

**PUBLIC PERCEPTIONS OF CHILD PROTECTION PROGRAMMES IN ZIMBABWE:  
TOWARDS STRATEGIES TO IMPROVE THE FULL REALISATION OF CHILDREN'S  
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**A minor dissertation submitted in partial fulfilment of the requirements for the award of the degree of Master's (MPhil) in Development Studies.**

**In the Sociology Department**

**Faculty of Humanities**

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**November 2023**

**Supervisor: Prof Jeremy Seekings**

## **COMPULSORY DECLARATION**

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation, in this dissertation from the work, or works, of other people have been attributed and has been cited and referenced.

Signature: Solomon Tawanda Nondo      Date: 03 November 2023

## **DEDICATION**

First, thanks to the Almighty God for seeing me throughout this journey and allowing me to attain a Master's degree.

I dedicate this thesis to my father, Tawanda Nondo, who passed on too early without seeing my achievements.

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Mum, you inspire me.

To Ryan Sihamba and Busang Maruping, who graced my presence in Cape Town with their friendship and comforting words during trying times, I thank you all. May God richly bless you all.

## **Abstract**

The study focused on the evaluation of children's rights as a vulnerable group and how they are protected in Zimbabwe. The study focused on rights to education, health, water, food, a safe environment and protection from sexual exploitation. The objectives of the study were to find out how people in Zimbabwe viewed the rights accorded to children, to establish whether the current rights of children in Zimbabwe were informing policy design and implementation, to identify actors involved in the protection of children's rights and to suggest interventions which could be put in place to ensure that children's rights are adequately protected. A mixed research design was used in this study which included qualitative data from interviews and quantitative data analysis which utilised survey data from Afrobarometer on attitudes regarding rights and vulnerability. Interviews were conducted with a purposive sample of key informants (n=25), including 14 ordinary Zimbabweans (7 in rural and 7 in urban areas), 2 officials from each of four non-governmental organisations (World Vision, Plan International, Human Rights Services Commission and Girl Child Network) and 3 politicians from the mainstream political parties (ZANU PF, Citizens Coalition for Change and Movement for Democratic Change). Data was analysed through descriptive statistics and themes.

The findings of the study highlighted that most participants know children's rights and how they should be protected. International conventions define some rights but may not fully represent African interests. Zimbabweans have a positive view of children's rights but have reservations about their protection. Certain policies for children's rights are not fully functional due to cultural, political, and economic reasons. The Welfare Council policy helps children, but assistance varies based on location, favouring urban areas. Existing policies in Zimbabwe may not be effectively implemented, leaving some children vulnerable. It is recommended that there is a need for the government of Zimbabwe to redefine the rights of children and ensure that they reflect the norms and values of local culture. This will make it easy to interpret and design relevant policies. Other stakeholders' resistance to the definition of these rights accorded by international conventions made it challenging to successfully protect rights. It is recommended that the government of Zimbabwe should carry out public hearings when formulating various policies regarding protecting children's rights. This is based on the fact that some of the respondents showed limited knowledge regarding the current policies meant to protect children. Further recommendation is made on the need for the government to seek financial help from non-governmental organizations to ensure full policy implementation. This follows the finding that policies meant to safeguard children's rights are currently present but lack full implementation due to financial challenges. Distribution of financial and infrastructural resources should spread to rural areas to ensure enhanced protection of children's rights in rural areas. Ultimately, there is a need to ensure that government implements policies equally and reduce the vulnerability of children.

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## CHAPTER 1:

### THE PROBLEM AND ITS SETTING

#### 1.1 Introduction

Children's rights in Africa and Zimbabwe are a contentious issue. Scholars have debated the best approach to assessing their protection (Chirwa, 2019). The universal definition of children's rights is challenging, requiring contextualization based on specific bodies or declarations (Human Rights, 2020). The debate revolves around different interpretations and feelings about which rights to prioritize or disregard. Chirwa (2018) and Human Rights (2020) highlight the ongoing debate between human rights watchdogs and governments on the best way to protect children's rights.

In Zimbabwe, children, as a vulnerable group, face physical, social, and emotional injustices. Some argue that children may not have natural rights due to limited cognitive abilities (Chirwa, 2018; Musariri, 2018). However, various organizations like UNICEF propose that children should be under the care of their parents or guardians, following the Geneva Declaration on the Rights of the Child (Erbay, 2013). Birnhack and Perry-Hazan (2020) also support this notion, emphasizing parents' responsibility for their children's protection.

To protect children's rights, governments and guardians should align with the Geneva Declaration and work towards achieving the Sustainable Development Goals (SDGs) (Birnhack, Perry-Hazan & Ben-Hayun, 2018). SDGs address crucial aspects like education, health, and poverty eradication, impacting children's rights. Protecting children's rights should consider local, cultural, social, political, and economic factors (Human Rights, 2020).

The lack of a universally agreed-upon definition of children's rights leads to varying interpretations and implementations depending on national and traditional laws (Birnhack, Perry-Hazan & Ben-Hayun, 2018). Economic conditions can also affect children's vulnerability, making it challenging to assess protection based solely on economic status (Brown & Chu, 2012). To address this, a pragmatic approach considering practical considerations is necessary for determining the variation in interpretations and recognition of children's rights.

## 1.2 Background of the study

Concerns by international organizations such as UNICEF and non-governmental organisations working on children's rights over the protection of children's rights as a vulnerable population group in Africa have increased in the past couple of years such that they no longer focus on protection but also on offering benefits to children such as health, nutrition, and improved education (Human Rights, 2020). This is due primarily to increased recognition that children form the basis of future production (Byrd, 2019). This was reinforced by formulating policies and laws across regional blocks, such as the Southern African Development Community(SADC) in Africa, regarding protecting children's rights. Non-governmental organizations such as Child Rights Network for Southern Africa (CRNSA) became active in providing a Pan-African regional child rights network for SADC countries. CRNSA is the regional representative of children's rights networks in Southern Africa tasked with promoting policies and practices within the region that fulfil children's welfare and rights through its child rights networks in all SADC countries. In addition, World Vision in 2017 challenged SADC governments to end injustices and violence against children as well as across Africa, which have manifested in the form of child marriages, child labour, and sexual violence as well as other vulnerabilities caused by internal displacements (Chirwa, 2018). Equally, the influence of global conventions such as the United Nations Convention on the Rights of the Child aimed at addressing children-related problems as a vulnerable population group cannot be underestimated. For example, the work of UNICEF in Zimbabwe is premised on this convention (Human Rights, 2020).

In 1959, the world witnessed the adoption of the *Declaration of the Rights of a Child (1959)* as the basis for promoting justice for children in different contexts (Human Rights, 2020). Although the declaration was more detailed than its predecessors, such as the Geneva Declaration of the Rights of a Child (1924) and regarded children as subjects on their own, scholars such as Hantzopoulos (2015) concluded that it was vague due to its failure to specify the rights of the children which were enumerated in it. Protecting children's rights was further improved by establishing *The Covenant on Civil and Political Rights (1966)* and the *International Covenant on Economic, Social, and Cultural Rights (1966)*. Many governments adopted and endorsed these provisions in both developing and developed worlds; they also promoted removing discriminatory elements based on race, colour, language, religion, nationality, and social origin. However, the extent to which these have been implemented is still debatable. Another global standard for the protection

of children's rights was the proposal by the Polish government in 1979 for the adoption of the 1959 *Declaration of the Rights of a Child* to become a binding agreement. This was later adopted by the United Nations General Assembly in 1989 as the United Nations Convention on the Rights of a Child (UNCRC) (Byrd, 2019).

The UNCRC has been described mainly by law experts and human rights defenders as the most comprehensive, internationally binding document concerning children's rights (Kaime, 2019). This has been due to its ability to address global-scale critical issues such as non-discrimination (article 2), children's best interests (article 3), children's survival and development (article 6) and consideration of children's views (article 12). Nonetheless, it should be noted that some African governments, such as Somalia and South Sudan, have not ratified this convention. Gadda (2018) found out that the UNCRC has been sidelined in much of the African context because it tended to advance the interests of the West as most African countries were not involved in the drafting of the convention, hence they feel it does not reflect the African context. This has resulted in a situation whereby African countries experienced excessive use of reservation mechanisms where they sometimes ignored the convention's dictates in formulating national policies. Still, this has been considered a subversion of the UNCRC (Kaime, 2019). Over and above, the issue of human rights; inclusive of children as contextualized in the global conventions; has been highly contested as some African perspectives believe the rights of children are too broad and, at times, fail to meet the family, culture, and traditional structures in Africa (Lansdown, 2001).

Pinkerton (2014) pointed out that African countries have decided to treat the issue of children's rights a bit differently from the global discourse after discovering that such global dictates lack "Africanism" and their failure to accept the validity of jurisprudence of traditional African systems and treatment of children. Mulumeoderhwa (2018) concurred that children's rights are not new to Africans, and traditional Africa has been on point in respecting many children's rights through its social, legal, political, and cultural values. Thus, there has been a considerable discrepancy in how children's rights are viewed, interpreted, and recognized in the west and Africa.

Despite the widespread adoption of the UNCRC worldwide, African governments continued to promulgate specific relevant children's rights instruments in addressing African concerns (Shoshana, 2018). Therefore, the slight differences were meant to meet the concerns such as those of children living under apartheid, problems affecting the African girl child, and the role of the

extended families in the proper care and raising of children (Mulumeoderhwa, 2018). Furthermore, the high contestation regarding children's rights in Africa has been because the UNCRC was drafted with minimal and questionable participation from African countries. Only four African countries were involved in crafting the UNCRC; among them, there was no representation from Sub-Saharan Africa (Shoshana, 2017). Faced with this predicament, it became challenging to aggressively articulate issues pertinent to reflecting African culture.

Against this background, African Union member states formulated their African Charter on the Rights and Welfare of a Child (ACRWC) in 1990. Shoshana (2017) acknowledges that the ACRWC was essential in addressing children's rights in a befitting African way. However, much to the surprise of many, there was no sense of urgency among many African governments to ratify their treaty as they showed on the global UNCRC. To make matters worse, it took nine years for the African Charter to receive 15 state ratifications to become operational (Pinkerton, 2019). This has left a considerable void in the literature about why the African governments would take so long to adopt a treaty that served their interests. In 2011, forty-six African governments ratified the African Charter twenty-one years later, while the other eight were still reluctant. As such, Mwenje (2019) questions the commitment of African governments to promoting and upholding children's rights stating that it may have been the issue that African governments signed the UNCRC only to get developmental aid with less concern or ado on protecting children's rights. For example, it was surprising that countries such as Ghana ratified the UNCRC within 12 months but took 15 years to ratify the ACRWC.

To this end, debates have risen over the specification of children's rights and their application in Africa against the global declarations made; therefore, there are debates around which declaration should be applicable or which overrides the other (Chirwa, 2018). For example, in the best interests of the child, the African governments have been applying the ACRWC using article 4, which states that "*... all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration*" (Organisation of African Unity, 1990). In assessing the above extract from the ACRWC, it can be shown that ACRWC insisted on making the child's best interest 'the primary consideration' and offered much protection to the children compared to the UNCRC. Therefore, the ACRWC does not allow other considerations to supersede the child's best interest which is permitted by the UNCRC. Megan (2016) also mentioned that the best interest

principle is heavily plagued with vagueness, making it difficult to effectively implement in the African context.

African countries decided to differ from the global dictates of UNCRC regarding the right of judicial or administrative proceedings for children (Pinketon, 2019). In terms of application, Kincade et al. (2017) stated that the ACRWC promotes the provision of the opportunity for children to be heard either directly or through a representative through the provisions of the law. The difference in terms of application as required by the UNCRC is that the ACRWC wants to accord the right to be heard to the child in a manner that does not diminish their rights. However, this application has been criticized in the academic fraternity as it discriminates against children who speak through non-verbal communication.

Human Rights (2018) posits that another deviation regarding the application of children's rights in Africa is on the principle of survival and development. The application of this right in most African governments is based on the notion that there is a need for maximum protection of children and an explicit prohibition of the death sentence for children, which is absent in the UNCRC (Chirwa, 2018). However, even though there is a positive note in this application, there is a need to state that some African governments do have a provision for life imprisonment as a sentence for children, which is against the ACRWC (Byrd, 2019).

The above divergences concerning the application of children's rights are part of the broader differences which Africa has with the global conventions (Human Rights, 2020). Therefore, the background of children's rights and their protection in the African context provides an opportunity for observing the differences in the application and implementation of these rights (Burger, 2019). However, there is a significant gap in the literature regarding how adopted rights are respected in individual countries.

Byrd (2019) argues that despite global conventions protecting them, children still face many challenges at the local level. Southern Africa has the highest number of children, exceeding 17 million (Kincade, Cook & Goerdt, 2020). The region has been affected by HIV/AIDS and bears the brunt of the orphan crisis. High unemployment, tuberculosis, and natural disasters have also worsened the children's vulnerability in the region (SADC, 2019). Mulumeoderhwa (2018) alludes that most children become vulnerable adults without essential human services. For example,

Mulumeoderhwa (2018) illustrates that vulnerable children usually become vulnerable youth and adults, making them prone to a vicious cycle of poverty. The Southern African Development Community (SADC) has found it worthwhile to develop specific guidelines and monitor mechanisms for children's rights as a vulnerable population group. It has encouraged member states to develop national plans of action to be implemented by governments and civil societies and ensure that children's rights are protected and reflected in policy formulation. All the SADC member states have ratified the United Nations Convention on the Rights of the Child (UNCRC) (SADC, 2019). However, the current service delivery in most member states is still falling short of the needs of children. It leaves one wondering why this phenomenon continues to prevail regardless of the purported existence of policies aimed at transforming the treatment of children as a vulnerable population group in various circles.

### **THE SIX-TIER SYSTEM AND CHILD WELFARE**

In 1999, the Government of Zimbabwe developed and adopted the National Orphan Care Policy (Masuka et al,2014:61). According to SOS Children's Villages International (2014:21), the policy was formulated in response to the then impending orphan-hood crisis engendered by the HIV/AIDS epidemic. The fast-declining national economy left the government with little options but to redirect funding where it was most required and as such, the national development agenda shifted towards tackling HIV/AIDS (Choruma, 2007:5). This meant that there was need to adopt cost-effective family and community interventions towards the protection and welfare of children. Thus, the policy looked to support traditional approaches to the protection and welfare of children while discouraging approaches that removed children from their families and communities because traditional approaches value the family and community systems. Subsequently, the policy spelled out a six-tier safety net system which promoted child protection in a clearly defined order of priority.

In essence, the six-tier system was systematized in a way that the biological or the nuclear family had to be the first port of call followed respectively by the extended family (kinship care), community care, formal foster care, adoption and lastly the residential child care facility (Velepini, 2014:12, SOS Children's Villages International, 2014:21). It was set out by the system that foster care and child adoption be used as alternatives for children who did not have extended families and that institutional care be discouraged as long as other options had not been fully

explored. Placing a child in residential care was regarded as a measure of last resort and only to be used after all efforts to secure a better form of care had been exhausted. This approach to child protection and welfare is very much in line with the call for a developmental approach to social work practice that has become evergreen amongst scholars (van Breda, 2018). The developmental approach emphasizes the need to incorporate traditional and culture-specific child protection mechanisms rather than a wholesale adoption of western approaches which were imposed on African society through colonialism.

The shortfalls such as lack of clarity around the definition of child, creates disharmony between the Children's Act and the provisions of both international and domestic legal instruments. The paper starts by giving a historical background of the Children's Act, finds gaps in the Children's Act and then provides recommendations. This section covers the historical background of the Children's Act, UNCRC and ACRWC. The Children's Act (Chapter 5:06) was adopted in 2001 in order to domesticate the various international standards in as far as the care and protection of children is concerned in Zimbabwe. It replaced the Children's Protection and Adoption Act (Chapter 5:06). This Act's foci include providing care and protection to all children in Zimbabwe and establishing of children's court and registration of institution for reception and custody of children. Therefore, the Children's Act fulfils the aspirations of the UNCRC.

The UN General Assembly adopted the UNCRC in 1989, and Zimbabwe ratified it in September 1990. It was developed in recognition of the fact children that children have specific needs and entitlements that differ from those of adults.

In 2013, Zimbabwe adopted a new Constitution, a turning point in protecting children's rights (Chirwa, 2019). This aimed to redress the inequalities in the previous constitution, especially regarding children's rights as a vulnerable population group. However, it is essential to note that the country also adopted the distinctive features of the Declaration of Rights (DoR) to provide special protection to children (Moyo, 2019). Given the current children's vulnerabilities and welfarism, the main components of children's rights, the constitutional protection of children's rights in Zimbabwe cannot be understated. It is important to note that including children's rights in the 2013 Constitution can be considered revolutionary for many reasons (Mutandwa, 2019). It underscored the status of Zimbabwean children as individual rights holders whilst mooting for access to justice. More importantly, constitutionalization sets up children's interests to take centre

stage in litigation courts. Despite these transformative moves, protecting children's rights as a vulnerable population remains questionable.

The Children's Act does not provide for the establishment of Child Protection Committees (CPCs) despite the fact that article 19 of the UNCRC states that states parties should establish social programmes and structures for the identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment. The Child Protection Model Law (2013) also provides for the establishment of CPC at various levels of governance. Furthermore, the Child Protection Model states that at national level, CPCs will be known as the Highest Child Protection Agency (HCPA) and in Zimbabwe it can be likened to the Working Party of Officials. The HCPA is responsible for advising on national child protection formulation, monitoring of CPCs at regional level and developing programmes aimed at protecting children. It further explains that the CPCs at regional shall be responsible for organising formal response system to receive and coordinate reported cases of child abuse, managing programmes of assistance, administering a system of safe accommodation for actual or potential survivors of abuse, coordinating the system of free legal assistance to children and establishing programmes for reintegration and rehabilitation.

The Children's Act does not provide for the establishment of CPCs despite that they are critical structures in child protection issues. The CPCs are established in terms of the Zimbabwe National Orphan Care policy, but it needs to be supported by providing for it in the Act of parliament. The Zimbabwe National Orphan Care policy provides that Child Welfare Forums now known as CPCs are to be found at all levels of governance: national, provincial, district, ward and village level composed of entities concerned about the care and protection of children. CPCs are responsible for identifying children in need of care and protection, providing assistance where possible, referring to appropriate service providers and mobilising resources. The absence of this important structure in the Children's Act is an indicator of failing to align with the requirements of international legal instruments. Thus, the study must assess the protection of children's rights as a vulnerable population in Zimbabwe.

