friendly System is the other aspect of the CPS that has worked with the Ministry of Justice and Legal Affairs. In Bulawayo urban, the Victim Friendly System has become a scale service for vulnerable children. This system seeks to deliver comprehensive, specialised psychosocial care and medical, legal and referral services to survivors of sexual abuse through Victim Friendly Police Units (VFU), Courts and Clinics.¹¹ Courts have been established to offer a child-sensitive environment for children who have experienced or witnessed abuse. Prosecutors, intermediaries, probation officers and magistrates are trained to deal with children in a child-sensitive manner. These work to expedite cases involving children and refer children to post-trial care and support services where child survivors or witnesses can be supported to give evidence outside of the court room and away from the alleged perpetrator through video link-up, or in a separate room.¹² Therefore this arrangement is aimed at protecting the child by creating a conducive environment which ensures that the child feel free to testify against the accused without being in the presence of the accused.

The Ministry of Labour and Social Services (MOLSS) is another institution that is part of the CPS that is aimed at protecting children's rights. In Bulawayo urban, the MOLSS through the Department of Child Welfare and Probation Services (DCWPS) has a number of social protection mechanisms already in place. These programmes include Basic Educational Assistance Module (BEAM), Child Adoption, Institutional Grants and Free Treatment Orders. In the area of study, the ministry has made an attempt to meet the country's obligations as required under International Labour Organisation Convention (ILO), 1999 (No.182) on Worst Forms of Child Labour. In Bulawayo urban there has been a strong consensus and commitment among key stakeholders to urgently and progressively reduce incidences of child labour by adopting a holistic approach.¹³ Social partners have also initiated action aimed towards the development of communication and advocacy materials for promoting child rights and campaigns against child labour in workplaces, ensuring that children return to school. Therefore these campaigns aim at protection of children's right education.

The Ministry of Education (MOE) is the other aspect of the CPS that has worked towards the protection of children's right to education. The MOE has been involved in ensuring that underprivileged children have access to education. The BEAM programme is administered by

the Ministry of Education, Sport and Culture (MOESC) in collaboration with the Department of Child Welfare and Probation Services under the Ministry of Labour and Social Services. The BEAM programme has assisted underprivileged children with the payment of levies, tuition and examination fees. This programme caters for orphaned or vulnerable children with ill, disabled or single parents or who come from very poor families. Beneficiary children are selected at school level by a committee consisting of parents and school authorities.¹⁴ Therefore this noble programme has remained as the only hope for some OVCs to get their right to education.

Not only has the CPS protected children's right to education, it has also protected children's right to health and health care. The Ministry of Health and Child Care (MOHCC) is another institution that is part of the CPS that provides health services for children. This includes providing necessary health care to children in need of ART, those issued with Assisted Medical Treatment Order (AMTOs) and families receiving cash transfers whose demand for health services will be expected to increase. In addition, the MOHCC has also continued with vaccinations of all children, and work towards providing free treatment to all children. The MOHCC also address maternal, newborn and child health issues, including HIV and AIDS, maternal and child nutritional status.¹⁵

MOHCC provide counseling sessions and psychosocial support activities for children affected and infected by HIV/AIDS. According to the Bulawayo Health Services Report (2006), the Prevention of Parent to Child Transmission (PPTCT) counseling and testing programme in Bulawayo City clinics including HIV/AIDS counseling services are routinely offered to all antenatal care (ANC) clinic attendees in order to maximise opportunities for PPTCT.¹⁶ The Voluntary Counseling and Testing (VCT) process aims at equipping pregnant women aged between 16- and 45-years with information and support on PPTCT strategies to enable them to make informed decisions regarding a healthy pregnancy and delivery. This information is also meant to empower them with skills to prevent the sexual transmission of HIV and of other STIs. Each of the ANC clinics has trained staff, and space for information sharing sessions and counseling about sexual risk reduction and PMTCT. These information sharing sessions and counseling activities include basic information on HIV-transmission, antenatal support and the benefits and implications of the PPTCT programme.¹⁷ Therefore this programme aims at

ensuring that pregnant women who are HIV positive give birth to HIV negative babies and after giving birth to children there is the importance of birth registration.

Birth registration is one of the fundamental roles of the Ministry of Home Affairs (MOHA). The Registrar General's Office provide support to children and their families by facilitating the issue of birth certificates and ensuring that every child has this identity document. It is expected that they will actively participate in national information, education and communication activities to raise awareness among communities on the birth registration requirements for example by increasing access to birth registration at health facilities. Registration at birth provides children with identity and nationality. It is therefore the first step towards full citizenship for children, without registration children are likely to be ineligible for state provision of health services, education and, in adult life the right to employment in the formal sector and the right to vote.¹⁸ Therefore children need to be registered so as to be able to have access to these necessities of life.

NGOs have particularly played a crucial role of ensuring the safety of children from any negative factors of life and affording them all the necessities of life is a major priority which can create a successful nation in future. Many children drop out of school at a very tender age due to various reasons such as death of parents predominantly caused by Aids, poor background of the children's families and parents' negligence. However in Bulawayo urban, NGOs like Hope for a Child in Christ (HOCIC) cater for the challenges that children face as a result of the factors mentioned above. The organizations areas' of focus include care and support of OVCs.¹⁹ These are educational support, psycho-social support, child protection, child participation and extra-curricular programmes. In education intervention, HOCIC has been assisting children by sourcing money for their school fees and uniforms. As of now, the organisation works with various sectors and the issue of uniforms and school fees is being catered for by the BEAM and HOCIC only assist in the identification of suitable beneficiaries. Ward councillors and volunteers in the organisation play a pivotal role in the registration of the children. HOCIC also coordinates a number of care centre's for children below five years where they can spend their afternoons playing.²⁰ This facility is meant for the children who have no one to care for them during the

time when their parents are at work and for those with elderly guardians who cannot take proper care of them due to advanced age.

