

JUSTICE FOR CHILDREN TRUST

ZIMBABWE

VENUE : MEXICO CITY

TITLE : LEGAL ISSUES EMERGING AS A
RESULT OF HIV/AIDS IN
ZIMBABWE

BY : PETRONELLA NYAMAPFENE
JUSTICE FOR CHILDREN TRUST

INTRODUCTION

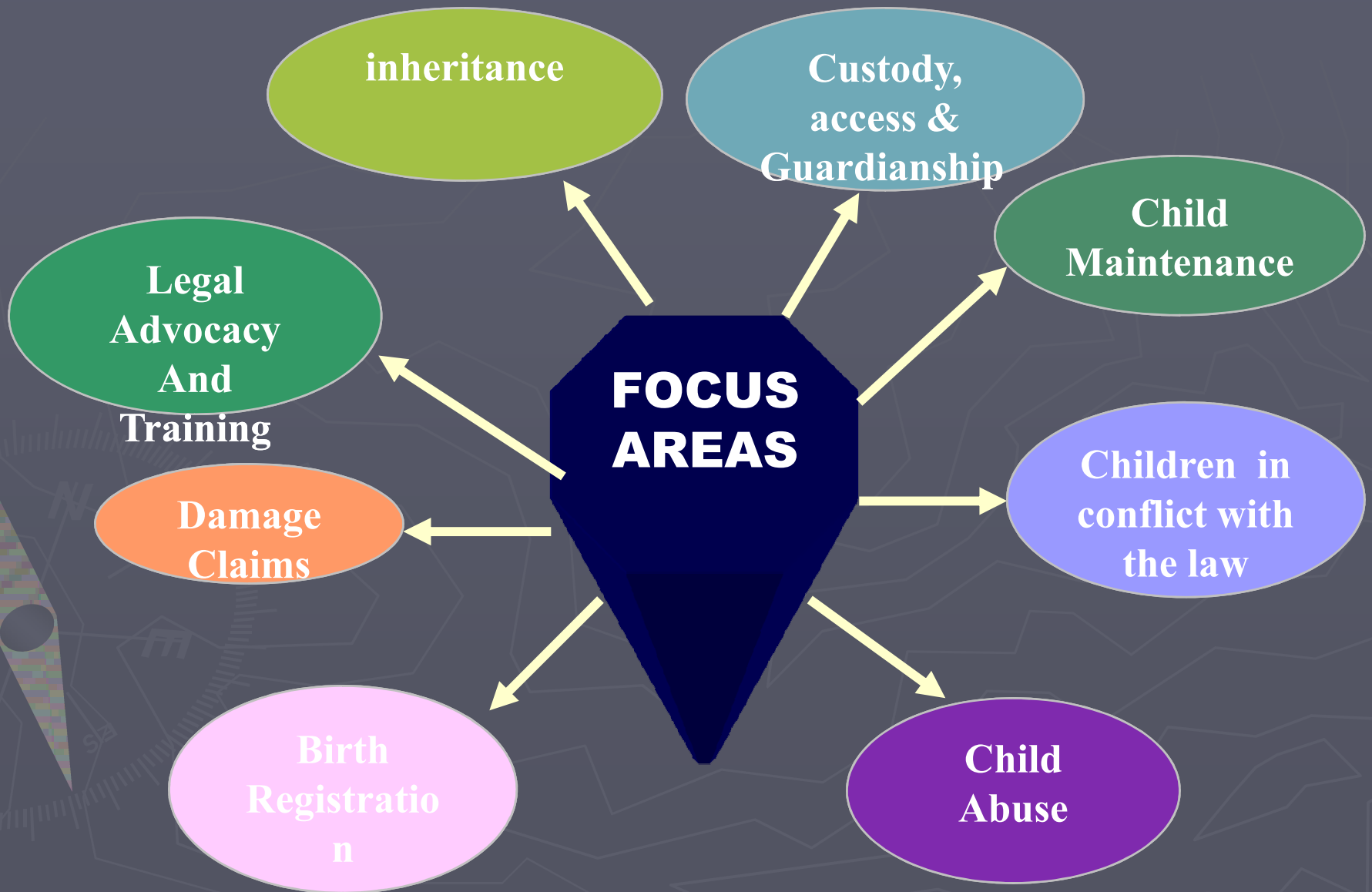
WHO IS JCT?