### **1.3 Statement of the Problem**

Zimbabwe gained independence in 1980 and ratified UNCRC and ACRWC conventions on children's rights (Quennerstedt, 2016). Despite showing commitment to child protection and creating policies for children's rights, economic and political conditions have limited their effectiveness. The country has seen occasional improvements, but they haven't provided a suitable environment for vulnerable children (Mutandwa, 2019). Despite existence of the right to education in Zimbabwe, we still have children who are not attending school mainly in rural areas and high density suburbs in Zimbabwe according to (UNICEF,2020). In Zimbabwe, we have witnessed an increase number of girls between the age of 12 to 16 years failing to proceed with education despite the existence of laws prohibiting the marriage and having sexual intercourse with a girl below the age of eighteen. This even become worse during the Covid-19 lockdown. Corporal punishment is still being practised in both schools and at home despite the existence of a supreme court ruling which outlawed its use on children. According to the Ministry of Health and Social Welfare (2020) there is now an increase in number of street children in major towns who on daily basis have to face sexual abuse, violence, abuse of drugs and harsh weather conditions. In 2008, Zimbabwe had one of the world's lowest life expectancies for newborns and high infant mortality rates (Chindanya, 2017). Poor hygiene and inadequate healthcare persist (World Vision, 2017), worsened by the HIV/AIDS epidemic impacting all children. Chronic malnutrition affects over a third of children under five, depriving them of nutritious food (CARE International, 2017). Additionally, approximately 15% of Zimbabwean children don't attend school, denying them the right to education. Most children's rights, including education, food, and health, are superficially protected, prompting this study to explore perceptions of child rights protection in Zimbabwe.

### **1.4 Aim of the Study**

This study aims to assess the extent to which the rights of children as a vulnerable population group are being protected in Zimbabwe and determine the extent to which such rights are being used to inform policy design and implementation.

### **1.5 Research Objectives**

- 1) To determine the views of Zimbabwean people on the rights accorded to children by international conventions.

- 2) To determine how the current rights of children in Zimbabwe inform policy design and implementation.
- 3) To establish organisations involved in protecting children's rights in Zimbabwe.
- 4) To suggest what can be done to ensure that children's rights are adequately protected in Zimbabwe.

### **1.6 Research Questions**

1. Do people in Zimbabwe positively view the rights accorded to children by international conventions?
3. To what extent do the current rights of children in Zimbabwe inform policy design and implementation?
3. Which organisations are involved in protecting children's rights in Zimbabwe.
- 4 What interventions can adequately protect children's rights in Zimbabwe?

### **1.7 Rationale of the study**

The children will be the biggest beneficiaries of this research as it exposes some of the constraints they are currently having to deal with regarding the upholding of their rights as children as stated by the law and the actual practice happening in their daily lives. The outcome of the research can therefore be used as other stakeholders in the upholding and promotion of children rights in Zimbabwe.

### **Government and relevant Ministries**

The Ministry of Labour and Social Development has the statutory mandate to enforce or implement the provisions of the Children's Act. It also has the responsibility for the registration and monitoring of all residential child care facilities for compliance with regulations regarding child care, protection and development, while in the care facilities. The Act further requires all residential child care facilities receiving any child or young person to make an application for registration to the Minister of Labour and Social Services and empowers the Minister with the authority to issue general or special directions such as he/she thinks expedient for the welfare of children and young persons in the residential child care facilities. It obligates the Department of

Social Development(DSD) to take away a child from his or her parents or guardians if they are not taking care of the child properly. Generally, parental responsibilities are provided for under the Children's Act. Secondly, the study will be vital to the government of Zimbabwe, the Ministry of Health and Child Care, the Ministry of Primary and Secondary Education, and other line ministries. This is because the government will appreciate what is transpiring in the country and understand how children are affected by the current policies. Ultimately, the study will enable responsible government departments such as DSD to implement policies that bring positive results regarding the well-being of children across the country.

### **NGOs dealing with Children issues**

The study will support the work of the non-governmental organizations involved in advocating for children's rights in Zimbabwe and internationally. The findings will be vital in uncovering the current situation regarding children's rights in Zimbabwe and the broader perspective of what transpires in many sub-Saharan African countries. Therefore, non-governmental organizations can identify a gap in current policy and contribute to policymaking.

### **Academia**

Thirdly, the study will contribute positively to the large body of literature regarding children's rights as a vulnerable population in Zimbabwe. Although studies regarding children have been carried out in Zimbabwe before. Still, there has been a gap regarding the perceptions of the current policies and their ability to safeguard children's rights as a vulnerable population group in the country. University of Capetown will be accredited with the research as it was conducted by network of it's learners, thereby increasing the university footprints as one of the best not only in Africa but the world over.

### **Parents**

More often, parents have been blamed as being ignorant of the rights of their own children, the same of which they have been accused of violating at will. This research will highlight the gap that exist in terms of knowldge and issues affecting the upholding of children rights by the parents with corrective actions being suugested from the resarch.

### **1.9 Limitations of the study**

Time and budget constrained the study. Travelling to meet and interview all the respondents was time-consuming and costly. This made it challenging to collect data from a large number of participants. As a result, the researcher resorted to electronic data collection methods to minimize the effect of access constraints in carrying out the interviews.

In addition, the study was limited by restricted movements due to COVID-19, whereby safety concerns matter the most. Therefore, all the quantitative data was obtained from the existing children's rights survey data to conduct statistical analysis, as explained in the methodology section. Therefore, secondary data was also used for analysis.

Above all, reaching all Zimbabweans was not possible in this endeavour. Hence, the researcher skewed the scope to a limited yet representative number of participants enough to inform the findings richly.

### **1.10 Delimitations of the study**

The study was primarily centred on Zimbabwe, focusing on the public's perceptions of protecting children's rights as a vulnerable population. Therefore, all the literature was centred on children's rights, such as The Right to Health, Water, Food, and a Safe Environment; The Right to Education; The Right to protection from Sexual exploitation and The Right to Protection from discrimination and nothing else. Above all, the policies examined were those that focus on the protection of children's rights. In terms of data collection, consultations were done with non-governmental organizations which are currently operating in Zimbabwe. Equally, a fraction of the public was also part and parcel of the participants to have a fair share of opinions on the extent to which children's rights are protected as a vulnerable population group in Zimbabwe.

### **1.11 Chapter Summary**

The chapter has presented an overview of the problem regarding protecting children's rights as a vulnerable population group in Zimbabwe. It was discovered that protecting children's rights remains a challenge worldwide. Nonetheless, the only difference is that the scenario differs from one country to another and from locality to locality depending on cultural and political stances towards the cause. Above all, the interpretation of children's rights proved to be heterogenous, making it difficult to amass holistic protection of children's rights. Thus, the phenomenon persists

but at different levels, starting at household, community and national levels. As a result, it made the conduction of this study very sensible and imperative.

## **CHAPTER 2:**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

The chapter dwells on the literature on protecting children's rights as a vulnerable population from international, regional, and local scenes to bring out the knowledge gaps in the literature and the emerging patterns and themes. The chapter looks at debates on children's rights in Africa, compares and contrasts UNCRC and ACRWC, African views on UNCRC, gaps between the Zimbabwean context and UNCRC, international organizations, and children's rights in Zimbabwe, ZLHR's understanding of children's rights and Zimbabwe and children's rights. This is because children's rights discourse is not unique to Zimbabwe, and also Zimbabwe is a signatory and ratified both international and regional conventions on children's rights. Hence it's essential to trace that history and debates. As such, this was done to address the research objectives and to aid in answering research questions. The literature review sought to highlight the knowledge gaps regarding rights in existence, their interpretation and the subsequent extent to which they are considered.

#### **2.2 Debates on the issue of children's rights in Africa**

There have been debates on whether children in Africa should exercise their rights or have them exercised on their behalf by parents or guardians (Human Rights, 2020). Arts (2019) argues children are too young to fully exercise their rights, while Becker (2017) posits that they have moral rights. Some politicians believe children should be protected by parents because they are humans with less cognitive abilities as compared to adults. Bermeo (2018) argues children don't have rights as they are different from adults.

Politicians cite that many African jurisdictions restrict children from marrying, having sex, or buying alcohol, implying their rights should be protected by parents (Bush, 2019). International organizations assert children are entitled to fundamental rights (Chapman & Chaudoin, 2018), but some rights may be beyond their reach, requiring special protection as a vulnerable group (David & Guerrina, 2015). African countries have accorded legal rights to children through the UNCRC

ratification since 1989 (David & Guerrina, 2015). The distinction between positive legal rights and moral rights remains debatable (Durrant & Ensom, 2017). Critics question the exact rights children should hold (Fariss, 2014), leading to uncertainty and divergent views on children's rights in Africa.

The UNCRC defines a child as someone below 18, raising questions about the extent of their rights compared to adults (UNCRC, 1989). Debates also revolve around criteria for granting rights, with some advocating for choice theory and others supporting interest or welfare theory (Hanson & Nieuwenhuys, 2013). In Africa, the debate on children's rights remains unresolved, influenced by policymakers' and advocates' perspectives.

### **2.3 Similarities and differences between UNCRC AND ACRWC.**

The United Nations Convention on the Rights of the Child (UNCRC) is a global human rights treaty adopted in 1989 by the UN General Assembly, outlining children's rights in various aspects (economic, civil, social, etc.). The African Charter on the Rights and Welfare of Children (ACRWC), operational since 1999, similarly sets out rights for children in Africa (Byrd, 2018). These treaties serve as blueprints for protecting children's rights in Africa, though they have differences in their views (Kaseke, 2018).

Both UNCRC and ACRWC advocate against discrimination based on parents' status, aiming for equal treatment (Kaseke, 2018). However, they differ in addressing resource distribution and state involvement (Human Rights 202, 2019; Murdie & Peksen, 2015). Both UNCRC and ACRWC prioritize the child's best interests, but the ACRWC emphasizes this principle more strongly in the African context (Payne, 2019; Polonko & Lombardo, 2015).

Both treaties support children's right to be heard, but the ACRWC lacks clarity on age and maturity, which may lead to discrimination against disabled children (Scott & Steele, 2017; Arts, 2019). Both UNCRC and ACRWC acknowledge parental guidance, but there are concerns about children's ability to hold their rights independently (Scott & Steele, 2017).

Both treaties define a child as anyone under 18, but the UNCRC allows countries to adjust the age limit below 18, while the ACRWC does not (Bush, 2019; Fariss, 2014). This has led to criticisms of the ACRWC for not reflecting African values adequately. In summary, UNCRC and ACRWC serve as crucial frameworks for protecting children's rights in Africa, despite differences in their approaches (Byrd, 2018; Kaseke, 2018).

#### **2.4 African views on UNCRC and its interpretation of rights**

The UNCRC has faced criticism for its Western influence on African culture, leading to the need for cautious adoption by member states (Human Rights, 2020). Fukuda et al. (2014) argue that the UNCRC reflects Western childhood notions, necessitating reservation mechanisms for alignment with local cultures in Non-Western countries. Murdie and Peksen (2015) note unequal value placed on specific children's rights, seen as Western impositions on African countries, promoting individualism over collectivism and family values. However, the United Nations Committee on Human Rights of the Child refutes this, emphasizing equal regard for all UNCRC rights.

Afro-centric scholars contend that the UNCRC is alien to Africa, lacking "Africanness" in its human rights discourse due to limited research on African human rights (Payne, 2019). The under-representation of Africans in the drafting process further reinforced the perception of Westernization (Byrd, 2019). Scott and Steele (2017) highlight the dominance of European countries, leaving African concerns unaddressed. Kaseke (2018) suggests that the UNCRC misrepresented Africa's historical respect for children's rights, painting it as a new phenomenon. The Convention's individualistic nature clashes with African collective views (Burr and Montgomery, 2003). Schwöbel-Patel (2013) criticizes the Western-centric teaching of international law as global, perpetuating Eurocentric ideas.

#### **2.5 Gaps between Zimbabwean setup and UNCRC on Children's rights**

Zimbabwe's Children's Act (Chapter 5:06) was drafted in 2001 to protect children's rights and align with international conventions (Pinkerton, 2014). However, a discrepancy arises with the UNCRC, where the Act defines a child as under 16, contradicting the UNCRC's under 18 definition (Pinkerton, 2014). This suggests flexibility in interpreting the UNCRC among member states.

Zimbabwe lacks a Child Protection Committee (CPC) mandated by the UNCRC, affecting children's protection (Chirwa, 2018).

Moreover, the absence of pre-trial diversion in Zimbabwe disregards the UNCRC's recommendation for alternative treatments (Chirwa, 2018). UNCRC emphasizes avoiding formal judicial proceedings for child offenders (Article 40), ensuring their welfare (Chirwa, 2018). Similarly, the UNCRC and ACRWC prohibit corporal punishment (Byrd, 2019). Zimbabwe, initially silent on the matter, outlawed corporal punishment in 2017 (UN, 2018).

Despite prohibiting child labour, the Children's Act has controversially defended perpetrators (Mugadza, 2018). Additionally, Zimbabwe's constitution grants the right to state-funded education (Section 75a), but enforcing compulsory primary education is challenging (Murwira, 2019). These gaps highlight the need for aligning national legislation with the UNCRC's provisions.

## **2.6 ZLHR understanding of Children's rights.**

The Zimbabwe Lawyers for Human Rights (ZLHR) is a local organization that defends human rights through sustainable litigation, education, and advocacy, fostering a culture of tolerance and adherence to democratic values. ZLHR actively protects children's rights, focusing on jurisprudence under Zimbabwe's 2013 Constitution (Chitimira, 2016).

ZLHR believes children's rights should be exercised on their behalf, with parents, the government, and superior courts safeguarding their interests (Chitimira, 2016). The organization acts as an advocate and watchdog for children in Zimbabwe, assessing how superior courts handle child protection. According to ZLHR (2018), children should be free to make decisions supported by responsible individuals or institutions due to their lack of experience and capabilities. World Vision (2018) argues that children cannot be considered right holders because of their limited life experience.

ZLHR believes that although children do not possess all adult human rights, they remain humans (Chirwa, 2018). To represent children's best interests, ZLHR advocates for full representation in

courts, even in their absence. Mugadza (2018) asserts that children lack moral agency and responsibility for their actions.

## **2.7 Protection of children's rights in the Universal Declaration of Rights**

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, is a significant milestone in human rights history, aiming to provide dignity to all people worldwide. It establishes fundamental human rights for universal protection but doesn't impose legal obligations on UN member states (Chirwa, 2018). Despite not being a treaty, the UDHR has profoundly impacted human rights development in various countries (UDHR, 1962).

UDHR Article 1 declares that all humans are born free and equal in dignity and rights, leading to debates about treating children similarly to adults (Birnhack et al., 2018). However, Article 2 emphasizes equal rights without discrimination based on race, colour, sex, etc., but remains silent on age, suggesting children should have their rights upheld with guardians' protection (Murwira, 2019). The UDHR opposes forced labour in Article 4, prohibiting slavery and the slave trade without distinguishing between adults and children, implying that children should also be entitled to their rights. Article 16 further protects children from sexual exploitation and forced marriages, recognizing their status as minors deserving complete protection (Madhuku, 2015). The UDHR's influence on different countries has led to the formulation of policies to safeguard children's rights.

## **2.8 International Organisations in Zimbabwe and Children's Rights**

Zimbabwe has seen active involvement of international organizations (IOs), both intergovernmental and non-governmental, in safeguarding children's rights since independence. After the adoption of the UNCRC in 1989, IOs have increased their focus on improving children's welfare (Madebwe, 2014). The United Nations Emergency Fund for Children (UNICEF) has been monitoring state compliance with the UNCRC and emphasizes that children's rights should be protected by both the state and relevant institutions (UNICEF, 2019). IOs argue that children should have a say in discussions about their rights, policies, or issues that concern them (Madebwe, 2014).

IOs view children's rights as human rights and advocate for special attention in policymaking and law (Scott & Steele, 2017). They align with the Declaration of the Rights of the Child (1959), emphasizing the need for special safeguards and care for children due to their vulnerability (UN, 1959). IOs stress that children should be protected from abuse and harmful decisions others make (Dziva, Dube, & Manatsa, 2013). However, some opposition exists to IOs' activities in Zimbabwe, as they are seen to promote Western ideals that clash with traditional African understanding of children's rights (Madhuku, 2018; Dzinesa, 2012). European and American origins of many IOs contribute to the perceived differences in values and expectations.

## **2.9 Interpretations of the protection of children's rights in Africa**

Global views on children's rights in Africa vary (Chirwa, 2019). Hantzopoulos (2015) asserts that many African developing countries still neglect children's rights. Ngokwey (2014) demonstrates widespread abuse of children's rights in Africa, marked by harmful practices, poverty, lack of education, and conflict, particularly in sub-Saharan Africa. Physical and mental abuse is prevalent, with neglect being a standard form. Conflicts, like the Anti-Balaka and Ex-Seleka groups in the Central African Republic, have further affected children's rights (Lansdown, 2017). Ongoing conflicts hinder some African governments from adequately safeguarding children's rights, although not all children in Africa are affected (Ngokweyi, 2014). Literature highlights the lack of government plans to support children during crises like civil wars, droughts, famine, and economic declines.

Ngokwey (2014) argues that African children have limited rights in practice compared to other continents, as African governments have not effectively implemented child policies or protected children's rights. The shift from the UNCRC to the ACRWC raises questions about governments' commitment to promoting children's rights through effective policies.

## **2.10 Children's Rights in Africa**

Children's rights are central to the Sustainable Development Goals (SDGs), encompassing education, food, health, water, and protection from exploitation and discrimination (Chirwa, 2018).

However, Shoshana (2019) warns that these rights may exist on paper, but their implementation on the ground can be lacking. Political will and cultural flexibility play a role in this regard, leading to discrepancies in interpretation and implementation (Moyo, 2018).

So far, 49 countries have ratified the African Children's Charter (ACRWC), indicating a growing commitment to children's rights (Megan, 2018). The ACRWC addresses African children's specific challenges, resulting in progress in education, health, and living standards (Mutua, 2012).

Nonetheless, Africa faces high rates of adolescent and teenage pregnancies, worsened by COVID-19 lockdowns (Ngokwey, 2014). Some African governments still prevent pregnant girls from attending school, while others are working to ensure their educational rights (Mulumeoderhwa, 2018). Pinkerton (2014) points out that prejudices and discrimination hinder pregnant girls from continuing their education. African governments must do more to protect children's rights, as many policies remain unimplemented (Gadda, 2018). Brown and Chu (2012) note the failure to provide inclusive education for children with disabilities, weakening the protection of children's rights. On a positive note, the East African Community (EAC) has taken steps to safeguard children's rights through a Child Policy (Chirwa, 2018). The EAC's efforts aim to harmonize standards and approaches for children's rights (Brown & Chu, 2012). However, Calarco (2018) critiques the EAC's struggle to fully implement children's rights standards among member states.