NGOs like Justice for Children's Trust, Girl Child Network, Legal Resources Foundation, Save the Children and Plan International have been put in place in the area of study as measures to try and protect children. For example, Plan International in addressing the plight of vulnerable children is paying school fees for OVCs. The NGOs' mandate is to alleviate the challenges faced by the OVCs while at the same time complementing government efforts in the same direction. Therefore in Bulawayo urban, NGOs have attempted to reach out to vulnerable children with basic services that positively impact on their lives and its goal is to provide a framework for coordinated implementation of interventions and increase access by vulnerable children to basic social services to improve their protection against all forms of abuse.²¹

The Child Protection Committee (CPC) is another aspect of the CPS that plays a pivotal role of looking at negative issues affecting children. The CPC investigate early drop-out from school of children, non-acquisition of children's birth certificates by parents and child labour. "Many children drop out of school because parents are unconcerned about their education. Some parents are just reluctant to secure their children's birth certificates while some children are engaged as employees by some members of the society. The committee finds out the reasons why all this is happening and if one is committing a crime, police come into play and arrest the culprit. Some desperate children are referred to social welfare for assistance while Childline can also assist in counselling the children and taking them to hospital for medical examination, in case of physical and sexual abuse."²²

THE MONITORING AND EVALUATION SYSTEM

Monitoring and Evaluation is essential for the successful implementation of any project, even more so for projects targeting a highly vulnerable group such as children. Monitoring and Evaluation helps to enhance the effectiveness of projects targeting children by establishing clear links between past, present and future interventions and results.²³ In Bulawayo urban, the Child

Welfare Council has been put in place as a body with the mandate of assessing the effectiveness of the CPS in protecting children's rights.

The Child Welfare Council has played a pivotal role of ensuring that monitoring and evaluation assists in the extraction of relevant data from past and ongoing project activities. This data can then be used for fine-tuning the project intervention, reorienting objectives and programs, and planning for the future. Without monitoring and evaluation, it would be virtually impossible for the CPS to determine whether its work with children is moving in the right direction, whether vulnerable children have truly been assisted by its efforts, and how it can improve future interventions.²⁴

However it is also important to note that though the Child Welfare Council is the selected body to ensure that monitoring and evaluation takes place, it has also faced challenges. The Child Welfare Council is under resourced and lack legal authenticity.

CONCLUSION

It is evident that the legal and policy framework of Zimbabwe has some good laws and policies on child protection. The structures and institutions under the Child Protection System have particularly played a crucial role in protecting children's rights through its programmes and projects. The major weakness is that the CPS lacks a comprehensive approach to monitoring and evaluation.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

INTRODUCTION

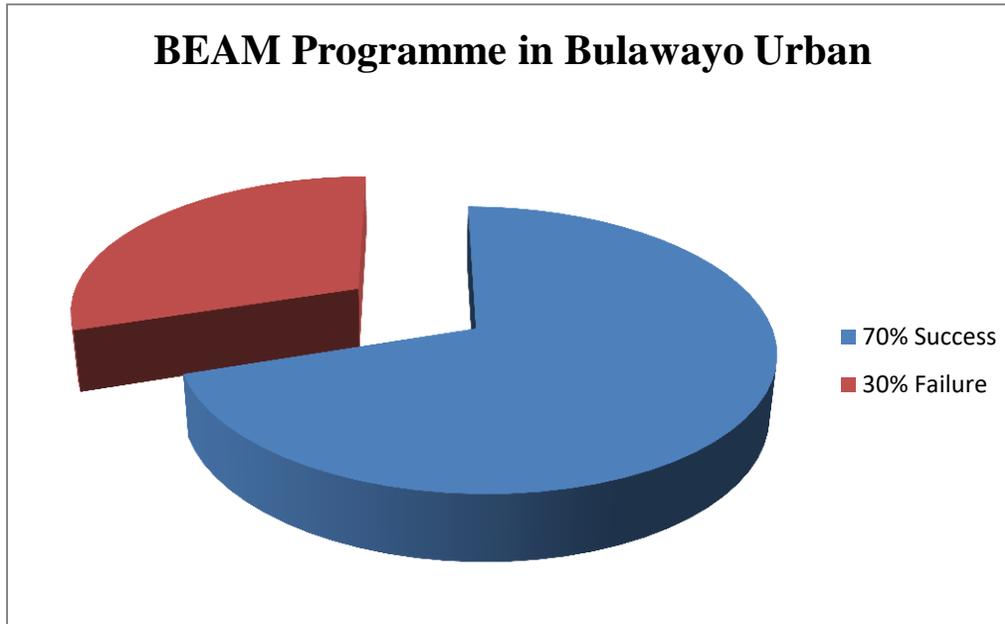
This section of the study is a presentation of research findings and their analysis. This chapter will analyse the effectiveness of the projects, programmes on the work done by the CPS in protecting children's rights, and improving the wellbeing of children in Bulawayo urban. The effectiveness of the CPS will be analysed using indicators from issues to do with education, abuse and exploitation, health, labour and birth registration of children.

