

- Providing free legal services to children in difficult circumstances
- Educating the community on the legal issues affecting children
- Researching and documenting children's experiences with the law
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The Child Law Watch

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The teacher exodus and the living realities of school children in Zimbabwe

As an organization that works in the provision of free legal services to children in Zimbabwe JCT came across a worst case scenario in relation to the exodus of qualified teachers to neighboring countries in search of greener pastures. The recent spate of political violence has also caused teachers to flee fearing for their lives.

Besides the economic challenges the Progressive Teachers Union of Zimbabwe (PTUZ) reported that as at 11 May 2008, 250 schools have been affected by at least one of the following:

- Closed and turned into militia bases.
- Teachers abducted and assaulted.

teachers is a major concern and many schools in Harare closed the previous term before children had written their end of term tests and some of them had no entries on their report books because of the long strike by teachers. This scenario has shown that the effects of the

- Pupils both male and female above 15 years forced to attend political vigils where sexual abuse is taking place.
- Teachers intimidated and their property looted.

The PTUZ reports that at an average school enrolment of 500, the projected number of pupils without instruction due to displacement of teachers is 250,000.

At the Secondary school visited by JCT, the team noted that the school had been left with only one lady teacher after all the others had left and she has to look after about 200 children. The teacher indicated that she was actually performing the role

of school head and the children were only learning Shona and English since she is a languages teacher. The most saddening fact is that exam classes will not be able to sit for their final exams because they have not learnt much this year and even if they manage to get a few more teachers they won't be able to finish the syllabuses given the time that is left. Even pupils in the lower grades also suffer as they move on to a higher grade without passing the lower grade and this compromises the quality of education. This scenario exemplifies the dire situation that children are finding themselves in for instance the pain that they will go through as a result of failing to sit for exams. The situation of

extremely harsh economic and political environment the country is in at the moment has far reaching consequences for the children. In such a situation as the one under discussion there are several other associated problems like child to child violence (bullying), all forms of har-

assment and the school is actually heading towards temporary closure. The most worrying realization is that there seems to be no practical solution to the plight of Zimbabwean teachers in the near future. The long term effect is a deterioration in the quality of education in Zimbabwe.

“The Zimbabwean child be responsible, participate, be seen and be heard”.

The Day of the African child

The 16th of June is the International Day of the African Child. There are various events lined up throughout the country. The national launch for the commemorations of the day will be held at The Queens Hall in Mutare on the 16th under the national theme:

“The Zimbabwean child, be responsible, participate, be seen and be heard”.

The purpose of the Day

The Day of the African Child is

the platform where children and the youth hold the government accountable for issues that affect their livelihood.

In Zimbabwe because of the elections, there has been a general ban on all gatherings, which means that the children have no platform to be seen and be heard. What this means is that the Zimbabwean child cannot raise a voice seeking redress of all socio economic ills bedeviling his or her

livelihood.

Apart from this, the adults and society cannot also get the platform to address issues of children being irresponsible and trying to address the situation.

JCT intends to join hands with other members of the Child Protection Coalition in the country for this year's commemorations which will be held in Harare in July at a date still to be decided.

Child Law Corner: Neglect of children

The Convention on the Rights of the Child and the declarations prepared before it recognize that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection. This legal protection of children in Zimbabwe is provided by the Children's Act and various other Acts like the Labour Act,

Child Abduction Act just to mention a few.

Neglect or ill-treatment of children is a major form of child abuse which is on the increase. The Children's Act section 7 deals with ill treatment or neglect of children. According to this section, any parent or guardian who neglects, abandons or causes a child to be ill-treated is guilty

of a criminal offence. A parent or guardian abandons a child when;

- (a) They fail to provide for adequate food, clothing or shelter or fail to pay for maintenance of a child. *Each parent has the duty to provide for children according to their means. Where a parent is unable to do so, e.g. due to sickness, they*

apply for Public assistance at the Social Welfare.