## **2.11 Chapter Summary**

The chapter has presented an overarching review of related literature on protecting children's rights as a vulnerable population in various contexts. The arguments were on the existence of children's rights, the extent to which the current rights of children in Zimbabwe inform policy design and implementation, and challenges militating against protecting children's rights. The primary finding is that children's rights have gained momentum in governance issues. However, it was discovered that there is no universality in recognizing children's rights. Instead, it is a function of cultural remnants versus the pace of transition towards embracing globalization and its subsequent influence on life dynamics. Whether all citizens are adequately conscientious and sensitized about children's rights in Zimbabwe remains unclear. Likewise, challenges militating

against protecting children's rights are institutional and personal yet differ from time to time and from one locality to another. Based on these, it makes the study worthwhile.

## CHAPTER 3:

### RESEARCH METHODOLOGY

#### 3.1 Introduction

This section discusses the study method, the investigation approach, plans/designs, and the sampling process, which considers the sample frame, sample size, and sampling methodology. The information collection process, which includes data sources including the research instruments, was discussed in this chapter. Saunders (2009) defines investigation as depicting several kindred and overlapping activities relating to a hunt for data. People also initiate it to find things organised, thereby increasing their knowledge. However, Kothari (2014) describes study methodology as organized strategies exploited to resolve the research problem and may be appreciated as a science of perusing how research is carried out scientifically. Maclead (1994) separated the term research from methodology and defined research as an organized, theoretical investigation of the methods practical to an area of study that includes the theoretical scrutiny of the body of know-how and principles connected with a division of knowledge. Therefore, the study approach, research design, population, sample, data collection instruments, data analysis, and ethical issues are used to describe and explain the methodology.

#### 3.2 Research philosophy

The study was conducted in the scope of interpretivism. According to Myers (2008), interpretivism involves researcher to interpret elements of the study, thus, it integrates human interest into a study. This approach believes that people construct and merge their subjective and intersubjective meaning as they interact with the world around them (Packer, 2011). The approach sought to record and interprets all the facts and values as perceived by the participants. It is also sometimes referred to as constructivism because it emphasises the ability of individuals to construct meaning as is done in this research on the factors contributing to public perceptions of the child protection programmes in Zimbabwe: Towards strategies to improve full realization of children's rights

According to Cantrell (1993) the interpretive paradigm allows the researcher to understand the situation of the phenomena being studied and to interpret meanings within the "social or cultural context" of the participants. Okeke and van Wyk (2015) observed that interpretivists recognise that the knowledge they build reflects their goals, culture, experience, and history. Furthermore,

this research philosophy also allows the researcher to understand and make sense of the actions and views of factors influencing learners' poor academic performance (Packer, 2011).

### **3.2.1 Research Approach**

The study used a mixed methods approach. According to Saunders et al. (2009), this approach entails concurrently using qualitative and quantitative data methods in a single inquiry, thwarting the error margin of using either pure qualitative or quantitative approaches. In this regard, qualitative data was gathered from research participants through in-depth interviews, while the quantitative data was obtained from the existing data set from Afro-Barometer. The mixed methods approach could allow the researcher to understand the complexities and contexts of the social experience of protecting children's rights in Zimbabwe. Equally, it allowed synergy between data from qualitative and quantitative methods (Creswell, 2013). Thus, quantitative data ensured objectivity, while qualitative data offered a full explanation regarding protecting children's rights as it gave room for an in-depth explanation of the phenomenon. Qualitative research involves obtaining and studying non-numerical data, such as text, video, or audio, in order to comprehend ideas, opinions, or experiences. It can be used to unearth complex information about a circumstance or to generate original research ideas. Qualitative research can be altered as new research topics are developed while typically seeking to maintain the voice and perspective of participants. Since data collection and analysis can be adjusted as new insights emerge and are not rigid, qualitative research methods allow for natural settings where data is collected in real-world settings, flexibility, and the generation of new ideas as open-ended responses allow the researcher to discover opportunities and problems that they may not have previously anticipated. However qualitative research method has its weaknesses, such as subjectivity because the researcher comes in with their own biases and, analysis of the same data by different researchers may yield different results, limited generalizability as a small group of participants is chosen to gather in-depth information on a phenomenon the sample might not be representative of the population and might become difficult to produce generalizable conclusions. It is also labour-intensive as data analysis must be checked or done manually.

On the other hand, gathering and evaluating numerical data is a quantitative research method. It has the ability to identify trends and averages, formulate hypotheses, examine causality, and

generalize findings to larger populations. Therefore, integrating qualitative and quantitative methods permitted a more complete and synergistic utilization of data which provided a better understanding, conclusions, and generalizations on the extent to which children's rights are protected as a vulnerable population group in Zimbabwe.

### **3.3 Research Design**

The phrase "research design" describes the overall strategy a researcher uses to bring together the many study components in a logical and cogent way, so ensuring that the research issue will be successfully addressed. Labaree (2009) defines a research design as a program that guides the investigation in collecting, analyzing and interpreting data. The research took the form of a case study and cross-sectional research design. Yin (2013) defines a case study research method as an empirical inquiry investigating a contemporary phenomenon within its real-life context. The function of a research design is to ensure that the evidence obtained enables one to effectively address the protection of children's rights in Zimbabwe, as it will excel at bringing out an understanding of the complex and growing interests in the subject and can assist in extending more knowledge, ideas or adding strength to what is already known about the protection of children's rights. A case study research method is an empirical investigation that examines a current occurrence in its actual setting, according to Yin (2013). As a research design will excel at bringing out an understanding of the complex and growing interests in the subject and can help in extending more knowledge, ideas, or adding strength to what is already known about the protection of children's rights in Africa through previous research, its purpose is to ensure that the evidence obtained enables one to effectively address the protection of children's rights in Zimbabwe. And children's rights in Africa through previous research. According to Cherryholmes (2020), a cross-sectional research design is one whereby data about a specific topic will be collected from different individuals at a specific time. In this regard, data was gathered from the individuals who work directly in the field, working in non-governmental organizations that are involved in the protection of children's rights in Zimbabwe, members of the general public who have higher levels of literacy above secondary education, and members of parliament in Zimbabwe. A cross-sectional research design offered the researcher control over the measurement process on all variables surrounding protecting children's rights as a vulnerable population group (Creswell, 2012). Above all, there was a limited margin of error or mistakes since data on all variables were collected for one goal.

### **3.4 Population**

The study population consists of Zimbabwean citizens. Public and private sector members formed the basis for the inquiry to have a clear insight into how both fronts viewed the extent to which children's rights are protected as a vulnerable population group. These included field workers from NGOs working on children's rights, citizens with higher literacy levels beyond secondary education to obtain in-depth information, and politicians responsible for policy-making in the country. Responses from the interviews formed primary data. Secondary data was obtained from an existing data set from the Afrobarometer, ensuring that it represented many people who participated in past surveys. 1200 citizens participated in the Afrobarometer survey, giving a smaller margin of error of +/-3. As a result, the findings were generalized to the Zimbabwean population. This helped to give a clear picture of the status quo and the prevailing situation regarding protecting children's rights as a vulnerable population group.

### **3.5 Study Sample**

The study population comprised ordinary Zimbabweans and officials from children's rights advocacy groups. A purposive non-probability sampling method was used in this research. Khleinhenz (2011:70) states, "In purposive sampling, the researcher uses expert judgment to choose participants representing the population. With purposive non-probability sampling, the researcher also identifies individuals with expert information and knowledge about a particular area or topic to be researched". Kumar (2011) argues that not everyone will be given the opportunity or chance under the purposive non-probability sampling method but only those with the knowledge of the subject discussed. In this instance, not everyone knows about protecting children's rights.

### **Sampling method**

The investigator used the purposive non-probability sampling method to obtain information from knowledgeable and reliable people rather than collecting biased information, as everyone is entitled to their own opinion of the phenomenon under investigation. The researcher opted for purposive non-probability sampling to collect data from key informants in the country conversing with the issue of children's rights. Regarding qualitative data, 25 participants were selected purposively since issues to do with rights protection required knowledgeable individuals. This was

critical in ensuring informed facts regarding how much children's rights are protected in Zimbabwe. From the sample, 14 participants were ordinary Zimbabwean citizens, whereby 7 were rural-based whilst 7 were urbanites. The reason is that ordinary citizens were directly responsible for the children and exercised their rights on their behalf (Mgean, 2018). Thus, they were better positioned to provide in-depth knowledge about the extent to which children's rights are protected. The selection process for the ordinary citizens was done through consideration of the literacy level of the individuals, whereby completion of education beyond the ordinary level was the minimum requirement for legibility because the phenomenon is a complex social issue that cannot be understood by everyone (Rutherford, 2016).

The second group of participants was officials from non-governmental organizations which advocate for children's rights. Inclusion and exclusion criteria were based on benchmarks which include active involvement in children's rights protection for not less than 10 years and financial aid of 20 000 dollars per annum. As such, 8 officials were selected, whereby 2 field-based officials were from each NGO: World Vision, Human Rights Services Commission, Plan International Zimbabwe and Girl Child Network. The inclusion of such Non-governmental organizations stemmed from the fact that they were continuously involved in advocacy for children's rights and acting as watchdogs and were influential in policy formulation and implementation processes.

Politicians were also part of the inquiry as agents of community development and children's rights activists through policy-making and implementation. 3 Politicians, one from the ruling party ZANU PF and two from the Citizens Coalition for Change and Movement for Democratic Change, were involved in the study. Their inclusion was crucial because they are the main political parties in Zimbabwe, directly or indirectly protecting children's rights in one way or another. In fact, they have different approaches towards the cause. Therefore, this makes the critical in the provision of in-depth information about the protection of children's rights in Zimbabwe.

In terms of the quantitative facet of the study, a sample of 1200 was extracted from a readily existing survey data set from the Afro-Barometer of March 2022. Afro-barometer is an independent body that is a non-partisan project concerned with measuring the political, economic, and social atmosphere in different African countries (Afro-barometer, 2020). Afro-barometer data is concerned with collecting and measuring the public perceptions on various facets of development and disseminating data according to the African's view. In this case, it focused on

the quality of democracy and governance in Zimbabwe. Therefore, the sample was representative of the general Zimbabweans' stance on the extent to which children's rights are protected as a vulnerable population group.

### **3.6 Data Collection**

#### **3.6.1 Key informant interviews**

The interviews were held with the selected participants and answered orally using virtual platforms such as zoom and google meet to minimize the risk of COVID-19 and save travel costs. Key informant interviews were conducted with 14 ordinary Zimbabwean citizens comprising 7 rural and 7 urbanites, 8 representatives from World vision, Plan International Zimbabwe, Human Right Civil Commission and Girl Child Network. Likewise, 3 politicians from the mainstream political divides, ZANU PF, Citizens Coalition for Change and Movement for Democratic Change Alliance, were also crucial. Standardized interview guides were used to solicit qualitative data from the participants. In this case, each interview session ran for approximately 15 minutes, which was quite ideal for consistently high concentration levels.

#### **3.6.2 Data Analysis**

Data analysis was used to inform the study on how much children's rights are protected as a vulnerable group in Zimbabwe. The Afrobarometer survey data of March 2022 was the principal source of quantitative data used in this study. Taking cognisance of the fact that it focused on the quality of democracy and governance in Zimbabwe, whereby rights and vulnerability issues are part and parcel, it became the basis for this study. In fact, it acts as a data bank for data sets on socio-economic and developmental issues. In this case, inclusion and exclusion criteria were the basis for delineating the questions. As such, attention was on questions which dealt with the protection of children's rights only, which include the right to education, right to health, right to water, right to food and a safe environment, proper protection from sexual exploitation and right to protection from discrimination. Those that focused on other issues were excluded. The questions included official information on demographics such as age, gender, education and place of origin, broadly falling into two categories such as urban or rural. Likewise, information on accessibility or presence of basic social amenities in schools, health, water, police station and electricity in the

enumeration area was equally used. Other questions included were numbers 6,7,14,31,33,33i,40a-d,41a,41,43,44,46, 55,56,57,60,66,79, 90,91A and 104 (*see highlighted excerpt of the March 2022 Afrobarometer attached*) The use of this data was advantageous in the sense that it allowed the researcher to narrow the scope of focus and generate new insights from past studies and analyses (Mcloid, 2016). Therefore, using secondary data allowed the researcher to bring new and unexpected understandings of how children's rights are protected as a vulnerable population group in Zimbabwe. Over and above, it was economic in terms of resources and time.

### **3.7 Data Analysis**

The study utilized the triangulation method in data analysis. Saunders et al. (2009) defined triangulation as using different data sources and various approaches to analyzing data to improve credibility. Utilizing a variety of research techniques and view points to explore a specific subject is known as triangulation. The researcher can then hone their theories and discover fresh angles for looking at a certain occurrence or behavior. Triangulation is a method for confirming a researcher's results' validity and accuracy. Additionally, it helps people avoid confirmation bias, which occurs when they unintentionally locate evidence to support a view point they already have. Descriptive statistics were used to analyze quantitative data. Data are described or summarized using statistical approaches in descriptive analysis, commonly referred to as descriptive analytics or descriptive statistics. Descriptive analysis, one of the main methods of data analysis, is renowned for producing understandable insights from previously uninterpreted data. According to Rutherford (2016), descriptive analysis is vital for summarising a particular data set to answer research questions. In this regard, the study utilized measures of variability such as standard deviation, variance, and skewness to analyze the data collected. The advantage of using the descriptive analysis was that it made make it easy to triangulate it with the collected qualitative data and identify the suitable themes for answering the research questions (Suddaby, 2006)

Thematic analysis was used for qualitative data on the extent to which children's rights are protected as a vulnerable population group in Zimbabwe. In this case, the researcher first familiarized themselves with the findings by reading and then developed codes and subsequently the emerging themes on how children's rights are protected in Zimbabwe. This paved the way for compiling a detailed and informative report on the issue under scrutiny.

### **3.8 Ethical Considerations**

Ethical consideration refers to a set of principles or code of conduct that guides the inquiry before, during, and after data collection (Creswell, 2013). This served to avoid damage to the reputation or image of all the parties involved. Thus, the following considerations were made:

#### **3.8.1 Voluntary participation by the research respondents**

All the selected participants participated voluntarily. As such, this was reinforced by making them accessible to opt out or at any time they wished. Above all, there were no follow-up punishments or infringement of their rights.

#### **3.8.2 Informed Consent**

Informed consent was ensured by informing the participants of the study's importance, purpose, risks, and benefits. All the study objectives, as well as the intentions of the researcher in carrying out this study, were shared on the informed consent forms. This is crucial in ensuring that participants were fully aware of the research purpose and willingly took part without coercion (Creswell, 2013).

#### **3.8.3 Anonymity**

The participants' anonymity was guaranteed by ensuring that no identifiable/identity data was collected (Simmons, 2019). Pseudonyms were used. This was important in boosting the confidence of the participants.

#### **3.8.4 Confidentiality**

It is always very critical to maintain confidentiality when sensitive issues are dealt with (Simmons, 2019). Thus, it was ensured by not availing data to third parties or the public. All the collected data was primarily used for academic purposes. Therefore, there was no threat to privacy. Above all, the university's data privacy protocols were strictly followed.

### **3.8.5 Consideration for potential harm**

All avenues of potential for harm were considered and addressed amicably. Psychological harm was avoided by avoiding sensitive questions to the participants, which could trigger negative emotions. Social harm was avoided by avoiding the public embarrassment of the respondents. Above all, there was no physical or legal harm since the study was purely academic.

### **3.9 Chapter Summary**

The chapter has described and explained the methodology employed to assess how children's rights are protected as a vulnerable population group in Zimbabwe. The mixed methods research approach and cross-sectional design discussed all the data collection, synthesis, and analysis parameters. A sample of 25 participants catered for the qualitative facet of the study, whilst 1200 were for the quantitative section. Key informant interviews were used for qualitative data, whilst the Afro-barometer's secondary data (document analysis) provided a quantitative dimension. Data were analyzed quantitatively using descriptive statistics, whereas thematic analysis was employed for the qualitative data.

## CHAPTER 4:

### SITUATIONAL ANALYSIS OF CHILDREN'S RIGHTS IN ZIMBABWE

#### 4.1 Children's Rights in Zimbabwe

In Zimbabwe, children's rights are a particular sort of universal moral entitlement (Chirwa, 2018). Children's rights are attached to all children equally because they are humans (Chiduza, 2015). Dziva et al. (2013) state that children's rights in Zimbabwe are granted regardless of one's race, social group, or nationality. Therefore, children's rights are universal human rights requiring appropriate protection. Dziva et al. (2013) asserted that the primary duties derived from children's rights are that they fall on the state and the agents. Therefore, the state must ensure that these rights are protected and that children are not exposed to various forms of abuse. Children's rights in Zimbabwe originated from the UNRC, ACRWC, Constitution, and Children's Act. In this study, the principal rights to be considered are shown in table 2.1 below:

**Table 4.1 Children's Rights forming the basis of the inquiry.**

Right	Nature
Right to Education	Constitution
The Right to Health	Constitution
Right to Water	Constitution
Right to Food and a Safe Environment	Constitution
The Right to protection from Sexual exploitation	Constitution
The Right of Protection from discrimination	Traditional values

The study focuses on the above rights because Zimbabwe has been subject to local and international pressures. Stakeholders in child protection have been advocating for the protection of these rights (Chirwa, 2018). In addition, some cultural values and norms have been reported to ignore these rights accorded to children leading to cases of abuse. Therefore, it is critical to dwell on the origins of these rights in Zimbabwe and the role of children in drafting these rights in the Zimbabwean context.

## **4.2 Origins of Children's Rights in Zimbabwe**

Zimbabwe incorporated children's rights from international conventions like UNCRC, UDHR, and ACRWC (Chirwa, 2018). The government ratified these instruments, adopting and localising children's rights through policies like the Children's Act (Asmal, 2017). The UNCRC played a vital role in safeguarding children from discrimination, providing basic needs, and preventing harm (World Vision, 2019). The 2013 Constitution, especially Section 81, prioritised children's best interests (Mugadza, 2018). The government enacted the Child Justice and Children's Amendments in 2016 to create a just system for children (Madhuku, 2016).

Traditional values in Zimbabwe also emphasize children's welfare, with extended families supporting vulnerable children (Gwenhamo, 2012). However, socio-economic challenges and HIV/AIDS have strained these practices (World Vision, 2018). Therefore, children's rights in Zimbabwe draw from multiple sources (Kersting, 2009).

## **4.3 Tracing of Children's Rights in Zimbabwean Law Context**

Before Amendment (No 20) of 2013, no specific children's rights existed in the Zimbabwean constitution. The 2013 amendment incorporated children's rights in section 19 (1) of the constitution (Boubon, 2018). This compelled the government to develop laws and policies safeguarding children's rights, ensuring parental care, shelter, nutrition, social services, and healthcare (Section 19(2)). Children are protected from maltreatment and abuse (Boubon, 2018).