- **Lawyers for children in Zimbabwe.**
- **Initiated operations in 2003.**
- **Providing free legal services to disadvantaged children.**
- **Focus is on both criminal and civil issues**

WHY LAWYERS FOR CHILDREN?

- **Children face legal issues due to social, economic and political environment**
- **Prohibitive cost of legal services.**
- **State resources not adequate to cover social security of the general populace.**
- **children's legal issues previously bundled with women's issues.**

LEGAL AREAS OF FOCUS



HIV AND AIDS: ZIMBABWE

2007 country report Estimates that;

- **1,320,725 people are living with HIV and AIDS and of these 132 938 are children between 0 to 14 years**
- **A drop in the prevalence rate to 15,6%**
- **Orphaned children rose from 1.3 million in 2005 to 1,6 million in 2007**
- **More than 100 000 children in Zimbabwe live in child headed households**

NB: Sources UNICEF reports, National AIDS Council and SAFAIDS

LEGAL ISSUES LINKED TO HIV AND AIDS

- **Birth registration**
- **Inheritance**
- **Guardianship & Custody**
- **Children awaiting trial in prison**
- **Children convicted and incarcerated**
- **Child abuse**

OUR INTERVENTIONS

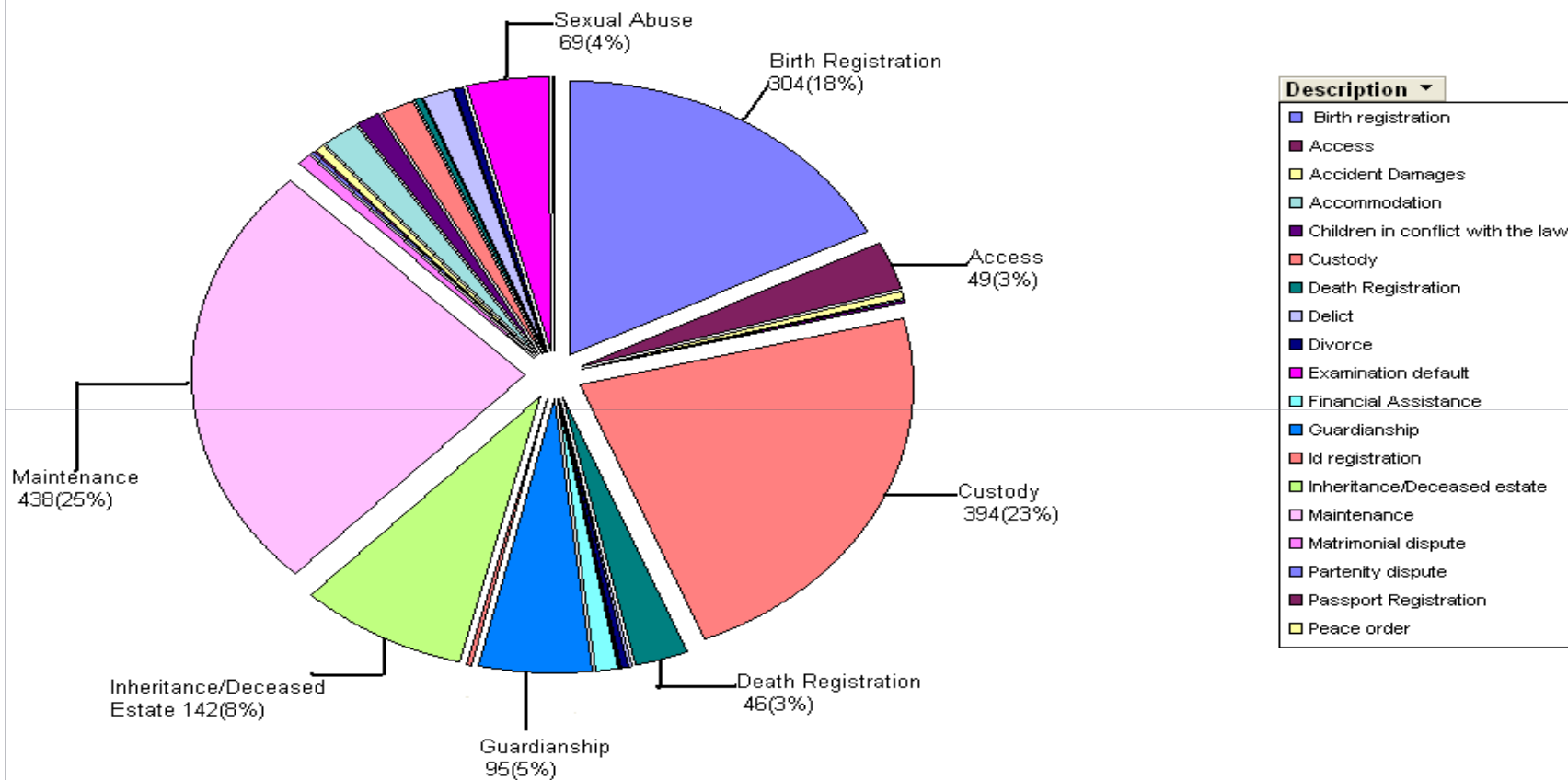
- **Legal Aid**
- **Legal Education**
- **Lobby and Advocacy**



