

# Towards respecting children's rights, obligations and responsibilities: The Zimbabwean case

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## **Abstract**

This article reports on an attempt to demonstrate the importance of putting theory into practice in a way that will impact on the lives of children who are currently being denied their basic rights. Purposive sampling of schools in urban areas in Harare Province, Zimbabwe, was used with data collected from 147 participants ( $M$  age = 16.9,  $SD$  = 1.38) that was subjected to quantitative analysis. Data were gathered on participants' views on children's rights and obligations and their understanding and implementation of the Bills of Rights. Children acknowledged that their rights were being implemented although inadequately; adults living in urban areas were perceived to have knowledge of children's rights and were said to implement them. To resolve the challenges to the implementation of children's rights and obligations, a multi-sectoral approach is required.

## **Keywords**

Africa, children's perceptions, children's rights, understanding of children's rights, Zimbabwe

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'Children are amongst the most vulnerable and powerless members of our societies today' Freeman (1992, p. 29). Many African children's rights are being infringed in areas such as health, education, security, child labor, child-headed households, participation in wars, forced circumcision, corporal punishment, child marriages, and homelessness (Southern Africa Conference on Children's Rights, 2011). The situation has not changed much since 1992 (see the seminal report on the African Contexts of Children's Rights, Tine & Ennew, 1998). There are multiple causes for this rights' infringement phenomenon, including basic lack of respect for the rule of law, traditional practices, and idiosyncratic beliefs. Even though the situation may be better in certain urban areas, the situation is serious in many townships and in the rural areas and informal settlements of Africa (Maree & Van der Westhuizen, 2010; informal settlements are sometimes called 'shanty towns' in the West). Millions of African children are denied the opportunity to realize their potential at various levels of development because of infringement of their rights. This means that they are denied access to further education, being heard, to equip themselves with the skills needed to find employment, design successful lives, and make social contributions (Maree & Crous, 2012).

Africa's informal settlement populations, in particular, comprise hundreds of millions of people. Many of the children in these settlements are being denied the right to education; it is vital to study these populations and establish whether they have any knowledge of children's rights and responsibilities. In addition, the implementation of these rights by guardians/parents and school authorities deserve investigation. Implementation of children's rights is perceived as an important Millennium Developmental Goal (Millennium Development Goals, 2011). Informal settlers often live in conditions where they are exposed to extreme temperatures, crime and the absence of any justice system, poverty with no access to healthcare, no freedom of expression or basic protection; they experience discrimination and a sense of despair. Bloch (2009) postulated that these conditions have often been produced by teaching and learning systems which are inclined to emphasize human rights without simultaneously instilling a sense of responsibility in learners.

## **Insufficient and disproportionate implementation of decisions on children's rights**

Two decades ago, Freeman and Veerman commented that 'Children's rights have been argued about for well over a century, and by a variety of different professionals with different perspectives' (1992, p. 3). Although children's rights have been debated and documented in scholarly publications (Tine & Ennew, 1998), implementation of human rights has been erratic in many parts of the world. Taking a cue from Winslade (2011), the authors of this article believe that it is important to ensure that the rights of all children are respected by putting theory into practice. This should be the case, regardless of color, gender, creed, financial situation, or geographic location. Against this framework, the current research

project investigated children's perceptions about whether their rights and obligations were being implemented and observed by adults in different settings.

## **Respecting children's decision-making capacity**

Decisions about children's welfare are often taken on their behalf across Africa and they are subsequently subjected to the effects of these decisions without having been consulted—because they are not regarded as competent or mature enough to make these kinds of decisions (Maree, 2012). Casas (1997, p. 289) notes that '[For many years] the focus was on children "not being yet competent"; but finally it becomes evident that the problem is for many adults not being competent enough to understand children's expressions and children's perspectives'. For this reason, it is vital to understand how children perceive adults when it comes to implementation of their rights and responsibilities.

Children should retain their decision-making responsibility and power with regard to matters that concern them. Three reasons can be cited for this assertion: (1) adults are often 'unaware of their own biases regarding children's competence to make decisions regarding their own welfare' (Hall & Lin, 1995, p. 64); (2) it is not always clear what exactly are children's rights in the process of decision-making; (3) many adults do not consider the potential ways in which aspects of their behavior may negatively impact on children's rights. Some researchers disagree about the capacity of children to participate in deciding on matters that impact them. Hall and Lin (1995, p. 66) and Osler (2000, p. 49), for example, provide evidence that there is little agreement regarding the age at which minors become 'competent decision makers'. Garrison's study (in Hall & Lin, 1995, p. 66), on the other hand, found evidence that 14-year-old children are as capable as adults in terms of their ability to 'apply competent reasoning skills in relation to real-life dilemmas'. Smith (1997) and Ruck, Peterson-Badali, and Day (2002), also reiterated that there seems to be general agreement about the importance of involving children in decisions about matters that affect them directly or indirectly.

