



Midlands State University

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Department of Politics and Public Management

**CIVIL SOCIETY AND CHILDREN RIGHTS IN ZIMBABWE: CASE OF
JUSTICE FOR CHILDREN ORGANIZATION IN BUDIRO DISTRICT
IN HARARE 2013 TO PRESENT.**

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**Dissertation submitted in Partial fulfillment of the requirements for
the Bachelor of Science Degree in Politics and Public Management
in the Department of Politics and Public Management**

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DISSERTATION APPROVAL

This dissertation is approved as a true document reflecting the topic that reads: ***CIVIL SOCIETY AND CHILDREN RIGHTS IN ZIMBABWE: CASE OF JUSTICE FOR CHILDREN ORGANIZATION IN BUDIRO DISTRICT HARARE 2013 UP TO PRESENT***. It also identifies and highlights researches performed by **Nyasha Midzi A** a Bachelor of Science Honors Degree in Politics and Public Management student at Midlands State University.

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DECLARATION

This is to certify that this project entitled “*CIVIL SOCIETY AND CHILDREN RIGHTS IN ZIMBABWE: CASE OF JUSTICE FOR CHILDREN ORGANIZATION IN BUDIRO DISTRICT IN HARARE 2013 TO PRESENT*” which is submitted by me in partial fulfilment of the requirements for award of an Bachelor of Science Honours in Politics and Public Management Degree by the Midlands State University, comprises only my original work and due acknowledgement has been made in the text to all other materials used.

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...../...../.....

NyashaMidzi A

Date

DEDICATIONS

I would like to dedicate this research to my mother, uncle, and my aunt who has been a pillar in all tunnels of life, to my supervisor Mrs. J Mudzamiri who continually impacted her vast knowledge and experience on Children issues to me. I would like to pass my appreciation to Justice for Children Organization for giving me this opportunity to conduct my research at their premises, also to my friends and relatives, your support is invaluable and I believe you all made this research a success, educative and enjoyable. Most of all I want to thank the Almighty God and the Holy Spirit for guiding me in preparing the research.

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LIST OF ACRONYMS

ACRWC- African Charter on the Rights and Welfare of Children

CPS- Child Protection Society

CRC- Convention on the Rights of Children

CSOs- Child Society Organizations

JCT – Justice for Children Trust

MSU – Midlands State University

UNDRC United Nations Declaration on the Rights of Children

UNICEF- United Nations Children Emergency Fund

VFU- Victim Friendly Unit

ZLHR- Zimbabwe Lawyers for Human Rights

ZNCWC- Zimbabwe National Council for the Welfare of Children

ZYC - Zimbabwe Youth Council

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RELEASE FORM

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ABSTRACT

Abuse of children has been at peak in Zimbabwe henceforth the need for NGOs such as Justice for Children to step in as agents that promotes the rights of children. The research is entitled *civil society and children rights in Zimbabwe: Case of Justice for Children Organisation in Budiro District Harare 2013 up to present*. This research then seeks to determine the activities and contributions of Justice for Children in fighting against the violations of children rights. An analysis of the causal factors to the violations of children rights was also the major thrust of the research and it was noted that ignorance of the children's law, separation of parents, death of parents and harmful cultural and social practices were the leading causal factors of violating the rights of children. Two leading theories that were the Choice theory and the Interest theory were the major anchors of the study as they fully address children issues. Qualitative and quantitative approach was then used as the research methodology in which the combination of the two methods complemented each other and allowed for complete analysis. Main actors which are dominant in the field of promoting the rights of children and the challenges they encounter were also the major concerns of the research and also the success these organisation have achieved up to the present day. Recommendations were forwarded in which the constitution was the major point of concern that it should be reformed so as to suite the best interests of children and the conclusion of the whole matter was that the violation of children rights in Zimbabwe is mainly caused by social harmful and cultural practices.

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CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.0 INTRODUCTION

Like many other children rights organizations Justice for Children has been and continues to be a major promoter of children rights in Zimbabwe. The promotion of children rights has been a major concern in Zimbabwe and this research seeks to investigate the work done by Justice for Children in promoting children rights. Children Rights are usually viewed as something of less paramount importance hence the need of Justice for Children to step in as an agent that promotes and protects children rights.

The chapter serves as the preamble to the entire research and it will create a background platform which the researcher will anchor on. It will provide a background of the study, statement of the problem, objectives of study, justification of the study and the limitations and delimitations to the study.

1.1 BACKGROUND TO THE PROBLEM

Over the past years, there has been an increase of cases linked to abuse of children in Zimbabwe. Justice for Children has emerged as an agent performing a vibrant and essential role in dealing with children rights. Importance is therefore based on what a child refers to and what is referred to as a right. The definition provided in Article 1 of the Convention on the Rights of the Child states that a child is anyone below the age of eighteen. Ncube (1998) define a child as a person below eighteen years of age. Customary practice in Zimbabwe then provides a traditional definition that a child is a person under parental guidance. Freeman (2002) defines them as privileges drawn from moral and legal regulations which are entitled to dignity and respect.

The Constitution of Zimbabwe as pertaining to children rights reflects that before Amendment (No 20) of 2013, children's rights were not set out in the Constitution of Zimbabwe. With Amendment (No 20) of 2013 children's rights have been set out in the supreme law of the land. Children's rights are now set out in section 19 of the Constitution. Section 19 (1) clearly states that the State must adopt policies and measures to ensure that in matters relating to children, the best interests of the children are catered for. In Section 19 (2) reflects measures that the State has undertaken to ensure that children enjoy family or parental care, or appropriate care when removed from the family environment. It also takes note that children have shelter and basic nutrition, health care and ensure that social services are provided. Section 19 (3) of the Constitution which deals with child labour, also compels the state to take appropriate legislative measures to protect children from exploitative labour practices and to ensure that children are not required or permitted to perform work or provide services that are inappropriate of their age. With Section 19 (3) the State sets to fight against acts such as human trafficking and child prostitution, where children are abused in order to obtain income to support families.

In the Ancient times, the rights of children were not visible as they regarded children as small adults. Since 1841, laws to protect children started to emerge and in 1881 the French included the rights for children to be educated in their laws. At the beginning of the 20th century, initiatives to protect children started to be implemented and this comprised of sectors such as health. This protection originated in France and extended all over Europe. From the period 1919, the International community started to give attention to the concept of children rights and established a Committee for Child protection.

In 1924 International bodies adopted the Declaration of the Rights of the Child and among this was the League of Nations, The Geneva Declaration then followed and it derived its operations

from the works of Janusz Korcaz, a physician in Poland. Victims of the World War 2 left a number of children in an unstable state, henceforth the United Nations Children Emergency Fund came into operation in 1947 and in 1953 it was permanently approved to be an international organization. UNICEF focused mostly on assisting affected victims of the World War 2 putting much emphasis on Europe. In 1953 it then expanded its works to an international platform focusing on developing countries and several programs were put in place such as assistance in education, food and health.

The Universal Declaration of Human Rights ever since 1948 stated that special care and assistance was supposed to be channeled towards childhood and motherhood and this was adopted by the United Nations General Assembly in 1959 this step showed great respect to children rights. Also taking note of the Organization for African Unity which also adopted the African Charter for the Rights and Welfare of the Child in 1990 hence acknowledging that children rights were essential in Africa hence they were supposed to be observed.

The abuse of children and lack of respect to their rights in Zimbabwe is increasing not only in Zimbabwe but in other surrounding countries. Increase in the number of early child marriage cases which is considered as child rape, the increased cases of child labor and the high performance of cultural practices that affects children proved high levels of child abuse. For instance, a report by the Emerald Hill School of the Deaf (2014) states that rape victims in this case the deaf are vulnerable towards abuse as they fail to prove themselves in court, with the majority being girls. Additionally, the Harare Provincial Junior Parliament team (2014-2015) articulated that it is our collective responsibility to eliminate such harmful cultural practices as stated by their theme “ELIMINATING HARMFUL SOCIAL AND CULTURAL PRACTICES AFFECTING CHILDREN: OUR COLLECTIVE RESPONSIBILITY”. Usually it is noted that

cases that pertain to child abuse are not brought to action. Therefore special protection of children has to be done bearing in mind that they are valuable assets.

1.2 STATEMENT OF THE PROBLEM

This research seeks to examine the violation of children rights such as the right to education and the right to parental care due to poverty and cultural practices as it is at peak in Zimbabwe. Henceforth Justice for Children stepping in as a civil society that educates the society on children laws and lobbying for legal and policy reforms on matters affecting children. It can then be noted that these violations affect children's mental health and spiritual moral development and also leads to child labour and drug abuse.

1.3 JUSTIFICATION OF STUDY

The study is important as its results may provide valuable facts on the contribution of the Justice for Children Organization as an agent that promotes the rights of children. It is also important as it discourages the ignorance of the law that leads to violation of children rights and it is going to provide information to the Ministry of Home Affairs about the welfare and protection of children in Zimbabwe.

1.4 RESEARCH QUESTIONS

1. What factors contribute to the need of promoting children rights by Justice for Children Organization?
2. What have been the major causes of the ignorance of the law leading to abuse of children rights in Zimbabwe?
3. Which actors have been central in promoting children rights?

4. How Justice for Children Organization manage to promote children rights in Zimbabwe?
5. What are the challenges faced by Justice for Children in promoting children rights?

1.5 OBJECTIVES

1. To determine the promotion of children rights in Zimbabwe basing on the activities and contributions of Justice for Children.
2. To investigate the challenges faced by Justice for Children Organization in promoting children rights in Zimbabwe.
3. To investigate the causes of the ignorance of the law that leads to violation of children rights.
4. To investigate the levels to which Justice for Children has succeeded in the promotion of children rights and the duties played by other actors which are dominant in the promotion of children rights.
5. To proffer solutions on how these challenges can be overcome

1.6 LIMITATIONS

The research will encounter various limitations that comprise the Official Secrecy Act that limits participants to give all the information necessary thereby withholding certain information that is influential. The participants might have a negative perspective on the research they might view it as of no benefit to them.

1.7 DELIMITATIONS

Focusing on children rights only in the study is a delimitation to the research as they are many other rights besides children rights that are violated that need to be attended to. There are also a number of children rights organizations that promotes children rights in Zimbabwe hence by

focusing on Justice for Children delimit the research to one field of study. Paying particular attention to the works conducted by Justice for Children in Budiriro also delimit the study to one area yet Zimbabwe has a number of districts that need to be attended to.

