



ZIMCODD

ZIMBABWE COALITION ON DEBT & DEVELOPMENT

POLICY DIGEST

APRIL 2022



**ASSESSING EFFECTIVENESS OF THE
ZIMBABWE NATIONAL ORPHANS CARE
POLICY IN PROTECTING MARGINALIZED
& VULNERABLE CHILDREN**

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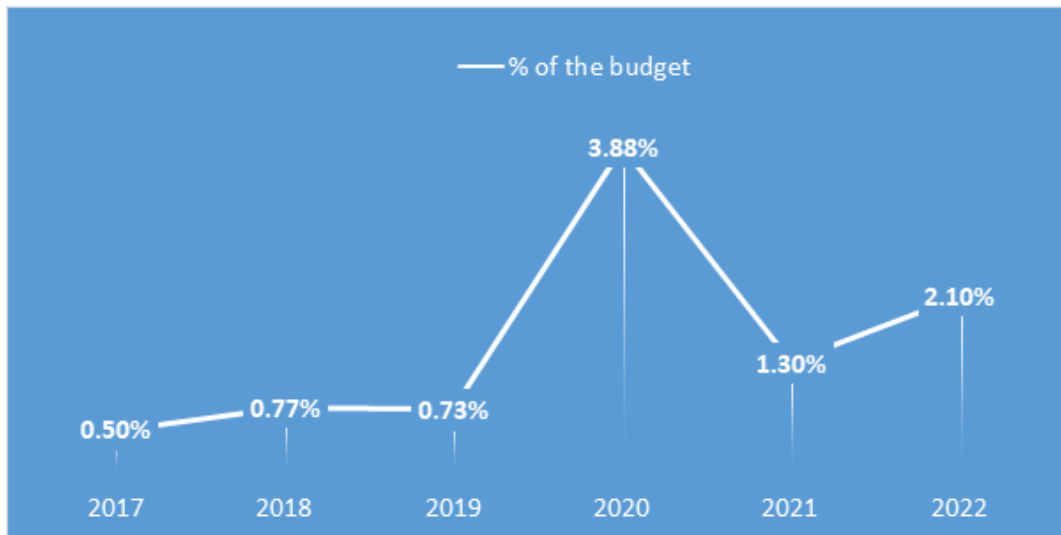
1. INTRODUCTION

The April Policy Digest examines the effectiveness of the National Orphans Care Policy (NOCP) in promoting a just and inclusive environment to promote and safeguard the rights and interests of children in Zimbabwe. Declining social and economic conditions for children in Zimbabwe are emblematic of the broader social and economic injustices affecting poor and vulnerable groups in a context of rapid economic decline, climatic pressures and political instability. These contextual factors have disproportionate impacts on children resulting in the proliferation of child vending, high school drop outs, teenage pregnancies and early child marriages. Zimbabwe has a population of approximately 15 million inhabitants, with 54% under the age of 20 while 61% of children live in multidimensional poverty and a weak Human Development Index ranking of 150th out of 189 countries. In this context of extreme vulnerability of children, the NOCP has a fundamental role to play in promoting optimum child protection. Therefore, this Policy Digest intends to determine if NOCP captures and addresses the plight of children on the ground.

2. SITUATIONAL ANALYSIS

Since the emergence of the COVID-19 pandemic, Zimbabwe has seen a rise in child vending. Child vending is nothing but a manifestation of a plethora of underlining dynamics that are militating against the rights and well-being of children. Some of these underlying dynamics though not exclusive include poor social protection policies, economic meltdown, maladministration, poor public resource management, infrastructural gaps, child marriages, dropping out of school, exploitative and exclusionary policies. All these challenges seem to gain traction in the lives of children across the country despite the availability of a myriad of policies, legal, institutional and regulatory frameworks that speak to child protection. These instruments include but are not limited to; the Constitution, Zimbabwe Children's Act [Chapter 5:06], the Zimbabwe National Orphan Care Policy (1999), Zimbabwe National Action Plan for Orphaned and Vulnerable Children, the Zimbabwe National Residential Care Standards Policy, Ministry of Health and Child Care, Office of the President and Cabinet, Parliament, Ministry of Public Service, Labour and Social Welfare to mention but a few.