THE RIGHT TO EDUCATION

The CPS has played an important role in ensuring access to education for everyone, especially girls and vulnerable children. In the area of study the Ministry of Education (MOE) has managed to increase the budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. This is in line with Article 11:1 of the ACRWC which states that every child shall have a right to an education.

It is vital for children's future that they attend school and take full advantage of this right. There is the Education Transition Fund (ETF) programme covering curricula review, textbooks and early childhood development kits, school grants, education information systems and the BEAM programme for underprivileged children is still in place. Underprivileged children are those who do not attend school and have no one to care for their needs such as food, clothing, school fees, uniforms and books.¹ In Bulawayo urban schools the MOE has ensured that underprivileged children are taken care under the BEAM programme and that these children are able to attend school regardless of their family status.

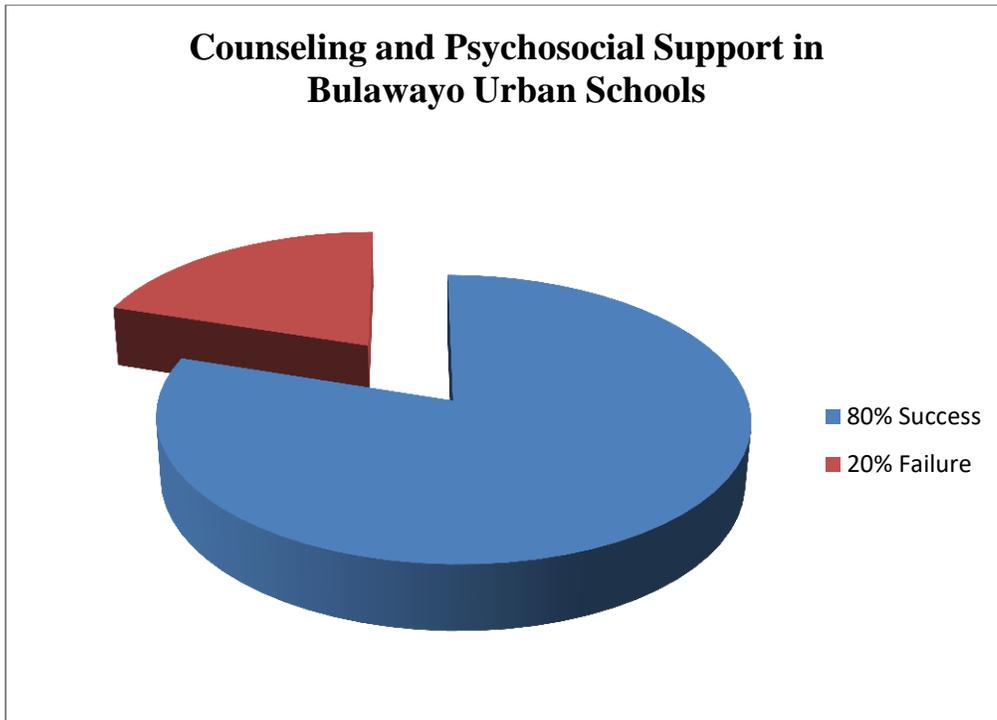
Fig 1: Success of the BEAM Program in Bulawayo Urban



The above chart indicates how the BEAM Programme has been successful in assisting the underprivileged children in the area of study. The MOE has ensured that 70% of the underprivileged children in Bulawayo urban schools are taken care under the BEAM programme.

However, it should be noted that even though the CPS has been involved in the education sector. The CPS in Bulawayo urban has failed as there are still cases of children not having access to primary and secondary education. This is attributed to the fact that the CPS does not cater for all vulnerable children and has left out some children whose parents or guardians cannot afford their education. This is an indication that even though the CPS is playing a role in protecting children right to education, it is not doing enough.² Therefore, parents or guardians cannot afford the cost of education especially school fees, and indirect costs like uniforms and books. This continues to make it difficult for many children to access and complete a full course of primary and secondary education.

Fig 2: Counseling and Psychosocial Support in Bulawayo urban schools



The above chart indicates how successful the CPS has been in Bulawayo urban in offering counseling and psychosocial support to children.

In Bulawayo urban schools the CPS has also managed to train children on issues of abuse and also offer counseling and psychosocial support. The MOE has been involved in ensuring that schools provide children with a safe, structured environment, reducing children's risk of HIV infection by increasing knowledge, awareness, skills and opportunities. The ministry by offering counseling and psychosocial support has seen an increase in the number of children being able to come out and also surviving the traumatic experience of abuse.³ The MOE has managed to do follow ups on counseling which contributed to its success when it comes to the dealing with issues to do with child abuse.

THE RIGHT TO PROTECTION FROM ABUSE AND EXPLOITATION

The CPS has played an important role of protecting children from abuse and exploitation. In Bulawayo urban the Victim Friendly System (VFS) as a long running and potentially national scale service for vulnerable children has managed to deliver comprehensive, specialised psychosocial care and medical, legal and referral services to survivors of sexual abuse through Victim Friendly Police Units (VFU), Courts and Clinics. In Bulawayo urban, in 2009, there was an increase in the number of children reached directly through the Victim Friendly Courts, police and hospitals/ clinics.

