

CHILDREN-“PAWNS” IN ADULT GAMES

The Sunday Mail of June 20-26, 2010 had a startling headline which read, “Couple strangles child in effort to save marriage.” In a society which has a moral backing and conscience, this surely must have raised a sense of shock and could raise the question, ***“what happened to morality and sanctity of life and what happened to the days when children were valued and a joy to the world?”***

The woman, Takudzwa Chiutsi (25) was married to Andrew Zinyambe (25). Ms. Chiutsi misrepresented to Zinyambe at the time of their marriage that she had no child. This misrepresentation, it turns out, was the source of the tragedy which then followed. This couple started living together with the now deceased child. The mother instructed the 4 year old child to refer to her as aunt so that her husband would not discover that she was in fact the child’s biological mother. Even then, living with the boy was problematic because Zinyambe was not comfortable with taking care of someone else’s child. This in itself reflects a clear lack of love and a serious deprivation because the child was not being raised in a proper family environment that he was entitled to. He was unwanted by his mother and stepfather. To him, the world was probably a loveless place and for someone of that tender age, he probably had so many questions as to why many circumstances in his life were different from those of his peers and worse still, no one could give him answers. To exacerbate little Talent’s problem, Zinyambe found out that the boy was indeed his wife’s

biological child and he ordered his wife to leave the matrimonial home. The wife decided to trade in the life of her child for her marriage. Talent was then brutally slaughtered on the altar of their so called love. The paper reports that Zinyambe strangled Talent and dumped his little body in a manhole which is where his decomposing body was later found after Chiutsi confessed to taking part in this heinous deed.

Not only was Talent’s murder a crime against the State but against humanity too. Even to call it a crime against humanity does not accord what was done to Talent the gravity it deserves. What happened was the use of a helpless, defenseless and powerless child as a pawn in an adult game. Surely their love was a farce since it condoned the killing of a helpless child! This is only a peek at what is going on in Zimbabwe when it comes to violation of children’s rights. Every child has the right to life, the right to grow, to have an education, the right to realize their full potential by growing to their full age. There are many “Talents” out there, everywhere, in the form of abandoned children and those abused in any and every kind of way.

No such child should be abused. Everybody must help in the fight against the abuse of children. Above all, the State must ensure that the rights of all children are respected, protected and promoted.

Sunday Mail: June 20-26 2010

Children-
“Pawns” in
adult games

1

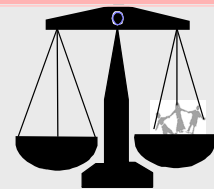
Child partici-
pation in a
people driven
constitution
making proc-
ess

2

Don't just con-
demn them

3





August 2010

CHILD PARTICIPATION IN A PEOPLE DRIVEN CONSTITUTION MAKING PROCESS

Zimbabwe is currently in the process of crafting a new constitution in the hope that should the draft be accepted in a referendum, it will then replace the current Lancaster House Constitution. This is in line with Article 6 of the Global Political Agreement, which provides the guidelines on how this should be done. One of the principles provided is that the process should be “people driven” implying the inclusion of every person in the process. Children are thus participants by virtue of them being people.

In order to ensure that children are not left out of this important process, JCT in partnership with the Ministry of Constitutional and Parliamentary Affairs, Africa Community Publishing and Development Trust, Childline and UNICEF, decided to consult children on what issues they would want addressed by the new constitution, bearing in mind that the old constitution does not adequately address their needs. The consultations are to be held in two districts per province in all the ten provinces of the country with an average target of 200 children per consultation. So far, 2 366 children in Matebeleland, Mashonaland Central, Mashonaland East and Harare have had an opportunity to say out what they would want the constitution to contain. Children’s involvement in the constitution making process will only be fulfilled if the Select Committee on the Constitution takes on board children’s issues. Reports from the outreaches being done under the auspices of COPAC show that children have not been given a chance to participate in the consultations together with their parents and guardians.

The objectives of the consultations are:

- To give the children a chance to participate in the constitution making process through gathering their views in a child-friendly environment,
- To provide basic information on the constitution and the constitution-making process,
- To facilitate the identification of consultation entry points for children, and
- To increase the visibility of children’s issues in communities, prior to the entry of formal consultation teams.

The consultations are child centred in a child friendly environment with all the activities being child driven. They are not gathering the views of adults but children. Child facilitators led the process with the teachers and consultation team members just overseeing the smooth running of the activities. Children seemed to enjoy this new approach of being in control, even though the teachers found themselves being directed by their children. Children also seemed to enjoy this new approach where they would use interactive games to bring out their views.

Some of the cross-cutting issues coming out included the children’s right to health, education and food which were raised in most of the targeted areas. Sexual abuse, child labour and corporal punishment were also a cause for concern to children in these areas. There is a high school dropout rate of children in Mangwe district which is close to the border with neighbouring Botswana.

Children also reported that a number of them are being forced to drop out of school due to poverty, death of parents and caregivers from HIV related illnesses. There is still a great number of children with no birth certificates in most districts due to lack of

citizenship by parents, lack of knowledge or lack of interest by parents and long distances to the registrar’s offices which are in district centres and provincial centres.