1.8 CONTRIBUTION TO LITERATURE

This research output will be a reflection to the society on how children rights are promoted and will benefit the community to be aware of the necessary measures taken after the violation of children rights and they will have the knowledge of bodies and organizations to appeal so that there will be an end to children rights violation.

1.9 STRUCTURE OF THE STUDY

The study is segmented into five chapters. Chapter 1 is the introductory chapter, which defines the study in terms of its focus and scope. It also gives the background information, the statement of problem, justification of study, objectives and other introductory issues. Chapter 2 is literature review and theoretical framework in which the study branches from. Chapter 3 presents the research methodology used in carrying out the study effectively, that is data gathering and analysis and presentation methods that were used by the researcher. Chapter 4 presents findings Chapter 5 recommendations based on the findings and conclusions.

1.10 CHAPTER SUMMARY

The chapter has established the background information to the study and the need to carry out research questions, which the researcher regarded useful in guiding the study as the chapter also reflected the statement of the problem. The chapter served as an introduction to the body of the research to follow in later chapters and also highlighted the objectives of the study as well as the limitations and the delimitations to the study.

CHAPTER TWO: LITERATURE REVIEW AND THEORITICAL FRAMEWORK

2.0 INTRODUCTION

This chapter seeks to acknowledge previous writings and researches done in this area of violation of children rights due to the ignorance of the law. An analysis on the previous writings will be titled towards issues related to the functions of organizations that promote children rights and how they relate to cases of violation of children rights due to the ignorance of the law. This chapter will also include children rights theories such as the choice theory and the interest theory.

The ground of violations of children rights due to the ignorance of the law is packed with a number of literatures covering a number of issues. The promotion of children rights have been the major concern in developing nations like Zimbabwe. These basic rights are based on the key principles and the specific protection as enshrined in United Nations Convention on the Rights of the Child (UNCRC) in 1989. This research will attempt to cover a gap left out in making the general public aware of the law and avoid its ignorance as it leads to violation of children rights.

2.1 HISTORY OF CHILDREN RIGHTS

The history of promoting children rights can be traced back to the Children Rights Movement which is considered to be a historical and a modern movement. The movement was devoted to acknowledge, uplift and promote the deteriorating violation of children rights around the world. The historical conception towards the definition of a child has varied, the United Nations Convention on the Rights of the Child postulates that a child is any human being that is below the age of eighteen.

During the ancient times nobody had the idea to protect children against the violation of their rights as it was noted in the middle-age children were now taken as young adults. In the middle of the 19th century the idea appeared in the France when it started to recognize children providing them protection and recognizing the importance of children rights laws. In the year 1841 laws that were geared towards the promotion and protection of children rights started to emerge and in the early times of the 20th century it was then noted that child protection initiatives started to be put in place, including protection in health and legal matters.

After the Declaration of the Rights of the Child the Geneva Declaration then followed thereafter. Historically the WW2 and its victims left a large number of children in a horrible situation henceforth this led to the formation of United Nations Children Emergency Fund (UNICEF) in 1947. UNICEF then placed several programs for assisting children in various fields that include their education and health.

It can be of the view that the Organization of African Unity also adopted the African Charter for the Rights and Welfare on July 11, 1990 hence acknowledging that children rights are essential in Africa hence they must be observed as stipulated by the law.

2.2 DEFINATION OF A CHILD

A clear definition of what is referred to as a child is important to take note of. In Zimbabwe the Children's Protection and Adoption Act articulates a child as any individual below the age of 16 while on the other hand Legal Age of Majority Act outlines a child as persons under the age of 18. The African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child also define a child the same way as the Legal Age of Majority Act (Ncube,

1998). Customary practice notes that if a person remains under parental care is regarded as a child (UNICEF, 2005).

2.3 DEFINATION OF CHIDREN RIGHTS

In reference to literature relating to defining children rights Article 1 of the UNCRC express a child as a human being that is below the age of eighteen(United Nations 1989). A large population of the people thinks that children poses rights but the question that then comes into play is the facts that do these children poses the same rights as the adults. There are no children rights specifically stated in the Constitution of Zimbabwe however rights in Zimbabwe are given to everyone regardless of age.

The term right is difficult to define and explain as articulated by (Alderson, 2000; Alston, 1994, Freeman, 1992) and there are many different and conflicting understandings about what constitutes children's rights. Michael Freeman (2002, p.6) defines children's rights as entitlements and privileges that derive from moral and legal rules, and argues that rights, in particular children's rights, are essential he states that if people have rights they are entitled to respect and dignity (Freeman, 1992, p. 29).

In addition to the above Zimbabwe has consented to the United Nations Convention on the Rights of Children and ratified the ACRWC. Since children are considered to be human beings so must be owed certain obligations which are considered as children rights for the simple reason that there are children.

The UNCRC provides a wide range of rights including the right of children to their best interest according to Article 3 of the convention. Article 6 also accords a child to the right to life whilst

Article 12 provides the child with the rights to make his or her own decisions (United Nations 1989)

2.4 LAWS AND DOCUMENTS THAT PROMOTES AND PROTECTS THE RIGHTS OF CHILDREN

Several scholars highlighted the duty that the law play in protecting citizens from all surrounding abuses that can be encompassed, the law gives proper confirmation of the rights as they are stipulated in the constitution of states for instance Zimbabwe. This research will cover a gap that will alert people in using law as an advantage so as to promote the protection of children. It can be noted that children rights law exists to protect children's well-being and general standards of living.

2.4.1 Constitution

Children laws in Zimbabwe are derived from the constitution which enables the government of Zimbabwe to interpret international treaties into domestic laws. Zimbabwean law has protected and safeguarded children against sexual offences that might be committed and these laws have been stipulated in the Criminal law Act chapter 9:07.

Section 19.3 of the Constitution deals with issues of child labor and it requires states to take proper legislative procedures to protect children from abusive labor practices and ensure that children are not allowed to execute work that is over their age boundaries. Children are not allowed to perform work that affects their education,

With Section 19(3) of the Zimbabwean constitution the State fights against issues of child prostitution whereby children are abused in a bid to attain income to sustain families hence increasing rates of HIV and AIDS in the country.

The Children's Act Chapter 5:06 establish the children's court that is there to provide safety, administration and welfare of children. The Act also address issues that deals with adoption of children and it prohibits the marriage of an adoption child by the parent after the child's attainment of eighteen years compared to years before the Act were the parent would marry the child.

2.4.2 African Charter on the Rights and Welfare of Children

The African Charter on the Rights and Welfare of Children which was adopted in 1990 by heads of states is a crucial legal instrument that reflects the rights of children in Africa. It highlights the responsibilities that the state, community and family pose in promotion and protecting children rights in Zimbabwe. One of the valid reasons of having a children's charter was the feeling that children rights has to be safeguarded with full adherence to the law.

2.5 DOCUMENTS THAT PROMOTES CHILDREN RIGHTS

2.5.1 Geneva declaration of 1924

According to Kaufman and Flekky (1997) child development in the twentieth century contributed to the recognition of children rights hence the need to establish various documents that promotes and protects children rights. The Geneva Declaration of 1924 is regarded as the first document that deals specifically with children rights. Hence the document is there to ensure the recognition of the law which protects children rights as its ignorance lead to the violation of the rights of children.

2.5.2 Declaration of the rights of the child

United Nations establishes also another important document which is the Declaration of the Rights of the Child which was ratified in 1959. The Declaration is considered to be more detailed and it stipulates that children must be granted their rights (Freeman 1983, p 19). There is a wide range of literature covering the issues of violation of children rights as evidently seen by the two United Nations documents which include the Geneva Declaration of 1924 and the Declaration of the rights of the Child 1959.

2.5.3 Covenant on civil and political rights

In addition another document that addresses children rights is the Covenant on Civil and Political Rights of 1966 Article 1 which states that every child without discrimination of color, race religion gender among others has the right to protection as he or she will be regarded as minor.

2.5.4 International covenant on economic, social and cultural rights

International Covenant on Economic, Social and Cultural Rights of 1966 in Article 10 provides the view that the state must be there to ensure that special measures that protect the children must be taken without any traces of discrimination. Henceforth the field of the promotion of children rights is packed with a number of literatures that focuses on the issues that has to do with the safeguard of children rights.

2.6 MAJOR CAUSES OF THE IGNORANCE OF THE LAW LEADING TO VIOLATION OF CHILDREN RIGHTS

Since independence Zimbabwe was characterized by the violation of children rights. Most books states that the causes of violation of children rights is the lack of knowledge, ignorance and failure to consider children as valuable assets of the society.

2.6.1Poverty

. Poverty in families is predominant in all aspects of the society and it was noticed that it affects the children first. According to the United Nation (2005) it states that poverty causes death of children after every three seconds. Hence it was noticed that poor families rely on child labor so as to sustain their families. One can then be of the view that the ignorance of the law leading to abuse of children rights is mainly caused by poverty in societies.

2.6.2 Cultural practices

The Harare Provincial Junior Parliament team (2014-2015) articulated that it is our collective responsibility to eliminate such harmful cultural practices as eluded by their theme“ELIMINATING HARMFUL SOCIAL AND CULTURAL PRACTICES AFFECTING CHILDREN: OUR COLLECTIVE RESPONSIBILITY”. It can be noted that cultural practices around the country affects children rights to a larger extent as evidently noticed by some cultures which forbidden children from attaining education and also health facilities. It was noticed that often founded traditions, cultural practices they have the aim to link the child with his or her culture but on the other side if these cultural links bypass children rights dramatic consequences are encountered.

2.6.3 Lack of adequate laws.

Children protection laws are enforced around the country so as to safeguard the rights of children, laws which are enforced are inadequate as they lack enforcement. Hence the need of non-governmental organizations such as Justice for Children to step in as agents that ensures that the populace adheres to the laws that protects and promotes children rights.

2.7 ROLE OF JUSTICE FOR CHILDREN ORGANISATION IN PROMOTING CHILDREN RIGHTS

2.7.1 Justice for Children Trust

Children rights have turned out to be a substantial field of study throughout the past decades mainly due to the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. Henceforth in the present day scholarly work on children rights is almost incredible without considering the convention as the bearer of the rights of children debate.