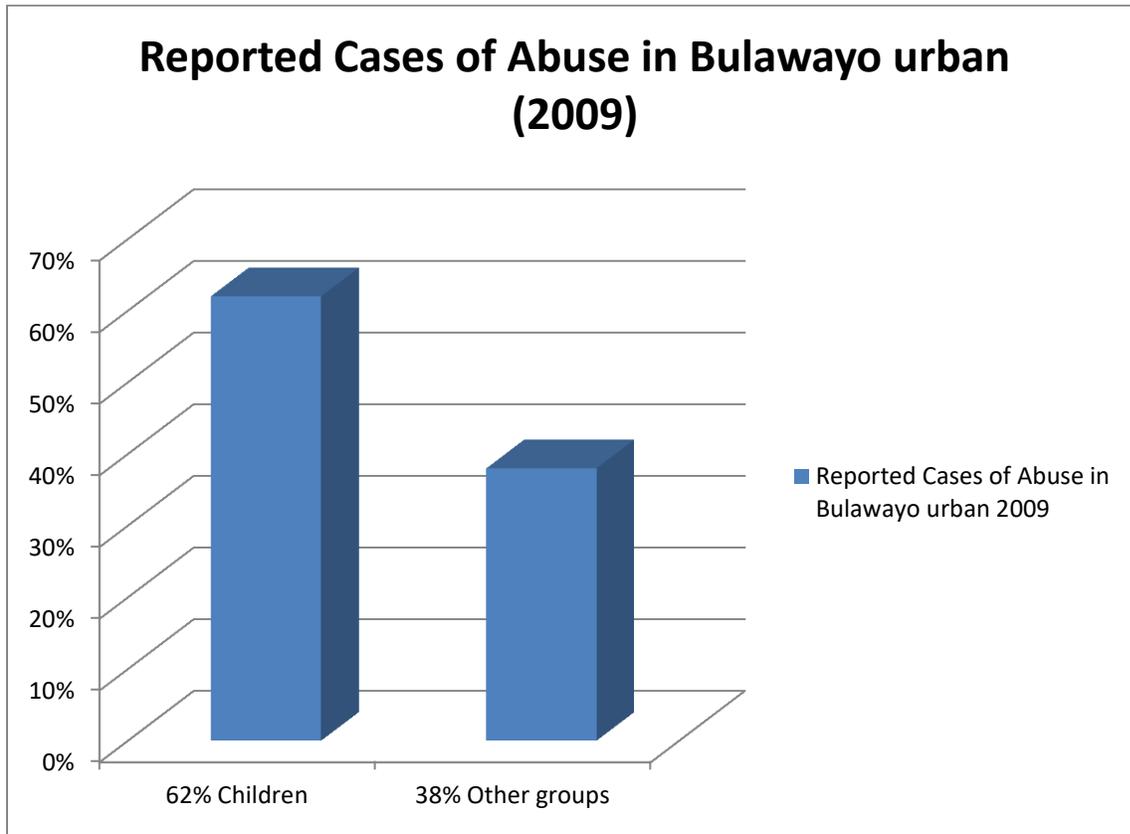
The majority of reported cases to this police unit involve children .The Victim Friendly Courts have managed to offer a child-sensitive environment for children who have experienced or witnessed abuse. Prosecutors, intermediaries, probation officers and magistrates are trained to deal with children in a child-sensitive manner, work to expedite cases involving children and refer children to post-trial care and support services where necessary.⁴

In Bulawayo urban, through the VFS child survivors or witnesses have been supported to give evidence outside of the court room and away from the alleged perpetrator through video link-up, or in a separate room. This sort of arrangement creates a conducive atmosphere which ensures that children and other vulnerable witnesses, without being in the presence of the accused, feel free to testify against the accused.⁵ Therefore the VFU have managed to protect children's rights from such unethical acts and this is in line with articles 16 and 27 of the ACRWC which prohibit abuse and sexual exploitation of children.

One of the strategies adopted by the VFU is to establish national baselines on juvenile offenders and child survivors, which is disaggregated by age, gender and type of alleged offence or crime experienced. Quarterly meetings and awareness campaigns have also been carried out in schools so as to encourage victims of abuse to report and expose perpetrators of abuse. By doing this, the VFU has been able to detect any signs of abuse. The Bulawayo urban Victim Friendly Unit has

been successful in the collecting of data on child abuse cases, noting that there was an increase in the number of children who reported sexual violence to police in 2009.⁶

Fig 3: Reported Cases of Abuse in Bulawayo Urban



The above graph indicates that there was an increase in the number of children who reported cases of abuse in 2009 as compared to other groups. In 2009, 62% of children were able to come out and report and expose perpetrators of abuse.

In Bulawayo urban the VFS has also worked with the Ministry of Justice and Legal Affairs (MJLA). This ministry has managed to ensure that a comprehensive range of access to justice services is available to all vulnerable children. This include, the establishment and/or strengthening of legal aid and paralegal services, support to child friendly court, legal and police services for children in contact with the law, educating communities and local services of children's legal rights. The Ministry of Justice and Legal Affairs in Bulawayo urban has played a

crucial role in ensuring the provision of child-friendly justice services to children in contact with the law.⁷ Therefore, this Ministry has improved the content and enforcement of the general legal framework for protection of children, and put in place mechanisms to accelerate the conclusion of children's cases before the courts as well as tightening penalties to make sure they effectively prevent the occurrence of child abuse.

