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JUSTICE FOR CHILDREN TRUST

Volume 1, Issue 2

Special points of interest:

- Justice delayed is justice denied
- Many cases of child abuse go unreported
- Parents should put children's interest first in all the decisions they make
- If educated on the law, children lead in the promotion of their rights

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The impact of judicial Officers strike on children

The strike of judicial officers late last year which crept on to early this year not only delayed but also denied some children the right to justice. Wheels of justice not only turned slow but in some instances they actually stopped in cases involving children. Here is the story of Aggie* whose name has been changed to protect her identity. Aggie* was a thriving healthy seven year old growing up with her parents at a farm at which they were farm workers. She was attending grade 2 at the farm school and was eager to further her studies. In December 2006 she was allegedly sexually abused by the son of a neighbour who was an adult. During the course of the alleged rape, she sustained a hip joint dislocation. The matter was reported by her parents in December 2006 after they had noticed that she was failing to walk properly. The accused was

arrested and released on bail at court pending further investigations. A medical report was produced but when the record went to court, the documents could not be located and a new record had to be reconstructed. By then Aggie's legs were infected and she had stopped going to school. A well wisher bought Aggie some wooden clutches which she used for walking. By the time the new record was reconstructed, court officials were on strike. At around the same time, the nurses and doctors were on strike. In the meantime, Aggie's condition worsened, she could not walk anymore and was bedridden. The accused also used the opportunity to leave the country. By the time the local police officers tried to engage Interpol, Aggie* got admitted in hospital and passed away. If the accused

had been convicted of rape, he could then be charged of culpable homicide for causing Aggie's death but because of the delays due to the strike, this did not happen. When Aggie's condition was deteriorating and the parents were failing to afford the necessary medication, they could have sued for damages from the parents, but because of the strike by the judicial officers, their hands were tied. Aggie*'s story therefore is a strong reminder to all organizations engaged in child protection to lobby and advocate for improvement in the conditions of service of the justice delivery system and is a clear case of **justice delayed is justice denied**. If you know of similar cases involving children denied access to justice because of the strike or if you are interested in further discussion, be free to contact us.

Children becoming child rights watchdogs

JCT continues to educate children on the laws that govern their welfare through activities in schools. This is done through training teachers and peer educators and other children at selected schools in different provinces in the country. Equipped with legal knowledge, the children are now at the

forefront in fighting the violation of their rights. Last month we highlighted that the children were trained in pro-action and the results are already coming in. A case in point is one that occurred in a certain district.

Two boys Simba* and Kuda*, form 4 and Form 3 respectively are trained peer educators at

one of the schools that have our Child Law Forum projects. Chipso aged 13 is a pupil at a nearby primary school in the boys' community. The teacher noticed that Chipso* (whose name has been changed to protect her identity) suddenly developed a drastic change in behaviour especially in her academic and sporting performance and would not talk to

“The medical report that was availed to the court stated that the extent of the burns was serious with the possibility of permanent injury or disability”.

to her friends. Chipo is generally of a sound, jovial and gentle character so it did not take long before her teacher smelt a rat. The teacher, suspecting that Chipo* had been abused, went with her to the police where she opened up and indicated that she had been sexually abused. The problem arose when the case was taking long for investigations to be completed. The two peer educators took an interest in the matter as they know that they are now watchdogs of child rights in their community. They discov-

ered that the accused was a law enforcement agent and Chipo*'s parents were not aware of the actions to take and also felt incapacitated and afraid to continue with the case. The peer educators traveled all the way from their community to bring the matter to JCT's attention in an act of protection.

This clearly shows that if educate and empowered on the laws, procedures and regulations, children can play a leading role in fighting the violation of their rights. The peer educa-

tors felt the obligation to stand up for justice and have therefore become child rights watchdogs in the community.