## **Developing a framework for the interpretation and implementation of children's rights in Africa**

In this section, a framework for the interpretation and implementation of children's rights in Africa is proposed. Olowu (2002) asserts that the typical framework for the implementation of children's rights is based on the following four principles: *Non-discrimination* (equal opportunities for all children); *the best interests of the child* (the defining factor in all actions and documents relating to the rights of children); *the right to life, survival and development* (physical and non-physical aspects of children's health), and *the views of the child* (the right to be heard and to be taken seriously). He concludes that the Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1989) in its barest essence not only sets out children's rights but also 'represents a different way

of viewing children and the relations between children and the society' (Olowu, 2002, p. 135). For the purposes of this article, the conceptual framework outlined below will be used to understand the essentials of children's rights and to guide the authors in the interpretation of the research results.

First, children's rights should be addressed individually and collectively by the following entities: Governments departments, training entities, families, individuals, and humanity at large. Second, it should be noted that government-related bodies are informed by the legal and health-care fraternities (including the education, psychology, social work, legal, and medical). Conversely, governments' decisions and actions impact on what happens at non-governmental levels (the decisions and actions of non-governmental entities and members of the public in general are regulated by Government-related bodies). In addition, non-governmental entities and members of the public are guided by their belief and mission. Third, the following rights need to be addressed by all the entities, both individually and collectively, the right to: respect; be heard; have access to a fair justice system; be held accountable for their own actions; be a member of a family; education; safety; and non-discrimination (Rangana, 2011)

Children's perceptions on whether their rights and obligations were being implemented and observed by adults in different settings were sought in this study. In addition, children's knowledge and understanding of rights and responsibilities were assessed. The following questions were answered: What is the nature of African children's *understanding* of their rights, obligations and responsibilities? What are children's *perceptions* about adults' implementation of their rights and responsibilities? How do children *feel* about the ways in which schools and parents/guardians respect and observe children's rights? To what degree does gender impact children's *understanding* of their rights?

## Method

### Research design

A survey design using self-administered structured and unstructured questionnaires to gather information on participants' knowledge of children's rights, their perceived satisfaction regarding whether schools and parents/guardians observe and respect children's rights, and their perceptions about the implementation of children's rights (both at school and at home) was used. The study was carried out in Harare's high (Mbare suburbs), medium (flats, as well as Avenues, Belvedere, and Avondale suburbs) and low density (Mount Pleasant) suburbs.

*Sampling strategy and participants.* Purposive sampling of schools in urban areas in Harare Province was used. The sample size was calculated to achieve an adequate power (80%) at 95% level of significance. A sample of 147 students (males = 45; females = 96) participated in the study. Two of the schools selected were girls' schools. Ideally two boys' schools should also have been visited and the same

numbers interviewed as those interviewed in the girls' schools. However, due to time and financial constraints, visits to the schools for males were not possible. Twenty-five participants were selected from each of the chosen schools using random sampling. Four of the schools chosen were mixed schools (comprising both boys and girls) and two were girls-only schools. Two schools were chosen from each of a high, medium, and low density area. The participants' ages ranged from 12- to 19-years-old ( $M = 16.9$ ;  $SD = 1.38$ ). Participants were selected from forms 3 (year 9) to 6 (year 12). Of the respondents, 44 (30%) were orphans. Twenty-two percent of the participants lived in high density suburbs (low socio-economic stratum), 29% lived in medium density (middle income), and 45% lived in low density areas (middle to high socio-economic strata).

**Measures.** A questionnaire entitled *Rights, Obligations and Responsibilities (ROR)* (see Supplemental materials) was used to gather data on the participants' degree of knowledge on children's rights. Part of the questionnaire was designed to collect information on how much the children knew of the given children's rights. They were asked to indicate the extent of their *understanding of children's rights* on a scale ranging from (1) 'I have no idea' to (3) 'know a lot'. The children's rights were listed from 1–18. Participants also had to indicate their *perceived satisfaction regarding* whether their school and guardians observed and respected children's rights. The scale was ranked from 1 = 'not satisfied' to 3 = 'very satisfied'.