Claude (2006) noted that the emergency of nongovernmental organizations has contributed to a number of roles being played in the international arena. NGO's such as Justice for Children have emerged as central players in the promotion of children rights in Zimbabwe. As advocacy organization Justice for Children works with governments in developing agendas for action through treaty negotiations with governments. It also seek to establish public opinions and investigate on children rights abuses and report them to the directive authorities and offering direct assistance to victims of these abuses. This research will fill in the gaps left out of roles that nongovernmental organizations play in promoting children rights in Zimbabwe.

Justice for Children has a role of providing legal services that are based on free conditions to children in civil and unlawful matters; hence by so doing it guards against the violation of children rights in Zimbabwe. It has also the mandate to educate the society on children laws hence this move is seen as a dominate factor due to the fact that it restricts the ignorance of the law by promoting children rights.

2.8 ROLE OF THE STATE IN PROMOTING CHILDREN RIGHTS IN ZIMBABWE

Taking reference from the international humanitarian law states are considered to be principal bearers of children rights. States have the obligation to ensure that secondary duty bearers have the knowledge and means to fully carry the mandate of child protection in the country. The state ensures that children rights are not violated in the family, community and the wider community at large hence it enacts laws that fully protects the rights of children. The UNCRC states that defending children from factors that violates their rights is a comprehensive mandate of the state and other government department.

2.9 OTHER DOMINANT ACTORS IN THE FIELD OF PROMOTING CHILDREN RIGHTS

2.9.1 Child Protection Society

Child Protection Society (CPS) is a dominant actor in the field of promoting children rights in Zimbabwe. It is a national and nongovernmental children rights organization that also takes part in the promotion of children rights other than Justice for Children. It is regarded as the oldest child rights watchdog that is there to fully address the rights of children as it was established in 1952. Hence it is governed by an executive committee that has a mandate of safeguarding children rights in the country. It also promotes the well-being of vulnerable children and assists them to become self-reliant as well as responsible inhabitants of the community at large.

2.9.2 Child First

One can take note that in the safeguarding of children rights in Zimbabwe the Child First works hand in hand with the Population Service International (PSI) and the United States Agency for International Development (USAID). These organizations are performing campaigns around the country that are mainly based on the promotion of children rights in Zimbabwe whilst targeting also the orphanage group and other vulnerable children.

2.9.3 State

The State plays a great role in the safeguarding children rights in Zimbabwe through its legislation that it imposes to the society. States are obliged to recognize children as valuable assets of the society and include them in legislative and policy decisions. Hence the government of Zimbabwe has managed to include children in the legislative structures of the country through the children's arms body that is the Junior Parliament. Children have a right to express their views and opinions and their rights have to be respected.

States are obliged to respect the responsibility of parents of providing care and guidance to their children and the states will be there to support the parent in fulfilling this regard through providing material assistance and support programs

2.9.4 World Conference

The World conference on human rights calls on all states and institutions to introduce the subject of promotion of human rights in their curriculum of learning. Paragraph 79 and 80 section 2 of the Vienna Declaration and Program of Action (<http://unicef.org/rights/files>) supports the notion that children are part of human beings hence their rights must be observed worldwide.

2.9.5 Council of Europe

Since its creation the Council of Europe has concentrated much of its efforts on elevating children rights. The organization launched a range of campaigns to raise public awareness primarily focusing on the right to life but also highlighting the importance of social and cultural rights.

2.9.6 UNICEF

UNICEF is another organization that promotes children rights and it began its mission in 1946 as a relief agency for children. Its mandate expanded to children who were marginalized in developing countries (<http://www.unicef.org/crc/crc.htm>)

2.10 THEORITICAL FRAMEWORK

Two main theories that accounts for children are the Choice theory and the Interest Theory.

2.10.1 Choice Theory

The choice theory was put forward by H.L.A Hart in 1955 with the core idea that there must be a mutual right that allows all men to be free. The theory of choice aspects of socialism are present as they postulates that children cannot develop unless they are opportunities given to them (Smith, 2002)

The theory calls for the participation of children on matters that affects them and this will help them in solving problems that causes their rights to be violated. Children rights are inherent they must be granted to the children without an overriding principle as stated by Hart (1982). He states that having right is due to one's ability to make choices that leads to claiming for the rights. Hence the obligation of one to claim that right constitutes a right to that person (Marmor

1997, Bandman 1973). The fact comes into play is that young children cannot claim their right as they are viewed to lack the capacity (Campbell 1992)

Coady (1992) states that children's rights are represented within the parents hence he considered it sufficient for the children to have their rights represented through their parents. This view is very critical as it does not fully address the rights of children as their interests are not fully addressed.

(Archard 2002) views that children must exercise their own rights rather than to exercise them in their parents as he views this move as not of the choice of the child but rather of parent which thereby supports the ideal of Hart of making choice. His conclusion remarks are that children do not have rights but to their failure to make claims to their rights as it is said that their rights are entitled in the parents.

2.10.2 Criticism of the Choice Theory in promoting Children Rights

Choice theory however is vulnerable to several criticisms as much as the promotion and protection of children's rights is concerned. Children do not develop at the same time some even reach the level of maturity at later stages hence making laws that fully address children's rights becomes a difficult task. Therefore the application of the choice theory would reflect that laws classifying people according to their age with respect to fundamental rights would be seen to be ineffective.

2.10.3 Interest Theory

This theory was developed from Jeremy Bentham's benefit theory and Joseph Raz's interest theory which emanates and emphasizes on the holding of interest as the origins of rights. He

states that interests are part of the justification of duties as they are said to be linked. Hence from this view one can then move an interest to a right and then a right to a duty.

The theory views a right as protection of interest hence according to him having the right to be educated is then having the interest to be educated. Hodges, (2001) states that under the interest theory there is also an issue of right based which mandates states members to safeguard children rights by so doing they upheld principles such as non-discrimination, participation and survival to serve the best interest of children. The interest's theory postulates that children are liberal and they are free to poses all the rights that the adults also pose (Cohen, 1980).

The theory has been regarded as an alternative to the Choice theory as it tries to address the rights of children in a compatible manner (McCormick 1982, Campbell 1992, Marmor 1997). Amnesty International definition as far as children rights are concerned is an example of the interest theory approach due to the fact that children have interests in receiving an education and being spared from the death penalty.

The American Academy of Matrimonial Lawyers has seen to have used the interest theory to define children rights in a family context. It can be noted that according to the AAML children have the right to physical and emotionally safe environment, the right to be loved and the right to express their own interest towards choices. Federal (1994) had the view that children are vulnerable hence they need protection hence their interest has to be recognized as they are said to be vulnerable.

2.10.4 Application of the Interest Theory to Children Rights

The application of the interest theory towards children rights is noted through the United Nations Convention on the Rights of Children which states that children rights include the right to be protected, the right to education, right to parental care and the right to live among others just to mention but a few. The application can be noted in the sense that the interest theory states that the CRC allows children to have a say in parental decision towards matters that affects them and have the right to a clean and safe environment.

2.10.5 Analysis of the two theories

In analyzing both the choice and the interest theory it can be noted that both theories have weakness towards addressing the issue of promoting and protection children rights. McCormick 1982 postulates that not all humans are able to exercise their choices hence putting a critic to the choice theory which states that rights are based on the choices of people.

2.11 SUMMARY

In summation previous writings and researches were used effectively in this chapter and various literatures were drawn from organizations that protect and promote the rights of children. Literature on the history and definition of children rights were made use of by the researcher and also laws and documents concerning children rights were analyzed. This chapter also took into consideration the literature on the causes of violation of children rights and the role played by various organizations in safeguarding the rights of children. The last part of the chapter highlights the review of the theoretical framework and in this they were the use of the choice and the interest theory.

CHAPTER THREE: METHODOLOGY

3.0 INTRODUCTION

In any meaningful research the part of choosing the most adequate research method is crucial in the reflection of reality. A good choice of research methods certifies that all factors of concern in the root of the study get examination and all related factors and phenomenon get to be analyzed. According to Haralambos and Holborn (2004:214) state that, “Any academic subject requires a methodology to research its conclusions. It must have a way of producing and analyzing data so that theories can be tested, accepted or rejected.”

Hence in the field of social sciences the most effective and efficient method in present-day research would be triangulation because of its universal approach in combining quantitative and qualitative analysis. Since the nature of the study is complex in its research ground, the researcher finds it fit to use triangulation. Triangulation is considered most suitable and most effective since it combines qualitative and quantitative methods of analyzing data in case one method proves less effective and less efficient in addressing the analysis of all data provided.

3.1 RESEARCH DESIGN

A research design is the heart of any social study. Research design builds the study. According to Kerlinger (1986) a research design is a plan, structure of investigation that is used to obtain answers to research questions and problems.

Only through research design questions related to the research answered by the researcher. Kumer (1999) says that a research is a procedural plan that is adopted by the researcher to answer questions validly, objectively and accurately. The study in question is both concerned with quantitative and qualitative issues of causes of ignorance of the law leading to the violation

of children rights in Zimbabwe. The qualitative approach offers first-hand information in form of description and allows flexibility. The study will also use the quantitative method bringing about why Justice for Children Organization promotes children rights in Zimbabwe. The rationale for mixing is that neither quantitative nor qualitative methods are sufficient by themselves to capture the trends and details of the situation. When used in combination, quantitative and qualitative methods complement each other and allow for more complete analysis.

3.2 QUANTITATIVE AND QUALITATIVE RESEARCH

3.2.1 Quantitative method of research

According to Marlow (1993) quantitative analysis is determined by the concept of hypothesis testing whereby they will be the use of large samples. It can be noted that quantitative deals with the systematic investigation of mathematical models. Quantitative research (2008) states that quantitative method allows the room of asking broader questions and deals with the systematic examination with the use of the statistical models and mathematical theories to develop accumulate and refine the scientific knowledge base.

3.2.2 Advantages of quantitative methods of research

1. Kruger (2003) states that it allows to facilitate comparisons across categories and summarize a great number sources of information
2. Enhances generalization of results
3. Allows the broader study involving a greater number of subjects
4. Allows greater objectivity and accuracy results
5. Avoids personal bias whereby the researcher distance from participating

3.2.3 Disadvantages of quantitative methods of research

1. Numeric description limits the outcome of results as they lack detailed narrative information.
2. Development of standard questions by the researcher are noted that they lead to structural bias
3. It collects data in a narrow sense

3.2.4 Importance of quantitative methods of research

1. Makes use of statistics to generalize finding
2. Allows the testing of theories and hypothesis
3. Less detailed than qualitative
4. Regarded as reliable and objective
5. Assumes that a sample is a representative of the population
6. Focuses of the relationship between variables and establishes cause and effect in highly controlled circumstances

3.2.5 Qualitative method of research

According to O'Leary (2004) qualitative type of research method is considered to be the most appropriate way of acquiring in-depth information and it's an inquiry that is employed on making investigations on the why and how decision making and produce information only on the particular case study. Hence this study will take a close scrutiny at the activities of Justice for Children as a case study making effective use of the qualitative approach so as to come up with vivid and conducive findings.