Section 19(3) ensures protection against child labour, and the Maintenance Act (Chapter 5:09) gives parents the duty to support their children (Chimuko, 2015). Zimbabwe's criminal law severely penalises sexual offences against children (Codification and Reform Act Chapter 9 (07)).

Section 70 of the constitution penalizes adults involved in sexual acts with children and indecent assault. Harmful practices are reduced through section 94, protecting girls from forced marriages (*kuripangozi*) or debt obligations. Despite these laws, evidence shows limited efforts in safeguarding education and health rights (Chitimira, 2016). Child abuse persists under religious sects and traditional circles, posing challenges to children's rights protection (Chirwa, 2019).

#### **4.4 Protection of Children's Rights in the Zimbabwean Context**

Zimbabwe has over 20 laws relating to children's rights (Pinkerton, 2014), but implementing these policies is weak (Chirwa, 2018). Some laws breach the UNCRC, and efforts to address the problem are insufficient (Mutua, 2012). The literature lacks information on stakeholder actions to address the breach of international laws on children's rights.

A 2020 UNICEF report highlights administrative constraints, lack of resources, and socio-economic challenges contributing to neglecting children's rights in Zimbabwe (United Nations Children's Fund [UNICEF], 2020). Despite comprehensive laws protecting children, they still face disadvantages (United Nations Humanitarian Coordinator [UNHC], 2016). Victim-friendly courts struggle due to high labour turnover and inadequate child-related skills (Human Rights Watch [HRW], 2018).

The Children's Protection and Adoption Act (CPAA) in Zimbabwe prohibits exposing children to hazardous conditions (Chimedza, 2018). However, poverty leads to children's employment in farms, plantations, and street trading (Marove, 2017), creating unaddressed social and structural issues. The government's willingness to establish laws without effective implementation remains unresolved (Chirwa, 2018).

Zimbabwe ratified the ACRWC for juvenile offenders, implementing the pre-trial diversion scheme under CPAA (Chirwa, 2018). Though sentences for children aim for rehabilitation (Marove, 2017), the initiative lacks sufficient resources, leading to community service programs for over 50,000 offenders, primarily juveniles. Child marriage has been outlawed, but existing laws are not aligned with the 2013 Constitution (Shoshana, 2017). Police and courts continue using these outdated laws, leaving children vulnerable to sexual predators (Mwenje, 2019). The study aims to explore society's perceptions of protecting children's rights in Zimbabwe and assess the government's policy implementation (Chirwa, 2018).

#### **4.5 Actors in Zimbabwean Children's Rights Issues**

In Zimbabwe, various actors, including treaty monitoring bodies, the United Nations Committee on the Rights of Children (CRC), the Child Protection Society (CPS), the government, and non-governmental organizations like World Vision, play significant roles in protecting children's rights (Alderson, 2020; Alston, 2014; Alexander, 2015; Mugadza, 2017; Chirwa, 2018; Marove, 2017; Madhuku, 2015; Bandman, 2017; Emile, 2016; Freeman, 2012; Hart, 2015; Hodges, 2011; World Vision, 2018).

Collaboration among various bodies is essential to protect children's rights effectively (Alderson, 2020). Treaty monitoring bodies guide courts in interpreting children's rights (Alston, 2014; Alexander, 2015). Treaty-making bodies in Zimbabwe pressure the government to comply with regional and international obligations regarding children's protection (Mugadza, 2017). The CRC monitors the implementation of the Convention on the Rights of the Child in Zimbabwe (Chirwa, 2018). Although the CRC has demanded timely reports from the government, delays have hindered effective monitoring (Marove, 2017; Madhuku, 2015). The CRC advocates for vital reforms in national legislation and commends awareness efforts against child marriage (Bandman, 2017). CPS, a not-for-profit NGO, actively promotes children's rights and justice for vulnerable children (Emile, 2016).

The government of Zimbabwe recognizes children's rights and includes them in legislative structures like the Children's Junior Parliament (Freeman, 2012; Hart, 2015). However, challenges persist at the community level in ensuring all vulnerable children enjoy their rights (Freeman, 2012). Non-governmental organizations, like World Vision, contribute significantly to implementing laws protecting children's rights (Hodges, 2011). World Vision conducts campaigns against violence and sexual violence, advocating for policy changes and increased government funding (World Vision, 2018).

In summary, multiple actors play vital roles in safeguarding children's rights in Zimbabwe, but challenges remain in ensuring comprehensive protection for all vulnerable children.

#### **4.6 Evidence on Recognition and Implementation of Children's rights in Zimbabwe**

Eight years have passed after the 2013 Constitution was enacted, making 2022 a good time to evaluate how the provisions pertaining to children's rights have affected how cases involving children are decided in Zimbabwean courts. The Constitution offers a yardstick to assess the court's and the nation's advancement of children's rights (Mugadza, 2021). According to scholars like Kruger (2018), international law is applied domestically in Zimbabwe in accordance with two guiding principles: the monist approach, which permits the automatic incorporation of international law into municipal law, and the dualist approach, which holds that domestic application of international law is mandated by national legislation. Zimbabwe adopts both a monist and a dualist approach to international law, which means that, unless it conflicts with the Constitution, customary international law is a part of domestic law (World Vision, 2018). However, after being converted into local law, ratified by Parliament, and integrated into legislation, international conventions, treaties, and accords only have domestic application.

It is crucial to remember that courts in Zimbabwe are required by the constitution to take Zimbabwe's membership in international law into account while interpreting the DoR. (Chirwa, 2018). Zimbabwe is a party to the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention on the Rights of the Child (UNCRC), and other international legal frameworks that affect children's rights, all of which are pertinent to this contribution (UNICEF, 2018). Although the UNCRC and the ACRWC have not been domesticated at the national level, section 81 of Zimbabwe's 2013 Constitution gives the principles of children's rights in both treaties a constitutional expression (Smith, 2021). Therefore, it is gratifying to learn that the 2013 Constitution, to some extent, reflects internationally acknowledged commitments to children's rights, creating a favorable environment for the development of a progressive children's rights jurisprudence.

Before Zimbabwe signed the UNCRC and the ACRWC, the dedication to children's rights was evident. For instance, in the case *S v. A Juvenile courts*, the Supreme Court ruled that using physical force on juvenile offenders in court violated their constitutionally protected right against torture and other cruel or inhumane treatment (Midzi, 2019). The use of "a modest correction of whipping" in accordance with the Criminal Procedure and Evidence Act against male juvenile

offenders was also found unlawful by the Supreme Court since it was an inhumane and degrading punishment. These cases in the courts of law serve as reflections that children's rights are being recognized in Zimbabwe. However, debates remain on how these rights are protected or implemented in children's lives as vulnerable populations. Hence, this made it imperative for the study to assess how the following children's rights are protected as a vulnerable population group in Zimbabwe.

#### **4.6.1 Empirical evidence of Zimbabwe's situation**

Information regarding basic social amenities and infrastructure in the enumeration areas revealed that 70% of the urban dwellers' clinics were generally within walking distance. For rural dwellers, it's differed from one locality to another, but most of the dwellers travelled longer distances than urbanites. The same scenario was experienced in the existence of schools. In terms of access to water, public borehole water was the primary source of water for drinking in both areas. Most urban dwellers have turned to public boreholes because the provision of tapped water by the urban local authorities has been erratic.

Regarding police stations in urban areas, they were within walkable distances, whereas in rural areas, the majority had to travel longer to access them. As such, this implied that although some basic social amenities existed, adequacy remained a challenge. This was reinforced by the fact that 65 % of the participants indicated that access and adequacy leave much to be desired. Only 35% thought they had unlimited access to these social amenities. Therefore, when it comes to protecting the rights of children under these circumstances was subjective based on household characteristics ranging from size, composition, education and socio-economic status. As such, the ensuing section presents household information regarding access to rights in the fold of education, health, water, food and a safe environment and protection from sexual exploitation and discrimination, to which in Zimbabwe, especially under the more rural areas, the capacity to provide child protection services is already weak and insufficient, but it gets worse in humanitarian crises. In recent years, these have also included health crises like cholera outbreaks as well as climate-induced shocks like repeated droughts, floods, and storms.

Despite significant progress in developing a National Case-Management System (NCMS), there has been little investment in social welfare and justice systems that are child-sensitive and little enforcement of laws and policies. Again, moments of crisis exacerbate these disparities. Zimbabwe

ratified the Convention on the Rights of the Child, but it is still challenging to put its laws and policies into practice.

According to UNICEF's Child Protection component, which is founded on a rights framework, children, adolescents, and young people (AYP) should be better protected from violence, abuse, and exploitation; their births should be registered; and they should gain access to improved prevention and response systems in development and humanitarian settings. Zimbabwe's top aim in this area is to create a legal framework for children's protection, which covers GBV, child marriage, access to sexual and reproductive health, civil registration, mental health, psychological support, and access to justice. UNICEF advocates for better funding allocations, cross-sector service coordination, case management, victim-friendly justice and law enforcement systems, and human rights oversight (2023). Through cooperation with disability organizations, institutional and normative frameworks on the rights of people with disabilities will be strengthened.

#### 4.6.1.1 Extent of access to rights

**Table 4.2 Extent of access to different rights**

<b>Right to :</b>	<b>Access %</b>	<b>Intermittent %</b>
<b>Education</b>	79	19
<b>Health</b>	51	49
<b>Water</b>	42	58
<b>Food and a safe environment</b>	55	45
<b>Protection from sexual exploitation</b>	48	52

As reported by UNICEF and WHO

Table 4.1 shows that concerning the rights to education, 79% had unlimited access, whilst 19% had intermittent and limited to no access. That is to say, sometimes they attend school mainly in the dry and winter seasons. Nevertheless, they fail to attend during the rainy seasons because they lack protective clothing against rain, especially in urban areas. However, they fail to attend in rural areas primarily because of the flooding of rivers and streams (UNICEF, 2023). Regarding health, 51% had access, whereas 49% had intermittent access, characterized by poor service provision and unavailability of drugs and medicines, as argued by (WHO, 2023).

Regarding water, 42% had access to safe drinking water, whilst 58% had difficulties accessing it as they had to walk long distances to collect water, especially in rural areas and were in trouble. Regarding access to food and a safe environment, 55% had unlimited access, yet 45% had limited access (UNICEF, 2023). Lastly, regarding protection from sexual exploitation, 48% were adequately safe, whilst 52% had limited access (WHO, 2023).

## **Education**

Access to education is assessed using various indicators, considering enrollment rates, infrastructure, resources, and marginalized groups (UNESCO, 2021). The Gross Enrollment Ratio (GER) measures total enrollment as a percentage of eligible age groups. The Net Enrollment Ratio (NER) calculates the percentage of a specific age group enrolled in a level of education. Out-of-school children measure those not enrolled in formal education, revealing barriers like poverty and discrimination. The Gender Parity Index (GPI) compares enrollment rates of girls and boys, aiming for gender equality. Literacy Rate measures reading and writing abilities. Education Infrastructure assesses schools and facilities. Scholarships and Financial Aid indicate efforts to improve access for disadvantaged groups (UNESCO, 2021).

Findings show 79% have unlimited access to education, while 19% face intermittent access. Free primary education was introduced in 1980 but not entirely implemented (Kaseke, 2018). Examination fees have increased, leading to dropouts (Zimsec Examination Board Circular, 2021). ECD centres and inclusive education improved access, but rural areas lack proper infrastructure (Chirwa, 2018). Quality and inclusivity remain compromised (Mudeka, 2017; Mudeka, 2020).

Zimbabwe's Constitution enshrines The right to education (Section 75). Efforts have been made to achieve universal primary education and gender equality (Unicef, 2021). Challenges include poverty, infrastructure, and cultural norms. Initiatives provide scholarships and address barriers for rural girls. Zimbabwe's efforts align with the UN's Sustainable Development Goal 4 for inclusive education. Comparatively, southern African countries share similar challenges in education. Botswana and Namibia have progressed, but challenges persist, especially in rural and marginalized communities.

## **Health**

Measuring access to the right to health involves various indicators and methodologies, with contributions from scholars and organizations. The World Health Organization (WHO, 2020) plays a significant role in promoting and monitoring access to health through various tools and indicators. Amartya Sen (2013), an Indian economist, emphasizes addressing social determinants of health for equitable access. Monitoring and Evaluation (M&E) Frameworks developed by experts in public health include indicators related to healthcare services' availability, accessibility, affordability, acceptability, and quality. Universal Health Coverage (UHC) aims to provide essential healthcare services without financial hardship, with contributions from scholars like Dr Margaret Chan (2006-2017). Equity and Inequality Measures by Sir Michael Marmot (2003) focus on health disparities and social determinants. Human Rights-Based Approaches by scholars like Paul Hunt and Alicia Yamin advocate for assessing factors like non-discrimination, participation, accountability, and transparency in healthcare.

In Zimbabwe, efforts to protect and promote children's right to health include legal frameworks derived from the constitution and international treaties. Primary healthcare facilities and immunization programs have been established to address children's health needs. Malnutrition and HIV/AIDS programs have been implemented, along with health education initiatives. Partnerships with international organizations and NGOs support these initiatives (MoHCW, 2014).

Disparities in health access exist between rural and urban areas in Zimbabwe, affecting both boys and girls due to factors like infrastructure, resources, socioeconomic conditions, and cultural norms (Doctors Without Borders, 2019) (Manjekwa et al., 2012). Urban areas generally have more healthcare facilities, but disparities may still exist based on socioeconomic factors (Nyazema, 2010) (Nyakatawa et al., 2016).

Zimbabwe recognizes the right to health as a fundamental human right, but challenges remain in providing adequate healthcare due to economic instability, inadequate infrastructure, brain drain, and limited resources. Progress has been made in addressing HIV/AIDS, but health challenges persist, including high maternal and child mortality rates and communicable and non-communicable diseases. Comparing the implementation of the right to health in Zimbabwe with

other African countries requires considering specific contexts and circumstances (Abuya To et al., 2007) (WHO, 2010).

## **Water**

Access to clean water is evaluated using indicators and methodologies like Water Point Mapping, Water Quality Testing, and Household Surveys. National statistical agencies and monitoring systems are also utilized to measure water access, including specific indicators related to children. Water coverage, infrastructure, and sanitation facilities are assessed to assess access. Affordability is also considered, especially concerning household income. The situation in Zimbabwe indicates discrepancies in water access, with 42% having access and 58% lacking it (Byrd, 2019). Rural areas rely on rivers, shallow wells, and boreholes, while urban areas face erratic supplies and dependence on community boreholes. Affordability issues affect households, reinforcing inconsistencies in access. The government of Zimbabwe has instituted legal frameworks, including the United Nations Convention on the Rights of the Child (UNCRC), to ensure water access for children. Initiatives, policies, and infrastructure development are also undertaken to improve access. However, rural-urban disparities persist, with urban areas having better access than rural areas. Community involvement, hygiene education, and sanitation promotion are emphasized. Challenges such as inadequate funding, technical capacity, climate change impacts, water pollution, and economic and political factors hinder implementation.

In Zimbabwe, water access data can differ between urban and rural areas, affecting both boys and girls, including students. Urban areas generally have better access, while rural areas face challenges due to reliance on traditional sources. Fetching water often falls on women and girls, impacting their access to education. Boys may also be involved but to a lesser extent. Access to clean water is recognized as a fundamental human right by the United Nations.

In Zimbabwe, access to clean water has been challenging due to ageing infrastructure, droughts, and economic difficulties. Water shortages have disproportionately affected children. South Africa has made progress in improving water access, with policies and programs to ensure water access, but challenges remain in informal settlements and remote areas. Botswana has performed well in providing access to clean water, especially in schools, but regional disparities may exist. Namibia

faces water scarcity challenges, and while efforts have been made to improve access, some regions still struggle, particularly in high-poverty areas.

### **Food and a safe environment**

Access to the right to food and a safe environment in Zimbabwe can be measured through various indicators and assessments conducted by scholars, researchers, and international organizations. Here are some key measures commonly used:

#### Food Access Measurements:

- a) Food Insecurity, as measured by the United Nations Food and Agriculture Organisation 2017 (FAO) and World Food Programme 2015 (WFP), often employs the Food Insecurity Experience Scale (FIES) to measure the prevalence and severity of food insecurity at the individual level. This tool assesses people's experiences of insufficient food availability, access, utilization, and stability.
- b) Dietary Diversity, as used by the Food and Agriculture Organisation (FAO) 2017 and other organizations, measures dietary diversity by examining the range and variety of food groups consumed by individuals or households. This indicates access to a nutritionally balanced diet.

Food Security and Nutrition Assessments, as defined by organisations FAO, often conduct surveys and assessments to measure food availability, access, and utilization at the national, regional, and household levels. These assessments consider factors such as agricultural production, food availability in markets, dietary diversity, malnutrition rates, and the prevalence of food insecurity.

Household Income and Expenditure Surveys also go a long way to analyze household income and expenditure data to assess people's purchasing power and ability to access an adequate diet. Researchers can evaluate food affordability and identify vulnerable populations by examining income distribution, poverty rates, and expenditure patterns (Munemo, 2017). Climate and Environmental Monitoring is also often used to monitor Zimbabwe's climate patterns, weather events, and environmental conditions. They study rainfall patterns, drought occurrences, deforestation rates, and soil degradation indicators. These measurements help understand the impact of environmental factors on agricultural productivity and food security.

Additionally, studies may focus on specific health indicators like prevalence rates of waterborne diseases, such as cholera or typhoid, to gauge the environment's safety. Human Rights reports from scholars and human rights organizations like the Human Rights Watch produce reports that examine the overall human rights situation in Zimbabwe, including the right to food and a safe environment. These reports often include qualitative and quantitative data, highlighting any violations, barriers, or challenges individuals face in accessing these rights. It's important to note that these measurements may vary across different studies and organizations. Scholars and researchers adapt their methodologies to capture the multifaceted nature of access to food and a safe environment, considering the specific context and challenges faced in Zimbabwe.

