

**ZGC PRESS STATEMENT ON THE PROMULGATION OF SI 2 OF 2024
(PROTECTION OF CHILDREN AND YOUNG PERSONS REGULATIONS)**

1. The Zimbabwe Gender Commission celebrates and applauds His Excellency, the President, Cde. E. D. Mnangagwa on the promulgation of SI 2 of 2024, through the Presidential Powers (Temporary Measures) (Criminal Laws, Protection of Children and Young Persons) Regulations, 2024.
2. ZGC notes that this comes on the backdrop of the landmark ruling on the Constitutional Court case of *Kawenda v The Minister of Justice, Legal and Parliamentary Affairs & Others CC 03-2022* which declared section 70,76,83 and 86 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] unconstitutional.
3. The decision on the above matter sought to align the Criminal Code to the National Constitution by protecting young persons below the age of 18 but above the age of 16 from sexual exploitation in line with section 81 of the Constitution.
4. The declaration was subsequently suspended to allow the Ministry of Justice to amend the Criminal Code but unfortunately the timeframe given for amendment lapsed before completion of the process.
5. ZGC applauds the adoption in December 2023 by Cabinet, the principles on the amendment to the Criminal Code designed to facilitate discussion.
6. Discussion on the issues particularly focused on the case of *The State v Nkosilathi Gumbo HB 214/23* involving a minor under 16, where the perpetrator was sentenced to 36 months, with 18 of these suspended for good behaviour.
7. ZGC affirms and was part of the public outcry, which the Executive swiftly acted by instituting SI 2 of 2024.
8. Such swift reaction reflects government's commitment to the protection of human rights, particularly the protection of vulnerable groups in society such as women and children. Indeed, the SI enhances the mandate of ZGC in addressing gender-related violations of the guarantees in Sections 80 and 81 of the Constitution.

Call to Action:

9. ZGC therefore calls upon all institutions, communities and entities to recognise, respect and uphold the declaration that a child is anyone under the age 18 years.
10. ZGC further exhorts all sectors of society to note that the raising of the age of consent to 18 was a much-needed measure in view of the harmful practices targeting minors.
11. Communities are urged to outlaw in all aspects, marriages with any person below the age of 18, in line with the amendment of the Marriages Act which seeks to protect children from being catapulted into sexual and other abuse sanitised as marriage.

12. ZGC applauds the expansion of the means of communication for persons with related disabilities and urges all sectors to capitalise on this provision.
13. While applauding the SI 2 of 2024, ZGC, urges the Ministry of Justice, Legal and Parliamentary Affairs to move swiftly to ensure the substantive law is in place before the lapses of this temporary measure to protect minors.
14. ZGC however draws the Ministry's attention to continued reference to 'extra marital sexual relations' in the Act which are unnecessary and may be ultra vires the Constitution.
15. There is need for the Act to also provide for the introduction of a sex offender registry and institute a conclusive definition of what an incapacitated person is or how evidence will be drawn from them in the event of abuse.
16. The above omissions present an opportunity for the Ministry of Justice to consider review and inclusion before they enact the new law.
17. ZGC commends the relief provided by SI 2 of 2024, which affords Zimbabwe renewed energy and momentum resulting in an Amendment that reflects the shared commitment by stakeholders to ensuring protection of children from sexual exploitation and abuse.

ZGC – For Gender Equality and Social Justice