Respondents also indicated the extent to which the school and parents/ guardians taught them the responsibilities that were expected to guide them when exercising their rights. The scale ranged from 1 = 'very little' to 3 = 'a large extent'. Statements on perceived implementation were also given and participants were asked to select from 'True' or 'False'. There also were open-ended questions on the necessity of children's rights in homes and in schools and whether they were being implemented or enforced adequately.

**Procedure.** The instructions were provided in English as the medium for instruction in Zimbabwean schools is English. In addition, the grades chosen to participate were well conversant in English as they had been in school for at least nine years.

**Data analysis.** ANOVA was preferred for the analysis of data in this study because the study examined the relationship between five independent variables (age, class, gender, residence, and 'parents alive') and five dependent variables (knowledge of children's rights, perceived satisfaction with implementation of children's rights both at home and at school, and perceived satisfaction with implementation of responsibilities both at home and at school). Approximately 30% of the participants were orphans; however, this proportion did not affect the variable 'parents alive' significantly. As explained in the Results section, orphans' perceptions on children's rights were not discernibly different from non-orphans. Since ANOVA was used for the analysis of data, assumptions were tested for normality of

distribution of the dependent variables, homogeneity of variance, continuity of equal intervals of measures, and independence of observations.

The reliability of the questionnaire was determined via the test–retest procedure and calculation of Cronbach’s  $\alpha$ . Two administrations of the questionnaire were executed during a pilot study within a two-week interval. Three of the respondents were absent from school during the retest. Of the 12 in the pilot sample, 80% completed the questionnaires during retesting. The composite test–retest reliability coefficient (Cronbach’s  $\alpha$ ) for the instrument was 0.83. This figure was regarded as sufficient for the purposes of the main study.

## **Results**

### *Demographics*

The mean age of respondents was 16.9 years with SD of 1.38 years. Most of the respondents lived in low density areas (44.9%). Respondents reported no differences in implementation of children’s rights at home and at school. Most participants had learned about children’s rights at school (56.5%) and the lowest percentage had heard about them from peers (6.1%). The children’s knowledge and understanding of their rights and obligations are presented below. The perceptions of satisfaction of implementation of these rights by the children are also presented.

### *Impact of age on children’s awareness of rights and obligations*

ANOVA revealed differences in knowledge and understanding [ $F(5,126)=2.51$ ;  $p \leq 0.05$ ] and perceived satisfaction about implementation of children’s rights among the four age groups. The differences in knowledge and understanding of rights were shown by Bonferroni post hoc tests to be among the 15- to 16-year-olds and the 17- to 18-year-olds. The younger children (under 16-year-olds) had less knowledge and understanding of rights than the older children (17 and above). The older the children the more knowledge they have of their rights and responsibilities and the better their understanding.

Satisfaction about implementation of rights at home [ $F(5,13)=6.51$ ;  $p=0.01$ ] differed among all age groups except the 16- and 17-year-olds. The 15-year-olds were the least satisfied with implementation, followed by the 16- and 17-year-olds and the 18-year-olds. The older the children the more satisfied they were with perceptions of implementation. Older children are exposed to more responsibilities and rights by the adults in their lives than younger children. Responsibilities at both school [ $F(5,126)=23$ ;  $p < 0.0001$ ] and home are taught more to older children (18-year-olds) than younger children (15-year-olds). Unlike the other group, the 15- and 16-year-olds perceived that they were not taught responsibilities at home as they would have expected [ $F(5,13)=1.0$ ;  $p \leq 0.05$ ]. The older children (17 and above) were given priority over them. Bonferroni post hoc tests showed that

there were differences on perception of teaching responsibilities at home among the 15- and 18-year-olds. The 17- and 18-year-olds showed no significant differences. The 17- and 18-year-old children had more positive perceptions that their rights and obligations were implemented by adults as compared to the 15- and 16-year-olds. There was evidence suggesting that the way participants perceived their responsibilities to be taught both at home and at school did differ across some age groups.