On the aspect of Safe Environment Measurements, they are usually measured using the Environmental Quality Index: The Environmental Performance Index (EPI) developed by researchers at Yale University and Columbia University assesses the overall environmental performance of countries based on indicators such as air and water quality, biodiversity, climate change, and other environmental health factors. Moreover, the findings reveal that 55% had unlimited access, yet 45% had limited access. Feeding programmes have been implemented for vulnerable children to access nutritional food-stuffs. The programmes have been introduced in schools and communities. Besides that, agricultural interventions have also been instrumental in improving food output at the household and national levels(Chakona and Shackleton, 2015). To add on, the fortification of foodstuffs has also been crucial in enriching the nutritional component and value of the foods. However, vulnerability differs from one household to another, affecting the household's coping abilities differently. With the advent of climate change, it has been difficult for many households to produce enough grain to feed their families until the next harvest (Sheraan, 2017). This has led to a situation whereby more effort was directed towards making sure that at least the family access food but without much ado about the quantity and quality. Therefore, access to adequate food continues to be a function of one's financial status. In this case, the majority live in abject poverty, making it impractical to access nutritional food at all times without disruptions. Children are the hardest hit proportion since they desperately need nutrition for holistic development (Sheraan, 2017). On the same token, the issue of a safe environment for children in Zimbabwe is noteworthy. The findings reveal that a relatively large number of people (households) in rural equating to about 60%, live in either floored or tiled houses. Likewise, in urban areas, 75% live in floored or tiled houses,except for 25% in shacks and backyard structures. This translates to

safety for the more significant proportion of children, especially regarding physical well-being. However, this does not withstand the fact that sometimes the existence of a safe environment does not only revolve around buildings but the nature of care that the parents and guardians provide for the children. Usually, this is not homogenous throughout the continuum. Somewhat it differs from one household to another depending on socio-economic background. In retrospect, it becomes clear that issues concerning children's right to access food and a safe environment in Zimbabwe vary spatially and temporally, making it difficult to generalise the subject (International Congress on Child Abuse, 2016).

Various international and domestic legal frameworks in Zimbabwe protect children's rights to food and a safe environment, including the United Nations Convention on the Rights of the Child (UNCRC) and the Zimbabwean Constitution. The Constitution of Zimbabwe, expressly Section 81, guarantees the right to food, and Section 53 ensures the right to a safe and clean environment for every child. The Children's Act (Chapter 5:06) provides comprehensive protection for the rights and welfare of children in Zimbabwe, including provisions for nutrition and a safe environment. Access to Adequate Food is ensured through the government of Zimbabwe's collaboration with international organizations and NGOs, which implements programs and policies to improve children's access to adequate food. These initiatives aim to address malnutrition, food insecurity, and poverty. The Public Service (Nutrition and Food Supplements) Regulations of 2020 provide for the distribution of nutritious food supplements to vulnerable children and pregnant or lactating women.

School Feeding Programs which started at the onset of the second republic, go a long way in ensuring food access to children. In partnership with international organizations, the government implements school feeding programs to enhance children's access to nutritious meals. These programs aim to improve attendance, concentration, and overall educational outcomes. The Home-Grown School Feeding Program, supported by the World Food Programme (WFP, 2018 and African Union, 2015) and other partners, sources food from local small-scale farmers, benefiting children and local communities, targets 66 million children in 54 African countries, including Zimbabwe.

Child Protection and Safe Environments issues have seen Zimbabwe enacting laws and initiatives to ensure the safety and protection of children, including laws against child abuse, child labour,

and child trafficking. The Department of Social Development, in collaboration with NGOs and community-based organizations, works to promote child protection and create safe environments for children.

**Awareness and Capacity Building** Government agencies, NGOs, and civil society organizations conduct awareness campaigns and capacity-building programs to educate communities, parents, and caregivers about children's rights to food and a safe environment. These initiatives promote best practices, disseminate information, and empower communities to support children's well-being.

Food security and access to nutritious food can be influenced by various factors such as socioeconomic status, geographical location, and gender. In many regions, including Zimbabwe, gender disparities regarding food access and availability exist, with women and girls often facing more significant challenges. Cultural norms, limited resources, and unequal access to education and employment opportunities can contribute to these disparities. Urban areas generally have better access to various food sources, including markets, supermarkets, and restaurants, than rural areas. However, within urban and rural contexts, specific factors such as household income, education, and infrastructure can affect the food access of boys and girls differently. Zimbabwe, like many countries in Southern Africa, faces challenges in ensuring the implementation of the right to access food and a safe environment. Here are some significant points of comparison with other countries in the region:

#### Food Security:

Zimbabwe has experienced periods of food insecurity due to drought, economic challenges, and inadequate agricultural practices. The government has implemented various initiatives to address food security, including providing subsidies and support to farmers. However, challenges persist, and access to food remains a concern in some areas. Other countries in the region, such as South Africa and Zambia, also face food security challenges but have comparatively more diverse agricultural sectors and more robust infrastructure, which can contribute to better access to food.

#### Environmental Protection:

Like many countries in the region, Zimbabwe faces environmental challenges such as deforestation, soil degradation, and water scarcity. While environmental protection laws and

initiatives are in place, their enforcement and implementation can vary. South Africa, for instance, has more robust environmental policies and enforcement mechanisms, established protected areas, and conservation efforts. However, challenges related to illegal wildlife trade and pollution persist across the region.

#### Policy and Legal Frameworks:

Zimbabwe has constitutional provisions and legal frameworks recognising the right to access food and a safe environment. The country has also ratified international agreements related to these rights. However, the effective implementation and enforcement of these rights may face challenges due to various factors, including limited resources, governance issues, and political instability. Other countries in the region, such as Botswana and Namibia, also have legal frameworks but may face similar challenges.

#### Civil Society and Advocacy:

Civil society organizations are crucial in advocating for the right to access food and a safe environment in Zimbabwe and other countries in Southern Africa. These organizations promote awareness, monitor government actions, and hold authorities accountable. However, the space for civil society can vary across countries, and some nations may have more active and vibrant civil society sectors than others.

### **Protection from sexual exploitation and discrimination**

Zimbabwe employs legal frameworks, policies, and programs to protect children from sexual exploitation (Muridzo, 2014). Local and international laws have been enacted and ratified to safeguard children's rights, such as the 2013 Constitution and the Criminal Law (Codification and Reform) Act of 2005. The government's National Action Plan for Orphans and Vulnerable Children and National Plan of Action for Children provide strategies to prevent and respond to child exploitation (Childline, 2015).

NGOs like Childline Zimbabwe, Zimbabwe Child Rights Network, Africa Rise Foundation and Musasa Project are crucial in supporting child protection efforts. International treaties like the UNCRC emphasize the government's obligations to combat sexual exploitation (UNICEF and CCORE, 2013). However, interpretational flaws and challenges in law enforcement hinder complete protection (Byrd, 2019). The study reveals that 48% of children are adequately safe,

while 52% face sexual abuse and discrimination (Kaseke, 2018). Law enforcement agencies reported 2000 cases of abuse in 2021, indicating coordination inconsistencies (ZIMSTAT, 2011). Challenges in rural areas and emergencies worsen child protection (UNICEF).

UNICEF advocates for legislation on child protection, improved budgets, cross-sectoral coordination, and enhanced victim-friendly justice and law enforcement (UNICEF). Strengthening social services and the workforce, especially for children with disabilities, is vital. The implementation involves legal frameworks, awareness campaigns, multi-sectoral collaboration, victim support, and reporting mechanisms (Kambarami, 2017; Mlilo, 2018; Moyo et al., 2019; Mugadza, 2020; Masaka, 2019).

Despite progress, Zimbabwe faces challenges in protecting children from sexual exploitation. Scholars call for comprehensive approaches addressing prevention, detection, response, and victim support (Mugadza, 2020). Zimbabwe has ratified international conventions and implemented legislation to combat sexual exploitation (ACRWC, 1990). The government established the Victim Friendly Unit and Childline Zimbabwe helpline, but awareness and resource allocation issues persist.

However, like many other countries, implementing children's rights and preventing sexual exploitation in Zimbabwe face challenges. These challenges include limited resources, gaps in legislation enforcement, social and cultural norms, and inadequate reporting mechanisms. Furthermore, issues such as poverty, high unemployment rates, and the impact of HIV/AIDS can contribute to the vulnerability of children to sexual exploitation.

In terms of a comparison with other African countries, it is essential to note that the situation varies across the continent. Some countries have made significant progress in implementing children's rights and preventing sexual exploitation, while others still face significant challenges. Factors such as political stability, resources, awareness, and government commitment can influence the level of implementation.

Zambia:

Zambia has taken steps to address child sexual exploitation through legislation, such as the Anti Human Trafficking Act and the Sexual Offences Act. The government has also established the Anti Human Trafficking Unit and the Victim Support Unit within the Zambia Police Service to

handle cases related to child sexual exploitation. Despite these efforts, there are still gaps in implementation, particularly in rural areas where access to services and reporting mechanisms may be limited.

Botswana:

Botswana has enacted laws such as the Penal Code and the Children's Act to protect children from sexual exploitation. The country has established the Department of Social Services and the Botswana Police Service Child Protection Unit to address child sexual exploitation cases. However, challenges persist, including the need for increased awareness, specialized training for professionals, and improved coordination among relevant agencies.

Malawi:

Malawi has taken measures to address child sexual exploitation through legislation, including the Child Care, Protection, and Justice Act and the Trafficking in Persons Act. The country has established institutions such as the Malawi Police Service Victim Support Units and the Social Welfare Department to respond to cases of child sexual exploitation and provide support to victims. However, implementation and resource constraints remain significant challenges.

South Africa:

South Africa has made significant efforts to combat child sexual exploitation through legislation, including the Criminal Law (Sexual Offences and Related Matters) Amendment Act. The country has established specialized units within the South African Police Service, such as the Family Violence, Child Protection, and Sexual Offences Units, to handle cases of child sexual exploitation. However, despite these efforts, South Africa continues to face significant challenges, including underreporting, limited resources, and a need for improved coordination between various stakeholders.

#### **4.7 Chapter Summary**

In a synopsis of the children's rights in Zimbabwe, it is pretty visible that on paper, the issue of protecting children's rights seems loud, yet it leaves much to be desired. To this end, numerous efforts have been made by the government in conjunction with other stakeholders, but there has been no pragmatism in all interventions. This has caused more harm than good to protect children's

rights as a vulnerable group in Zimbabwe. Profound services have remained invisible in the legal, family and community fabric, leaving tremendous room for children's rights to be disregarded occasionally. In retrospect, children's rights to education, health, water, food and a safe environment and protection from sexual exploitation and unjust practices continue to dilute all efforts directed towards safeguarding children's rights.

## CHAPTER 5:

### DATA ANALYSIS AND PRESENTATION

#### 5.1 Introduction

In this chapter, the study presented the main results obtained after the analysis of the data available. In line with the ideas of (Chirwa, 2019), a mixed study utilized quantitative and qualitative data. Quantitative data was obtained from the secondary data obtained from Afro-barometer, which addressed the main issues affecting children's rights. All this data was analyzed quantitatively using descriptive statistics to answer the main research question. On the other hand, qualitative data was generated from interviews and analyzed through themes addressing the main research questions. Therefore, this chapter has three sections: the demographic section, the main findings and conclusions.

#### 5.2 Demographic Information of Participants

Quantitative data used in the study was obtained from secondary data from the Afro-barometer survey. After cleaning of data, the number of participants analyzed was 1200. All of them were Zimbabweans interviewed in 2022. Table 5.1 characterise the gender, age and educational and place of stay credentials of the participants.

**Table 5.1: Participants' gender, age, education, and place of stay**

Gender ( %)		Age (%)		Education (%)		Place of stay%	
<b>Males</b>	Females	18-30	26.7	O level	50	Urban	Rural
<b>46</b>	54	31-40	37.5	A level	40	53	47
		41-50	20.8	Degreed	10		
		50+	15.0				

#### **Primary Data Key informant Interviews.**

### **5.2.1 Gender of participants**

The findings indicate that 54% were females, whilst 46% were males. This meant that the female population was more as compared to males. As such, this conformed to the Zimstats Census Reports (2022), which indicated that females slightly dominate Zimbabwe's population. Therefore, a relatively good mix of views from both ends could be attained when assessing the extent to which children's rights were protected as a vulnerable group in Zimbabwe. By doing so, it could provide a clear picture of how females and males felt about the recognition of children's rights.

### **5.2.2 Age**

Regarding the age representation, the results showed that 26.7% were within the 18-30 cohort, whilst 37.3% belonged to the 31-40 cluster. 20.8% were in the 41-50 bracket, whereas 15.0% were above the age of 50%. As a result, most of the respondents, 64.2%, were below 40 years, whereas 35.8% were above 40. This could be attributed to changing demographics in developing countries like Zimbabwe, whereby children's issues are now being left in the custody of a younger generation. The important thing was that they were all adults and had vast experience on issues concerning rights in terms of existence and implementation. Therefore, this gave them the flexibility to contribute meaningfully to children's rights issues and the extent to which the rights are protected in Zimbabwe.

### **5.2.3 Education credentials of participants**

Regarding education, the findings revealed that 50% were O level graduates whilst 40% were Advanced level whereas 10% were degreed, the key informants. It implied that all participants involved in the survey were literate and hence able to understand issues to do with children's rights. In fact, all participants were in a better position to know what children's rights entailed and interpret them. As such, it meant that they were flexible enough to pinpoint the rights accorded to children and the extent to which they protected children's rights as a vulnerable group in Zimbabwe. However, interpretational differences could not be ruled out, creating room for divergent thoughts.

#### **5.2.4 Place of stay**

The findings reveal that 53 % were urban dwellers, whilst 47% were from the countryside. This was attributed to the influx of people to urban areas to access better amenities. Over and above, issues concerning children's rights are obviously viewed differently in urban and rural areas. In rural areas, they are the torchbearers of culture, which could significantly impact the recognition of children's rights. On the other hand, urbanites are more focused on modernity, keeping up with the latest constitutional reforms. Likewise, access to social amenities differs between the two settings, amplifying or compromising children's rights differently. Thus, regarding the place of stay, there was bound to be a relatively fair representation and reflection of facts on the extent to which children's rights were protected across the divide.

#### **5.3 Perceptions regarding the rights accorded to children in Zimbabwe by international conventions.**

The findings revolved around the right to education, health, water, suitable food and a safe environment and protection from sexual exploitation, and the questions asked regarding each right are below.

*1. In your understanding, do the children feel the adequacy of their rights concerning education, health, and water. Food and safe environment and protection from sexual exploitation?*

*2. Do people in Zimbabwe positively view the rights accorded to children by international conventions?*

*3. To what extent do the current rights of children in Zimbabwe inform policy design and implementation?*

*4. Which organisations are involved in protecting children's rights in Zimbabwe.*

*5. What interventions can adequately protect children's rights in Zimbabwe?*

**Table 5.2 rights accorded to children.**

<b>Childrens' rights</b>	<b>Adequacy %</b>	<b>Inadequacy %</b>
<b>Right to education</b>	50	50
<b>Right to health</b>	40	60
<b>Right to water</b>	45	55
<b>Right to food and a safe environment</b>	55	45
<b>Right to protection from sexual exploitation</b>	49.8	50.2

**Primary Data Key Informant Interviews.**

Table 5.2 shows that concerning the right accrued to children as highlighted. The researcher used the terms “Adequacy and Inadqueace” to explain the extent/degree to which learners enjoy the rights accrued to them. AB further cemented, reinforced and established thiswith the questions asked respondents who argued that their access to the right was adequate, and some argued that they were inadequate. On the aspectofeducation, the level of adequacy and inadequacy was 50% apiece. Concerning the right to health, adequacy was 40%, whereas inadequacy accounted for 60%.

Regarding water suitability, 45% adequacy was reported, whilst 55% equated to inadequacy. Furthermore, 55% adequacy was noted for the right to food and a safe environment. On the other hand, 45% were linked to inadequacy. Lastly, regarding the right to protection from sexual exploitation, 49.8% were upbeat that the rights accorded were instrumental. However, 50.2% refuted the fact that it was adequate. These outcomes were also reinforced by key informant interviews as they had this to say:

**Politicians**

“... the international conventions from the United Nations and African Union are enough for the government to implement and ensure the well-being of children...” Politician A .Politician B said that Zimbabwe, a sovereign country, is guided by international conventions to safeguard children 'srights. They provide a rich platform for children 'srights to be observed. On the contrary, Politician C reiterated that although conventions are in the picture, there is a lack of political will to adequately recognise them.

### **Non-governmental organizations**

*“...International conventions play an important role in ensuring that children have adequate rights, and they are fully safeguarded...”* World Vision representative

*“I believe international conventions are important for properly aligning the local children’s rights. They exist as a guide, so I think they are enough...”* Plan International representatives.

*Likewise, the Human Rights Civil Commission representative alluded that Zimbabwe is a signatory to human rights conventions. The conventions provide direction on the apt synchronisation of children’s rights.*

### **Ordinary Zimbabweans**

*Urban dwellers 1,2, and 3 seem to concur that Zimbabwe is a signatory to international declarations. This helps the country match the policies and rights to cater to children’s rights.*

*Urban dweller 5- Many rights are considered, but I am unfamiliar with the conventions behind them.*

*Rural dweller 1- I am unsure about the conventions on children’s rights to which Zimbabwe is a signatory. Rural dweller 2- I think many rights are considered, but I am clueless about the conventions behind them. Rural dweller 4 – underscored that issues to do with rights are fundamental, yet they are not adequately catered for.*

*Based on the above responses and the statistics given by the research, it is clear that access to these rights is adequate on paper because, in reality, they are real shortfalls, as seen in terms of quality, enrollment, poor infrastructure and number of learners out of school. It can be stated that policymakers and experts view international conventions as adequate. In contrast, ordinary citizens view them as inadequate due to poor implementation and challenges regarding resource availability. This may have been because ordinary citizens do not know enough about these international declarations to which Zimbabwe has been a signatory. It was discovered that although 100 % of the participants acknowledged that children’s rights were much talked about locally, 80% were clueless about international conventions and what they implied about children’s rights. Most people were not aware of the international conventions protecting children; hence they were not flexible in giving in-depth comments on their effectiveness in handling the issues affecting children. Only half of the 40 % of the degreed portion of the participants were familiar with issues*

to do with conventions and their link to children's rights. These were able to reflect on whether conventions were instrumental in influencing the protection of children's rights. Still, their input was insignificant, considering it constituted 20% of the total participants. Over and above, there was a disparity in the knowledge regarding the matter among urban and rural dwellers. Urban dwellers were more enlightened on the subject as compared to rural citizens. In line with the views of Musariri (2018), it is also possible that these conventions are not being explained to the custodian of children who happen to be their parents or guardians.