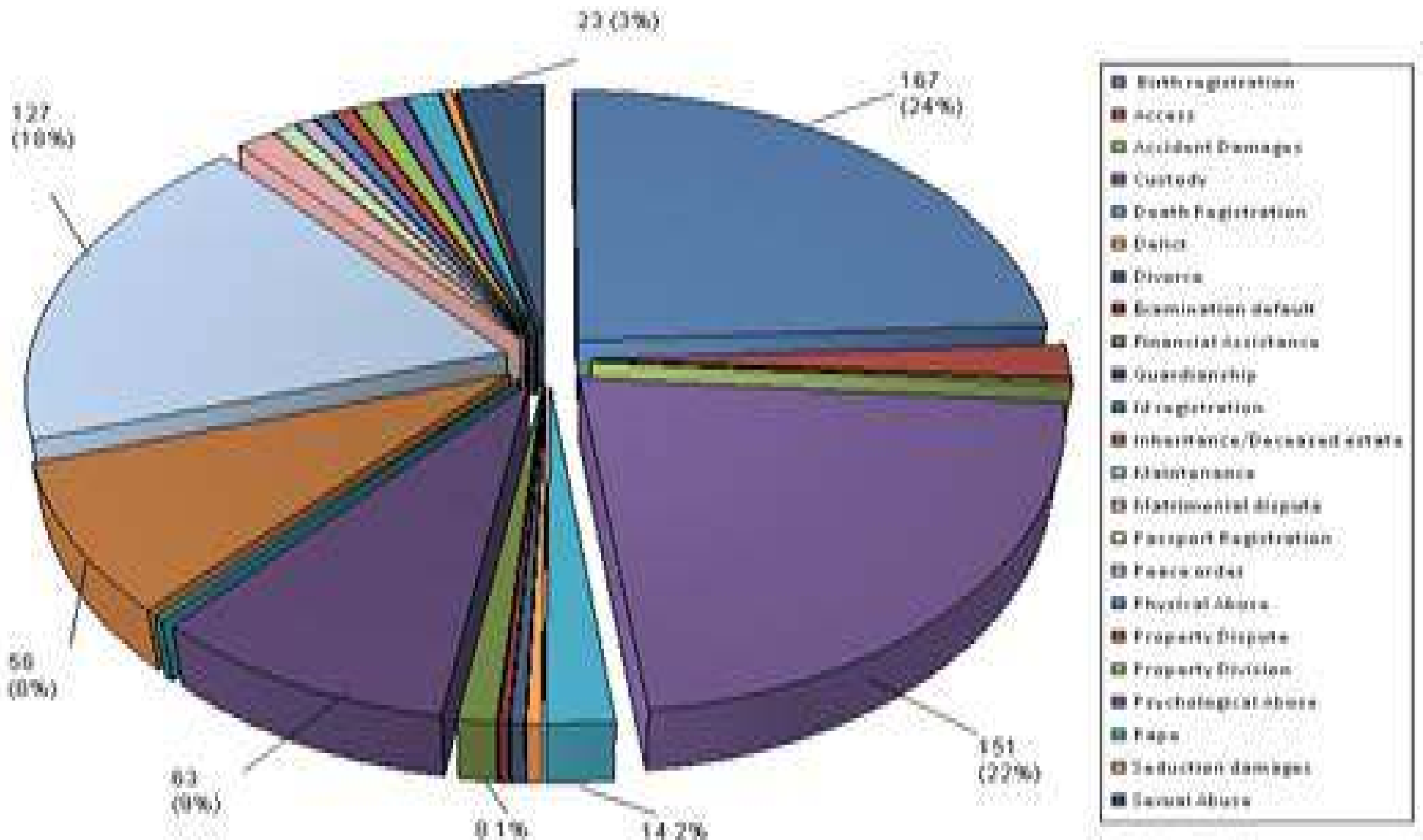
LEGAL AID

- **General litigation**
- **Test case.**
- **Mobile legal aid clinics in rural and peri-urban settings.**
- **Rationale of legal services is to cure existing disputes for the benefit of children.**
- **Database & hence emerging issues are sent for advocacy**

EMERGING ISSUES 2007



EMERGING ISSUES BY JUNE 2008



MOBILE LEGAL AID

- Taking the legal services to outlying areas
- Done in collaboration with other CBOs
- Currently working with 10 CBOs whose mandate is to provide
 - ❖ shelter,
 - ❖ food,
 - ❖ educational assistance.

LEGAL EDUCATION

- Targeted at
 - ❖ general public using outreaches, print and electronic media
 - ❖ Children through training of teachers & Peer Educators
 - ❖ Adults through training of influential members of society eg pastors, CBOs

NB: Trained peer educators become informers and watchdogs for violation of children's rights.

CHILD PEER EDUCATORS OPERATION

- **Implemented in partnership with the Ministry of Education.**
- **Involves training of teachers and children on Laws. Children are identified from Primary level.**
- **Teachers and Peer Educators form clubs.**
- **Club members sensitize other peers on the laws using drama, debates, poetry and songs.**
- **The trained become part of call for reporting violation.**
- **The trained form Child Protection Structure at school level.**

CHILD PEER EDUCATORS CONTINUED

- **Clubs sensitize other children using drama, poetry and songs.**
- **Survivors gain confidence to report to peers.**
- **Some survivors use suggestion boxes to expose abuse.**

USING POETRY TO SENSITIZE OTHER PEERS



USING DRAMA TO EXPOSE CHILD ABUSE



ADULT PEER EDUCATORS

- **Has same role as child peer educators though drawn from CBOs and problematic sects of society such as traditional leaders, pastors, and members of apostolic faith**
- **Adults are informers, models and they report and document violation**