(b) They fail to provide medication for the child when sick. *Medication relates to dental, medical or surgical aid. Government has subsidized costs in government institutions and the social welfare department also refers cases to these hospitals.*

C) They leave a child at an Institution but fail to show adequate interest in the well being of that child for more than one year.

Institution means a crèche and any other institution maintained and controlled by a person to supervise children. Parents and

guardians are now in the habit of abandoning children as they migrate in search of greener pastures and substitute their care with money. failure to adequately control and supervise a child including leaving an infant unattended.



Children need parental supervision.

(d) This includes failing to exercise reasonable care and control over a child as is expected of a parent.. Leaving an infant attending to a baby is also similar to leaving both children unattended.

This form of child neglect is most common in illegal panning communities. The parents usually leave the children to care for each other as they engage in search of the precious minerals. It is clear that the children suffer physical and mental distress in this situation. The Children's Act states that a parent or guardian can be found guilty and convicted of any of the above forms of neglect abuse whether or not

there has been any actual injury to the child and even where the child has died. The Act states that where a parent or guardian proves that they have no means to provide for the child, it shall be an adequate defence. The parent or guardian has to prove that the lack of the ability to provide was not due to laziness or unwillingness to work or incurring of unreasonable debts. It becomes necessary to look at the applicability of this law in light of the prevailing socio economic realities.

The feasibility of applying the law of child neglect

The provisions of the law on child neglect become applicable in a stable socio economic environment. The rate of inflation in Zimbabwe is above 1,7 million percent according to recent media reports and most of the Zimbabweans are living below the poverty datum line. Clearly caregivers are finding it difficult to provide sufficiently for the children.

The Act states that the Social Welfare department assists with funds for those who cannot afford the basic necessities. Currently, the department is giving ZW \$900 million to each adult per month and ZW\$400 million to each child together with transport reimbursement. This amount is not even sufficient to buy a loaf of bread let alone make one survive for a full

month. To make matters worse, this amount is reviewed once every 6 months.

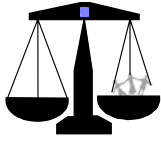
Due to the HIV and AIDS pandemic many children are being left in the care of other children. There is a continued increase in child headed households. These children normally will not have any legal guardian and it will be difficult to charge anyone with the offence of leaving

the children unattended. Some of the children beg at street corners in various towns and cities.

Apart from the HIV and AIDS pandemic, migrating parents often leave the child headed families as the children fend for themselves. Most parents are migrating in search of greener pastures and for the sake of their children to have a

better lifestyle. It becomes difficult to even think of charging them with child neglect since they will be working hard for the very same children. The cost of medication is now beyond the reach of many. Some hospitals demand huge amounts of cash in advance before even treating a patient despite having a medical aid card. The government health institutions have also

suffered from the massive brain drain due to exodus of nurses, doctors and other critical staff as they seek greener pastures, and hence cannot cope with the demand. The fact that most parents cannot afford medication cannot be treated as child medical neglect. It is therefore clear that the laws of child neglect can be quite difficult to implement in Zimbabwe's situation.



Justice for children trust

145 Robert Mugabe Road,
2nd Floor Exploration House,
Harare, Zimbabwe
OR
Box HR4888, Harare , Zimbabwe
Phone: +263-797723
Fax: +263-4-792314
E-mail: admin@jcctrust.co.zw

**The Provision of free legal services to children
in difficult circumstances in Zimbabwe**

Promote peace and tolerate no form of violence against children
in this pre election environment

Article 3 of the African Charter on the Rights and Welfare of the Child states that , “every child shall be entitled to the enjoyment of rights and freedoms irrespective of his or her parents or legal guardian’s Political opinion.”

We Express our firmly held belief that children are a precious blessing and should be treated as such. Taking into account that children do not participate in the election or voting processes, we urge all political parties to call upon their supporters to desist from violence against children and ensure to a maximum extent their development and survival.