Poor Public Resource Management (PRM), debt distress, resource leakages and Illicit Financial Flows (IFF) have impeded against effective Domestic Resource Mobilisation (DRM) which is integral in mobilising funds for social spending. The impact of weak DRM has been adverse on the cost of living for the ordinary Zimbabwean and social spending as it has widened the inequality gap. Zimbabwe`s social spending is below the agreed 4.5% of the African Social Policy. Since 2017 Zimbabwean social spending has never reached 4%. The figure below shows Zimbabwe social spending.



Source: Compiled by ZIMCODD from the 2017-2022 National Budgets

The ramifications of weak social spending have imposed an unbearable cost of living on children. A rapid assessment of child vending in Harare shows that, approximately 20 children join the streets every day as beggars and vendors, a clear testament to the dysfunctional child protection systems in Zimbabwe.

According to the 2021 Zimbabwe Annual Report by UNICEF, child poverty has increased tremendously in Zimbabwe. The report states that, 1/3 women aged 20-24 years married before the age 18, 35% of children between the age of 5-17 are experiencing child labour, while 13% are working under hazardous conditions and over 51% of children are not registered at birth. Approximately 3.5 million children are chronically hungry[1], about 60% of rural girls and women encounter period poverty thus they lack access to menstrual supplies and education and lastly it is believed that girls who experience poverty miss 20% of their school life.[2].

The situation is further aggravated by the fact that 68% of pre-primary aged children (3-5 years) and 47% adolescents (13-18 years) are not in school and approximately 4.5 million children experienced loss of learning due to COVID by early 2021[3]. Child marriage rates remain high at 21.2% for adolescent girls aged 15-18 driven by poverty and social norms (MICS 2019). The negative statistics on the variables of child protection paints a gloomy picture on Zimbabwe`s child policy and this accounts for the examination of effectiveness of the NOCP in safe guarding the interest of Children.

1. <https://www.voazimbabwe.com/a/zimbabwe-poverty-hunger-widespread-12apr10-90647654/1466737.html>
2. <https://www.techwomen.org/girls-education/vheneka-khanyisa-eliminating-the-shame-of-period-poverty>
3. [UNICEF 2021 Zimbabwe Annual Report](#)
4. UNICEF 2021 Building Better Lives Report

3. A PEEP INTO THE STATE OF CHILDREN IN WEST AND CENTRAL AFRICA

The experience of children in West and Central Africa is unique and imperative in unearthing an astute and comprehensive juxtaposition of the challenges that children are encountering. This is because children in West and Central Africa are trapped behind conflict lines, facing violence and insecurity. The region is volatile and unstable with an increasing number of both new and protracted armed conflicts. Nations such as Central African Republic (CAR), Cameroon, and Democratic Republic of Congo (DRC) are embedded with vicious and malignant cycles of conflict coupled with cross-border emergencies that encompass the crises in the Sahel and Lake Chad Basin region. These crises have devastating humanitarian consequences on children and communities as they fuel inter-communal violence, with civilians and children often the most affected.

UNICEF describes the plight and agony of children in West and Central Africa region as a “major humanitarian crises” [5] which needs urgent intervention. Approximately 57.5 million children are in need of humanitarian assistance, a figure that has almost doubled since 2020 due to a surge in armed conflict and the COVID-19 pandemic [6]. Since 2005, the West and Central African region has the largest number of United Nations verified cases of sexual violence against children including rape with more than 8000 victims. Globally, the region accounts for 57% of all verified instances of sexual violence committed against children. There is a greater possibility that more cases are not being reported due to the stigma attached to grave violations against girls and to sexual violence. The region also accounts for 4800 verified abductions since 2005. Child labour, child vending, school drop outs and use of child soldiers is high in the region. The figure below presents a gloomy experience of children in the region which requires an isolated-comprehensive approach that addresses all the variables of the challenges that children are encountering.