TRAINING OF CHURCH LEADERS



TRAINING OF CHURCH LEADERS CONT: THE APOSTLES

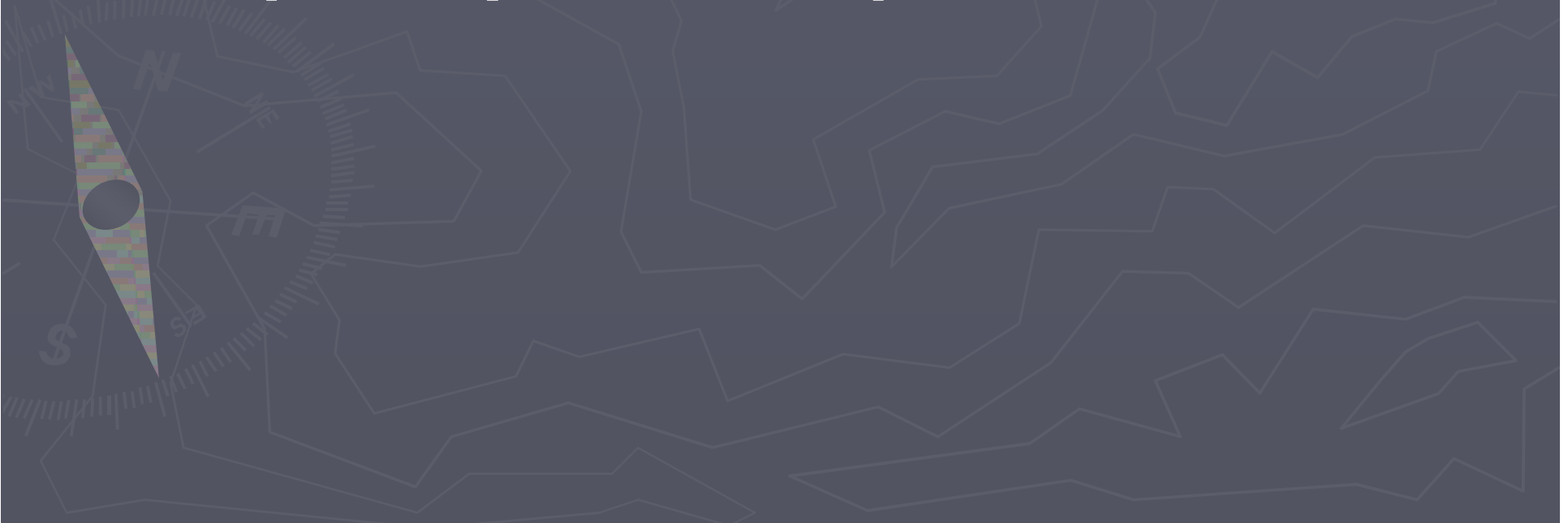


WHY THESE PEER EDUCATORS IN THE HIV AND AIDS ERA

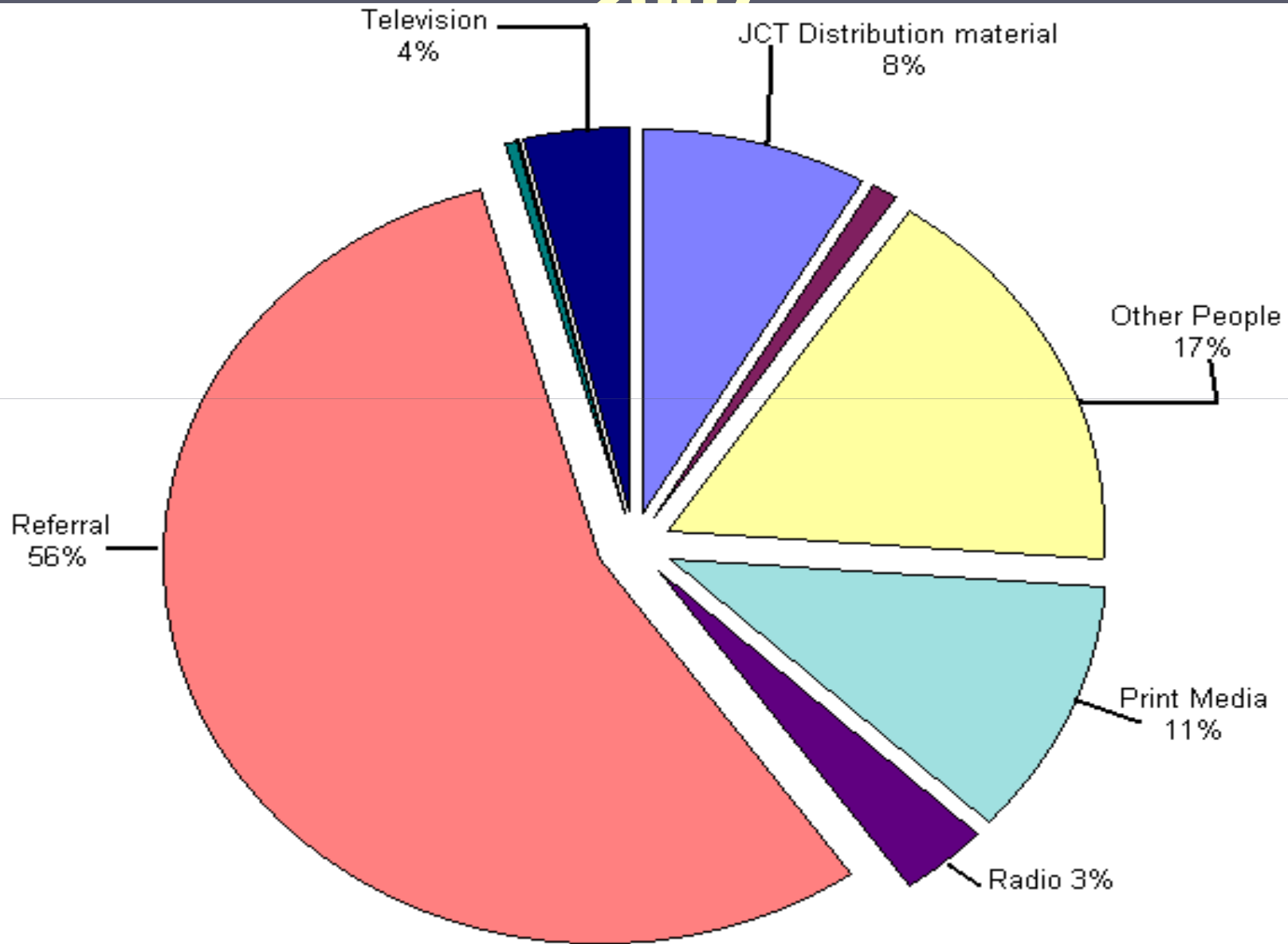
- **The apostolic faith are commonly involved in inter-generational marriages.**
- **They practice polygamous marriages which then increase the risk of a vicious circle for HIV and Aids**
- **They misinterpret the biblical doctrine to justify abuse of children when they do their prayer meetings**
- **Some sects shun health facilities and education**
- **Church leaders are agents of perpetuation of domestic violence.**