However, it is also important to note that though there are many policies and laws that protect children against abuse and violence, the CPS has also faced challenges in protecting children in Bulawayo urban. This is mainly because of factors such as poverty and orphan hood which continue to increase the vulnerability of children, assault and rape of children. The negative attributes have also been exacerbated by the economic hardships and the impact of the HIV and AIDS pandemic which has orphaned millions of children. Children are then taken in by the extended families and in most cases such children are mistreated, abused and exploited. Such abuse is inflicted by care givers who are supposed to protect and care for these children.⁸

THE RIGHT TO HEALTH AND HEALTH CARE

The CPS has been involved in protecting children's right to health and health care. In Bulawayo urban the Ministry of Health and Child Care (MOHCC) has managed to provide health services for children. These services include providing necessary health care to children in need of ART. The MOHCC provide counseling sessions and psychosocial support activities for children affected and infected by HIV/AIDS. This is also in line with Article 14:1 of ACRWC which states that every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

In Bulawayo urban, the MOHCC has also continued with vaccinations of all children, and work towards providing free treatment to all under five children. As a result of this, health services have been available for under- five children as these do not pay and immunization is for free. To compliment this, the MOHCC has introduced the HTS program last year. This program ensures that under- fives do not pay for medication. The ministry has been involved in the raising of awareness on the importance of immunization so as to change the beliefs of parents who do not

immunize their children.⁹ The ministry has faced challenges in doing this as people have different traditional and religious beliefs, for example some parents do not immunize their children because their churches do not agree.

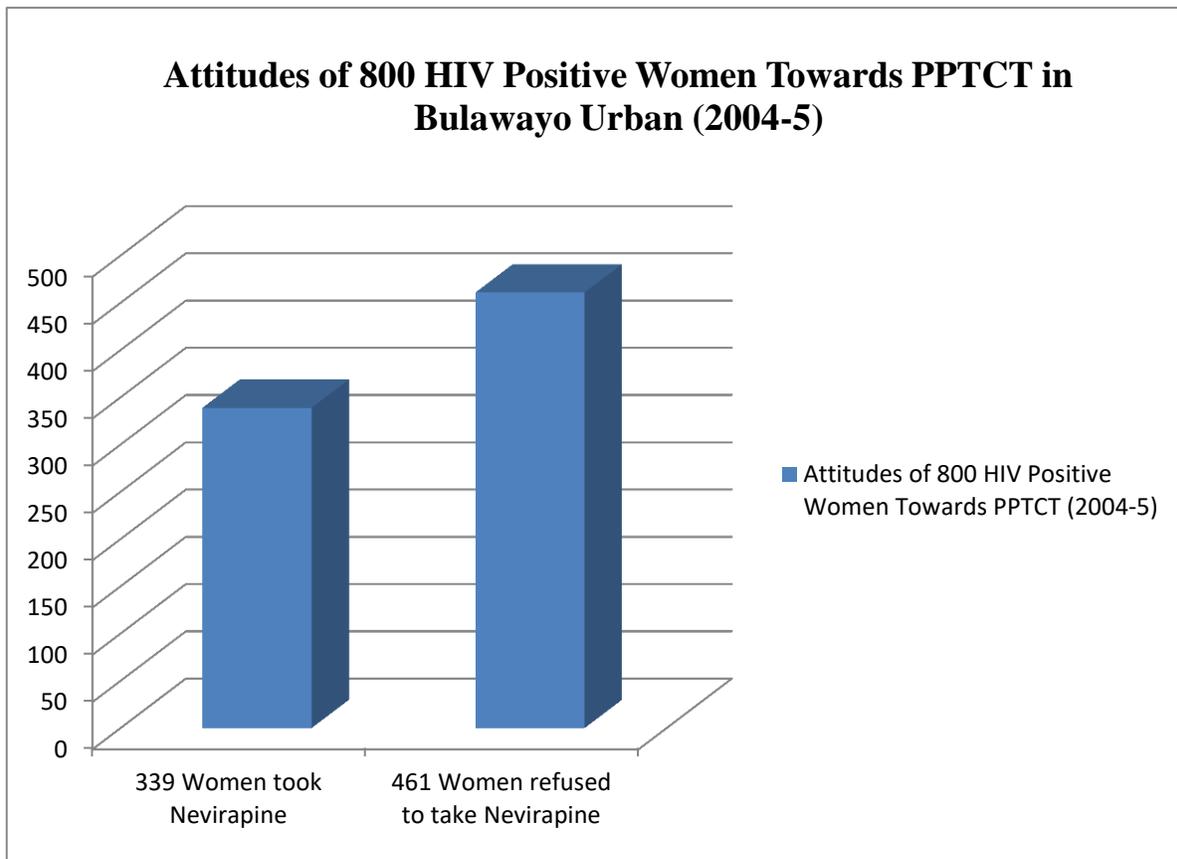
The MOHCC has managed to seek assistance from NGOs, as a result of this the Health Transition Fund (HTF) was introduced last year to cater for the maternal needs of women so as to ensure that women give birth to healthy babies. These funds have contributed to success as they have been used to buy commodities/supplies needed when women deliver. These funds have also been used for buying blood, just in case a woman needs blood when giving birth.

The ministry has also made positive moves through the introduction of Rotavirus Vaccine for protecting children from diarrhoea and this has managed to reduce the adverse impacts of diarrhoea.¹⁰ In Bulawayo urban Rotavirus vaccination has been associated with reduced diarrhoea-related deaths and hospital admissions in children aged under five years. There are two rotavirus vaccines that are saving lives today RotaTeq and Rotarix. RotaTeq is given in three doses at 2 months, 4 months, and 6 months of age, and Rotarix is given in two doses at 2 months and 4 months of age. The vaccine does not protect against other types of diarrhoea but it reduces the risk of life-threatening diarrhoea caused by rotavirus. This is in line with MDG 4 specifically addresses the need to revitalise efforts against diarrhoea.