5. UNICEF 2021 Building Better Lives Report

6. UNICEF 2021 Building Better Lives Report

4. INTERNATIONAL AND REGIONAL COMMITMENTS RATIFIED BY ZIMBABWE

Zimbabwe has ratified most child rights instruments such as the United Convention on the Rights of the Child (UNCRC), the United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children; Child Prostitution and Child Pornography (OPSC); the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC); United Nations General Assembly Special Session on HIV/AIDS (UNGASS) (2001); the African Charter on the Rights and Welfare of the Child (ACRWC); SADC Code of Conduct on Child labour and SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage to mention but a few. Nevertheless, it is important to note that, Zimbabwe has not yet ratified The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, a convention that is imperative in safeguarding inter-country adoption and critical in the foster care process as it is evident that most adoptions begin as foster care cases.

5. AN OVERVIEW OF THE ZIMBABWE NATIONAL ORPHAN CARE POLICY

The Zimbabwe National Orphan Care Policy (NOCP) was put in place by the government to ensure child protection and regulate issues pertaining to children. The policy does not operate in a vacuum as it works hand in hand with other legislative instruments which have exclusive focus on children. These other legislative instruments encompass the Children's Protection and Adoption Act [Chapter 5: 06], the Guardianship of Minors Act and the Maintenance Act. The primary goal of the NOCP is to re-orient the activities of the government and all other development partners comprising the Child Welfare Forum (CWF) to address the needs of orphans. The policy also supports existing family and community-based coping mechanisms in the area of orphan care. The NOCP strives to mobilize, motivate and sensitize communities to come up with interventions and strategies that protect the rights of vulnerable children.

The policy emphasises on the need to create just, inclusive and comprehensive opportunities and mechanisms that empower vulnerable children to have access to public and private resources. The NCOP also promotes researches into matters that are affecting children so as to identify possible interventions on child protection. These interventions ensure appropriate training on orphan friendly strategies to be utilised by various institutions and promote the inclusion of orphans in all activities by children or for children particularly in the areas of health care and education as well as to promote legal assistance and support whenever appropriate.

All in all, at the core of the policy, is the need to promote the awareness of children`s rights across all sectors of the government and society so as to circumvent exploitation and exclusion. Some of the key provisions of the policy are presented hereunder:

Biological Nuclear Family: Under biological nuclear family, every child has a right to remain in his family for protection and care. However, in the event that this mode is disrupted by death of parents, a best mode of care is preferred.

The Extended Family: In the event of the disruption of the ideal family which is the biological nuclear family, the extended family will be encouraged to take up the care and protection of the orphaned child by either absorbing the child into their family or foster care.

Community Care: Community Care is activated when both the nuclear and extended family are unable to take care of their children. Thus the community in which a child lives will be asked to provide care and protection. Through community care, a guardian is assigned to take up the child for protection and care. A monitoring team or family will be set up to assist in the upbringing of the child and to ensure the well-being of the child.

Formal Foster Care: The formal foster care is activated when the first three fail to protect the child. At the formal foster care realm, the government plays a more active role in ensuring the safety and well-being of the child.

Adoption: Children may also be placed on adoption where appropriate. Adoption can take place starting at community care, foster care and institutional care. An assessment on the capacity of the family intending to adopt will be made.

Institutional Care: Institutional care is the last resort in the protection of children system. Institutional care might be provided by either public or private institutions. The government in collaboration with the Child Welfare Forum (CWF) engages in awareness workshops at all levels of society to promote the care and protection of children, especially orphans in this safety net system. Government officials at local level are encouraged to assist the CWF at their levels. This is because, the government is in partnership with the CWF which is a body formed by all or some child related organizations, Private Voluntary Organisations and government ministries under the guidance and leadership of the Ministry of Public Service, Labour and Social Welfare (MPSLS).