WHY THESE PEER EDUCATORS IN THE HIV AND AIDS ERA: CONT

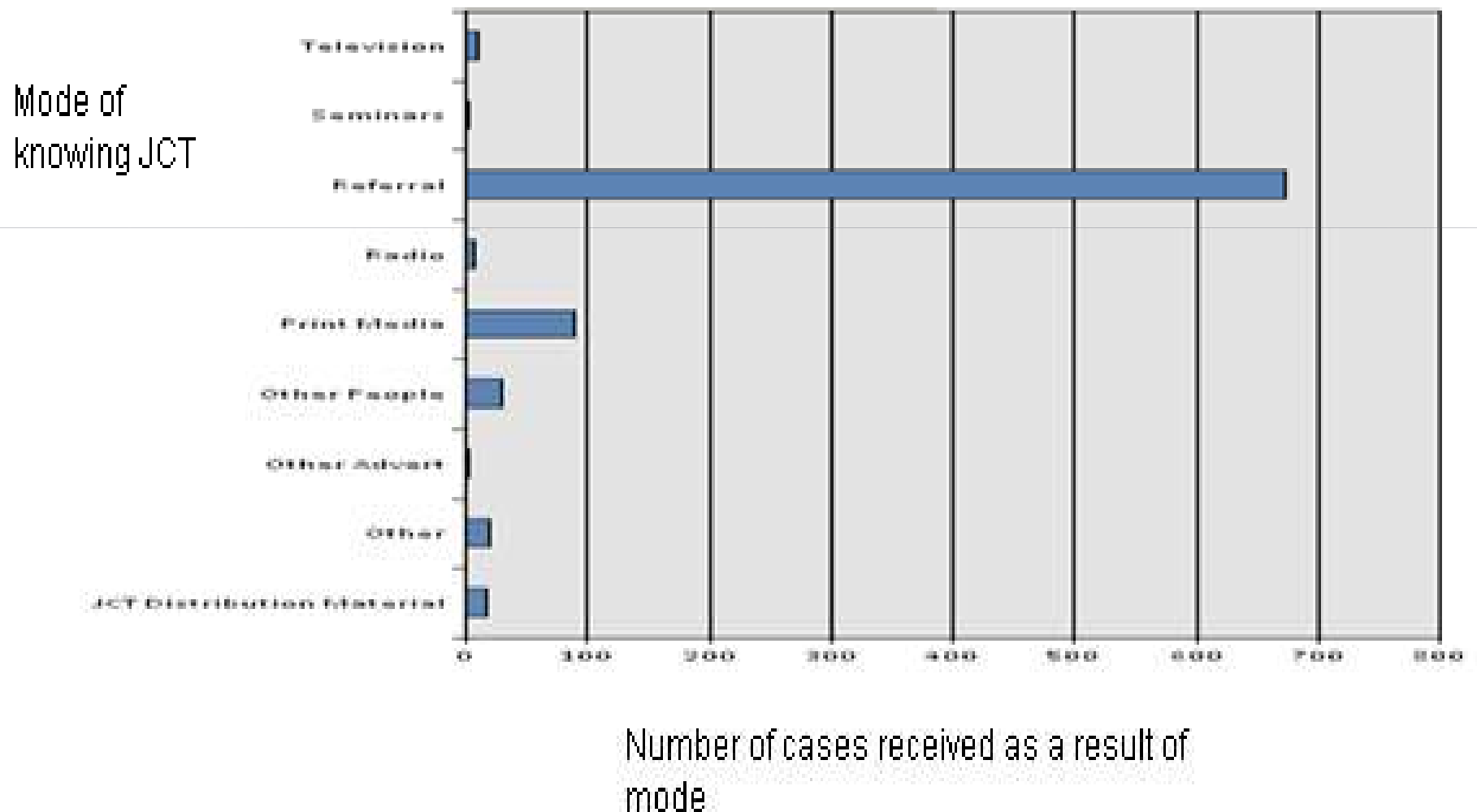
- **Some churches especially of the Apostolic sect are still in denial of the lived realities of HIV and AIDS.**
- **The bible is used a tool of harping principles of subservience thus resulting in acceptability of harmful practices.**