3.2.6 Advantages of qualitative methods of research

1. it helps the researcher in gaining a deeper understanding of a specific event rather than getting surface information of a large sample of population
2. it is considered to be flexible in its nature hence adjustments can be made to suite the requirements of the research
3. creates the room or the floor of openness whereby participants will be able to expand on their responses in the event of making the event fruitful
4. It attempts to avoid pre-judgment that is if it is used along with quantitative research whereby it highlights the notion why certain responses were given by the participants.

3.2.7 Disadvantages of qualitative methods of research

1. It is difficult to make systematic comparisons due to its nature
2. It is considered to be much depended on the skills and techniques of the researcher.
3. It is much time consuming and tiresome due to the fact that it is less used so data collection will be take time

The combination of the qualitative method of collecting data and the quantitative and primary and secondary research is known as triangulation. Due to the nature of it being triangulation it offers the benefits of cross checking findings and used as a backup to the research design. Primary methods of data will comprise interviews, questionnaires, and observations and secondary methods will include previous research, diaries, letters and official statistics.

3.3 SAMPLING PROCEDURES

According to Koul (1984) sampling is the process by which a relatively small number of individuals or measures of individuals, objects or events are selected and analyzed in order to

find out something about the entire population from which it was selected this implies that those included in the sample are chosen as the cross section of the larger group. Sampling can be purposive or random, just to mention but a few and it is concerned with the selection of a subset of individual from within a statistical population to estimate or represent the characteristics of the whole population. Budiriro and Justice for Children headquarters were selected as areas of sampling and experimental work was conducted in Harare because this is the area where Justice for Children Organization had a great impact in the work of promoting children rights.

3.3.1 Purposive sampling

The researcher will use purposive sampling method that will ensure that participants will be selected on their understanding to issues relating to children. This will be effective as it will select strategic interview respondents who are highly informational. Purposive sampling is viewed as a means of systematically picking the most appropriate representation from a larger unit of pool. Purposive sampling is most appropriate when valuable information is at the risk of being lost when sourced from the wrong personalities. It will be more improper to use snowball sampling which would include interviewing more people and complicating the time frame of this study.

Henceforth non-probability purposive sampling method will be used to select respondents. Interviews will be conducted at work places and in the community. The study will make use of this method to select five respondents from Justice for Children Organization and others from the district, as they are involved in the safeguard of children's rights. These will include the director of Justice for Children and other four staff members from the same organization and other participants from the Budiriro district. Use of the purposive sampling method will certify that respondents will be chosen on the basis of their understanding towards children issues

3.3.2 Random sampling

Random sampling will be used in obtaining the works done by Justice for Children in Budiro District fighting against the violation of children rights. Random sampling can be defined as a means of removing any biases or influence in choosing representative's sample from a larger unit. Random sampling is crucial since a full analysis of all the works conducted by Justice for Children in promoting children rights in Zimbabwe will be too broad and time consuming.

Fig.1. Example of a random sample



3.4 DATA COLLECTION

The study will make use of primary and secondary data methods and the key-informant interview technique.

3.5 INTERVIEWS

The interviews will run for 15 to 20 minutes. All interviews will be recorded and the chief researcher will convert them from voice format to word document. An interview is viewed by Kumar (1999) as a form of person to person interaction with a specific purpose in mind. Cannel and Kahn (1957) view an interview as conversation initiated by an interviewer for the purpose of obtaining researchers relevant information. Interviews are defined as a conversation with a purpose so as to acquire depth information on a particular topic. Interviews are also regarded as the way of asking questions and getting answers from participants in a study. Semi-structured interviews created a room for the researcher to keep control of the interview and be in track and are also flexible for the researcher as he or she can divert or shuffle the questions.

3.5.1 Advantages of interviews

1. The researcher can be able to notice non-verbal behavior.
2. They are considered to be flexible.
3. The researcher will be able to make use of more complex questionnaires.
4. The researcher is able to have control over the physical environment.
5. The researcher will have the knowledge of who will be answering the questions.
6. It allows the researcher to make sure that all questions have been asked and answered.

3.5.2 Disadvantages of interviews

1. Considered to be inconvenient to conduct.
2. They are too expensive.
3. Considered to be time consuming.
4. Difficulties in finding an appropriate way of asking questions that will make the respondents answer questions.

3.5.3 Interviews for key informants

After permission is obtained from management of the Justice for Children, respondents will be interviewed at the organization's Head offices in Belvedere Harare. The people interviewed include the Director of Justice for Children, and four other top management staff of the organization and the interview questions will be as follows:

3.6 DOCUMENT ANALYSIS

Documents analyzed fall under the secondary data collection method that comprise of records, reports, papers and documents that will be produced by Justice for Children Organization.

3.7 INTERVIEWS FOR THE EXTERNAL INFORMANTS

The external informants who are the children of Budiriro District will generally be asked their own questions and the information obtained will be used to supplement data sourced from justice for Children Organization.

3.8 QUESTIONNAIRES

Questionnaires are regarded as methods used to collect data that is standardized and drawn from large numbers. The researcher uses questionnaires in order for them to make generalization therefore they are usually based on careful sample and can be filled by the participant or asked in a structured and formal way by the interviewer.

3.8.1 Advantages of questionnaires

1. It is cost effective
2. Large number of information can be collected from a larger number of people within a short period of time
3. The results can be easily interpreted by the other researcher
4. Can be analyzed more scientific and objectively than other forms of research
5. It is considered to be practical
6. If data is quantified it is noted that it can be used to compare and contrast other research.

3.8.2 Disadvantages of questionnaires

1. Questionnaires lacks validity
2. Element of respondent input is not determined
3. They might be differences in the interpretation of questions
4. Level of imposition is reflected on the researcher's side in the structure of the question.

5. It is regarded as the artificial creation by the researcher
6. Some form of information are considered to be inadequate

3.9 DATA ANALYSIS

This research will analyze both written and contextual data and they will be explanations of occurrence of certain events and this is to be achieved through interviews. After every data collection there will be an expression of key issues and noting down of key issues.

3.10 DATA PRESENTATION.

Data was presented by the use of tables, diagrams, figures and descriptions. A table presents data in a way that shows the reader the variations and trends in the promotion of children rights in Zimbabwe through the works of Justice for Children Organizations in Budiririo District. Pie charts, line graphs and bar graphs were also used. Detailed descriptions of observable trends were also used for data presentation.

3.11 CHAPTER SUMMARY

This research has served to show methods to be employed by the researcher in a bid to meet the demands of the research question. The data will be accrued using the methods outlined above. Presentation and interpretation of the found data will be given form in the next chapter and will generally follow the sequence and structure outlined in the plan presented above.

CHAPTER FOUR: DATA ANALYSIS AND PRESENTATION OF FINDINGS

4.0 INTRODUCTION

This chapter reflects the data analysis and presentation of findings attained by the researcher at Justice for Children Organization. According to Binder, D and Roberts, G (2003) data analysis is the process of developing answers to various questions through the process of examination and the interpretation of the given data. The process is done through identifying issues and deducing on which appropriate methods to use. Information from questionnaires and interviews will be used to analyze and interpret data in various forms.

4.1 QUESTIONNAIRE AND INTERVIEW RESPONSE RATE

The researcher used two sampling methods to attain information from Justice for Children Organization and Budiriro District in Harare. In particular Random sampling was used to get information from children residing in Budiriro District mainly secondary school children who belonged to the Justice for Children Club in so doing research objective of determining the promotion of children rights basing on the activities and contributions of Justice for Children was achieved. Purposive sampling was used to draw respondents from Justice for Children organization targeting key-informants who had adequate and in-depth knowledge concerning the problem under study addressing the research question of figuring out how Justice for Children has managed to promote the rights of children in Zimbabwe. A total number of ten (10) questionnaires were distributed by the researcher to the Budiriro Community and out of the ten (10) all responded leading to a 100% response rate. Henceforth interviews were conducted at Justice for Children headquarters in Belvedere Harare and three (3) out of the five (5) targeted managed to be interviewed making the response rate 60%. Therefore questionnaires and

interviews conducted by the researcher contributed to the response rate of 100% and 60% respectively.

4.2 INTERVIEWS RESPONSES BY JUSTICE FOR CHILDREN

The researcher managed to conduct face to face interviews with Justice for Children subordinates and directors at their headquarters in Belvedere Harare. This was to gain the organizational view and information on the causes and effects of the violation of Children Rights and the activities done by the organization in upholding the rights of children and the encounters faced. This enabled the researcher to answer research questions on the causes of violation of children rights and challenges faced by Justice for Children in promoting children rights. Questionnaires were used to provide adequate guidelines to the interview so as gain adequate and meaningful information.

4.2.1 Mission of the Organization

Respondents stated that organization has the objective to empower the stakeholders and society on child protection laws and procedures to enable children to access justice. Furthermore the mission was to be achieved through its activities that include lobby for children matters.

4.2.2 Definition of the Child

The respondents did not give a clear definition as they stated that there is no clear definition to the meaning of a child in Zimbabwe but just gave the view that they go in favor with the definition that is given by the constitution. Hence to them a child is any person under the age of 18. This went in agreement with reviewed literature for instance the Children's Protection and Adoption Act which articulates that a child as any individual below the age of 16 while on the other hand Legal Age of Majority Act outlines a child as persons under the age of 18. This then

linked with the reviewed literature as it was noticed that there was no proper definition of what a child refers to.

4.2.3 Definition of Children Rights

Justice for Children responded defined children rights as the entitlements given to the children in all aspects be it socially, economically, political and culturally. Hence reviewed literature stipulated that children's rights are entitlements and privileges that derive from moral and legal rules. One can then take note that there was a link between the response given by Justice for Children and the information drawn from various literatures.