6. THE STATE OF CHILDREN'S RIGHTS IN ZIMBABWE

Child Marriage

Child marriage is one of the challenges being experienced by Children. Child marriages remain high with 34% of girls under the age 18 married, while 5% of girls under the age of 15 are married [7]. The challenge of child marriage is not limited to the girl child only as approximately 2% of boys marry under the age of 18. However, the importance of this disaggregated data is to bring to light the varying impact and effects of child marriage on the girl and boy child. Although the boy child is also affected by child marriage, the dimension of the plight and agony of suffering being experienced by the girl child is different from the one being experienced by the boy child.

Child marriage in Zimbabwe is fuelled by numerous challenges which among them include; poverty, religion, poor access to education, harmful social norms as well as legal gaps. Zimbabwe is among the 20 countries that have the highest prevalence of Child marriage. The national disaggregated data of child marriage according to province projects a gloomy picture for Zimbabwe. Although the data is old as it speaks to the 2019 scenario, it is critical to note that it cannot be discredited wholly in capturing the reality on the ground given the fact that since 2019 the global community has been battling with COVID-19 which saw the global economy entering into an unprecedented recession far greater than that of the World War 1 and Great Depression.

Province	Share of girls married before 18
Mashonaland Central	52.1%
Mashonaland East	45.1%
Masvingo	43.4%
Mashonaland West	42.2%
Manicaland	38.1%
Midlands	30.3%
Matabeleland North	29.4%
Harare	23%
Matabeleland South	20.3%
Bulawayo	10.9%
Rural	21.3%
Urban	43.7%

Source: Zimstat MICS 2019

There is a positive correlation between poverty and child marriage. The wealth index quintile attests to this assertion.

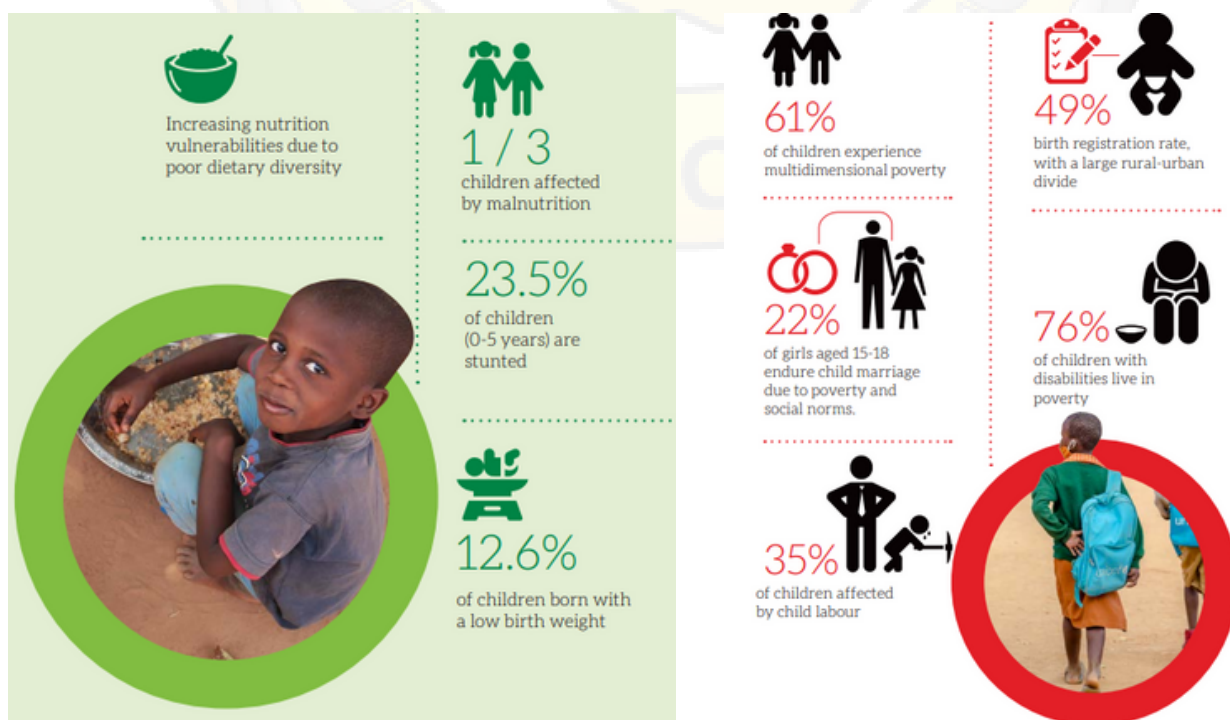
Despite the fact that the data in the table below is from 2019, poverty statistics have also increased which literally means that more girls could have married trying to escape poverty. Extreme poverty increased by 1.3 million from 6.6 million to 7.9 million which is approximately half of the entire population.