Prevention of Parent to Child Transmission (PPTCT) counseling and testing programme has been offered in Bulawayo city clinics including HIV/AIDS counseling services are routinely offered to all antenatal care (ANC) clinic attendance in order to maximize opportunities of PPTCT. The aim of the counseling session is to enable pregnant women infected with HIV to decide how to actively reduce the chances of infecting infants. It also creates an opportunity to examine options to meet future care and support needs and supplementary feeding options.

According to the Bulawayo City Health Clinics Register, during the period January 2004 to December 2005 at Bulawayo City Clinics, a total of 3 573 pregnant women were pre-test counseled and 3 257 of them agreed to have an HIV-test. Out of those who were tested 800 were HIV positive.¹¹

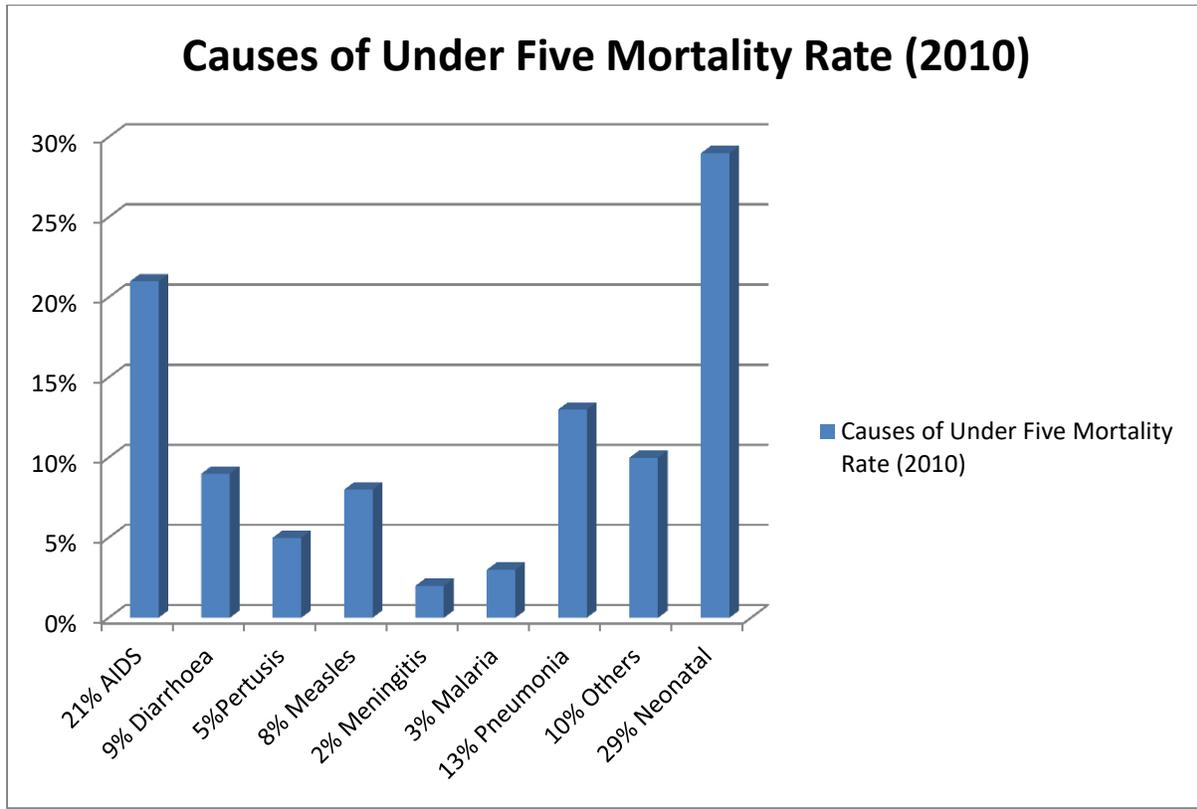
Fig 4: Attitudes of HIV Positive Women towards PPTCT in Bulawayo Urban (2004-2005)



The above graph indicates the attitudes of HIV positive women in Bulawayo urban towards PPTCT. Of the 800 women who were HIV positive, 339 women took Nevirapine, while 307 babies received the same drug. These figures indicate that 461 women declined to take Nevirapine after knowing their HIV status.¹² All the above statistics indicate that over the past years there has been a high possibility of mothers infecting their unborn babies or infants with HIV.

However despite all the attempts done by the CPS in protecting children's right to health and health care, the under- five mortality rate has constantly been high over the years. It is also important to note that there are a number of direct causes contributing to under- five child mortality.

Fig 5: Causes of Under- Five Mortality Rate



As the above graph indicates neonatal causes are the leading cause of death in children under five years of age. Most of these deaths are a result of unsafe delivery environments, delays in seeking skilled health care, poor antenatal surveillance and poor post-natal care. HIV has also contributed to under- five mortality contributing to 21 per cent of deaths. After neonatal causes and HIV, pneumonia is the third leading cause of under- 5 mortality, contributing to 13 per cent of deaths.¹³

The graph also shows that Diarrhoea is the fourth leading cause of mortality among children under five, contributing 9 per cent of childhood deaths. Approximately 80 per cent of the diarrhoeal deaths have been attributed to poor hygiene, inadequate sanitation, and lack of safe drinking water. Measles previously contributed to less than 1 per cent of child mortality. However, outbreaks of measles in 2009 and 2010 resulted in measles becoming the fifth highest cause of death in children under five. Malaria contributes to 3 per cent of under- five mortality.¹⁴

Therefore because of the above causes, under- five mortality rates have constantly been high over the years.

