

# JUSTICE FOR CHILDREN TRUST



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## ADVOCATING FOR THE INCLUSION OF CHILDREN'S RIGHTS IN THE CONSTITUTION!

### ENSURING CHILD PARTICIPATION: CHILDREN'S PETITION TO PARLIAMENT

Justice for Children Trust facilitated the empowerment of Junior Members of Parliament on the constitution and the importance of child participation in the constitutional making process. The Junior MPs, who were inducted into office on the 12<sup>th</sup> of June 2009 at Girls High, came up with a petition that outlined their demands on behalf of children. This petition was handed over to Parliament on the Day of the African Child commemorations at Africa Unity Square on the 16<sup>th</sup> of June 2009. The petition was handed over to Honourable MPs Kasukuwere, Matinenga and the Speaker of Parliament, Lovemore Moyo. The issues that children wanted addressed are:

#### 1. Birth registration for all

The government is obliged to ensure that every child is not only entitled to a name, identity and nationality, but to immediate registration upon birth.

#### 2. A functional health delivery system

The government should recognise children's right to health, including reproductive health and work towards combating disease and malnutrition through the provision of adequate food, drugs and timeous treatment.

#### 3. Education for all children

The government has an obligation to urgently put in place measures that enable children to enjoy constant and consistent access to education. Basic primary education should be for free.

#### 4. Child participation

The government should ensure child participation. The views of children should be taken into account, where possible, on all issues affecting them,

#### 5. Food security

The government should ensure that every child has access to food as a basic right.

**6. Adoption of social security measures**

The government has to take the necessary measures to ensure that all children, especially the orphaned, vulnerable and all children in difficult circumstances, access the necessary services for their survival and development.

**7. A safe and healthy environment**

The government should prioritise the existence of a healthy and safe environment for children to curb the outbreaks of diseases.

**8. Access to clean water**

The government should ensure that every institution, home and sector has a consistent and constant supply of clean water.

**9. Access to information**

The government should recognise the need for information dissemination throughout children's rights.

**10. Protection from all forms of abuse**

The government should ensure protection of children from all forms of abuse by implementing laws that protect all children.

**11. Protection from child trafficking, slavery and labour**

The government should put in place measures that ensure the protection of children from exploitative and harmful labour practices as well as protect children from child trafficking and child slavery.

**12. Access to non-harmful recreation**

Recreational facilities that promote child development should be put in place for the benefit of all children.

**13. The state's obligation to ensure implementation of child protection laws**

The constitution should have clear and specific obligations by all duty bearers, from parents, caregivers and the state to ensure compliance with the law and to ensure respect, protection and promotion of children's rights.



**Children demanding their rights in the constitution on the 16<sup>th</sup> June 2009: Day of the African Child.**



**Children handing over a petition on their demands to the Speaker of Parliament.**

### **CHILDREN BECOME ADVOCATES OF THEIR OWN RIGHTS: INTERVIEWS WITH THE SELECT COMMITTEE CHAIRPERSONS:**

Children selected from various sectors held interviews with the co-chairpersons of the Parliamentary Select Committee, Honourable MPs Mangwana and Mwonzora on 19<sup>th</sup> of June 2009 and the 23<sup>rd</sup> of June 2009 respectively. The children asked questions on various pertinent issues which covered children with disability, child labour, HIV and AIDS, children in the streets, education, health, birth registration and protection with the two chairpersons. The children also lobbied the two co-chairpersons to consider child participation in the constitutional making process and the inclusion of children's rights in the constitution.

### **CHILDREN'S CLUSTER PREPARATORY MEETING FOR THE PEOPLE'S CONVENTION**

The children's cluster which is being chaired by JCT held a meeting on the 1<sup>st</sup> of July 2009 in preparation of the Peoples' Convention. 24 members representing some 20 children's organisations came up with some principles and issues that they wanted considered in the constitutional making process.



**The Child Rights cluster doing group work at the Convention preparatory meeting held on the 1<sup>st</sup> July 2009.**

- **Children's cluster guiding principles in the constitutional making process**
  - a. Best interest of the child.
  - b. Definition of who a child is.
  - c. Child participation and civic education targeted at parents, guardians and caregivers.
  - d. Children's rights in the constitution should be enforceable against the state (civil, political, economic and cultural rights.)
  - e. Non-discrimination on the basis of: gender, race, religion, culture, social status, ethnicity, physical status, geographical location, parental status, political inclination and education.
  - f. Life, survival and development of a child should be protected by the state.

- **What rights should be in the constitution?**

**Consensus position**

**1. Survival**

- Right to health and care.
- Right to basic social services.
- Right to food.
- Right to shelter and sanitation.

**2. Development**

- Right to education.
- Right to nutrition.

**3. Participation**

- Right to freedom of association.
- Right to be heard.

**4. Protection**

- Right to identity and nationality.
- Right to protection against all forms of abuse and exploitation.
- Right to parental care or alternative care.
- Right to belong to a family or community and country.
- Right to privacy.

**CHILDREN'S CLUSTER DELIBERATIONS AT THE ALL PEOPLE'S CONVENTION.**

The children cluster was well represented at the People's Convention and the cluster which was being chaired by JCT came up with critical issues, key demands, and specific principles. The key engaged engagement points and post convention points are as listed below;

**1. CRITICAL ISSUES**

- A. The constitution should have a section on children's rights and responsibilities in the Bill of Rights. The current constitution bundles children's rights with adults, making it easy to leave out important issues that affect children as a special and specific group.
- B. The rights should cover survival, development, participation and protection.
  - Survival eg –the right to health, the right to basic social services, the right to food, the right to shelter, sanitation and safe and clean water.
  - Development eg- the right to education, the right to nutrition, etc

- Participation eg- the right to freedom of association and the right to be heard in all matters that affect them
  - Protection eg the right to identity and nationality, the right to protection against all forms of abuse, the right to alternative care where parental care is impossible etc
- C. Where violation occurs, there should be redress through the courts. The state's obligation as a duty bearer should be clearly stated.



**Children's cluster deliberations at the People's Convention**

## **2. KEY DEMANDS**

- Reform of institutions that are supposed to protect children, eg the police, social welfare, courts.
- A Ministry specifically for children or a Children's Commission as currently children's issues are dealt with in a piecemeal manner in a number of ministries.
- Specific section on children's rights and responsibilities in the constitution

## **3. SPECIFIC PRINCIPLES (PROCESS AND CONTENT)**

- Child participation in all issues that affect them. Empower the children on the constitution so that they contribute meaningfully
- To consider the best interest of the child in all matters affecting them
- Non discrimination on all grounds including age
- Promoting life, survival and development of children by ensuring the inclusion of all rights that protect children.

## **4. KEY ENGAGEMENT POINTS**

The cluster will engage through

- active participation in the sub-committees

- provision of civic education on children's rights and the constitution targeted at children, teachers, parents, guardians, etc
- monitoring and evaluation of the process
- participation at all stages of the process, eg public debates

## 5. POST CONVENTION ACTION POINTS

The cluster has resolved to

- Continue consulting and meeting as a cluster as the process unfolds
- Train other members and interested partners on the constitution and children so that they become advocates on the issue
- Come up with a position paper on the issues of principles, content and process to be used for engagement at national level
- Continue to engage in all the processes



*Child participant, Rumbidzai from St. Mary's High at the People's Convention*