Furthermore, regarding the extent to which the international conventions incorporate local culture, the findings revealed that, in most cases, they deviated from it. 60.2 % underscored that the conventions were parallel to the dictates of the local culture. Only 20% believed that rights accorded by international conventions were relevant to the local culture and beliefs. The distribution of the responses provided indicated that most Zimbabweans did not view positively how the rights were expressed by the international conventions. These responses were also cemented by key informant interviews as the stakeholders had this to share:

#### **Educationists and Researchers.**

*“The manner in which children's rights are expressed by the United Nations is pro-Western. Hence it does not fully address the local needs and culture. “Rights of children articulated by the SADC member states are good, but I feel that they contradict with the manner in which the Zimbabwe values are grounded...”*

#### **Politicians**

*Culture is dynamic; hence international conventions cannot be overly grounded on cultural elements but on realistic justice. The conventions provide the basis for policy design.*

#### **NGOs'**

*The national agreements on children's rights provide. Still, they fall short in addressing the specific needs of the children in Zimbabwe, which are relevant to the current economic and social development...”*

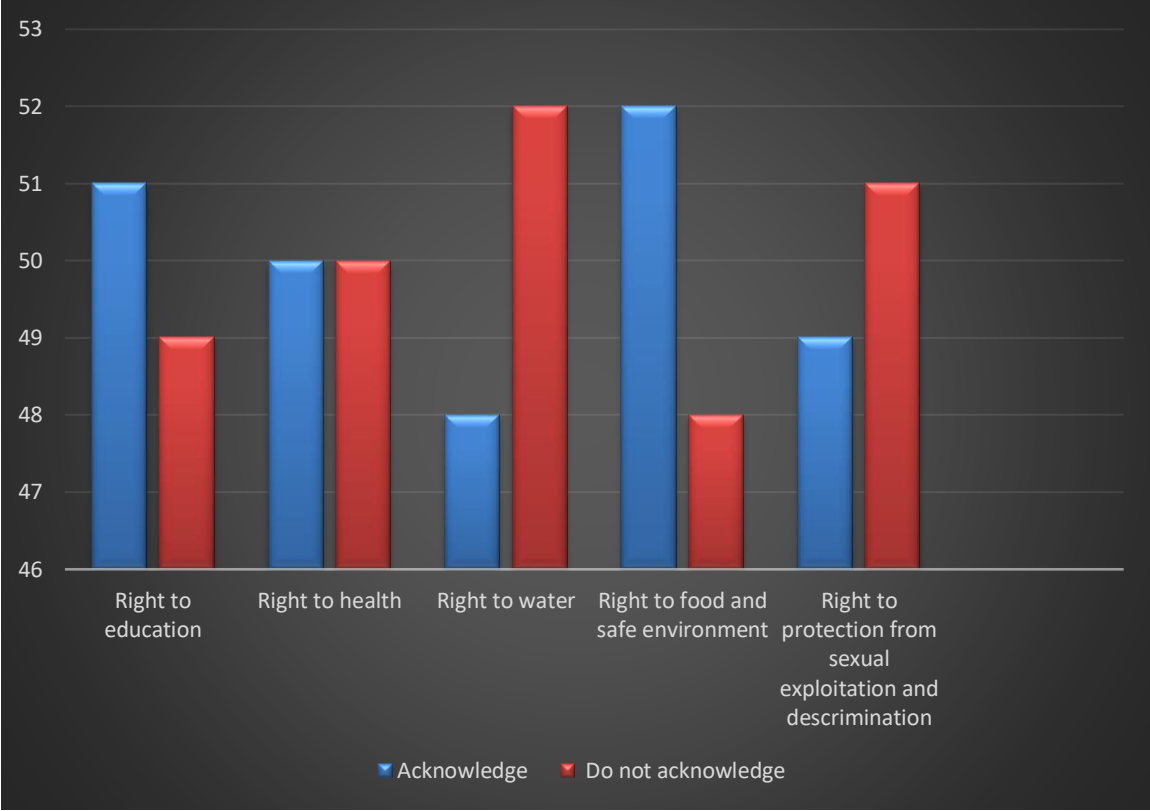
Therefore, these findings meant that although much was talked about children's rights, the majority had limited exposure to the conventions. In this regard, those accustomed to children's rights and legal issues could note the significance of conventions. However, it is sad that these

were very few, equating to about 20%. As such, it indicated that most participants acknowledged that a lot was left to be desired in all interventions, which were regarded as progressive when they were not. International rights were seemingly good but did not address the children's needs directly. This aligns with Pinkerton (2018), who posits that international rights are pro-western. With such a scenario, it is not surprising to find that they do not reflect the needs of the local culture or address children's holistic needs hence inciting controversy. Over and above, providing the foundation for governments to craft their policies does not necessarily mean that they embrace all elements.

#### **5.4 Perceptions regarding the extent to which the current rights of children in Zimbabwe inform policy design and implementation**

In this research question, the researcher wanted to examine how the current children's rights recognised in Zimbabwe influence policy design and implementation. The primary rights in answering the research questions are the right to water, health, education, food, a safe environment, and protection from sexual exploitation.

##### **5.4.1 Children's rights are adequately reflected in policy design and implementation.**



**Figure 5.1 reflection of children’s rights in policy design and implementation: Afrobarmeter survey data analysed by the researcher**

The findings in figure 5.1 indicate that regarding the right to education, 51% acknowledged its reflection, whilst 49% did not. Regarding the right to health, 50% agreed, whilst the other 50% declined that it was reflected. The outcomes showed that 48% believed the water right was adequately considered in policy formulation and implementation, while 52% were not. Concerning food and a safe environment, 52% also acknowledged, whereas 48% did not acknowledge that the component has been well catered for. Lastly, 49% believed that the right to protection from sexual exploitation formed the basis for policy design and implementation. However, 51% pointed out that there was no practical reflection of children’s rights.

**5.4.1.1 Right to education**

Regarding the right to education, 51% acknowledged its reflection, whilst 49% did not. The scenario could be attributed to the fact that policy design and implementation were two separate worlds, as some remarkable strides were made on the design front, yet it remained questionable implementation. Therefore, the general finding was that although some efforts have been made

towards reflecting children's rights in policies, it has not been overarching to foster robust implementation. Hence, mixed feelings regarding the issue were common. The findings were corroborated during the informant interviews, where the participants had this to say:

### **Citizens**

*The education policy is there, but accessing quality education has become problematic. Fees and levies are usually high to the extent that a few can afford to send their children to good schools. Funding the child's educational welfare becomes problematic if one does not have financial resources. Another citizen had this to say: The education policy is much talked about, and some elements of affordable and inclusivity have been considered. But the implementation part lags. Similarly, another participant lamented that affordability has been generalised, yet what one parent or guardian can afford differs.*

### **Politicians**

Politician A *“The current education policy in Zimbabwe emphasizes equal opportunities for all children without discrimination. Politician B: the education policy considers inclusivity and affordable education, yet the ground situation tells otherwise. Many special needs learners are not getting the same treatment from enrolment to the instructional process.*

NGOs' *“The education policy stresses that all the children in Zimbabwe should have access to education regardless of colour, social and historical background. However, access remains questionable amongst vulnerable children.*

Based on these findings, it became clear that although a considerable fraction of the participants acknowledged that the right to education was reflected in policy design, there was severe disgruntlement regarding the implementation. It was also sad to note that, in most cases, the reflection was generalised and superficial. Yet, pragmatism is needed starting from policy formulation to implementation. Therefore, it is disturbing that policy design and implementation have often been treated as superficial, yet each element requires massive effort for the expected standards to materialise.

#### **5.4.1.2 Right to health**

Concerning the right to health, 50% agreed, whilst the other 50% declined that it was reflected. This was linked to the fact that some participants believed little was done in that regard, leading to poor health service delivery, especially in government clinics and hospitals. It meant that the right was not adequately considered in policy formulation. To make matters worse, implementation remained inconsistent due to improper coordination. These views were comparable to the interviews held with numerous stakeholders who had this to air out:

#### **Ordinary Zimbabweans**

*For rural dwellers, 1\_ access to health is a sensitive issue because it should be a human right, yet it isn't easy to get appropriate services on time. A shortage of clinics means we must travel long distances to access services. It is disturbing to find that the shortage of drugs has proved to be a perennial problem, meaning that at some point in time, one can return home without getting the utmost treatment. Rural Dweller 2\_ seemed to concur with 3 and 4 by pointing out that many people are dying without getting the right treatment on time. Children are not spared. There is a lack of urgency in the health system. Rural Dweller 5 added that it is not surprising that when you get to a clinic, there is no longer fairness regarding treatment and drug access. It depends on whether one knows someone within the institution for them to get services. Otherwise, without that, one will be unable to get treated or access drugs.*

*Likewise, urban dweller 1- access to health facilities is now problematic. The infrastructure is now obsolete, yet health issues continue to boom. Many clinics and hospitals lack physical infrastructure, and a shortage of drugs is now a norm. Urban Dweller 2 went on to say that one must give someone a bribe or have internal links to access health services in public institutions. However, different views were given by urban dweller 3 as she had this to say- Zimbabwe is a good country, and I can access health institutions of choice.*

Thus, from these views of ordinary Zimbabweans, a huge proportion believed that access to health fell short of the expected standards. This, in turn, militated against the protection of children's right to access quality health services.

## **Politicians**

*Politician A said, “Health policy in Zimbabwe allows children under five to be treated for free in all public hospitals to allow the children to have equal access to health...”*

*Politician B \_ “Children in Zimbabwe have access to medical attention in rural and urban areas to ensure they are protected. Clinics and hospitals are accessible and affordable”.*

*Politician C\_ it is sad that the health policy calls for free treatment, yet regarding the infrastructure, it is in a sorry state. There is always a shortage of drugs; in some instances, these institutions are far yet health problems can strike at any time.*

From the politicians, it became clear that there were mixed feelings about the existence and adequacy of health institutions. In fact, politicians from the ruling party seemed to be upbeat about the status quo and were not open enough to tell the reality. Rather, they tried to cover up whilst opposition seemed to dig into all flaws existing in the health fraternity, thus clearly indicating that protecting children’s rights regarding health matters left much to be desired.

## **Non-governmental Organisations**

Different views were also tapped from the Non-governmental organisations. The following excerpts reflected the views of various representatives.

*“The health policy is clear, but the government’s health sector is underfunded to cater to children. therefore, children from underprivileged families cannot access good health facilities offered by private players...”* World Vision representative

This was supported by another respondent who also stated that.

*“The health policy in Zimbabwe only covers children in public hospitals, not private facilities. Children in rural areas often have to walk long distances to get medical assistance, which violates their access to health...”* Plan International Zimbabwe.

*Human Rights Services Commission\_ It is sad to note that health is a human right. Yet, many children are vulnerable to malnutrition, succumb to various diseases, and die*

*due to limited access to quality health. Some children die due to pregnancies, whilst others die due to lack of drugs, improper care and negligence.*

*Girl child representatives had this to say: Access to quality health has become a thing of the past. Recently, the infrastructure has been overwhelmed by the population, yet no tangible interventions are in place. General access to quality health services is now a function of one's coffers. For those who do not have financial resources, they are sometimes left unattended or neglected.*

As such, the general implication was that non-governmental organisations lament the sorry state of health institutions and how it undermines the protection of children's right to access health and a safe environment. Most hospitals lack the apt financial, physical and human capital to sustain the hospitals.

Therefore, the combined findings from the Afro-barometer and interviews showed mixed opinions regarding children's health rights. The majority believed that although the health policy was there, it left numerous voids. In fact, there was limited access to quality health services, undermining the protection of children's rights regarding health. However, a few who could afford private health clinics and hospitals acknowledged that access to health was guaranteed. Taking cognisance that the majority rely on public health institutions meant little was tangible regarding equitable access and protection of children's health rights. This aligns with Mulumeoderhwa (2018), who states that a country's health policy should consider the children's different demographical aspects. Mulumeoderhwa (2018) also states that policy design and implementation are also negatively affected by deteriorating economic conditions.

#### **5.4.1.3 Right to clean, safe and portable water**

Regarding access to water, the outcomes showed that 48% believed that the water right was adequately considered in policy formulation and implementation, whilst 52% were not. These results were supported by the interviews. Some of the responses gathered were as follows:

#### **Ordinary citizens**

*Urban dwellers1\_ We have a huge problem with access to water. Taps are no longer running. They dried up months ago, yet we need them daily. We must always arrange to*

*secure water from boreholes or even unprotected wells. Urban dweller 2\_ There is no water from the local urban authority, which is supposed to provide the precious liquid. In most cases, we end up fetching water from boreholes located far away and often personalised by some youths, yet they are community property. More time is spent in the search for water.*

*Rural dweller 1\_ expressed that access to portable clean water is difficult. Most of the water we use is fetched from the relatively far river.*

*Likewise, Rural Dweller 2- added that the boreholes are few, yet the population continues to grow. On the other hand, some of the boreholes lack maintenance and have become obsolete. Hence, accessing adequate water is very hard.*

*Rural dweller 3 reiterated that access to water is better during the rainy season. However, it remains a challenge in terms of quality since most water sources get polluted. During the dry season, the situation is pathetic. We have to use draught power to secure water from the river. The only borehole which is functional in our area produces salty water, which is unbearable to drink and happens to be a health hazard.*

Based on these views, it clearly shows that the water crisis cuts across the urban and rural divide. The persistence of such a problem does not only undermine the adults' but children's access to water as well. In other words, it shows that the children's right to access clean portable water is far from being achieved.

### **Non-governmental organisations**

*Plan International Zimbabwe \_ "The water policy is inadequate in terms of ensuring the provision of water to children. Therefore, some children from underprivileged families fail to access water when their families default on council water..."*

*World Vision \_ "Children in rural areas often drink unsafe water from the rivers or unprotected wells. Little is done to ensure that all the children have access to clean water..." The water infrastructure is old, and in some instances, it is non-existent.*

*Girl Child Network\_ Water is a basic human right, yet access to clean and portable water remains a challenge in both urban and rural. The girl child is burdened by the responsibilities of walking longer distances to fetch water from public boreholes. In most cases, her water needs are catered for last when those of other family members have been met.*

## **Politicians**

*Politician A\_ Water is a basic human right, and as a party, we are making strenuous efforts to ensure access to potable water in both urban and rural. Some schemes we pride ourselves in include the presidential borehole drilling project, which site and drill at strategic points. Water harvesting is also another initiative. Thus we are on top of the situation, though, at some point in time, we face challenges.*

*However, Politicians B and C admitted that there is a huge crisis regarding access to safe and clean water. B reiterates that the current water policy concerns children's right to water. The current water shortages in the country are due to poor governance. On the other hand, C pointed out the general neglect of investment towards water infrastructure, purification and current pressing issues in climate change. As a result, it makes it hard for some children to access safe water..."*

In respect of the findings from the survey and the interviews held, it can be stated that the general feeling of the respondents was that the current water policy does not reflect the utmost need and practical implication of the provision of safe, clean and portable water to children. The policy is general; hence some of the children may end up having difficulties accessing water. It clearly shows that the water crisis has no geographical limitation. Over and above, the persistence of such a problem reflects inadequacies and lack of urgency regarding investment towards water infrastructure by the responsible bodies. As a result, access to clean and portable water remains a huge problem for many. The situation is even worse for children. In other words, it shows that the children's right to access clean, portable water is difficult to materialise. Shoshana (2018) also states that water policy has not been made to directly impact children but seems to have been

commoditized, especially in urban areas. Therefore, parents who cannot pay bills are more likely to struggle to provide water to their children.

#### **5.4.1.4 Right to food and a safe environment**

The findings reveal that 52% also acknowledged that the right was incorporated in policy design and implementation, whereas 48% did not acknowledge that the component has been well catered for. These views could be attributed to the fact food security has been one of the key issues at regional and international levels. In light of this, countries have taken various initiatives to enhance food security and nutrition in line with the Sustainable Development Goals. The same sentiments were shared during key informant interviews, as reflected in the excerpts.

##### **Citizens**

*Food is a basic need, and it is recognised in policy formulation and implementation. For instance, the movement of food from areas of glut to drought-prone areas is safeguarded when the need arises. Another citizen had this to say: Although efforts are being made to improve food security, many ordinary citizens are unfamiliar with the Food and Nutrition Policy. Similarly, one citizen noted, “Every family has different food requirements, yet the policies are not tailor-made to suit household needs. In most cases, vulnerability changes occasionally, but policy interventions do not clearly incorporate that. Concerning accommodation, some frantic efforts are made, but due to different socio-economic statuses, access to decent accommodation differs across the population.*

##### **Politicians**

*Politician A “The food and nutrition policy in Zimbabwe emphasizes equal access to food. Politician B: the Food and Nutrition policy considers inclusivity and affordable access to food, yet the situation on the ground tell otherwise.*

##### **NGOs**

*“The Food and Nutrition policy stresses that all the children in Zimbabwe should have access to food at all times regardless of colour, social and historical background. However, access and adequacy remain questionable amongst vulnerable children.*

Therefore, from these outcomes, it is quite clear that children’s right to food and a safe environment has been considered in policy design, starting locally and up to the international level. This has culminated in various interventions under the Food and Nutrition Policy, complemented by other agricultural interventions. Likewise, some improvements in accommodation, such as living in floored or tiled houses, were achieved though it could be a distortion of facts to say that every child has benefited equally. This has been largely linked to socioeconomic status. Although these were noble moves, the situation was not free from loopholes and anomalies. Above all, the policies have not been overarching to the extent that they address all issues to do with children’s access to food and a safe environment at all times, as evident that food insecurity still affects Zimbabwe from time to time.

#### **5.4.1.5 Right to protection from sexual exploitation**

The findings revealed that 49% believed the right to protection from sexual exploitation formed the basis for policy design and implementation. However, 51% pointed out that there was no practical reflection of children’s rights. This could have been because they did not have adequate knowledge of the current children’s policy on sexual matters. Over and above, the implementation seemed to be ad-hoc. Therefore, regarding representation, nearly half of the participants believed that the current policy design was motivated by the need to protect children from sexual exploitation.

Nonetheless, implementation is ad-hoc. This means there is a lack of pragmatism, especially regarding implementation. In most cases, inconsistencies are marred by undermining the holistic protection of children’s rights as a vulnerable group.

These findings were reinforced during interviews with the following stakeholders:

#### **Ordinary Zimbabwean citizens**

*Urban Dweller 1\_ The constitution of Zimbabwe clearly indicates intent towards ensuring that no one is above the law regarding sexual exploitation of children. Urban Dweller 4*

*reiterates that it outlines that children must be protected from sexual exploitation. The implementation part is the only area I think is not up to standard.*

*Urban dweller 2\_ **Many** people have scant knowledge about legal issues and rights. They only know that there are human rights, but in terms of interpreting, it is something else. More often, implementing or how to exercise the rights is problematic.*

*Urban dweller 3 seemed to concur with rural dwellers that there is no consultation of the children in the policy formulation. Most of the decisions are made by the policymakers without reaching out for the children's input. Thus misfits in policy formulation and implementation are rife.*

*Rural dweller 2- added that there is little or no involvement of the vulnerable children in policy design. Most people know about the issues when the policies have been passed already.*

## **Politicians**

*Politician A “The Children’s protection is well protected in current policy. This is because children’s representatives and other stakeholders were involved in public consultations...”*

*Politician B “The rights of children to be protected from sexual exploitation is dimly reflected in policy design and implementation because the constitution has been clear on the need to protect them. The current policy reflects the constitution and other regional bodies...”*

Likewise, Non-governmental organisations had their own share of views regarding the reflection of children’s rights in policy design and implementation. This is what the representatives had to say.