4.2.4 Factors that led the organization to engage in Children Rights issues

In coming up with the factors that led the organization to commit themselves to children rights protection and promotion the respondents made reference to the 2013 annual report, The following findings were then deduced from the 2013 annual report this then addressed the research question that sought to figure out the factors that contributed to need of the organization to promote children rights, it was then noted that the organization had the view

- To provide legal facilities based of free terms to children in civil and criminal cases
- To provide education to the society on laws that pertains to children.
- To publish conclusions on legal issues that pertain minors
- To advocate and lobby for legal and policy developments on matters that affects children

4.3 RESPONSES ON THE NATURE OF CAUSES OF THE VIOLATION OF CHILDREN RIGHTS

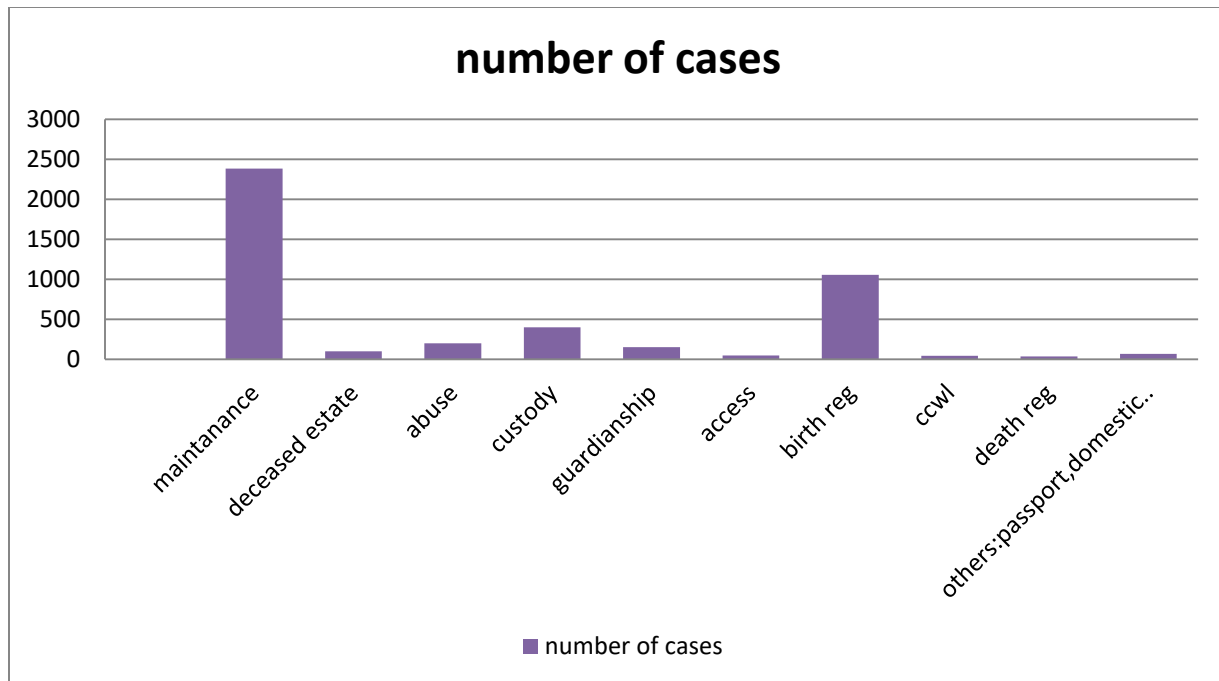
4.3.1 Nature of Causes of violation of Children Rights

As part of the research mandate to know the nature of the causes of violation of children rights in Zimbabwe interviewed representatives based their views on information received from various parts of the country. It is evident that if one has the knowledge on the nature of the causes of violation of children rights he or she will be able to deduce the actual causes.

4.3.2 Information from the 2013 Justice for Children annual report

Information was then drawn from the 2013 report as it was seen that the organization handled criminal matters and civil matters wherein children were at the center stage of the disputes. Fig 2 below then shows the nature of causes which were received by the organization which included maintenance, guardianship, birth registration, custody and abuse that accounted up to four thousand five hundred and eighty-six (4586) cases. Maintenance was said to have received the highest number of cases owing to the good relationship that exists between the organization and the civil courts as most of the maintenance clients were referred to the civil court. Birth registration recorded the second highest figure with one thousand and fifty-four (1054) cases to its name.

Fig 2: Nature of causes



4.4 CAUSES OF VIOLATION OF CHILDREN RIGHTS

4.4.1 Separation of parents

After receiving information on the nature of the causes of the violation of children rights it was now prudent for the researcher to acquire the actual cases of ignorance of rights of children. The respondents of Justice for Children pointed out that separation of parents contributed to two thousand three hundred and eighty-two (2382) of maintenance meaning that separation of parents contributed much to the violation of children rights as the children will be affected physiologically. This shows that children are disadvantaged by marriage breakdown leaving them vulnerable to deprivation. The researcher noted that this violated the Choice theory stated in the Theoretical framework as it states that the rights of children are enshrined in parents henceforth if they separate the children will not be able to exercise their rights adequately.

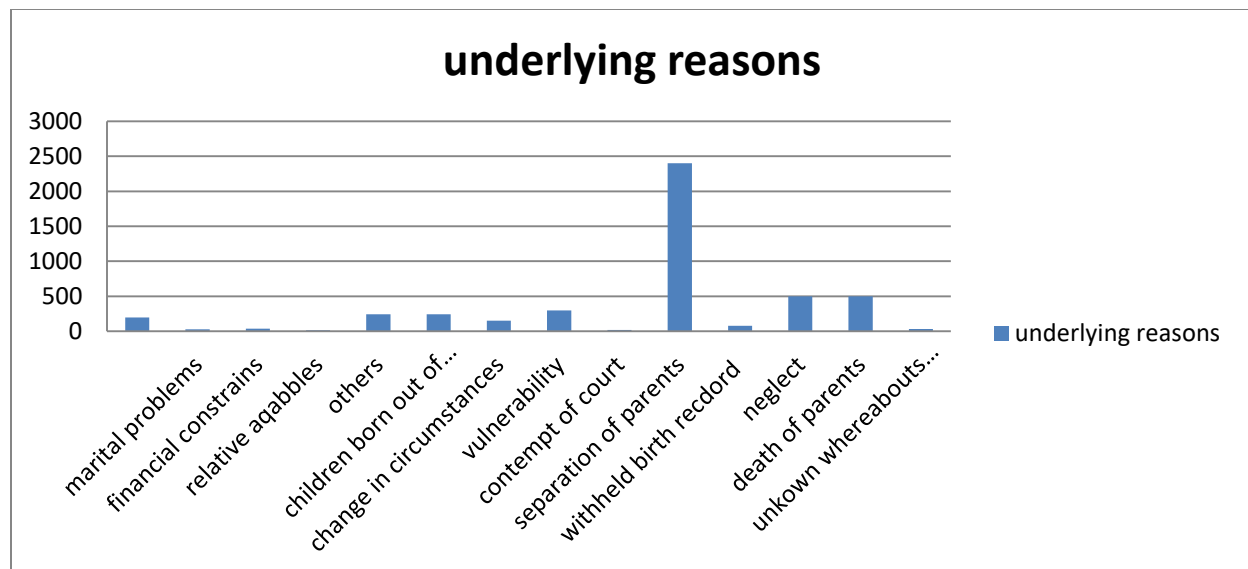
4.4.2 Negligence of parents

Respondents also mentioned that negligence of parents contributed five hundred and forty (540) of the maintenance, custody, access and abuse cases received in 2013. One hundred and eighty-two cases of birth registration were as a result of parents not having identity particulars. Hence one can then take note that according to the response given by the Justice for Children subordinates the violation of children rights is also caused by parents who have a negative attitude towards the needs and the rights of children. The respondents then gave a point that the organization is encouraging people without birth certificates or without important national documents to take advantage of the mobile voter's registration to obtain identity documents so as not to inconvenience the children as it will affect them.

4.4.3 Death of parents

Furthermore the findings given by the respondents of Justice for Children proved that the death of parents is a major contributor to the violation of children rights, as it was noticed that most children are abused after the death of parents leaving them vulnerable. The researcher was then referred to the 2013 annual report in which the following statistics were deduced, it was noted from the report that Five hundred and forty-five (545) cases of guardianship, diseased estate, birth and death registration and financial assistance were caused by the death of parents. Fig 3 below shows the underlying causes for the cases received in 2013.

Fig 3: Underlying Causes



The causes of the violations of children rights drawn from the research proved to be practical as compared to those drawn from the literature review. It was noted that the major causes as stated in the literature review comprised inadequate children laws, poverty and social harmful cultural practices hence on the other hand the research finding stated that the major causes to violation of children rights included separation of parents, death of parents and negligence on the part of parents.

4.5 MAJOR CULPRITS OF VIOLATING CHILDREN RIGHTS

The researcher further had to find information on who were the real culprits or the major violators of children rights henceforth respondents stated from the information received in most cases major perpetrators of Children Rights are the breadwinners and several cases have gone unreported.

4.6 ACTIVITIES DONE BY THE ORGANIZATION TO PROMOTE CHILDREN RIGHTS

Justice for Children stated that it offers legal services to children in challenging situations and these services are offered on free terms. Furthermore its services are offered at its offices in Harare as well as at mobile clinics around the country which fall under the sphere of influence of its respective offices. In addition legal aid programme is also offered by the organization through strategies such as mobile clinics, volunteer lawyers and community focal persons known as paralegals.

4.6.1 Child participation programs

Furthermore the researcher got information from the 2013 annual report that the other activity that Justice for Children conducts in promoting children rights is through engaging in child participation programs. Henceforth Justice for Children in the fulfillment of its mandate to protect and promote children rights it teamed up with Zimbabwe Youth Council (ZYC) in the selection and training for Junior Parliament which is a child participation organ. It was then noted that training workshops were facilitated for the Junior Parliamentarians on Child Protections as well as on the child rights provisions in the New Constitutions. Hence it can be noted that child participation is linked with the Choice theory that is stipulated in the theoretical framework which stated that children must be given a chance to make choices that leads to claiming for their rights hence in this case participating in children issues.

