



Child Rights Centered Preferences in Private Sector Corporate Social Responsibility Programs: A human rights approach

Lucia Gunguwo¹
and
Blazio Mahaso Manobo²

Abstract

Human dignity supersedes all other values and is the foundation upon which all other rights originate. Mainstreaming child-sensitive initiatives has been a challenge in the Zimbabwe mining sector as most corporations focus more on infrastructure development under their Corporate Social Responsibility (CSR) programs. Child-sensitive programs like the provision of quality education, child protection, recreation facilities, extra-curricular activities, health, hygiene, and good sanitation are enshrined in UNICEF Child Rights-Based Approach (CRBA) but often ignored by corporates. This empirical study provides a grounded analysis of the government program on CSR by companies in the mining sector of Zimbabwe. Using a qualitative exploratory study design in the Mashonaland West and Midlands provinces of Zimbabwe, the study measures the extent to which children's rights are incorporated in the mining companies' social responsibility programs. The study notes with concern how children's rights are treated as peripheral to CSR.

Keywords: Corporate Social Responsibility, Children's rights, human dignity, child-sensitive programming

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I. Introduction

Social Investment Programs have been in existence since pre-independence Zimbabwe. According to Madimu (2007), the white farmers and miners ensured the existence of good roads that networked their companies to the source of labor and the markets. Educational institutions and health facilities were built on the farms and in the mines. Recreational facilities were limited to beer halls, and sports grounds well equipped for the purpose. Children of farm and mine employees were exempted from paying school fees and medical costs at corporate institutions. The white farmers and mines ensured that their employees' financial burdens were reduced to get maximum commitment from them (Jones 2010). While lacking in other forms of human rights, the colonial settlers promoted children's welfare not so much as a matter of rights, but as part of their economic investment in the provision of future laborers within their operating environment. However, mine schools in pre-independence Zimbabwe appeared more organized and better equipped than farm schools due to the disparity in economic returns between the two sectors (Malan 2005). In some cases, commercial farmers and mining companies would form associations and contribute toward the construction and sustenance of centralized health facilities for the community surrounding the company (Madzikanda 1995).

The post-independent Zimbabwe has demonstrated that an abundance of mineral treasures can co-exist with wretched poverty (Mawowa, 2013). In turn, the government crafted measures to assist communities around major corporates to benefit from local natural resources in their area. In 2007, the government introduced the Indigenization and Economic Empowerment Act and another Statutory Instrument of 2010 which established the Community Share Ownership Trusts (Kurebwa et al., 2014). The Indigenization and Empowerment Policy required that at least 51% of shares in every mining operation be ceded to local authorities by 2015 (This law

¹Lucia Gunguwo is a Lecturer at Midlands State University and PhD candidate with Women's University in Africa

²Blazio M. Manobo (Ph.D.) is a Senior Lecturer with the Catholic University of Zimbabwe

*Corresponding Author: Lucia Gunguwo

was revised in 2018 and limited to diamond and platinum mining only). This statutory amendment provided for Community Share Ownership Trusts (CSOTs) which required mining companies to dispose of at least 10% of their profits to the respective local communities as a social investment mandate. The initiative was created to assist local authorities to provide integrated developments across the country. In return, the governments would give tax concessions to companies that comply with these social investments (Maseko 2010).

The mining sector in Zimbabwe is largely dominated by politicians, government elites, and foreign corporations (Gapare et al. 2012), This is worrying as it compromises the efficient and successful implementation of the CSR programs. The majority of the CSOTs Board members are appointed from the local authority which includes among others, traditional chiefs, government bureaucrats, and politicians. Often, due to the program's partisan nature, funds contributed by the companies towards CSR fail to pass the accountability test thereby compromising the achievement of the objectives of the program. Over the years, the program has been accused of appearing to be a political sugar-coating and top-dressing by leaders for personal benefits (Chimakire 2012). Consequently, genuine community programs which promote the welfare of children and assist the country's human rights record are often overlooked.

According to Masawi (2010), CSR programs in Zimbabwe have not assisted in promoting the rights of children as they focus more on quantity than quality. Classroom blocks for educational institutions have been constructed or renovated with a lack of quality due to a lack of educational materials and motivated employees. Roads and other infrastructure projects are often rehabilitated to suit the practical needs of mines like access to markets. Health centers are renovated to provide health services to the community with a special interest in the welfare of the workforce but lack the medical provisions that would reduce infant mortality. Against this background, this paper provides an assessment of how Children's Rights and needs are mainstreamed in the Zimbabwean mining sector.