Table 1: Under five mortality rates over the years

YEAR	Under five Mortality Rate
2005	82 per thousand live births
2009	86 per thousand live births
2012	84 per thousand live births

The above table indicates that the under Five Mortality Rate has constantly been high, increasing from 82 per thousand live births in 2005 to 86 per thousand live births in 2009 and slightly decreasing from 86 per thousand live births in 2009 to 84 per thousand live births in 2012.

THE RIGHT TO PROTECTION FROM CHILD LABOUR

In Bulawayo urban the CPS has played an important role of protecting children from participating in child labour. Child labour cases have declined in the area of study. An attempt has been made by the Department of Child Welfare and Probation Services (DCWPS) to meet the obligations as required under ILO Convention, 1999 (No.182) on Worst Forms of Child Labour. A Rapid Assessment Survey was carried out in 2008 to ascertain the existence, extent and nature of the worst forms of child labour in Bulawayo urban. The survey indicated the existence of the phenomenon in domestic work, illicit activities and prostitution. The Ministry of Labour and Social Services (MOLSS) has managed to put in place mechanisms that ensure eradication of the worst forms of child labour that were identified in the rapid assessment survey. The DCWPS has shown strong consensus and commitment in progressively reducing incidences of child labour by adopting a holistic approach.¹⁵ Social partners have also initiated action aimed towards the development of communication and advocacy materials for promoting child rights and campaigns against child labour in workplaces, ensuring that children return to school.

However, it can also be said that widespread poverty, limited coverage of social services and insufficient enforcement of legislation as well as inadequate resources are hindering efforts of

the DCWPS to eradicate child labour in Bulawayo urban. Due to this, the problem of child labour has not been solved completely. In the area of study, children are still being exploited for economic purposes. This implies that the CPS is not doing enough to address the plight of children when it comes to the issue of child labour. Failure to address the issue of child labour has resulted in mental, physical, social or moral harm to children and school dropouts as it interferes with their schooling¹⁶ and this is against the provision of article 15 of the ACRWC which prohibits child labour. Therefore it appears the CPS is failing to address the root cause of child labour which is child poverty.

THE RIGHT TO NAME AND NATIONALITY

In Bulawayo urban the CPS has been involved in protecting children's right to Name and Nationality. One of the fundamental roles of the Ministry of Home Affairs (MOHA) is to ensure that systems are in place to register the birth of all children. Although this may not always be accomplished at the time of birth, birth registration is critical both for identification as well as access to public services and welfare. The MOHA has managed to raise awareness on birth registration agitating that registration at birth provides children with identity, nationality, legal personality, as well as other rights.¹⁷ Article 6.2 of the ACRWC similarly provides that every child shall be registered immediately after birth. Birth registration is therefore important as it is the first step towards full citizenship, without registration, children are likely to be ineligible for state provision of health services and education.

The increase in unregistered births has also been exacerbated by the fees set for accessing identity documents are generally perceived as too high and beyond the reach of many people. For instance, getting a birth certificate of a child born in Zimbabwe to Zimbabwean parents is free of charge. However, the cost of getting a birth certificate for a child born outside Zimbabwe has many charges to it. First, the parents have to pay a deposit in South African Rand of ZAR110 into the Zimbabwean Consulate's Standard Bank Account, and then pay United States \$50 upon submission of the forms applying for the certificate at the Registrar General's (RG) Offices in Zimbabwe.¹⁸ Therefore this situation has led to an increase in unregistered births.

However, registration of births in Bulawayo urban is an issue of concern at the moment. This is mainly because registration of birth has not been seen as a vital event just after the birth of any child. However, many social pressures can delay or lead to the non-registration of a child's birth. Statistics revealed that the mostly affected are the OVCs as the majority of them are unable to procure birth certificates or identification documents. This has resulted in schools refusing to register these children. Inability to obtain birth registration and identity documentation also thwarts children's access to healthcare.

CONCLUSION

It is evident that though the CPS has made attempts to contribute to its success in protecting children's rights it has failed to bring about transformation in children's lives. This is mainly because the number of children who have benefited is still very low. It is important to note that a lot still needs to be done by the CPS, in Bulawayo urban there are still cases of children not having access to primary and secondary education. This is attributed to the fact that the CPS does not cater for all vulnerable children and has left out some children whose parents or guardians cannot afford their education. Factors such as poverty and orphan hood have continued to militate against the CPS role of protecting children from abuse and exploitation. These factors have increased the vulnerability of children. Under five mortality rates have constantly been high over the years. Children are still being exploited for economic purposes. The CPS has also failed to address the issue of child labour and this has resulted in mental, physical, social or moral harm to children and school dropouts as it interferes with their schooling. There are also many children who still do not have birth certificates and identity documents.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

This section of the study seeks to summarize the main objectives of the study, which are assessing the role played by the Child Protection System and also explore challenges it faces in protecting children's rights, draw conclusions from and proffer recommendations that can improve the participation of the CPS in protecting children's rights.

