

## **STATEMENT ON SEXUAL EXPLOITATION AND ABUSE OF GIRLS**

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In terms of Sections 232, 246 of the Constitution and the Zimbabwe Gender Commission Act [Chapter 10:31], the Commission is mandated to, monitor issues concerning gender equality; investigate violations relating to gender; receive and consider complaints from the public; advise public and private institutions on steps to ensure gender equality; and recommend prosecution for criminal violations of rights relating to gender; among others.

The Commission has in previous statements since its inception, castigated child sexual exploitation and abuse. The Commission is gravely concerned over the reports of Zimbabwean girls being catapulted into early motherhood, following brutal incestuous rape perpetrated by persons known to them.

Following media reports of two 9-year-old pregnant girls, one of whom has already given birth, ZGC unequivocally adds its voice to those calling for harsher punishment to those convicted of raping the children. 15-year-old Nokutenda Hwaramba also died during childbirth in circumstances similar to that of 14-year-old Anna Machaya. Another 17-year-old girl, we understand, gave birth to twins but later died. These horrendous cases symbolise just but a tip of the iceberg, as many more cases go unreported, especially where no pregnancy occurs. While in most of the cases, arrests are made, ZGC is concerned of the delays in concluding the cases and as a result, justice is lost along the processes. Conviction remains shrouded in secrecy or difficult to understand sentences, most of which trivialise the crime of rape and abuse of children.

The Constitution of Zimbabwe clearly upholds the rights of children as it mandates the State in Section 19 to: adopt policies and measures to ensure that children are protected from maltreatment, neglect, or any form of abuse. Section 26 also requires the state to take measures to ensure that children are not pledged in marriage. Furthermore, Section 52 upholds the right to personal security and bodily integrity which becomes more important for minors while Section 81 (1) (ii) (e) states that children must be protected from economic and sexual exploitation, child labour and maltreatment, neglect, or any form of abuse. In addition, the new Marriages Act Chapter 5:17 prohibits the marriage of minors, i.e., children under the age of 18 years. Pledging of girls and women in marriage is also prohibited by the Anti-Domestic Violence Act which outlaws harmful cultural practices.

In this regard, the Commission recommends prosecution of the alleged perpetrators who raped the 9-year-olds whose evidence lies in their falling pregnant and becoming mothers at such a tender age. The physical, psychological, social, economic impact and life-time harm arising from these crimes require unambiguous justice delivery processes. In addition to ensuring redress to those who have been violated, conviction and appropriate sentencing commensurate with the crime, will also send the proper signals to other would-be perpetrators.

The Commission therefore calls upon Government to:

- Put in place minimum mandatory sentence as a deterrent measure to sexual abuse of women and girls.
- Develop and publish an offenders Register to name and shame offenders.
- Scale up and resource the support systems and mechanisms for reporting and responding to all forms of sexual gender-based violence against girls.
- Provide an enabling environment for the law enforcement system to carry out its statutory mandate and hold it accountable when it abdicates its duties, allowing paedophiles and their facilitators unfettered reign.

- Through the Ministry Departments and Agencies responsible for child protection and welfare, undertake investigations and speedily resolve complaints relating to sexual exploitation and abuse of girls.
- Align/harmonize all relevant laws and policies to the legal age of consent and legal age of marriage as stipulated in the Constitution to remove loopholes and ensure justice delivery especially to voiceless and powerless children.

ZGC further calls on Zimbabweans in their diversity to:

- Unequivocally say NO to child sexual abuse regardless of its form and send clear messages in word and action that this will not be tolerated.
- Revisit, recognise and refrain from socio-cultural, religious, and other norms which are used by criminals to justify child sexual exploitation and abuse.
- Recognise too that even as children must be educated on how to protect themselves and how to refrain from early debut into sexual behaviour, this is separate and does not protect them from paedophiles who take advantage of their power to molest children.
- For those having custody over children, speedy action should be taken to investigate, understand and where abuse is suspected, to report to relevant officials, to facilitate the necessary responses to safeguard the innocence of childhood.

For more information, contact ZGC Acting Chairperson, Obert Matshalaga +263712832666/+263773739444, and Chief Executive Officer Virginia Muwanigwa +263712899543