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# Challenges to the Rights of Children in Zimbabwe’s Artisanal and Small-Scale Mining (ASM) Communities:

*Strategies for strengthening legislative and governance frameworks*

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## RECOMMENDATIONS

- **The government should boost the capacity of agencies** to enforce child protection laws by training officials, creating specialized units, and providing necessary resources, ensuring strict compliance with national and international standards.
- **The government and civil society should intensify targeted campaigns** to educate communities about children’s rights and the harms of child labour, fostering local support for law enforcement and promoting a culture of protection and vigilance.
- **The government and civil society should implement advanced technological tools** for real-time monitoring and reporting of child labour incidents and rights violations, facilitating swift and effective responses from authorities and stakeholders.
- **The government should regularly assess and update existing child protection laws and policies** to close gaps, address emerging challenges, and ensure alignment with evolving international human rights standards. Child labour laws should be stringent and reflective of international best practices.
- **The government and civil society should develop and support programs** that offer viable alternatives to child labour, such as access to quality education, vocational training, and livelihood support for families, thereby addressing the economic root causes driving children into mining.
- **The government should foster multi sectorial partnerships** with NGOs, businesses, and international bodies to enhance child welfare and strengthen enforcement strategies.

This policy brief is based on research conducted in Mudzi district, Zimbabwe, on the challenges faced by children involved in the country’s artisanal and small-scale mining communities. It proposes a comprehensive governance framework to safeguard the rights of children, who are propelled into the workforce by economic necessity, and encounter hazardous and exploitative conditions.

## CURRENT SITUATION IN ZIMBABWE’S ASM COMMUNITIES

In the developing world, notably in Africa, child labour has come to be a defining resource that catalyses the process of artisanal and small-scale mining.<sup>1</sup>

According to Gutu,<sup>2</sup> about half a million people or more are directly employed in the artisanal and small-scale mining (ASM) sector. ASM is a significant source of livelihood for a substantial portion of the Zimbabwean population. Consequently, many families, particularly those in impoverished circumstances, are utilizing every available labour resource, including children, to contribute to their collective sustenance.

Poverty has been identified as the main driver behind child labour in ASM.<sup>3</sup> Children’s participation in artisanal and small-scale mining is a symptom of broader socioeconomic, cultural, and governance challenges. Despite Zimbabwe’s commitment to international conventions and the establishment of protective national laws, a significant gap persists between policy formulation and practical implementation, thereby placing children’s safety and rights in jeopardy.

## CHALLENGES FACING CHILDREN IN ASM

Children in the ASM sector confront severe challenges, encompassing hazardous health conditions, exploitation, and educational neglect.<sup>4</sup> The sector’s informal nature complicates legal oversight, making child labour issues particularly

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pervasive. Health risks include exposure to toxic chemicals and physical harm, while the threat of psychological trauma looms large, stemming from the harsh realities of their work environment. Gender-based violence and safety risks further exacerbate their plight. The economic compulsion driving children into ASM highlights the critical need for comprehensive interventions. These should not only address immediate safety and health concerns, but also tackle the underlying socioeconomic factors perpetuating child labour.

## LEGISLATIVE FRAMEWORK AND GOVERNANCE STRUCTURES

Zimbabwe's legislative landscape for protecting children's rights, encompassing the Children's Act, Labour Act, and Education Act, is further reinforced by its commitment to international standards like the United Nations Convention on the Rights of the Child (CRC) and the International Labour Organization (ILO) Conventions Nos. 138 and 182. This comprehensive framework is designed to shield children from exploitation, abuse, and neglect while ensuring their access to education, healthcare, and overall welfare.

However, the effectiveness of this framework is a complex narrative that transcends its well-intended statutes. The real impact is somewhat diluted by the challenges in enforcement, deeply rooted societal norms, economic hardships, and the discrepancy between legislative provisions and their practical implementation. While the laws on paper seem to be robust, their translation into tangible outcomes for children is often hindered by inadequate enforcement mechanisms, limited resources, and the persistent prevalence of practices like child labour, which continue to challenge the ideals enshrined in the legal documents.

Moreover, the alignment with international conventions bolsters the legislative framework but also highlights the gaps in enforcement and the need for a more harmonized application of these global standards at the national level. The effectiveness of these laws is not just about the legal texts but also about the institutional capacity, political will, community engagement, and the broader socio-economic context that collectively influence the enforcement and the lived experiences of children in Zimbabwe.

In essence, while Zimbabwe has laid down a solid legislative foundation for the protection of children's rights, the on-the-ground realities reveal a nuanced picture, one where the intended impact of these laws is often tempered by various implementation challenges. Moving forward, enhancing the framework's effectiveness will require a concerted effort to bridge the gap between legislation and practice, ensuring that the noble intentions of the legal provisions are fully realized in the everyday lives of Zimbabwean children.

## RECOMMENDATIONS

### **To effectively protect children in ASM sector, a series of detailed, actionable recommendations are proposed:**

- The government should boost the capacity of agencies to enforce child protection laws by training officials, creating specialized units, and providing necessary resources, ensuring strict compliance with national and international standards.
- The government and civil society should intensify targeted campaigns to educate communities about children's rights and the harms of child labour, fostering local support for law enforcement and promoting a culture of protection and vigilance.
- The government and civil society should implement advanced technological tools for real-time monitoring and reporting of child labour incidents and rights violations, facilitating swift and effective responses from authorities and stakeholders.
- The government should regularly assess and update existing child protection laws and policies to close gaps, address emerging challenges, and ensure alignment with evolving international human rights standards. Child labour laws should be stringent and reflective of international best practices.
- The government and civil society should develop and support programs that offer viable alternatives to child labour, such as access to quality education, vocational training, and livelihood support for families, thereby addressing the economic root causes driving children into mining.
- The government should foster multi sectorial partnerships with NGOs, businesses, and international bodies to enhance child welfare and strengthen enforcement strategies.

### **By implementing these recommendations, Zimbabwe can customize a strong child protection framework for its local ASM context, bridging the gap between policy and practice.**

<sup>1</sup> Bass, L.E. (2004). Child labour in sub-Saharan Africa. Boulder, CO: Lynne Rienner Publishers.

<sup>2</sup> Gutu, A. (2017). Artisanal and Small - scale Mining in Zimbabwe. *Curse or blessing?* Policy brief No. 2 – October 2017

<sup>3</sup> Lahiri-Dutt, K. (2007). Informal Mining in Eastern India: Evidence from the Coal Mining Region of Orissa. St Martin's Press Inc., London.

<sup>4</sup> International Labour Organization. (2019). Child labour in mining and global supply chains