Wealth index quintile	Share of girls married before 18
Poorest	50.8%
Second	51.7%
Middle	39.7%
Fourth	31.2%
Richest	13.2%

Source: Zimstat MICS 2019

Poverty

UNICEF 2021 Zimbabwe Annual Report propounded that Zimbabwe has weak child protection systems that have failed to ensure the safety and well-being of children. UNICEF reported that, “4.8 million Zimbabwean children live in poverty and 1.6 million children live in extreme poverty” [8]. The most prevalent issues for impoverished children in Zimbabwe include malnutrition, education, sanitation and access to potable water. The Food and Agriculture Organisation (FAO) reported that less than 10% of Zimbabwean children between 6-24 months of age consume a minimally acceptable diet [9]. The figure below further projects poverty in the lives of Children.

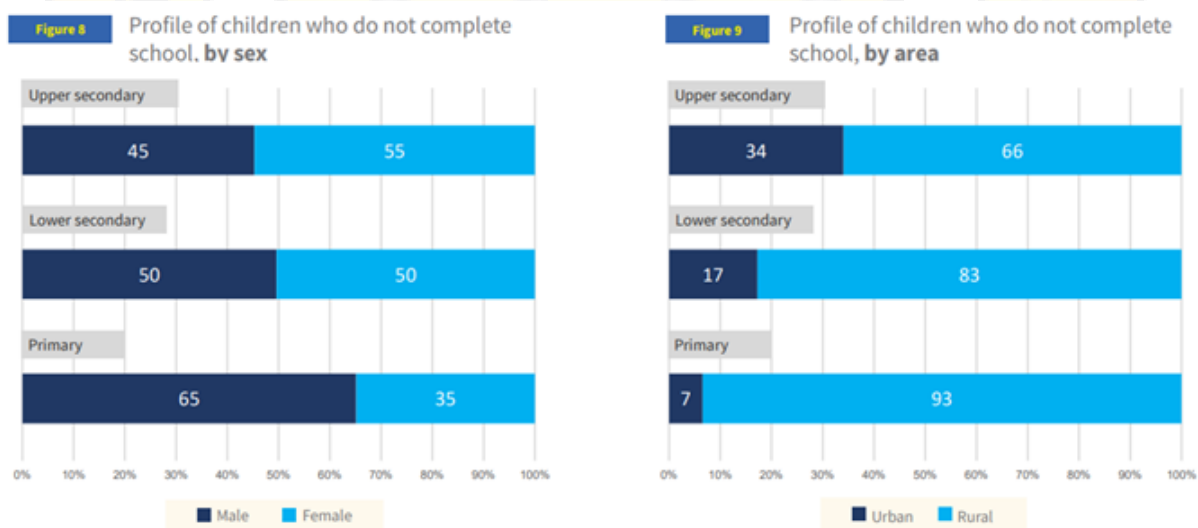


8 <https://borgenproject.org/child-poverty-in-zimbabwe/#~:text=The%20State%20of%20Child%20Poverty%20in%20Zimbabwe%20Zimbabwe,as%20children%20account%20for%2048%25%20of%20the%20population>
 9 <https://borgenproject.org/child-poverty-in-zimbabwe/#~:text=The%20State%20of%20Child%20Poverty%20in%20Zimbabwe%20Zimbabwe,as%20children%20account%20for%2048%25%20of%20the%20population>

