

THE CHILD LAW BULLETIN

JUSTICE FOR CHILDREN TRUST (JCT)

CHILDREN AFTER IMPRISONMENT

The society believes that children committing offences should face the wrath of the law by being imprisoned. The judicial officers have somehow conformed to the societal views. Children are being imprisoned during trial and after conviction after the judicial officers condemn them as a menace to the society. Judicial officers seem to believe that such children need to be reformed whilst in prison. At home, these children may be stigmatised and no one would want to have anything to do with them. Some relatives would feel safe when the juveniles are placed in custody. There is however little consideration of the consequences of imprisonment and life after imprisonment for these juveniles.

Poverty, immaturity and orphanhood are among the reasons causing children to find themselves behind bars. Orphans and children coming from poor backgrounds resort to criminal activities in order to survive. Such children also lack proper guidance. This has resulted in them being sent to prison. Imprisonment should ideally achieve the rehabilitation of children and their reintegration into the society as responsible citizens. This is however not being realised. After these children are shunned from the society for a long period of time serving, the circumstances that the children would have been imprisoned facing will be the same or even worse after prison. There is nothing much being done to change the lives of these children after prison.

Justice For Children Trust has encountered cases where families and communities are refusing to accept children coming from prison. The children face stigma and ridicule even in cases where the families are willing to take them back. Their relatives will not want them anywhere close to their residence and will be labelled as bad influence. Some are condemned to an extent that each time an offence is committed they are picked up by the police as suspects. They would live a life of fear and name calling. In one bizarre case, however, a child was greeted and followed by a crowd on her way from prison. The crowd cheered at her upon her release after the organisation represented her in March 2011 and when the organisation visited the same prison in August 2011 she was there, having committed another offence. There is no rehabilitation, let alone reintegration, in such cases.

Some children will have acquired educational or vocational trainings whilst in prison with the support of non governmental organisations and churches. With all the good results, the employment sector would not want to employ an ex convict and no bank would want to have an account with an ex convict. Opportunities to live as responsible citizens are closed. There is no reintegration mechanism in place for these children. All the work done by the different stakeholders will be put to waste if this is not addressed.

Children should not be punished for offences they would have committed during their childhood. The fact that a child committed the offence whilst a juvenile, should not be treated as a previous conviction in the employment sector. The employers should be able to employ these juveniles so that they are not discriminated due to their past which they will have discarded. Projects should be available for such children in the cases where they cannot be employed so that they are able to make a living through legitimate means. There is need to alleviate poverty and provide assistance for orphans so that children will not indulge in criminal offences. This will see children being fully rehabilitated and reintegrated back into the community which will accept them.

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Inside this
issue:

Children after Imprisonment	1
Ending Child Labour	2
Birth Registration is the key	3
Contact us	3



ENDING CHILD LABOUR

Zimbabwe has laws that restrict children of school going age to engage in employment or to be employed for a gain or reward. It is however common in Zimbabwe that those children of school going age are getting employed as maids, vendors or farm workers and the law is not being implemented. The argument is that these children need employment to be able to make a living for themselves and their families.

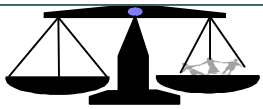
It is common cause that children are getting orphaned at very tender ages as the HIV/ AIDS pandemic continues to wreck families apart. Poverty is still at its alarming levels in some parts of the country. Children as young as 10 years are getting employed either to look after their siblings or help their parents to make a living. This inevitably leads to children dropping out of school so that they can continue working. For orphans, most relatives would rather have the children work and provide for their siblings than to stay with them especially where the parents had nothing left for the children.

Section 10A of the Children's Act provides that no parent or guardian shall cause or permit the child to absent himself from school in order to engage in employment for gain or reward. It does not inhibit parents only from permitting children but goes further to criminalize those who employ children of school-going age at a time when the children might reasonably be expected to attend school. This law however is not being implemented resulting in children being employed as maids, farm workers and in home based industries. Such children are subjected to abuse. For instance, at one point Justice for Children Trust discovered that of the eight juveniles who were in a certain prison, two had been employed as herd boys and they were alleging that they were framed by their employers who did not want to pay them their wages.

Ending child labour requires more than just legislating on the subject. There is need for the government to recognise the rights of children and its obligations to respect, protect and promote the same. The opportunity for now to begin is in the constitution making process which the government should use to enshrine children's rights as justiciable rights in the constitution. Such rights must include social and economic rights given the background of their constant abuse with impunity. The government must be held accountable for the rights of the orphans and other vulnerable children so that every child will have access to basic services like education, shelter and health without resorting to employment.



CONTACT US



66 Blakeway Drive, Belvedere
Harare, Zimbabwe
Phone: +263-4-741510, 778474 Fax: +263-4-792314
E-mail: admin@jctrust.co.zw Website: www.justiceforchildrentrust.org.zw

For feedback please get in touch with us through the contact details provided above.

CHILDREN'S EXPERIENCES

BIRTH REGISTRATION IS THE KEY !!!!!!!

A child aged 14 years was brought to the organisation from Chiedza Child Care after they had unsuccessfully tried to obtain a birth certificate for her. The child is currently staying with her paternal aunt who is now aged 25 years and her uncle. Both the child's parents' whereabouts are unknown. The mother of the child is said to have dumped the child who was three years old at the time and her young sister at the father's residence. The father of the child then left the residence and no one knows where he went. It is not known whether the parents are alive or not. The children remained with their paternal grandfather and his children who were minors at the time. The paternal grandfather then passed on in 2009 leaving the children to stay with their aunt and uncle who were minors at the time. The child was born at Harare Hospital on the 10th of August 1995.

The child has been selected to play for the national team in softball and is one of the best left hand pitchers. She had challenges in getting a birth certificate so that she could acquire a passport as they were going to play in South Africa in October 2011. Chiedza Child Care had tried to register the child but had reached a

brick wall. They highlighted that the Registrar's Office indicated that they should locate where the parents are. They then visited the organisation together with the child.

JCT then proceeded to the Registrar's office and highlighted the need for the child to be registered as she would miss the opportunity of a lifetime. The birth certificates for the parents were pulled out from the Registrar's office. The child together with her young sister were registered. The children's right to birth registration was fulfilled opening doors to the enjoyment of other rights such as the right to freedom of movement.

Chiedza Child Care is in the process of processing the passport for the child. It is possible for children whose parents' whereabouts are unknown to acquire birth certificates if there is proof to satisfy the Registrar's office. Most children are failing to register children after their parents' whereabouts are not known. Relatives should therefore be encouraged to approach the Registrar General's Office for assistance. The Registrar General's office should also continue to exercise its discretion in a manner that promotes the rights of children.