LINKING TRAINING WITH CASES 2007



LINKING TRAINING WITH CASES – JAN TO JUNE 2008



LOBBY AND ADVOCACY

- **Reviewing the laws of children to be in line with realities of politics, social setting and economy**
- **Our advocacy issues are;**
 - ❖ **birth registration**
 - ❖ **inheritance**
 - ❖ **Advocacy issues informed by case work and research**

POINTERS OF SUCCESS

- **Reaches out to at least 200 children monthly in legal aid**
- **Trained over 400 child peer educators in 101 schools**
- **Trained over 300 adult peer educators in the areas of our operations.**
- **Peer educators involved in national education through electronic media and outreaches**
- **Schools and communities developed referral structures for the protection of children**
- **Peer educators involved in initiation of legal education on their own**

CHALLENGES

▶ Political policies in Zimbabwe;

- ❖ Land reform
- ❖ Operation clean up filthy (Murambatsvina)
- ❖ Price reduction policies
- ❖ Pre and post election violence exposed children
- ❖ Lack of positive recognition of the role played by NGOs

▶ Legal Context

- ❖ Lack of appreciation by other key players in the child rights arena regards the litigation process
- ❖ Lack of judicial activism to utilize International Human Rights instruments to compliment national laws.
- ❖ Lack of judicial independence.

CHALLENGES CONT

► Economic challenges in Zimbabwe;

- ❖ Migration

- ❖ Health facilities

- ❖ Education

- ❖ Collapse of justice delivery

- ❖ Increase of cases of economic crimes

- ❖ Strained state budgetary allocations

- ❖ School drop outs as children especially girls contribute to household production, care for the sick parent/guardian and look after siblings

- ❖ Strained resource allocation within the household as resources are challenged towards medical and nutritional requirements

LESSONS LEARNT

- ▶ In Zimbabwe, when government initiated the land reform, there was no foresight of other issues that would affect children such as the inheritance disputes emerging 8 years later
- ▶ Casework has revealed that children's issues are real and thus it is important to separate them from women's issues
- ▶ Holistic approach in addressing children's issues is crucial as this reaches out to many children at a low cost eg mobile legal aid clinic concept mentioned above

LESSONS LEARNT CONT

- ▶ An enabling, well resourced environment supports proper implementation of existing laws and policies eg laws can become impractical to implement
- ▶ When laws are enacted, it is crucial to simplify and raise awareness so that they can be utilized to assert legal rights
- ▶ A dual legal system can perpetuate violation of children's rights in the name of culture

THANK YOU

Justice for children Trust

145 Robert Mugabe Road

2nd Floor

Exploration House

HARARE , ZIMBABWE

web site: <http://www.jctrust.co.zw>

e-mail: admin@jctrust.co.zw