A call for stiffer penalties against child abusers

The community's awareness of JCT activities in terms of representing children on legal issues is ever improving. The organisation recently received a report by the parents of two children aged 4 and 7 who were forced to sit on a hot electric stove by their parents' landlord's daughter (21) as punishment for mischief. The accused was charged with one count of assault with intent to cause Griev-

ous Bodily Harm (GBH) and was sentenced to an effective 38 months in prison after pleading guilty to the charge. This was clearly a brutal and heartless act and such people deserve to be put where they belong, that is, behind bars. The medical report that was availed to the court stated that the extent of the burns was serious with the possibility of permanent injury or disability. It is important for

child rights organisations, and the community to take cases like these and make use of the **media** to lobby and advocate for stiffer penalties against all offenders against children especially the ones that involve cruel, inhuman and degrading treatment or punishment to send the right message that children be taken advantage whatsoever.

JCT is happy that the matter was handled timeously and the children got recourse through the justice delivery system because JUSTICE DELAYED IS JUSTICE DENIED. The picture to the right shows one of the burnt children's injuries.



Separation and Divorce at centre stage of litigation involving children

JCT has

continued to receive cases wherein

parents are separating and divorcing without considering

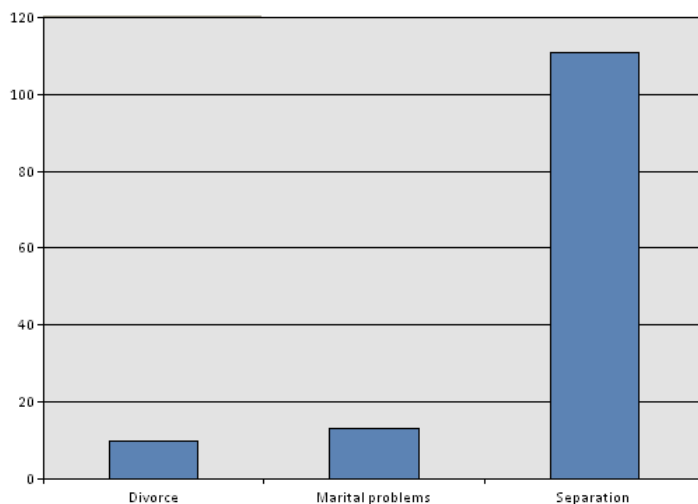
the best interests of the children in that they do not include

the aspect of child protection as they make such decisions.

If you are interested in

discussing this issue do not hesitate to get hold of us.

During the first quarter of the year JCT received a total of 134 cases linked to divorce and separation.



Just a reminder to all of us

Just a reminder to all citizens of Zimbabwe to continue to look after the children promoting their best interests even as all citizens await some of the election results.

There are media reports of post election retribution in some parts of the country in respect to the recently conducted harmonized elections. We would like to urge all citizens

to refrain from engaging in violence as this might have long term effects on families and the greatest impact will be felt by children who might lose their parents leading to school drop-outs, loss of parental care as well as lack of food and other basic requirements.

It is important for all political leaders to urge their supporters to desist from political violence

and for the police to ensure that offenders are brought to book regardless of their political affiliation.

As the schools opening dates are drawing closer we also want to encourage all the people to ensure that the schools are zones of peace that should always be free from all forms of violence and political activities.

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Children's laws

In this issue we are focusing on the Guardianship of Minors Act [Chapter 5:08] herein after referred to as GOMA.

The GOMA provides for cases of custody, access and guardianship which issues commonly arise after the divorce or separation of parents.

Guardianship of a minor to the capacity of a person to administer the property and assets (estate) of a child and looking after his or her financial affairs and assist the child in the performance of other legal acts. This also involves concluding or assisting the minor to conclude a contract.

Guardianship should be distinguished from custody which refers to the exercise of physical

care and having control of a child in one's possession in the day to day life. JCT has helped a number of grandmothers to apply for guardianship and this has benefited many children some of whom had dropped out of school. Those in need of assistance in issues of guardianship of orphaned children can contact us.