The founding question of this study was an Assessment of the role played by the Child Protection System in protecting children's rights in Bulawayo Urban. The effectiveness of the role played by the CPS was measured using indicators from issues to do with education, abuse and exploitation, health, labour and birth registration of children.

CONCLUSIONS

It has been noted that the CPS face a lot of challenges which are militating against its work. After carrying out a study analysis drawn from the work done by the CPS in Bulawayo Urban. It can be concluded that factors such as poverty have affected the effectiveness of the CPS. The impact of poverty continues to hinder substantive progress in achieving the Universal Primary Education. Whereas education is one of the ways of ensuring that children escape from poverty, the same poverty leads to their erratic school attendance and in some cases dropping out due to lack of fees and learning materials among others.

The BEAM programme is undermined by corruption with deserving candidates not benefitting. The cost of education especially school fees, and indirect costs like uniforms and books which continue to escalate, make it difficult for many children to access and complete a full course of primary and secondary education.

It can be concluded that the CPS effectiveness has been hampered by the prevailing economic situation which affects the Victim Friendly Units (VFU) program against child abuse. This has resulted in the VFU failing to have effective apparatus that can enable the affected children to open up. This is mainly because there is a lot of victimization especially when family members are the perpetrators. The research revealed that most children who are taken in by the extended families are mistreated, abused and exploited. This has therefore contributed to challenges as these care givers, instead of protecting and caring for these children, are abusing them. Therefore, there is the need to develop and implement strategies to equip boys and girls with the knowledge of their rights and the skills to claim them.

Traditional and religious beliefs have militated against the effectiveness of the CPS goal of immunizing all under- five children. Pockets of unimmunized children have been identified amongst certain religious groups whose members are reluctant to seek preventative or curative health services. Though campaigns have been done by the CPS to encourage people to fight against child mortality, continuous effort is needed to improve and sustain achievement in immunisation.

Accessibility of identity documents for children remains a challenge. The fees set for accessing identity documents for children born outside the country are generally perceived as too high and beyond the reach of many people. As a result of this, it can be concluded that the situation has led to an increase in unregistered births.

The other factor that has militated against the effectiveness of the CPS is the unavailability of resources. The lack of resources is hindering the ability of the MOE to meet its target. This ministry does not have enough finance and only rely on stakeholders to train their personnel and also rely on trained personnel to train each other. Limited resources have also made it difficult for the MOHCC to do its work. This is mainly because for the ministry to be able to sit down with people at community level, resources are needed. Widespread poverty, limited coverage of social services and insufficient enforcement of legislation, as well as inadequate resources are also hindering efforts of the DCWPs to eradicate child labour.

RECOMMENDATIONS

The CPS must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes. The CPS must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls. The increase in resources is very important as these resources will be able to mitigate the impact of poverty leading to progress in achieving the Universal Primary Education. Therefore constant monitoring and targeting of these poor children is required to ensure that all children have access to the required assistance.

There is the need to abolish tuition fees and levies and introduce universal free primary education and subsidise tuition fees and levies in secondary schools. This can be achieved through the Government of Zimbabwe's Ministry of Primary and Secondary Education.

Building on the success of the Victim Friendly Courts, focus on a survivor centered, multi sectoral and holistic system for supporting boys and girls to access justice needs to be put in place. It is necessary to enhance advocacy and program alliances with a wide network of partners in the faith-based community, government, civil society sector and UN partners, to champion the protection of the most invisible children, including those at risk of sexual exploitation, child trafficking and child labour.

Local and national authorities need to develop and implement strategies for increased birth registration. As part of their monitoring role, communities can assist in identifying orphans and vulnerable children in need of birth registration, can alert their caretakers to its importance, and can assist local authorities in ensuring that these children are registered. In order to be able to increase access to birth certification for the most vulnerable children, particularly orphans, there is the need for removal of restrictive barriers.

The Registrar General should address the disparity in costs of acquiring a birth certificate for children born outside Zimbabwe as compared to those born in Zimbabwe. Since there is no difference in material used or service offered there is no justification for the disparity in charges as the child remains a Zimbabwean, entitled to the birth certificate as of right. The Registrar

General should also create subsidies for acquiring identity documents for vulnerable members of society, but not limited to orphans and street children.

To be able to improve Maternal Health and reduce maternal mortality ratio more effort and investment needs to be put towards strengthening the healthcare system and into scaling up coverage of maternity waiting homes as well as putting in place predictable and enhanced health financing policies and mechanisms. Mechanisms also need to be put in place to ensure that orphans and vulnerable children infected with HIV have access to essential health services.

Efforts should be made to reduce the neonatal causes of death in children under five years of age. There is the need to provide high impact and cost effective preventive and curative interventions that can address the major killers of newborns. These include the provision of essential newborn care immediately after birth, keeping newborns warm, cord care, resuscitation of asphyxiated newborns, early initiation and exclusive breast feeding, Kangaroo-mother care and early identification and prompt treatment of newborn infection.

PPTCT programme must enable pregnant women infected with HIV to decide on how to actively reduce the chances of infecting infants. More efforts should be made to create awareness about PPTCT and also change public perception of the HIV preventive measures and attitudes of pregnant women towards PPTCT intervention strategies. This is very important as pregnant women will be able to give birth to HIV negative and healthy babies.

There is the need for NGOs to deliver transparency and accountability. Transparency and honesty have become pressing issues in the NGOs involved in child protection. Only a few NGOs seem to be transparent in their activities. There is the need for NGOs to deliver what they demand of others, transparency, honesty, and accountability.

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