Information drawn from the interview

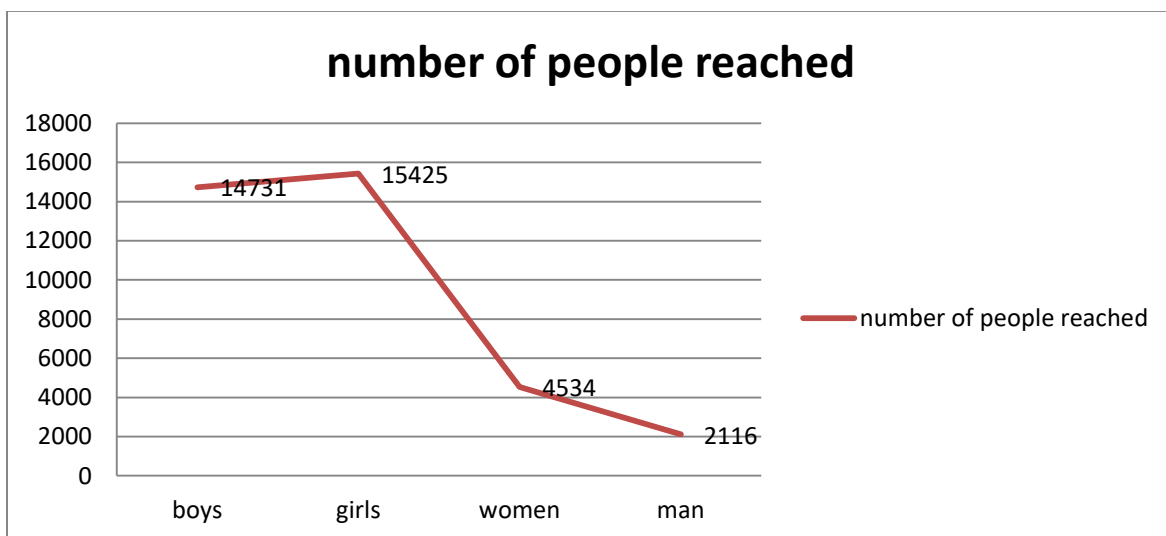
The researcher went on to conduct an interview concerning this issue of child participation hence the following response was then given it was pointed out that the objective of the training was to

prepare the parliamentarians on their term in office as child rights defenders and participation in national issues thereby preparing them for governance and creating a responsible youth.

4.6.2 Awareness campaigns

According to the Justice for Children 2013 annual report the organization engaged in awareness campaigns on children rights and child protection laws. Awareness campaigns were held in Harare in 2013 and thirty-six thousand eight hundred and six people were reached (36 806) of which fourteen thousand four hundred and thirty-one (14731) boys and fifteen thousand four hundred and twenty-five (15425) girls, two thousand one hundred and sixteen (2116) men and four thousand five hundred and thirty –four (4324) women. Henceforth in promoting and protecting children rights Justice for Children engaged in awareness campaigns so as to inform the populace so restrain from violating the rights of children. Fig 4: below shows then reflects the number of people reached through awareness campaigns. Topics covered included contents of the Draft Constitution on children rights, child abuse, birth registration, custody and maintenance

Fig 4: Number of people reached in the awareness campaign



4.6.3 Legal education

Information deduced from the interview reflected that the organization conducted awareness campaigns and capacity building workshops to empower stakeholders and society on child protection laws and procedures to enable children to access justice.

4.6.4 Capacity Building Workshop

Capacity building workshops for paralegals care givers, youths, teachers, community leaders and children in child law forum clubs as well as other organizations that deal with children issues were held as stated in the 2013 report. The objective of the workshop was to strengthen peoples capacity in children issues as well inform them on the roles of child society organizations in child protection. Participants were also trained on the child rights provisions enshrined in the new constitution, the workshop for paralegals helped in strengthening their capacity in dealing with children's issues.

4.6.4 Child Law Forum Clubs Exchange Visit

Information drawn from the interview proved that one of the activities done by Justice for Children in promoting Children Rights was the facilitation of school Child Law Forum Clubs exchange visits. This was to be aimed at facilitating information sharing on child protection between children from different schools. Statistics was then drawn from the 2013 annual report and the following figures were taken note of two hundred and seven (207) children attended of which fifty- three (53) were boys and one hundred and fifty-four were girls (154).

4.6.5 Mentorship programs

Justice for Children held mentorship programs at Kambuzuma High School in Harare. Information drawn from the respondents states that the objective of the mentorship program was to revive Child Law Forum Clubs which were dying as soon as their proactive left school. Therefore the program aimed at creating continuity in the clubs, it was said that participants were taught on how to be proactive in organizing events rather than waiting for the organization to arrange events for them.

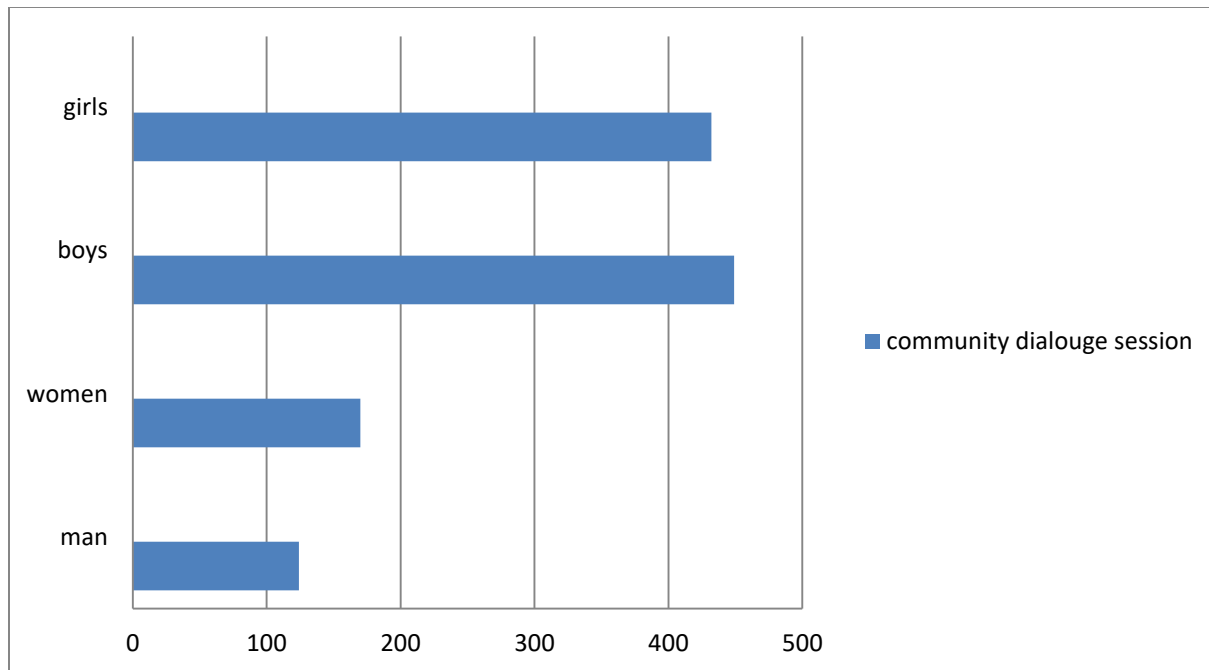
4.6.6 Community dialogue sessions

The organization conducted few community dialogue sessions, the objective of this was to advocate for child participation in national issues as well as map intervention strategies on how to curb child abuse. Issues under discussion included children rights enshrined in the new constitution and child abuse. They stressed that issues arising out of such discussions include police incompetence in dealing with sexual abuse cases as well as abuse cases of children within the family which was going unreported for fear of the incarceration of the breadwinner who in most cases was the perpetrator.

Information drawn from the 2013 annual report concerning community dialogue sessions

The information given stated that one thousand one hundred and seventy-five (1175) people were reached of which among them one hundred and twenty-four (124) were men, one hundred and seventy (170) women, four hundred and forty-nine boys (449) and four hundred and thirty-two (432) girls. Community solutions were found to some challenges affecting children.

Fig 5: Community dialogue session



4.6.7 Commemoration on International days

In accordance to organizational advocacy policy JC participated in the commemoration of the Day of the African Child, United Nations International Peace Day and the World Day against Child abuse just to mention but a few. They pointed out that the objective of participating in such commemorations was to sensitize the community on the need to safeguard children rights, raise awareness on the effects of gender based violence on children as well as raise awareness on the child rights provisions enshrined in the new constitution. Furthermore the representatives from JC pointed out in the interview that in the commemorations the children were in the fore front as they denounced abuse and gender based violence through poem and drama. Numerous articles were written particularly in relation to the day of the African Child which ran under the theme ***“Eliminating Social Cultural Practices affecting Children: Our Collective Responsibility”***

4.6.8 Constitution and election process

In 2013 the organization continued working towards the adoption of a child rights sensitive constitution, hence they stated that having receiving accreditation from COPAC to conduct draft constitution awareness outreaches it then conducted 15 awareness reaches. The main purpose of the awareness outreach as stated by Justice for Children was that of empowering people on children rights enshrined in the draft constitution as well as mobilizing people to participate in the constitution referendum and election process. Respondents mentioned that Justice for Children went on to monitor the referendum and election process, the adoption of the first ever Zimbabwean child sensitive constitution was a significant milestone achievement buy the organization as it had participated in the creation that will safeguard the rights of children.

4.6.9 Media campaigns

Respondents stated that the organization continued advocacy activities through the use of print and electronic media, nine (9) articles were published and these covered a wide range of topics including the rights of juvenile offender, statutory rape, day of the African Child, harmful social and cultural practices, child labor rights and the New Constitution. Eight (8) live radio recordings sessions were also conducted and there dealt with issues such as sexual abuse, bulling in school and the impact of post-election conflicts on children amongst others.

