



HEBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS DEGREE

EXAMINATION QUESTION PAPER

MODULE CODE	LLB623
MODULE NARRATION	CHILDREN AND THE LAW
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. You are advised to read all questions carefully before attempting to answer any.
2. Section A is **COMPULSORY**.
3. Answer any **TWO** Questions from Section B.
4. Students are allowed to use the following Statutes;
 - a) *African Charter on the Rights and Welfare of the Child, 1990*
 - b) *Constitution of Zimbabwe Amendment (No 20) Act, 2013*
 - c) *United Nations Convention on the Rights of the Child, 1989*
 - d) *Children's Act (Chapter 5:06)*

SECTION A

NB: THIS QUESTION IS COMPULSORY

The Committee on the Rights of the Child in General Comment 16 of 2013 on state obligations regarding the impact on the business sector on children's rights remarked that:

The Committee on the Rights of the Child recognises that the business sector's impact on children's rights has grown in past decades because of factors such as the globalized nature of economies and of business operations and the ongoing trends of decentralisation, and outsourcing and privatising of State functions that affect the enjoyment of human rights. Business can be an essential driver for societies and economies to advance in ways that strengthen the realisation of children's rights through, for example, technological advances, investment and the generation of decent work.

However, the realization of children's rights is not an automatic consequence of economic growth and business enterprises can also negatively impact children's rights.

With the above in mind, you are required to unpack the intersection between children's rights and businesses, including the conduct of technology companies, internet service providers multinational companies and the extractive industries. The analysis should be informed by domestic and international law focusing on how best to improve regulation and compliance without undermining economic development imperatives. **[30 Marks]**

SECTION B

*Answer **ANY TWO** questions from this Section*

QUESTION 2

Tatenda is a 16year old girl and is a Form 16 student at Kambizi School. She is in love with Josephat, a 32year old married man. Josephat has promised Tatenda that he will soon divorce his wife and marry her as soon as she completes her ordinary level. He showers her with gifts and gives her money for her and her family's upkeep. Tatenda's parents are aware of the relationship and they approve of it and are looking forward to receive the lobola from Josephat.

On the 28th of January 2024 Tatenda was coming from school and met Josephat in a nearby bush. They started being romantic with each other and had consensual sexual intercourse. Unfortunately Mr Katai, the deputy headmaster passed by and heard some weird noises and decided to check what was going on and he found them in the act. As a responsible teacher, he reported the matter to the police station and Josephat was arrested and charged with having sexual intercourse with a young person. In his defence, Josephat admitted to having sexual intercourse with Tatenda and told the police officer that Tatenda is her girlfriend and that she consented to the sexual act. He also said that he loves Tatenda and wants to marry her. Further, Josephat told the police officer that Tatenda 16 years and is not a young person and can consent to sexual intercourse. He further said that Tatenda's parents approve of their relationship, as such, there is nothing wrong with him having sexual intercourse with Tatenda. When asked by the police officer, Tatenda confirms that she willingly had sexual intercourse with Josephat.

With reference to relevant authority, discuss whether the arguments raised by Josephat will succeed in a in a court of law in Zimbabwe.

[20 Marks]

QUESTION 3

Critically comment on how the following human rights issues affect the enjoyment and implementation of children's rights in Zimbabwe;

a) Reproductive health rights. (10)

b) Statelessness. (10)

[20 Marks]

QUESTION 4

Child marriage is a deeply rooted social issue worldwide, in Southern Africa and in Zimbabwe, with severe consequences for the well-being and development of children. In many countries, where child marriage is pervasive, there exists a body of laws that prohibit and impose sanctions against the practice. The problem is the continued prevalence of child marriage despite international, regional and domestic regulations to combat child marriages.

With reference to relevant authority, discuss the above statement within the Zimbabwean context. In your answer, include a discussion of the potential strategies that could be implemented to address the issue of child marriage effectively considering the complexities involved.

[20 Marks]

TOTAL MARKS 70

END OF QUESTION PAPER