Education

One of the core mandates of the NOCP is to promote inclusive education for all through the establishment of the Basic Education Module Assistance (BEAM). However, education spending has not reached optimum performance yet. In 2019 the government supported 415 000 children under BEAM and the coverage increased to 1 million children in 2020 against 4.6 million children in need of formal and informal education [10]. Whereas the uptick in BEAM coverage is commendable, the quick gains and progress was further interrupted by the COVID-19 pandemic which culminated in the incapacitation of many families due to job and income losses. According to UNICEF 2021 Zimbabwe Annual Report, the COVID-19 pandemic has affected the learning of a staggering 4.6 million boys and girls in Zimbabwe.

Approximately 68% of pre-primary aged children (3-5 years) and 47% adolescents (13-18 years) are not in school. Due to such immense impact, Zimbabwe has been trying to develop alternative mechanisms of ensuring continuity of learning. Nevertheless, the proposed e-learning method was out of reach with many students in the rural and marginalised communities as they fail to access internet due to unavailability of data bundles, smart phones and electricity. The proposed alternative also failed to capture the reality on the ground as it could not address the issue of school dropouts. A 2022 education fact sheet by UNICEF shows that there was an increase in school dropouts as approximately 50% of children are not in school [11]. To give a glimpse of the plight and agony of children and in the education sector the extract below presents disaggregated data of school dropouts according to gender and educational level.



Source: The 2021 MICS-EAGLE Zimbabwe Education Fact Sheets¹²

In addition, the Zimbabwe Schools Examination Council (ZIMSEC) released the 2021 Advanced Level results. The Advanced level results saw the pass rate rising by 3,68% compared to the 2020 results. However, the impact of the pandemic and rise in poverty was also witnessed by the decrease in registration of candidates. A 2.03% decrease was witnessed with 49 128 candidates as compared to 50 287 in 2020.

10. UNICEF (2020). 2020 Social Protection Budget Brief. UNICEF Zimbabwe.

11. <https://clubofmozambique.com/news/unicef-nearly-50-of-zimbabwean-youth-not-in-school-215734/#:~:text=UNICEF%20says%20Zimbabwe%20is%20spending%2013%25%20of%20its,at%20a%20conference%20years%20ago%20in%20Dakar%2C%20Senegal>

The reduction of the numbers of students who registered with ZIMSEC did not come as a surprise to ZIMCODD as it carried out an article in its weekly review lamenting how 30 000 students had failed to register [12]. This points to weak social protection policies with respect to education as the BEAM was not sufficient to cater for all students in need.

Child Protection Services

In 2017 child protection service received US\$ 1.35 million which increased to US\$ 1.6 million in 2018, decreased to US\$ 1 million in 2019 and increased to US\$ 1.2 in 2021 and ZWL 270 million which is US\$ 2.7 million using the 1:97.1361 which was a ruling exchange rate when the budget was announced. However, it is imperative to note that exchange rate has already ballooned to 159.3482. Given the allocations, the Zimbabwe National Council for the Welfare of Children (ZNCWC) has been financially crippled to undertake its mandate.

Key programs such as the Victim Friendly System, National Residential Child Care Standard, Social Protection interventions for Children in Zimbabwe and the Child Led Protection Committees have failed to execute their duties [13]. Accordingly, the number of children in need of humanitarian assistance has increased. Approximately 2.6 million children are in need of assistance as Severe Acute Malnutrition (SAM) has increased from 0.2% in 2018 to 1.4% in 2019 [14]. SAM for 2021 stands at 38 425 whereas wasting affects 74 267 children according to the 2021 Humanitarian Needs Estimates [15]. The numbers have since gone up as approximately 4.8 million children are in need of assistance while 1.6 million are in extreme poverty thereby accounting for 21% of those living in extreme poverty [16].