*Human Rights Services Commission- there is some intent in the policy design because some children’s rights are considered, though with some reservations. There is no urgency and pragmatism in the consultation processes, which seem skewed to the elite with little or no input from the vulnerable group. The situation is exacerbated by implementation inconsistencies resulting in a situation whereby children continue to be sexually exploited not by strangers but even by close relatives they look up to for guidance. Thus from this*

*organisation, the intent is not good enough to guarantee and reflect adequate protection of children from sexual exploitation.*

*Plan International Zimbabwe\_ Despite the existence of the constitution, which happens to be the compass of human rights protection, it is sad to note that vulnerable children continue to face sexual exploitation problems. Cultural elements worsen the situation since community members often prey on vulnerable children. This means that they are not adequately protected.*

*World Vision -The policy we have at the moment is a result of the rights which are found in the Constitution and international conventions. However, what is lacking is implementation due to various reasons...”*

Therefore, from the findings generated from the Afro-barometer and key informant interviews, it becomes clear that even though the current policy design is motivated by the need to protect children from sexual exploitation, inadequate effort towards that cause has been rife. Likewise, the implementation process leaves a lot to be desired. As a result, it shows a lack of pragmatism, especially in the implementation part. Inconsistencies and inadequacies remain the order of the day, undermining the holistic protection of children’s rights as a vulnerable group.

### **5.5 Actors involved in the protection of children’s rights in Zimbabwe.**

The findings revealed numerous stakeholders were directly or indirectly involved in protecting children’s rights. Table 5.3 shows the perceptions gathered from Afrobarometer.

**Table 5.3 Actors involved in the protection of children’s rights.**

	<b>Government</b>	<b>NGO’s</b>	<b>Public ( citizens</b>
<b>Strongly disagree</b>	15.3	10.0	33.0
<b>Disagree</b>	22.8	35.0	17.0
<b>Neither disagree /agree</b>	9.5	10.0	0.0
<b>Agree</b>	33.3	35.0	40.0
<b>Strongly agree</b>	19.1	10.0	10.0

### **Primary Data Key Informant Interviews.**

The findings show that the government was crucial in protecting children's rights. A total of 52.4% acknowledged governments' involvement in the cause. On the other hand, 22.8 disagreed, whilst 15.3% strongly disagreed. Thus, 38.1 % did not acknowledge the government's involvement in protecting children's rights in Zimbabwe. This clearly portrayed mixed feelings and emotions about the government's niche versus its flexibility to safeguard children's rights.

Likewise, Non-governmental organisations were also established as important actors in children's rights issues. 45% were of the view that, indeed, NGOs played critical roles in the protection of children's rights. In this case, World Vision, Plan International, Human Rights Civil Commission and Girl Child Network were the mostly common names identified. The roles stretched from advocacy, training, providing basic goods and infrastructure, and influencing policy formulation. On the contrary, 45% were sceptical about the involvement of NGOs in protecting children's rights. This implies mixed emotions regarding what the participants expected from the NGOs regarding safeguarding the children's rights as a vulnerable group in Zimbabwe.

Furthermore, the general public (citizens) was regarded as the cog in safeguarding children's rights in Zimbabwe. 40% agreed, whilst 10 % strongly agreed that the citizens were vital stakeholders in protecting children's rights. As such, 50% acknowledged that the general public had a special niche in children's rights issues. In this regard, they were responsible for socialising the children, providing basic needs, imparting knowledge of their rights and exercising them on their children's behalf whenever necessary. However, 17.0 % disagreed, whilst 33.0 % strongly disagreed that the citizens were actively involved in safeguarding children's rights. This was attributed to the fact that these were the same people expected to provide a fertile ground for protecting children's rights at all times, yet they often let down the children knowingly. Therefore, this shows that although the public was key in protecting children's rights, their input towards the cause was sometimes questionable.

These findings were confirmed during the key informant interviews. This is what the participants had to say:

### **Ordinary citizens**

**Urban Dweller 1-** *Many actors protect children's rights, including the government through its ministries and agencies, non-governmental organisations, and the citizens. The*

government is involved in policy formulation and implementation, provision of basic needs, water, health and educational infrastructure, among others. NGOs are also important in complementing the government's efforts to safeguard children's rights. World Vision, Plan International and Girl Child Network cannot be taken for granted in this regard since they are into advocacy, provision of basic infrastructure, and influencing policy. Above all, citizens who are the parents and guardians exercise rights on behalf of children.

**Urban Dweller 2** seemed to concur with 1 by pointing out that government cannot protect children's rights alone. Rather, it works together with Non-governmental organisations and the general public. However, when it comes to NGOs, there is a tendency of mixed opinions since some of the organisations meddle in political issues, which the government regards as a no-go area for them.

**Urban dweller 3 and rural dweller 1**- protection of children's rights has not been a field dominated by one actor. The government's social welfare, legal, health, water and health-related ministries work hand in glove to protect children's rights. On the other hand, NGOs, provide impetus towards the cause through advocacy, donations and infrastructural development.

However, **rural dweller 2** laments that although the government, NGOs and citizens are involved in safeguarding children's rights, underlying interests often differ from one institution to another. Thus their involvement differs from time to time.

### **Non-governmental organisations**

*Plan International Zimbabwe* \_ "Protection of children's rights entails input from many stakeholders. We work with the government and the public to protect children's rights. As an organisation, we focus on access to education, water and sanitation, and protection from sexual exploitation.

*World Vision* \_ "As an entity, we are working with other non-governmental organisations in promoting the recognition of children's rights at different levels. We also partner with the government and individuals or groups to raise awareness, teachings and alleviate poverty.

*Girl Child Network\_ We pride ourselves in promoting children's rights, especially the girl child considering that gender-based inequalities have been rife. We have to raise awareness of the essence of gender equality and equitable access to resources and opportunities. Our effort is more on providing for the girl's needs, especially education on the rights to be protected from sexual abuse and living in a safe environment.*

## **Politicians**

*Politician A\_ The issue of protecting children's rights is a shared responsibility amongst the government, non-governmental and the entire citizenry.*

*However, Politicians B and C admitted that the government is hugely responsible for policy formulation and providing the basic infrastructure needed to live a decent and safe life. NGOs and everybody chips in because the government is often overwhelmed with responsibilities. The only difference is the extent to which each stakeholder gets involved. It is usually a function of one's interests.*

The findings revealed a link between the perceptions or views gathered from the Afrobarometer and key information interviews. One of the salient things was that protection of children's rights is a shared responsibility between the government, non-governmental organisations and the general citizenry. In this regard, it was not personalised by an individual or a specific organisation. Rather, each stakeholder played its part in tandem with its interests and the dictates of the constitution. Regarding the government's position, different ministries such as health, education, social welfare, water, climate and the environment, judiciary and agencies played critical roles in promoting the protection of children's rights. This was largely through policy formulation and implementation, infrastructural development and advocacy. However, the government could not go it alone, and as such, this justified the involvement of non-governmental organisations but under specific guidelines from the constitution. Some outstanding NGOs at the forefront include Plan International Zimbabwe, World Vision, Girl Child Network and the Human Rights Civil Commission. Over and above, the importance of the citizenry could not be taken for granted since children do not exist in a vacuum but in a community with people who happen to be either parents,

guardians or relatives. Therefore, these stakeholders had a special role and mission in protecting children's rights though challenges were experienced.

## **5.6 Possible solutions to ensure that children's rights are adequately protected in Zimbabwe.**

The research outcomes showed that finding overarching solutions could be the way to promote the protection of children's rights. Some of the suggestions extracted from key informant interviews were as follows:

### **Ordinary citizens**

*Urban Dweller 1- it is high time that funding is to be reconsidered. Looking at the inadequacies in access to education, water, health, food and safe environment and protection from sexual exploitation, it requires unity between government and private sector. The funds are supposed to be availed timeously before it is too late.*

*Urban Dweller 2 seemed to concur with 1 by pointing out that government cannot protect children's rights adequately. Rather, partnerships with Non-governmental organisations and the public can yield positive results.*

*Rural dweller 1- protection of children 's rights must be backed by funds to cater for physical infrastructural development, human capital development and social infrastructure. The government's socialwelfare, legal, health, water and health-related ministries work closely to protect children's rights. NGOs,s provide impetus towards the cause through advocacy, donations and infrastructural development.In the same vein, good citizenship is critical in addressing this anomaly.*

### **Non-governmental organisations**

*Plan International Zimbabwe / World Vision\_ "Protection of children's rights entails input from many stakeholders. Thus, partnerships are vital in curbing corruption and promoting*

*ideal infrastructure. Funding, the general adoption of good citizenship principles and educational awareness programmes are key to protecting children's rights.*

## **Politicians**

*Politicians A and B\_ the issue of protecting children's rights must be a shared responsibility amongst the government, non-governmental and the entire citizenry.*

*Politician C\_ funding, fighting corruption in government ministries and departments, and educational awareness campaigns can promote the protection of children's rights in one way or another.*

In light of the shared views, it clearly shows that adequate protection of children's rights requires a multi-sectoral approach and interventions. It requires institutions and individuals to swallow their pride and unite to create an enabling environment for children's rights to be understood and recognised at all times. In this regard, the government ought to work closely with NGOs in all developmental projects aimed at children's rights, such as water infrastructure, building schools, hospitals and investing in agriculture. Once these organisations are not alienated, they become indebted to fulfil all the expectations regarding children's rights with no strings attached. Besides partnerships, it is also high time that the government ministries have to be monitored and evaluated occasionally to weed out corruption elements that have undermined the protection of children's rights. On the same token, investing in educational awareness could be vital in enlightening the public on protecting children's rights, urging them to be good citizens who abide by the laws at all times. By doing so, children's rights will always be safeguarded.

## **5.7 Discussion of Findings**

### **5.7.1 Perceptions regarding the rights accorded to children in Zimbabwe.**

The findings indicated that Zimbabweans believe international conventions do not sufficiently address children's rights. These conventions merely form a basis for local rights and are not tailored to the specific cultural context. Mwenje (2019) supports this, suggesting that these conventions are meant for international acceptance, not local functionality.

Participants expressed controversy regarding the alignment of international conventions with African culture. Pinkerton (2019) explains that these conventions lack sufficient representation

from African states and are Westernized, making them less relevant. Consequently, the practicality of children's rights under these conventions is questioned due to cultural contradictions.

International conventions have limited effectiveness in persuading the government to protect children's rights. Kincade et al. (2017) attribute this to inadequate resources and other factors like natural disasters and conflicts. Hence, regardless of the conventions in place, children's welfare is compromised.

Zimbabwe faces poor policy implementation affecting children's rights. Mutandwa (2019) highlights inadequate policy implementation, leading to children's rights violations. David and Guerrina (2015) share similar concerns, stating that some children lack basic necessities due to ineffective government policies. Religious and cultural beliefs hinder policy implementation (Durrant & Ensom, 2017).

The Welfare Council's intentions to protect children's rights are noble but ineffective. Byrd (2018) suggests focusing on proactive policies rather than reactionary ones. Partial and mismatched approaches contribute to the problem.

Although the children's court is functional, its effectiveness remains debated due to visible crimes against children. Pinkerton (2014) attributes this to incapacitation. Institutional and personal issues hinder justice delivery, despite the court's efforts to address exploitation and abuse (including sexual and labour abuse).

In conclusion, Zimbabwe faces challenges in protecting children's rights, with international conventions, policy implementation, and judicial systems all playing significant roles. Efforts should focus on culturally appropriate and proactive policies for effective protection.

### **5.7.2 Reflection of children's rights in policy formulation and implementation**

The findings showed that children's right to education is reflected in policy formulation, especially on inclusive education and free primary education. However, implementation has been

inconsistent, undermining access to education due to varying social statuses and access to resources. This raises questions about the effectiveness of the policy, with more focus needed on implementation. Efforts have been made towards policy formulation, but concerns remain about whether they adequately cater to children's welfare, as shown by Kaseke (2019).

Regarding children's right to health, there are mixed views on its representation in health policy. Economic challenges contribute to inadequacies in policymaking, leading to limited access to medication and healthcare services. Kaseke (2018) found that children below five have access to medication in government hospitals, but issues with accessibility and affordability persist, particularly in rural areas. Shortages of drugs lead to reliance on expensive private pharmacies, leaving many without access to quality healthcare.

Concerning the right to safe, clean, and portable water, respondents feel that the current water policy does not pragmatically provide for children's needs. Water rationing in urban areas is ad hoc, and the impact of climate change worsens water insecurity. Water policy does not directly impact children and is often commoditized, especially in urban areas, as noted by Chirwa (2018).

Regarding children's right to food and a safe environment, government efforts for food security vary across different local areas. Access to inputs, education, and technical support also differs among households. Various interventions have been adopted, but implementation is marred by inconsistencies and corruption, rendering the initiatives ineffective. Access to decent accommodation faces challenges due to flaws in construction-related laws.

The need to protect children from sexual exploitation is reflected in the policy and Zimbabwe's constitution. However, debates arise concerning whether policies are solely informed by children's needs without biased input from adults. Cultural elements sometimes override constitutional rights, leading to inequitable protection. Misinterpretation and misfits in policy formulation and implementation adversely affect children's protection from sexual exploitation. Pinkerton (2018) found similar concerns in African countries.

In summary, the study reveals gaps in policy implementation for children's rights to education, health, water, food, and protection from sexual exploitation in Zimbabwe. Efforts are being made, but inconsistent implementation and systemic issues hinder the full realization of children's rights in these areas.

### **5.7.3 Actors involved in the protection of children's rights in Zimbabwe.**

The findings indicate that safeguarding children's rights requires collective efforts from various organizations and individuals, with the government playing a central role in policy formulation, infrastructure development, and funding initiatives aligned with Sustainable Development Goals (Chirwa, 2018). However, the government cannot do it alone due to overwhelming responsibilities, thus necessitating involvement from other stakeholders.

Non-governmental organizations (NGOs) have been crucial in addressing children's welfare and rights. Several NGOs, such as World Vision, Plan International Zimbabwe, Girl Child Network, and the Human Rights Civil Commission, focus on children's well-being, including health, education, gender equality, and poverty alleviation. Although NGOs complement the government's efforts, their scope and influence vary, leaving some gaps that require trust and objectivity (Kaseke, 2019).

Additionally, the general citizenry, particularly parents and guardians, plays a vital role in children's welfare. They are responsible for providing for the children's physical, moral, and spiritual needs, which should be done with respect for their rights, free from detrimental cultural practices undermining their well-being.

In conclusion, protecting children's rights necessitates collaboration among stakeholders, with the government, NGOs, and the public playing essential roles. Addressing gaps and ensuring trust and objectivity is crucial for effective child welfare initiatives.

### **5.7.4 Possible solutions ensure that children's rights are adequately protected in Zimbabwe.**

The findings reveal that ensuring children's rights are protected cannot materialise through a single initiative. Rather, it calls for concerted efforts and multiple interventions, thereby plugging the

gaps which may exist when the one size fits all approach is used. Thus, the ensuing section discusses some of the possible solutions.

#### **5.7.4.1 Provision of adequate funding**

Funding remains the cog towards the existence of an enabling environment for the protection of children's rights. Considering that most government institutions lack financial, physical, and human capital to spearhead human rights programmes, it is high time that some serious reconsideration ought to be done. Since the government is often overwhelmed with responsibilities, it calls for partnerships with non-governmental organisations and the public. This could provide a solid foundation for joint operations in the erection of physical infrastructure such as schools, water and sanitation infrastructure and shelter, human capital development and ancillary resources, which align with the needs of the children. Once adequate and consistent funding becomes available, it will be easy to foster the implementation of policies which seek to protect children's rights. Above all, this will ensure the swift execution of duties amongst the ministries and agencies involved in protecting children's rights. Such findings resemble those by Pinkerton (2018), who suggests funding is the backbone of all interventions. Therefore, this shows that providing adequate and consistent funding is a masterpiece, especially when protecting children's rights.

#### **5.7.4.2 Good Citizenship**

It is undeniable that Zimbabweans live as a unit, and as such, abiding by the laws of the land is always extremely useful in ensuring that everyone's rights are not compromised. The researcher discovered that parents, guardians, and citizens must practice good parenting as part of good, responsible citizenship. The good thing about this move is that the community works together to provide adequately for the children's needs, advocacy, and good socialisation. Doing so allows them to adjust how they provide for children and socialisation so that it is in sync with the dictates of the Zimbabwean laws regarding children's rights. Likewise, good citizenship urges one to open up whenever one feels that children's rights have been violated. As a result, this goes a long way in always promoting a spirit of impartiality. This means good citizenship, responsibility, and justice work hand in hand. This aligns with Chirwa (2018), who supports that good citizenship is priceless and protects children's rights. Through good citizenship, it serves to give assurance that children's rights are taken seriously and protected without any fear or favour.

### **5.7.4.3 Educational programmes**

Promoting the recognition and proper exercising of children's rights could be achieved through educational programmes. In this case, there is a need for concerted efforts from the government, non-governmental organisations, community, and schools in educating the citizens about children's rights. The content on children's rights ought to be simplified so that all citizens, whether literate or illiterate, know their rights and can tell when they are violated. This emanates from the general assumption that the generality of Zimbabwe is aware of all children's rights and laws regarding the protection of children's rights and can interpret them correctly. However, it is not surprising that some have scant knowledge of what the Constitution of Zimbabwe entails when it comes to protecting children's rights. To make matters worse, some even fail to interpret it correctly, undermining the protection of children's rights. Against this background, simplicity in all issues concerning laws protecting children's rights becomes necessary and not an option. Byrd (2019) supports that educational programmes are critical in enlightening the public about children's rights and how to exercise them appropriately and consistently. This means that educational programmes could be the panacea to promote better interpretation and flexibility to recognise children's rights. Nonetheless, the usefulness of this intervention is linked to the institutional and personal will to embrace the taught ideologies and spearhead the protection of children's rights. The absence of this ingredient could make the usefulness of awareness educational programmes questionable and subjective.

### **5.7.5 The relationship between Afro barometer data on Zimbabwe and other countries**

The data revealed that Zimbabwe's position towards protecting children's rights seems noble on paper, yet it leaves much to be desired in actual implementation. This scenario is typical in a wide range of African countries such as DRC, Somalia, South Sudan, South Africa and Burundi, to mention a few (Chirwa, 2018). Thus, the section provides an in-depth analysis of how Zimbabwe's situation is similar or different to other countries.