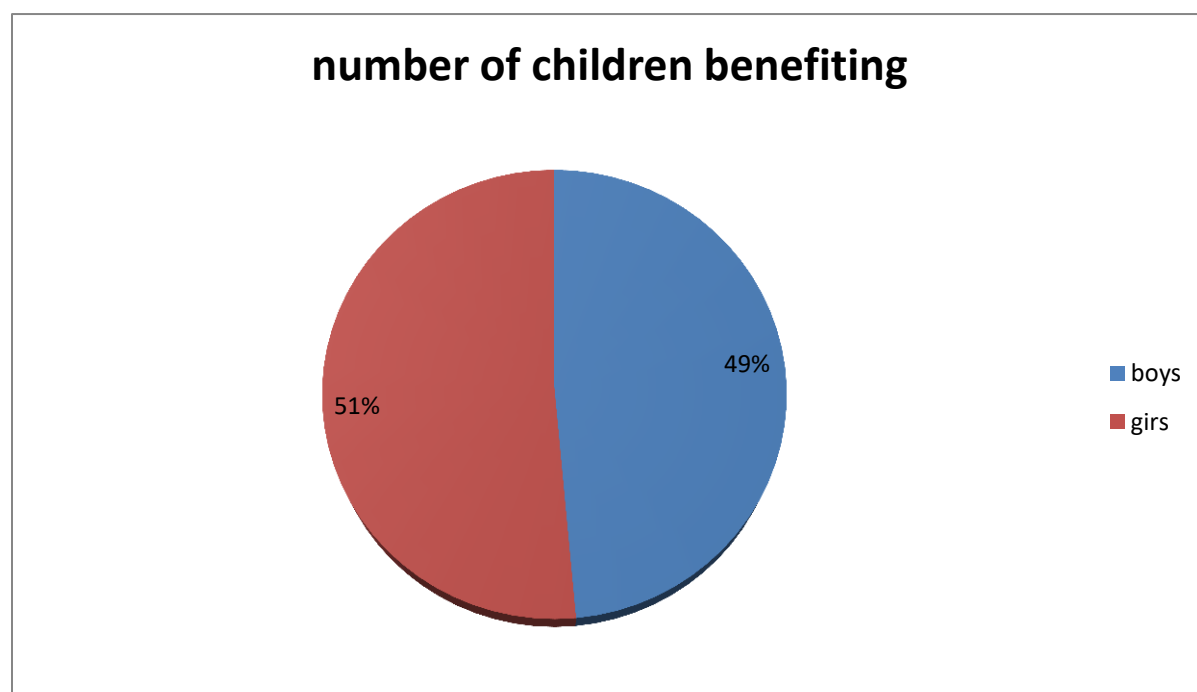
4.6.10 Research and advocacy

The organization carried out research and advocacy activities rough strategies such as print and electronic media, networking with other organizations, facilitating exchange visits for children in Child Law Forum Clubs, participating in the selection of junior parliamentarians, participation in the international commemorations days and conducting community dialogue sessions.

4.7 BENEFICIARIES OF THE WORKS OF JUSTICE FOR CHILDREN ORGANIZATION

A total number of twenty thousand nine hundred and ninety-five (20 995) children benefited from the services given by Justice for Children according to the JC 2013 report. Of the total number it was noticed that ten thousand one hundred and ninety four (10194) were boys whilst girls constituted ten thousand eight hundred and one (10801). They stated that this was plausible evidence that the organization is playing a great role in the elevation of children rights in Zimbabwe. Fig 6 below shows the number of children who benefited from the assistance of Justice for Children providing evidence to the vivid works of the organization. One can the take note that information drawn from the research of children who benefited from the works of Justice for Children managed to address the research objective that had the intention to investigate the levels in which Justice for Children has succeeded in promoting children rights.

Fig 6. Number of children benefiting



4.8 CENTRAL ACTORS PARTNERING WITH JUSTICE FOR CHILDREN

Respondents stated that the organization managed to network with organizations such as Zimbabwe National Council for the Welfare of Children (ZNCWC), Zimbabwe Republic Police (ZRP), Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe Human Rights NGO forum, Ministry of Women Affairs, Gender and Community Development, Musasa Project and other organizations in mapping the way forward in child protection. Their partnering was strengthened by participating in International Conferences and one of the events included the Leadership Fellowship Awards Programme in Australia and the 8th Child Society Forum on the African Charter on the Rights and Welfare of Children held in Addis Ababa Ethiopia. This managed to answer the researcher's question which needed to figure out the central actors promoting children rights in Zimbabwe hence the research objective was also articulated.

4.9 ACHIEVEMENTS OF JUSTICE FOR CHILDREN

4.9.1 Networking with other organizations

Justice for Children organization stated that one of their success step as an organization was through networking with the Ministry of Women Affairs Gender and Community Development this was a significant turning point for the organization as such a collaboration allowed the organization to conduct its activities without too much security and suspicion as the operating environment increase to become hostile for Child Society Organizations (CSOs)

4.9.2 Provision of Legal education

The organization succeeded in providing legal education through conducting awareness campaigns and capacity building workshops to empower stakeholders and society on child protection laws and procedures to enable children to access justice.

4.9.3 Creation of a Child Sensitive Policy

Respondents mentioned that Justice for Children went on to monitor the referendum and election process, it was then noted that the adoption of the first ever Zimbabwean child sensitive constitution was a significant milestone achievement as the organization participated in the creation of the document that will safeguard the rights of children.

The above achievements henceforth managed to answer research objectives as there was a need to determine the successes of Justice for Children Organization in promoting the rights of children and it was noticed that networking with other organizations, creating a Child Sensitive Policy and provision of legal education were regarded as the greatest successes of the organization.

4.10 CHALLENGES FACED BY JUSTICE FOR CHILDREN

4.10.1 Government directives

Respondents stated that directives given by the government for instance the one given by the Ministry of Primary and Secondary Education which required Child Society Organizations to sign memorandum of understanding annually and not to conduct extracurricular activity within school hours and this affected school based clubs was their greatest challenge. This opposed the new constitution stand point which required that children must be educated especially on issues that concerns their rights.

4.10.2 Lack of adequate funding

Lack of funding was another challenge mentioned as it was noted that some Justice for Children Child Law Forum Clubs in Harare were no longer in existence or fully functional in schools like which they used to be.

4.10.3 Incompetence of Law Enforcement agencies

Respondents stated that another greatest challenge was that some Victim Friendly Unit (VFU) police officers were not fully equipped to handle cases of abuse and at times results in secondary abuse of children where for instance forced to change statements by their relatives. Hence Justice for Children will not be able to fully represent the children as they will be a change of statements that will contribute to the invalidity of the case.

4.10.4 Influence from teachers

Teachers played an influential role in trying to protect children who have been sexually abused especially within the family. They are however reluctant to report such cases brought to their attention by children for fear of being witness in court where they allege abuse by defense lawyers. This becomes a burden to the organization as witness to the cases will not be found making the case invalid due to lack of evidence.

4.10.5 Decline in paralegals

Respondents stated that a decline in the number of paralegals was due to the fact that they work on a volunteer basis hence they wanted an increase in the volunteer allowance leading to the suffocating of the work of addressing issues that pertains to children rights.

Through the responses given on the challenges faced by Justice for Children the researcher managed to answer the research question which needed information on the challenges faced by Justice for Children in promoting children rights.

Pertaining to the challenges faced by the organization the research findings managed to provide a clear answer on issues that the organization face in the promoting children rights in Zimbabwe.

The findings pointed out that their greatest challenge was from the government.

4.11 RESPONSE FROM THE BUDIRO CHILDREN

4.11.1 Definition of a Child

Respondents from the Budiro community defined a child as anyone who is still depended on his or her parents and some they had the age limit of 16 years and some 18 years.

4.11.2 Definition of Children Rights

Majority of the respondents defined children rights as entitlements granted by the constitution which is meant to protect the children and other defined them as human rights which should be respected in line with the protection of children.

4.11.3 Community view if Children Rights are promoted in Zimbabwe

The larger part of the respondents agreed that truly in Zimbabwe children rights are being promoted to a larger extend as evidently seen by the number of cases of people who have been arrested by the law enforcement due to the fact that they would have violated children rights and most of them gave the case of people arrested because of statutory rape.

The minority denied that in Zimbabwe there is promotion of children rights and based their argument of the fact there is a high increase of the number of children living in the streets henceforth this is a true reflection that children rights are being violated and the government is doing nothing to address that issue.

4.11.4 Is Justice for Children managing to promote Children Rights?

A greater part of the community children stated that the works of Justice for Children are of benefit to the community as the organization is being the voice of voiceless to the vulnerable children who are being abused hence Justice for Children providing services to them by all means possible.

The minority responded that they were not familiar with the organization so they were not in a position to give their stand point on whether the organization is of benefit or not.

4.11.5 Practical causes of violations of Children Rights that they are aware of

Most of the respondents blamed poverty as the leading factor that is causing most cases of the violation of children rights. Most of them gave examples of child labor as the major example of children rights violation that is being caused by poverty.

4.11.6 Effectiveness of the Laws in Zimbabwe in relation to promotion of Children rights

The information drawn from the respondents showed that the greater number agreed that the laws of Zimbabwe are trying by all means possible so as protect and promote children rights in Zimbabwe but they believe that more needs to be done in terms of creating platforms of disclosure from the victims

4.12 PRACTICAL CASE OF VIOLATION OF CHILDREN RIGHTS IN BUDIRIRO

4.12.1 Samuel's Story: Every Child Deserves a Second Chance

Samuel was a 13 year old boy who was doing grade 6 in 2014 at a school in Budiro; his mother went to South Africa leaving him under the care and custody of his blind maternal grandmother and grandfather. In this case it was noticed that his father was unknown to the maternal grandparents, Samuel was charged with three counts of rape and three counts of indecent assault. He was accused of raping three grade 3 girls from his school in Budiro aged between seven and eight years old. Before raping them it was alleged that he would first insert his fingers into the girl's private parts. Samuel was referred to Justice for Children owing its involvement in Pre Trial Diversion Program being piloted by the Government in Harare. The organizations volunteer lawyer represented him to court; Samuel pleaded guilty and was convicted as charged.

The lawyer made submissions in integrations of the sentence highlighting Samuels's broken family background which deprived him of proper guidance. Samuel was spared a prison sentence. Instead a Budiro Rehabilitation officer was assigned to provide counseling and follow up on his rehabilitation. The organizations further involve Child line in Harare to help also with the counseling. Samuel is continuing with his education while staying with his grandparents.

4.13 SUMMARY

In summary it can be noted that the research findings were adequately presented. Presentation was done in form of bar graphs, pie charts and various forms of diagrams. Information was collected with the use of structured interview questions for the Justice for Children organization subordinates and directors and questionnaires for the community. Solutions concerning the matter were provided and they are going to be discussed in the next chapter.

CHAPTER FIVE: SUMMARY, RECOMMENDATIONS AND CONCLUSION

5.0 INTRODUCTION

This chapter highlights an overview of the entire research and offers conclusions as well as recommendations towards issues centered on the ignorance of the law that are leading to violation of the rights of children in Zimbabwe. Hence it can be noted that the recommendations will be directed to organizations that fight in safeguarding the rights of children leading to an environment whereby the voice of the children will be taken note of as their rights will be regarded as crucial.