Child Labor

Child labor has continued to grow in Zimbabwe despite the availability of a myriad of legal, regulatory and institutional frameworks that speak against the same. Allegations have been leveled against emerging sugarcane farmers in Chiredzi over the use of child labor in sugar cane plantations. On the 26th of April, the Parliamentary Thematic Committee on Human Rights made a visit to Chiredzi, Mkwazini and discovered that approximately 300 children are working in sugar cane fields. The local department of Social Welfare has been accused of turning a blind eye to this act of gross human rights abuse that has been happening unchecked. It is believed that the proliferation of child labor has been necessitated mainly by the fact that child marriage is ripe in the area and majority of houses are headed by children.

A rapid survey conducted by ZIMCODD in Mkwazini discovered that many children see marriage as an escapement of poverty. Ironically, rather than providing safe sanctuary for children, child marriage has become a haven of child vending, child labor, poverty, misery and unhappiness. The increase of child vending has also become a cause of concern.

12. https://zimcodd.org/wp-content/uploads/2021/12/ZIMCODD-Weekly-Review-07.12.2021_.pdf

13 UNICEF 2021 Zimbabwe Humanitarian Situation Report: February- March

14 www.reliefweb.int/report/zimbabwe/humanitarian-action-children-2020-zimbabwe

15 <https://www.unocha.org/southern-and-eastern-africa-rosea/zimbabwe>

16 <https://borgenproject.org/child-poverty-in-zimbabwe/#:~:text=The%20State%20of%20Child%20Poverty%20in%20Zimbabwe%20Zimbabwe,as%20children%20account%20for%2048%25%20of%20the%20population>

The cities of Bulawayo and Harare have normalized child vending, a clear manifestation of the failure by the government to provide effective child protection services.

7. POLICY ALTERNATIVES

1. The Ministry of Justice, Legal and Parliamentary Affairs, the Ministry of Public Service, Labour and Social Welfare and the Ministry of Health and Child Care must come up with measures and mechanisms that safeguard and children from child marriages. The Ministry of Justice should lead in the creation of punitive measures that deter both boys and girls to be engaged in child marriage.
2. The Ministry of Information Publicity and Broadcasting Services must embrace aggressive policy sermons approach whereby it ensures robust dissemination of anti-child marriage messages in all the sixteen constitutionally accepted languages.
3. The Ministry of Public Service, Labour and Social Welfare should re-orient its Harmonised Cash Transfer strategy and put aside the “sophisticated algorithms” proposed by the Minister of Finance, Mthuli Ncube as they are failing to provide assistance to the most vulnerable children.
4. The Ministry of Finance must increase social spending allocation to meet the African Social Policy prescription of 4.5% of the national budget.
5. Child friendly budgets from top (central government) to bottom (local governments, Constituencies, Wards and Villages).
6. The Ministry of Public Service, Labour and Social Welfare in collaboration with the Ministry of Primary and Secondary Education must see to it that the government intensifies its BEAM program so as to ensure a wider coverage of those in need of education assistance.

8. CONCLUSION

The plight and agony of children in Zimbabwe has reached astronomic levels and should not go unchecked. Currently, the Zimbabwe National Orphan Care Policy (NOCP) has failed to ensure that adequate protection is channelled towards the marginalised and vulnerable children. The growing number of children living in extreme poverty, in need of education assistance, child labor and marriage has become a threat to human capital development which is essential in the attainment of national competitive advantage. The possibility of attaining optimum human capital by 2030 is becoming low unless the government re-calibrates its social spending and aligns it to the needs and aspirations of children. The above prescribed recommendations present an opportunity to the government to realign its policy implementation with the National Development Strategy 1 (NDS1).



Address | 9 Bargate Rd, Mt Pleasant, Harare, Zimbabwe

Telephone | +263 242776830/1

Email | zimcodd@zimcodd.co.zw

Facebook | Zimbabwe Coalition on Debt and Development

Web | www.zimcodd.org

Twitter | [zimcodd1](https://twitter.com/zimcodd1)

Instagram | [@zimcodd1](https://www.instagram.com/zimcodd1)

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