#### **5.7.5.1 Education**

The Education Amendment Act of 2020 in Zimbabwe, which made education free and mandatory, prohibited degrading punishment and the expulsion of pregnant girls and provided for children with disabilities, menstrual products, water, and sanitation, was a step in the right direction for the country's educational system (Fambasayi, 2020; Mavhinga, 2020).

The law is a component of a package of initiatives to improve schools, which also includes a review of the curriculum in 2014, the implementation of continuous assessment and learning activities (CALA), and a ban on parent incentive payments to instructors (Ministry of Primary and Secondary Education, 2014, 2018; Share, 2014; Marisa, 2022). Online education was made available as a substitute for in-person instruction during the COVID-19 epidemic.

Education's importance is emphasized by Nelson Mandela and in the Universal Declaration of Human Rights and the UN Sustainable Development Goal No. 4 (United Nations, 2022; UNESCO, 2020). Sub-Saharan Africa has progressed in primary school enrollment but faced equity and quality challenges (UNESCO, 2017; Musau, 2018; United Nations Development Programme, 2022).

The pandemic threatens to erase educational progress due to school closures and lack of access to learning (UNICEF, 2021; Human Rights Watch, 2020). Afro-barometer surveys show declining satisfaction with educational systems, even predating the pandemic (United Nations, 2021).

The right to education is a key SDG (Kaseke, 2018). Free primary education and inclusive measures promote access, but infrastructure issues hinder progress (AB data, 2023). In conflict-ridden regions like DRC, South Sudan, and Burundi, access to education is further impeded (Chirwa, 2018; Bryd, 2018).

Infrastructural inadequacies and food insecurity affect education access in Somalia (AB data, 2023). Overall, access to education remains problematic in these countries, with variations in extent and timing.

#### **5.7.5.2 Health**

The findings revealed that most public health institutions no longer have what it takes to provide exceptional health care. They are characterised by poor infrastructure, a shortage of staff and drugs. The situation emanates from bad governance, which usually does not prioritise the area. Failure to maintain and protect the existing health facilities from malicious damage could not be ruled out in

DRC and Burundi (Chirwa, 2018). By doing so, this has adversely affected access to quality health care.

Moreover, the findings reveal that free access to health care is questionable since upon visiting public health institutions, the shortage of drugs forces them to secure them from privately owned pharmacies. This scenario reflects the opposite of the government's thrust towards ensuring children's freedom (Kaseke, 2018). In retrospect, it implies that although children should have the right to health, access has not been good enough. Therefore, it is no doubt that many children remain with intermittent or limited access to quality health, yet their rights should always be considered.

Health is ranked as the second most important national issue that Africans think the government should solve. Only unemployment scores higher among common people as a problem, and education is given more budgetary importance. These results come from a poll entitled "Despite Gains, Barriers Keep Health Care High on Africa's Priority List," which was carried out in 36 nations in 2014 and 2015. It was a component of a series of public opinion polls about democracy, rule of law, the state of the economy, and related topics that were conducted by the pan-African, unbiased research network Afro-barometer.

Across the country, on average, just over half of those surveyed said that their top two priorities were health care. In 31 out of 36 nations, it came in first or second place. Only Guinea, Kenya, and Liberia, where it came in third, and Lesotho and Nigeria, where it came in fifth, were the only exceptions. Areas used for the census enumeration were evaluated as part of the survey. The study took into account factors that required government action in various areas, including access to healthcare, government performance, and other issues. The rural-urban divide was taken into account when examining these problems.

The number of Africans without access to medicine or medical treatment declined from 58 percent in 2005/2006 to 48 percent in 2014/2015, according to AB research network's analysis of health care in numerous of these nations over the past ten years. Despite this drop, people still felt that obstacles prevented them from having access to universal healthcare. These in numerous instances included:

- an absence of basic healthcare facilities.

- shortages of necessary medical care.
- difficulty in obtaining care, which sometimes compels people to pay bribes; and
- poor government performance in improving basic health services.

Each census enumeration region that the AB field teams went to have services and facilities that they observed firsthand. They examined whether the health centers were nearby or easily accessible by foot as well as how difficult it was to receive services after people made contact with a healthcare professional. Nearly two-thirds of the clinics were reachable or close by on foot. Zimbabwe had the biggest improvement, with fewer individuals unable to obtain healthcare there than in the survey conducted in 2004/2005, according to the AB poll. Each census enumeration region that the AB field teams went to have services and facilities that they observed firsthand. They examined whether the health centers were nearby or easily accessible by foot as well as how difficult it was to receive services after people made contact with a healthcare professional. Nearly two-thirds of the clinics were reachable or close by on foot. Zimbabwe had the biggest improvement, with fewer individuals unable to obtain healthcare there than in the survey conducted in 2004/2005, according to the AB poll. Additionally, the Zimbabwean health sector was on the verge of collapse about 2008. Its health staff were underpaid, its infrastructure had deteriorated, and investment had been sparse. Essential goods and supplies were in low supply. But when the Government of National Unity established the multi-donor Health Transition Fund to assist the Ministry of Health and Child Care, things began to shift in the nation. The new constitution was adopted in 2013, and it also underlined the right to health.

Benin, on the other hand, saw the biggest decline. The public healthcare system in Benin has historically lacked resources and was ill-prepared to satisfy the needs of the populace. The Beninese government launched a number of legislative initiatives in 2009 to broaden public access to health care, particularly for pregnant women, children under the age of five, and those living in poverty. Despite a significant rise in the use of health services, popular support for government efforts had fallen by 2014, showing discontent with how new government policies had actually been implemented.

### **5.7.5.3 Water**

Access to clean water for African children is debated (Pinkerton, 2019). Many lack safe water due to social-political turmoil affecting peace, water, and sanitation in countries like DRC and Burundi. Over 1.5 million children lack clean water due to disrupted infrastructure (Chirwa, 2019). Climate change worsens water insecurity (Bryd, 2019). Zimbabwe is not alone; most African countries face this issue, questioning leadership's commitment to children's rights.

The 9th World Water Forum in Dakar aims for universal safe water and sanitation, a challenging task (UNICEF, 2020). Sub-Saharan Africa's progress is slow. COVID-19 and climate change heighten water concerns. Afro-barometer data (2022) indicates little progress and access to clean water seems to worsen in some African countries.

56% of respondents in 34 African countries lacked sufficient clean water, with variations among countries (Afro-barometer surveys). Shortages increased in 18 countries but decreased in three. Ghana and Tanzania showed notable improvements (down 8 and 23 percentage points, respectively).

The urgency to provide clean water grows, requiring stronger efforts to achieve the UN targets by 2030.

### **5.7.5.4 Food and a safe environment**

This right is one of the Sustainable Development Goals (SDGs) the African region considers critical (Pinkerton, 2019). Agricultural interventions have been taken at different levels to promote equitable access to food and a safe environment. However, vulnerability to food insecurity has proved to be a dire anomaly from one household to another and from country to country. The researcher discovered that the advent of climate change has resulted in a situation whereby most families have not had enough stock to feed their families. Likewise, it is sad that many families live on an average of US 1.50 per day, which is way below the poverty line. In such a situation, access to nutritious food has proved problematic.

Similarly, the issue of a safe environment for children is noteworthy. In Zimbabwe, the findings reveal a relatively large number of people (households) in rural, equating to about 60%, whilst 75%

of urbanites live in either floored or tiled houses. Only 25% live in shacks and backyard structures. However, the situation differs for DRC rural and Burundi, where access to decent accommodation is difficult to achieve (Bryd, 2019). Therefore, this means that access to food and a safe environment has proved to be a priority for the African block. Yet, the situation on the ground reflects some voids and inconsistencies. Hence, safeguarding this right remains a tall order throughout the region.

Compared with other African countries, the experience of going without enough food is becoming more frequent across much of Africa, the latest Afrobarometer surveys show, confirming United Nations warnings of worsening food insecurity. On average, across 30 African countries surveyed in 2021/2022, almost one-fifth of respondents say household members went without enough food “many times” or “always” during the previous year. More than half report experiencing a shortage of food at least once.

In 16 of the 30 countries, the share of households experiencing frequent food shortages has risen significantly over the past decade, while only three countries record improvement. United Nations agencies warned that food insecurity and malnutrition are worsening in West and Central Africa and are expected to reach a 10-year high by June 2023.

#### **5.7.5.5 Protection from sexual exploitation and discrimination**

Zimbabwean children have legal rights to protection from violence, exploitation, labour, and abuse (Government of Zimbabwe, 2013; Veritas, 2022; ChildrenandAids.org, 2017). Despite their efforts, they still face vulnerabilities. One-third of young women experience sexual violence; many engage in child labour (UNICEF Zimbabwe, 2023). Economic decline and parental emigration contribute to neglect and abuse (Chronicle, 2019; Feltoe, 2017). Childline Zimbabwe reported 25,000 abuse cases in 2018 (Moyo, 2022), and 22 children were killed by guardians in 2019-2020 (Butaumocho, 2022). The High Court banned corporal punishment (Shaban, 2017).

President Mnangagwa warned against child marriages (Murwira, 2021), and Chiwenga pledged harsher penalties for abusers (Mutongwiza, 2022). Zimbabwe Gender Commission called for stricter punishments for exploitation (2022). Zimbabwean survey data reveals public support for physical discipline and dissatisfaction with the government's child welfare performance.

In DRC and Burundi, conflicts hinder children's protection from exploitation. Economic struggles also put children at risk. Despite strong legal protections, Ghana faces challenges in child welfare, including physical punishment and child labour (UNICEF, 2021). Support services and insufficient funding are lacking (UNICEF, 2020). Ghanaian survey data shows mixed opinions on physical discipline and government performance in child welfare.

## **5.8 Summary of the Chapter**

In summation, protecting children's rights is a broad concept requiring a deep understanding of their rights and how they should be exercised. The general understanding and interpretation of such rights differ across the divide, affecting the protection of children's rights either way. It was discovered that most of them had a general clue on rights. However, regarding what conventions were and how they impacted the protection of children's rights, the generality of Zimbabwe had scant knowledge. Only 20% of the degreed portion of participants were conversant with conventions. These were the ones who brought to light that international conventions do not reflect the culture of Africa and how rights should be protected in Africa. Above all, they provide a basis for policy formulation based on the policymaker's discretion. Limited protection of children's rights was attributed to structural issues affecting the country politically and economically. Regarding policy design and implementation, the rights are not adequately reflected hence the need for concerted efforts and multiple interventions to address the anomaly.

## CHAPTER 6:

### CONCLUSIONS AND RECOMMENDATIONS

#### 6.1 Introduction

The researcher presents the study's implications, conclusions, and recommendations in this chapter. Therefore, the chapter comprised three sections to answer the guiding research questions and provide solutions to the identified research problem.

#### 6.2 Findings and Implications of the Study

Most participants know children's rights and how they should be protected. Interpretational differences impact the exercise of rights. International conventions define some rights but may not fully represent African interests (Mugadza, 2018). Zimbabweans have a positive view of children's rights but have reservations about their protection (Madhuku, 2019).

Certain policies for children's rights are not fully functional due to cultural, political, and economic reasons (Chitimira, 2016). The Welfare Council policy helps children, but assistance varies based on location, favouring urban areas (Gwenhamo, 2015). Existing policies in Zimbabwe may not be effectively implemented, leaving some children vulnerable.

Children's rights inform policy design, but structural loopholes affect their protection (Ngokwey, 2014). Education is acknowledged in policies, but access may be limited by guardians or parents. The same applies to the right to health.

The government is aware of policies but struggles to fully implement them (Ngokwey, 2014). Access to education is challenging due to inadequate infrastructure. Health systems are overwhelmed, leaving people experiencing poverty with limited access. Access to water is problematic in urban and rural areas, impacting children's access to water. Food and a safe environment are difficult for people experiencing poverty, affecting children's access.

Protection from sexual exploitation and discrimination faces cultural resistance and improper coordination. The Constitution's guidance on justice may not be fully understood, affecting parents'

exercise of rights. Sexual offences and discrimination persist despite law enforcement's power to stop them.

### **6.3 Conclusions**

Based on the study findings, the following conclusions were made in line with the research questions and objectives.

Initially, the study concluded that people in Zimbabwe perceive that the rights accorded to children in Zimbabwe by international conventions are inadequate in protecting children. Conclusions were that such perceptions stemmed from the fact that these international conventions were made with little input from Africa; hence the rights have contradictions to the local culture, values, and beliefs (Lansdown, 2017).

The study also concludes that the presence of international conventions and their emphasis on protecting children's rights were important in guiding policy design and formulation but failed to encourage the government to implement mechanisms for full implementation. The conclusions were made that rights accorded to children by foreign bodies from which Zimbabwe is a signatory were important guides that should be reflected in their policies. In line with Lansdown (2017), the disagreement on the interpretation of rights emanates from the differences in local culture. Therefore, parents are more likely to disregard their rights when they feel Euro-centric.

In addition, the study concludes that in Zimbabwe, people are aware of the challenges faced in implementing the policies meant to safeguard children's rights. Therefore, people are aware that the protection of children's rights tends to vary based on the geographical location of the intended beneficiaries. Conclusions are that in rural areas, there is less assistance given to children as compared to the assistance received in urban areas. In particular, the children's protection and health policy, welfare council, and functionality of the children's court were questioned. Calarco (2018) mentions that despite the effectiveness of the children's court in dealing with cases of abuse and mistreatment of children. Evidence on the ground was that the court was being reactionary while there was a need to implement mechanisms that reduce the children's vulnerability.

### **6.4 Recommendations**

The following recommendations were made in line with the findings and conclusions made:

- ❖ There is a need for the government of Zimbabwe to redefine the rights of children and ensure that they reflect the norms and values of local culture. This will make it easy to interpret and design relevant policies. Calarco (2018) states that other stakeholders' resistance to the definition of these rights accorded by international conventions made it challenging to successfully protect rights.
- ❖ The government of Zimbabwe should carry out public hearings when formulating various policies regarding protecting children's rights. This is based on the fact that some of the respondents showed limited knowledge regarding the current policies meant to protect children.
- ❖ There is a need for the government to seek financial help from non-governmental organizations to ensure full policy implementation. This follows the finding that policies meant to safeguard children's rights are currently present but lack full implementation due to financial challenges (Dziva et al., 2013).
- ❖ Distribution of financial and infrastructural resources should spread to rural areas to ensure enhanced protection of children's rights in rural areas. Mugadza (2018) states that children's abuse and marginalization cases are increasing in rural areas. This is due to resource concentration in urban areas. Ultimately, there will be a need to ensure that government implements policies equally and reduce the vulnerability of children.

### **6.5 Areas of further study**

The study concentrated on assessing the protection of children's rights in Zimbabwe. The Zimbabwean constitution and international conventions were particularly focused on current rights. Future studies may investigate the main challenges faced in policy formulation and design concerning protecting children's rights.

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**APPENDICES**

**INTERVIEW GUIDE FOR ZIMBABWEAN CITIZENS**

My name is Solomon Tawanda Nondo, an MPhil student at the University of Cape Town in the Sociology department under the Humanities Faculty. As a requisite of the MPhil in Development Studies, I am carrying out a study to assess the protection of children’s rights as a vulnerable population group in Zimbabwe. May you kindly assist in participating in this interview by sharing your views on the matter? Your input is valuable and will be highly appreciated. The interview will take about fifteen minutes of your time.

1 What is your opinion on the recognition of children’s rights in Zimbabwe?

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2 In what ways do you think the children’s rights are being protected by international conventions in Africa?

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3 To what extent are the international conventions on the rights of children, reflect the African norm of raising and protecting them?

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4 What is your opinion on whether children should exercise their rights or parents should do so on their behalf?

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5 As a parent, how do you view the efforts by the government to protect children's rights?

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6 In your opinion, do you think the current rights of children are enough to ensure their well-being?

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7 Can you comment on whether the education policy is enough to provide for children's educational needs or not?

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8 Concerning the health policy, does it cater to the children's health-related needs?

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9 To what extent are the children's policies preventing sexual exploitation of children?

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10 How do you perceive the children’s right to be heard in Zimbabwe?

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11 Can you comment on the extent to which children’s right to food and a safe environment is protected?

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12 What can be done to ensure that children’s rights are adequately protected considering that they are a vulnerable population group?

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13 Any other comment relating to the protection of children’s rights in Zimbabwe?

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*Thank You*

**INTERVIEW GUIDE FOR NGOs**

My name is Solomon Tawanda Nondo, an MPhil student at the University of Cape Town in the Sociology department under the Humanities Faculty. As a requisite of the MPhil in Development

Studies, I am carrying out a study to assess the protection of children's rights as a vulnerable population group in Zimbabwe. May you kindly assist in participating in this interview by sharing your views on the matter? Your input is valuable and will be highly appreciated. The interview will take about fifteen minutes of your time.

1 What is your opinion on the recognition of children's rights in Zimbabwe?

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2 As an organization, can you comment on your duty in the protection of children's rights as a vulnerable population group?

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3 From an organizational view, can you comment on the specific children's rights that you mostly focus on?

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4. What mechanisms do you have as an organization to ensure children's rights are catered for?

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5 To what extent, do you think the mechanisms are catering to the children's rights?

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6 In your opinion, do you think that the current rights are adequately catering to the children's well-being?

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7 What is your perception on whether children must exercise their full rights or their custodians should do so on their behalf?

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8 To what extent are the parents/ guardians protecting children's rights?

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9. What measures can be taken to ensure children's rights are adequately protected considering that they are a vulnerable population group?

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13 Any other comment relating to the protection of children's rights as a vulnerable population group in Zimbabwe?

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*Thank You*

**INTERVIEW GUIDE FOR POLITICIANS**

My name is Solomon Tawanda Nondo, an MPhil student at the University of Cape Town in the Sociology department under the Humanities Faculty. As a requisite of the MPhil in Development Studies, I am carrying out a study to assess the protection of children’s rights as a vulnerable population group in Zimbabwe. May you kindly assist in participating in this interview by sharing your views on the matter? Your input is valuable and will be highly appreciated. The interview will take about fifteen minutes of your time.

1 Can you comment on the extent to which children’s rights are protected by the current policies?

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2 To what extent are the children involved in the drafting of the children’s activities?

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3 What measures did the government put in place to cater to the children’s well-being?

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4 In what ways is the government helping to ensure full protection of children’s rights?

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5 Can you comment on the extent to which the education policy is catering to the children’s educational welfare?

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6 To what extent is the children's act protecting from all sorts of abuse (physical, sexual, verbal, emotional)?

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7 How effective are the children's activities in protecting children's right to food and a safe environment?

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8. To what extent is the health policy protecting children's rights in Zimbabwe?

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9 In your opinion, to what extent are the children's rights informing policy formulation about children in Zimbabwe?

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10 What are the major children's policy implementation challenges faced in Zimbabwe?

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11 Suggest measures that can be taken to ensure that children's rights are protected.

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*Thank You*