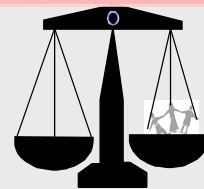
Children recommended that the constitution should canvass all the children’s rights. Issues that they need to be considered are non-discrimination; children should enjoy their rights whether in the rural or urban areas, best interests of the child and promotion of their right to life, survival and development. Children also call for clear roles of all duty bearers in protecting them.

They want roles of parents, caregivers, the government and the community on furthering their rights clearly spelt out in the constitution.



JUSTICE FOR CHILDREN TRUST

NEWSLETTER



We value your feedback on the issues we raise in our newsletter. Please do not hesitate to get in touch with us through our contact details provided.

August 2010



66 Blakeway Drive
Cnr Garfield & Blakeway Drive
Harare
Phone: +263-4-778474 / 741781 / 0912 560 163/4
Telefax: +263-4-741510

E-mail: admin@jctrust.co.zw; nenjerama@jctrust.co.zw; pa@jctrust.co.zw
Website: www.justiceforchildrentrust.org.zw

DON'T JUST CONDEMN THEM

Justice for Children Trust is advocating for juveniles in contact with the law to be protected by the law. This was after realizing that some children are having contact with the law because of their unfortunate backgrounds and circumstances hence the need for legal representation. Children will not thus be inclined to criminal activities without being influenced by other factors beyond their control. The manner in which children are brought up to be adults has an impact on how they react to certain situations.

JCT provides free legal services to children in contact with the law. JCT recently took up a case of two juveniles, Tafadzwa and Tatenda aged seventeen and fourteen years respectively. They were being charged with murder in that they were alleged to have killed their paternal grandfather after a dispute. Their father had died leaving them in the custody of their grandparents and their mother was staying in Epworth. The deceased and Tafadzwa had a long standing dispute about the minors' late father's death certificate which they required to access pension benefits and to get assistance from well wishers. The now deceased grandfather would refuse to give them the death certificate and the two boys had stopped schooling due to lack of finances.

On the day in question Tafadzwa went for a traditional ceremony in the village and returned around 0400 hours and was advised by Tatenda that the now deceased had come looking for him wielding a spear in his hand. Tafadzwa assumed that the now deceased intended to have them harness cattle and head for the fields as was the norm. He went to collect cattle harnessing tools and he also carried a T shaped stick that they used to tend the cattle whenever they went to plough the fields.

While on the veranda of the storeroom he encountered the deceased who was approaching him with a raised spear. The deceased was well known for his violent nature and the juveniles' mother had been a victim. In fear, the juvenile struck his grandfather who was about to attack him with the spear. The grandfather fell to the ground and died along the way to hospital. Upon realizing what had happened, the juveniles lied that their grandfather had in fact been attacked by thieves. It was after Tatenda had been taken to the police that he told the truth. Tatenda did not directly participate in the deceased's death but he assisted the actual perpetrator, Tafadzwa, to evade justice after the fatal blow by throwing the stick used in the attack into the toilet. He also lied to the police initially that deceased had been attacked by thieves. This led to their arrest and they were placed in custody for four months before JCT made an application for bail leading to their release. The trial took three months and judgment was passed on the 18th of June 2010. Tafadzwa was found not guilty and was acquitted on the basis that he had acted in self-defence and that he had reacted to an unlawful attack which was imminent. A wholly suspended sentence of three years on grounds of good behavior was passed on Tatenda after being found guilty of being an accessory after the fact to a crime of murder

This is a stepping stone in the justice delivery system for children in contact with the law. The history of the two juveniles' living conditions and upbringing had a role in assisting the court to make its ruling.

These juveniles were not happy and lived in constant fear of the deceased. They were made to work in the fields as early as four o'clock in the morning and were no longer going to school after their father passed away. Their mother had been a victim of the deceased's wrath and violent nature. This therefore expresses the need of assessing

children's home environment.

This will also reflect on why the probation officer's report is considered crucial. It will persuade the court during decision making. A probation officer will assess the circumstances of juveniles in contact with the law, including physically visiting their homes.

There is need to assist all juveniles who will be facing criminal charges so that where they are innocent, they will not be wrongly convicted and where they are guilty, the courts treat them and dispose of their cases in a manner that respects the minors' dignity and promotes rehabilitation. The arrest, prosecution, conviction and sentencing of a juvenile who commits a criminal offence have negative and adverse consequences on the juvenile. He may lose his liberty and other rights as a result and there will be more infringements if the child is placed in custody. What is then crucial is to consider some factors which are causing juveniles to engage in criminality and these should be addressed before condemning the children themselves by placing them in custody. This is also provided for by the United Nations Convention on the Rights of the Child which states that "the arrest, imprisonment and detention of the child should be in conformity with the law and shall be used only as a measure of the last resort and for the shortest period." The implication is that children should be kept out of prison as much as possible.

NOTE; the names of the 2 juveniles have been changed to protect their identity.