### *Impact of gender and educational level on children' awareness of rights and obligations*

Knowledge and understanding of children's rights was influenced by gender in that females were less satisfied with implementation of rights and responsibilities as these tend to favor males in patriarchal societies ( $[F(1,139)=23.12; p \leq 0.05]$ ). Senior high school students (forms 5 and 6) had greater knowledge of children's rights compared to junior high school (forms 3 and 4)  $[F(3,135)=10; p \leq 0.0001]$ ; they also had greater awareness of children's rights in the home and at school compared to junior high school students  $[F(3;135)=17.98; p \leq 0.0001]$ . Senior high school students were also less satisfied with the way adults exposed them to rights and responsibilities,  $[F(3,135)=13.3; p \leq 0.05]$ —they perceived responsibilities to be emphasized more than rights. Regardless of level of educational placement, two-in-three participants suggested that responsibilities rather than rights were emphasized in schools and 92% perceived responsibilities to be emphasized more than rights in the home.

### *Impact of children's place of residence on rights and obligations*

Analysis by residential location, a proxy measure of Socio-Economic Status (SES) yielded results to suggest children residing in the poorer neighborhoods have a lower awareness of rights implementation ( $p < 0.05$ )—implying that children in poorer suburbs perceived adults to be failing in implementation of rights, especially at home. However, children residing in high density suburbs thought implementation was good at school, putting their perceptions at the same level as their more affluent counterparts. This could be because they were taught by teachers with the same educational levels and probably similar backgrounds. Children residing in low density and medium density suburbs (average to higher SES) had higher perceptions of implementation of rights and obligations. This may suggest differences in backgrounds among parents and guardians (SES) also affect knowledge and implementation of rights by the parents. Parents and guardians who lived in poorer neighborhoods were less exposed and were unaware of children's rights hence it would be difficult to practice implementation. Thus, it seems plausible to suggest that younger children and children who live in low SES, in general, are less aware and less insistent on the implementation of their rights than their more affluent (low density) counterparts.

### *Impact of children's status on rights and obligations*

Understanding and knowledge of children's rights was independent of whether a child was an orphan or non-orphan ( $p > 0.05$ ). In the same vein, perception on satisfaction with implementation of children's responsibilities both at home and at school was independent of whether a child had parents or not. This suggests orphans had guardians and teachers who acted in loco-parentis.

### *Analysis of statements about the implementation of children's rights*

Respondents were also asked to indicate whether given statements were true or false, to test their knowledge on implementation of children's rights. The statement *Schools emphasize rights more than responsibilities* was answered *true* by 23% of the participants. This implies schools are not emphasizing both responsibilities and rights in an African setting as this percentage is low, meaning children perceive that their rights and responsibilities are inadequately taught at school. *Schools emphasize responsibilities more than rights* was answered *true* by 57.8%. The general feeling would be that responsibilities are taught more than rights both at school and at home. In other words, children are expected to act responsibly and obey their parents, while they are (at least to an extent) shielded from knowing about many of their rights. *Both responsibilities and rights were emphasized equally* was answered *true* by 40%. This statement further supports that responsibilities are emphasized more than rights.

### *Necessity of teaching rights and responsibilities*

Eighty-nine percent of the respondents said rights and responsibilities are necessary in homes and the same proportion (90%) said that both rights and responsibilities should be taught in schools. However, they noted that rights and responsibilities were inadequately enforced by both school authorities and parents/guardians.

## **Discussion**

This article explored whether, from African children's perspectives, their responsibilities and rights were being implemented. Children had different perceptions on the implementation of their rights based on where they lived and their educational levels. However, Casas' (1997) claims cannot be ignored for the sample in this study was limited to the urban areas. Adults living in urban areas were found to have greater knowledge of children's rights and were more likely to implement them. The rights of children in relatively affluent contexts may be implemented and respected to a satisfactory extent; whereas this may not be the case in rural areas and informal settlements. This is implied by the differences in perceptions among children who live in high density areas and those who live in medium and low

density suburbs. Children who reside in rural areas might have different perspectives.

In a like manner, children expressed the opinion that their rights and responsibilities should be respected and implemented. This finding is consistent with the sentiments expressed by Winslade (2011). Article 12 (UNCRC, 2007) in the Convention of Children's Rights stipulates that children should be afforded the right to express their views freely in matters which affect them, consistent with children's age and levels of maturity. This Article is the one most disputed by adults (Osler, 2000). It is sometimes argued that, if informed about their rights, young people will begin to demand rights without acknowledging the responsibilities that entail the enjoyment of those rights. This could explain why most adults emphasize responsibilities rather than rights. This idea was supported by the children's perceptions in the current study which posited that responsibilities are emphasized more than rights at home (92%); this emphasis could be because parents prefer teaching their children responsibilities rather than rights lest children may become 'unmanageable'.