5.1 SUMMARY

In summation the research was stimulated by the rise of cases towards children rights violations in the country besides the fact that Zimbabwe is a signatory to the United Nations Declaration on the Rights of Children. The research focused on the activities conducted by Justice for Children Organization mainly centering in Harare hence it stepped in as an agent that promotes and protects the rights of children. Objectives were set which had the intention to determine the levels in which the rights of children are promoted in Zimbabwe through the works of Justice for Children, investigating the challenges faced and coming up with the best solutions to handle them. It was also noted that the government and other Children Rights Organizations are enforcing maximum efforts in addressing the issue of violations of children rights but the challenge is the implementations of their efforts. Chapter 1 of the research then highlighted the background and the history of promoting children rights and Chapter 2 went on to detect the works of various scholars and theories on the causes, effects and solutions leading to Chapter 3 which then provided the methodology on how to find gather data that will safeguard the rights of children in Zimbabwe. Chapter 4 contributed the presentation of data withdrawn from the

research in various forms and lastly chapter 5 brought about the conclusions and recommendations of the study.

5.2 RECOMMENDATIONS

The researcher took note of the following recommendations of which part of them were proffered by Justice for Children Organization in the field of promoting children rights and this will enable the society to gain ideas so as to come up with a concrete and valid framework that fully promote and address children rights. The research findings led to a number of recommendations that can be given concerning the issue of safeguarding the rights of children in Zimbabwe.

1. It can be noted from the research findings that reforming the Constitution of Zimbabwe is a vital step in creating a Zimbabwe where children are protected of their best interests hence safeguarding the rights of children. Hence it should aim at filling gaps that currently exist in the constitutional protection of children's rights.
2. There is need to advocate for the inclusion of Victim Friendly Systems (VFS) into the training curriculum of the police so that every police officer is trained to handle cases of abuse and to them this will then promote the efficiency of officers in dealing with issues that affects children.
3. It can be noted that the Constitution must meet the principles established in the Convention on the Rights of the Child and must adopt the principles and provisions to make sure that the uppermost standards of children's rights are incorporated into law. By

so doing children will live in an environment where their rights are recognized and respected

4. Justice for Children Organization should consider introducing strategies that will make its initiatives such as Child Law Forum Clubs, sustainable after end of project funding. These strategies may include some income generating projects for clubs such as operating tuck shop at school.
5. There is need to engage the Ministry of Primary and Secondary Education to remove restrictions that are not in the best interest of children and ensure that children enjoy their rights in line with the constitution.
6. One can then take note that complete incorporation of children's rights must take place at the constitutional level hence the Constitution must dedicate specific rights that are directed or linked to children unlike consolidating them on the same platform with adults.
7. Justice for Children Organization should engage the Law Society of Zimbabwe to sensitize legal practitioners on children rights and engage also with the Protocol on Multi Sectorial Management of Sexual Abuse and Violence in Zimbabwe to which the society is a signatory. In this the recommendation will enable full representation of the affected.

8. On the other hand it is recommended that the Constitution must comprise both socio-economic and civil and political rights henceforth placing positive responsibilities on public authorities to prioritize the rights of children when taking decisions, including budgetary pronouncements so that the children will enjoy their best interests.
9. Over and above all a complete and effective evaluation technique must be established to ensure that children's rights are safeguarded. The Constitution must comprise of a meaningful system that ensures laws and policies are compliant with the children's rights ethics and requirements.

5.3 CONCLUSIONS

- The research concluded that the Government of Zimbabwe when it comes to the observance and promotion of the rights of children is reluctant hence paving a way to non-governmental organizations (NGOs) like Justice for Children making a bold step in intervening in the issue. Hence it can be noted that the works of Justice for Children organization has gone beyond the efforts of the government proving its effectiveness in addressing children rights.
- The research outlined that one of the reasons that led to the invalidity of cases of violating the rights of children is due to the change of statements by the abused. It was noted from the research that in most cases the abused are forced by relatives or by teachers at school to change statements of events so as to protect the perpetrator due to the fact that the perpetrators will also be breadwinners hence this will lead to the invalidity of the cases as the police will fail to have the true reflection of the matter.

- The researcher concluded that one of the major causes that are leading to the violation of children rights in Zimbabwe is the ignorance of the law. It has been noted that the citizens has adequate knowledge as far as the children law is concerned but due to the fact that they view children as minors and as not of great importance they fail to recognize and respect their rights leading to them abusing children henceforth violating their rights.
- The research also concluded that in as much as the Zimbabwe Republic Police try to get rid of the major perpetrators who in this case are relatives and parents it was noted that a number of the major perpetrators are going scot free no action is done to them and the major cause of this is due to corruption leading to the vulnerability of the children who would have been abused.
- Death of parents and separation of parents were concluded also to be the major elements that lead to violating children rights. It has been noticed that in most cases children are abused after the death of their parents and also on the other hand separation of parents violates the rights of children as most children will lack access to national documents like national identity cards and birth certificates that will then affect their education and other requirements of life.
- Furthermore harmful cultural practices were also noticed by the research to be leading elements to violation of children rights hence over and above the research noticed that the ignorance of the law is the leading factor to the violation of children rights to a greater extend.

5.4 CONCLUSION

In conclusion the study took a close scrutiny at the works of Justice for Children Organization in safeguarding the rights of children in Zimbabwe and special attention was centered on the works conducted in Harare. The research provided a number of recommendations and proffered solutions on how these challenges can be overcome.

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Appendix 1 :(Public) Budiriro District

My name is Nyasha Midzi a Midlands State University student conducting a research with the topic that reads: *Civil Society and Children Rights in Zimbabwe: Case of Justice for Children in Budiriro District 2013 to present*. Below is a set of questions concerning the above topic your contribution in answering those questions will be greatly appreciated.

Tick the appropriate

1).Do you know what a child refers to?

Yes		No	
-----	--	----	--

If yes then define in your own words

2) Do you have an idea what children rights are?

Yes		No		Not idea	
-----	--	----	--	----------	--

If yes then define in your own view.....

3) In your own view are children rights promoted in Zimbabwe?

Yes		No	
-----	--	----	--

Support both view if yes then state why if no then state why

.....
.....

4) Are the activities of Justice for Children promoting children rights in Budiriro?

Yes		No	
-----	--	----	--

5) Do you think Justice for Children managed to promote children rights in Budiriro?

Yes		No	
------------	--	-----------	--

6) Did you ever report any case of children rights violation?

Yes		No	
------------	--	-----------	--

If yes then state the case and the procedure used to report the case

.....
.....
.....

7) Are there any other violations of children rights that you are aware of?

Yes		No	
------------	--	-----------	--

If yes support your answer and give tangible examples

.....
.....
.....

8) Are the laws of Zimbabwe adequately promoting and safeguarding children rights?

Yes		No	
------------	--	-----------	--

Support your answers giving reasons

.....
.....

Appendix 2: Interview Guide: Justice for Children Subordinates

My name is Nyasha Midzi a Midlands State University student conducting a research with the topic that reads: *Civil Society and Children Rights in Zimbabwe: Case of Justice for Children in Budiro District 2013 to present*. Below is a set of questions concerning the above topic your contribution in answering those questions will be greatly appreciated.

- 1) Do we have any reports of violation of children rights due to ignorance of the law in Zimbabwe?
- 2) Who are the major culprits of children rights abuses in most cases?
- 3) Do we have any measures that are taken to culprits after the violation of children rights in Zimbabwe?
- 4) What could be contributing to these cases of violation of children rights?
- 5) Which ways are being used by violators of children rights to penetrate on children and abuse them?

Thank you

Appendix 3:- Interview Guide (Justice for Children Directors)

My name is Nyasha Midzi a Midlands State University student conducting a research with the topic that reads: *Civil Society and Children Rights in Zimbabwe: Case of Justice for Children in Budiriro District 2013 to present*. Below is a set of questions concerning the above topic your contribution in answering those questions will be greatly appreciated.

1. How many years have you been working with this organization?
2. What is the mission of this organization?
3. By what means does your organization define a child?
4. What factors as an organization that made you choose to focus on promoting children's rights?
5. What role as an organization are you playing to promote children's rights?
6. What programs and projects you carrying out to promote these rights?
7. As an organization are you succeeding the intended goals and objectives?
8. What challenges are you facing in promoting children rights in Zimbabwe?
9. What methods are you using to overcome these challenges?
10. As an organization, what do you think are the possible ways to alleviate these challenges?

Appendix 4: Form of Consent

My name is Nyasha Adrian Midzi a Midlands State University Student conducting a research on the topic that reads: *Civil Society and Children Rights in Zimbabwe: Case of Justice for Children in Budiro District 2013 to present*. Below is a form of consent in which you sign that you have agreed to give the researcher information towards the issue researched.

	NAME	SURNAME	SCHOOL	SIGNATURE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

MIDLANDS STATE UNIVERSITY

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF POLITICS AND PUBLICMANAGEMENT

GUIDELINE FOR MARKING DISSERTATION

ITEM UNDER OBSERVATION	<i>COMMENTS</i>	<i>SCORE</i>
Title [10 marks] <ul style="list-style-type: none">• Is the title clear and precise?• Does the title expose the problem under investigation?		
Abstract/Introduction [10 marks] <ul style="list-style-type: none">• Does the abstract successfully bridge the gap between the title and subject?• Does the student demonstrate knowledgibility about the nature, problem and purpose of study?• Have the objectives of the study been clearly stated?• How relevant is the literature reviewed and theories used?		
Content [50 marks] <ul style="list-style-type: none">• Are the chapters well laid out and coherent?• Does the work show the use of relevant research methods?• Is the evidence authentic?• Is there evidence of research?		

<p>Conclusion/ Recommendation [10 marks]</p> <ul style="list-style-type: none"> • Has the work been resented? • Does the conclusion answer the objectives? 		
<p>Reference [10 marks]</p> <ul style="list-style-type: none"> • Have the references been accurately presented? • Has the referencing style been consistent? 		
<p>Layout, Presentation and Editorial Assessment [10 marks]</p> <ul style="list-style-type: none"> • Is there continuity in the style of writing? • Is there correct use of English in terms of consistency? 		
<p>TOTAL SCORE (100 MARKS)</p>		

Signature of the Supervisor..... Comment on Submission.....

Signature of the Marker.....Date.....

Signature of the Moderator..... Date.....