This study's findings agree with Hall and Lin (1995), who claimed that 14-year-olds could make competent decisions using good reasoning skills. The 15-year-olds in this study used critical thinking in deciding whether adults were implementing children's rights. This implies that even 15-year-olds can make observations, analyse and fully comprehend different social situations. The children also demonstrated that the way they perceived responsibilities to be taught at home did not differ by age. This showed that the 15-year-olds could also think abstractly and were as competent as the 18-year-olds, thus supporting Hall and Lin (1995)'s claim.

Children perceived responsibilities to be taught both at home and at school more than rights education. This perception might be accurate as teachers and parents would rather have children who are oblivious of their rights. Schools that emphasize rights may have problems managing and controlling the children at school. In addition, from an African cultural perspective, children are expected 'to be seen and not heard.' They listen and obey their elders regardless of whether they are kin. However, some children are aware of their rights; thus, teachers should try to balance and emphasize both rights and responsibilities. Parents should also emphasize both rights and obligations as these assist in building confidence and high self-esteem in children.

### *Impact of educational level on children's rights and responsibilities*

Older children perceived rights related education more than did younger peers ( $p \leq 0.05$ ). Older children have been taught rights and responsibilities for a longer period and could more likely comprehend better than the younger ones. Perception of better implementation of rights and responsibilities was negatively correlated with higher education. The more education the participants received, the less convinced they became that implementation of rights was adequate. This could be because they were more aware and expected better implementation. Parents and

teachers were expected to practice what they taught by ensuring that rights were implemented.

### *Limitations of the study*

Because the findings were based on self-reported information, reporting bias as a result of incorrect interpretation of the questions by the participants could have occurred. Furthermore, the data collected depended on the participants' medium- and long-term memory recall and their idiosyncratic perceptions of personal experiences. Furthermore, the composition and size of the sample limits generalizability of the findings.

### *Implications for stakeholders*

The findings in this study may well have significant implications for the theory and implementation of children's rights in various settings. One implication is the challenge to balance implementation of children's rights and responsibilities for achievement and progress in children's lives throughout the different continents. Stakeholders should bear in mind that culture is dynamic and they should consequently be sensitive to changing perceptions of children's rights (Zimba, 2011).

Successful implementation of children's rights will be determined by and dependent on collaboration between the various stakeholders (including educational/school psychologists) and at the different levels outlined in this article. To resolve the multiple challenges to the implementation of children's rights and obligations globally, a multi-sectoral approach is required. Educational/school psychologists can play a major role in this aspect by providing guidance to teachers to improve the teachers' capacities to support implementation of children's rights in the schools. For example, teachers, with the help of educational/school psychologists, need to clarify and model rules, rights and expectations of acceptable behaviour consistency. Collaboration between the legal fraternity, education sector and the health-care fraternities will co-determine the success of any strategy aimed at ensuring that children's rights are respected and implemented satisfactorily. Stakeholders are encouraged to build on this study by conducting research on different samples and report on the findings.

## **Conclusion**

Although the situation in Africa has limited capacity for change with laws being applied selectively, children are eager to develop their own skills and capacities to resolve conflicts and to participate more fully in decision-making processes (Osler, 2000). This is supported by the findings in this study. Children who lived in suburban areas in Zimbabwe, claimed to have knowledge of their rights and obligations. Younger children and children living in low SES households had less awareness of their rights and obligations than the older children and children

living in average to high SES households. Female students were less satisfied with implementation of their rights and responsibilities as they felt marginalized and experienced discrimination. More educated children also felt implementation of rights was lacking. However, despite the findings in this study, it should also be noted that implementation of children's rights should be explained from a cultural perspective. Naidoo, Van Wyk, and Carolissen (2004) noted that individuals are embedded in and impacted, directly and indirectly, positively and negatively by different interacting social systems such as the family, community, societies, and the global village.

Children's rights deserve acknowledgement and implementation in Africa as well as in developed high income countries. This should contribute to the empowering and encouraging of children to realize their potential and to contribute to the positive transformation of their societies. It is time to implement and expect the same levels of accountability from all stakeholders involved with children, and not only the degree of accountability we see being displayed by the social work, legal, and psychology fraternity.

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