Human dignity and children's rights

The concept of human dignity has been debated from its legal, social, and religious dimensions. Despite all the efforts in trying to unpack it, no consensus exists on the true meaning of the term. However, human dignity has become an important concept and a supreme value from which all other human values and rights emanate (Shultziner 2007). At the international level, human dignity was affirmed in the *Charter of the United Nations* (1945) and re-affirmed in the *Universal Declaration of Human Rights* (1948) as the foundation of freedom, justice, and peace in the world. The *United Nations Convention on the Rights of the Child* (1989) declared in its preamble that human dignity is essential to all rights. Several countries have since adopted and included the concept in their national constitutions. For example, Spain, Portugal, Germany, Hungary, and South African constitutions explicitly mention human dignity as the source of their constitutional rights.

Etymologically, the word dignity comes from the Latin *dignitas*, implying ornament, distinction or a position of honour while the predicate, 'human' comes from the Latin word *humus* meaning earthly (Ivascu 2016). It is defined as "the status of human beings entitling them to respect, a status which is first and not to be taken for granted. It refers to their highest value, or to the fact that they are a presupposition for value, as they are those to whom value makes sense" (Lebech 2005, p. 1) Using this view, children's rights mean providing and safeguarding the rights to children under all circumstances. Mainstreaming children's rights in development and community projects should not be taken as a religious prerogative, but as a moral, legal, and social obligation expected from all stakeholders. The Child Rights Centered Approach to Corporate Social Responsibility is an extension of the inalienable and inherent rights of children in a community.

Child Rights Centered Approach to Corporate Social Responsibility

This study is guided by the Child Rights Centered Approach, which was developed by UNICEF and Save the Children UK. According to Cook and Bruckauf (2013), Child Rights Centered approach refers to the mainstreaming of the children's rights to plan, implement and monitor programs and projects. It aims at improving the position of children so that they can fully enjoy their rights and live in communities that acknowledge and respect their rights regardless of gender, race, or color. Child Rights programming draws upon these fundamentals as well as on the general principles of the UN Convention on the Rights of the Child (UNCRC) (Litz 2010). In respect of this, firms involved in Corporate Social Responsibility should consider child rights preferences and be committed to the principles enshrined in the UNCRC documents. Their programs should be based on assisting service providers to meet their obligations and supporting children to realize and claim their rights

According to Save the Children (2016), the Child Rights Centered Approach is a framework that is used by decision-makers, planners, and frontline professionals in bringing together the vision of childhood as elaborated by the UN Convention on the Rights of the Child. This approach is also derived from the core tenets of the Basic Human Rights. The approach can be used when designing, delivering, monitoring, and evaluating services and strategies that concern children (UNICEF Handbook 2013). The 7 principles that constitute this

approach included dignity, interdependence and indivisibility, best interests of a child, participation, non-discrimination, transparency, and accountability as well as life, survival, and development.

Dignity means every child or young person, like each adult, has inner dignity and worth that should be valued, respected, and nurtured. Respecting children's dignity means that all children should be treated with care and respect in all circumstances – in schools, hospitals, police stations, public spaces, or children's homes. Inter-dependence and indivisibility point towards the idea that all children and young people should enjoy all their rights all the time because all rights are equally important. Rights cannot be 'cherry-picked' depending on circumstances. The best interests of a child refer to how children must be a top priority in all decisions and actions that affect them in program design and implementation. The approach also posits that children have the right to participate in matters that affect them and to have their views taken seriously. To participate meaningfully in the lives of their families, community, and the wider society, children and young people need support and opportunities for involvement.

The approach further affirms that children should not be discriminated, against but rather treated fairly and protected from discrimination, whatever their age, gender, ethnicity, religion, language, family background, or any other status. It calls for transparency and accountability in dealing with children's rights and calls for open dialogue and strong relationships between children and young people, professionals, and local politicians who are key in making their rights a reality. Most important is that every child has a right to life, survival, and development. Children and young people should enjoy the same opportunities to flourish, be safe, healthy, grow, and develop.

Corporate Social Responsibility

Maimunar (2009) defines CSR as a mechanism by which corporations or firms conduct their business in ways that are ethical and society friendly. CSR may involve a range of initiatives like working in partnership with local communities, developing relationships with employees, clients, and their families, and socially sensitive investments. CSR involves initiatives for sustainable environmental management as well. According to Bichta (2003), Corporate Social Responsibility, or as some prefer, Corporate Social Investment encompasses programs that are external to the normal business activities of a company. CSR is not meant to increase company sales or profits. Rather, it has a strong developmental approach and utilizes company resources to benefit and uplift communities. While CSR affects profitability in the short run, it tends to increase company goodwill and ultimately its profits in the long run (Becchetti 2005). This suggests that commitment to CSR can be a long-term investment program for a company.

Carroll (1991) who is viewed as the founder of the concept of CSR posits that effective CSR should encompass the adoption of economic, legal, ethical, and discretionary responsibilities towards the community surrounding the business environment. Where a company engages in just a single category, for example ethical, means the corporate can be regarded as a purely ethical company and not as a socially responsible company. For Carroll, economic and legal responsibilities are required by society while ethical responsibilities are expected, and philanthropic activities are desired as well. Economic responsibilities are considered the basic responsibility upon which all other responsibilities are founded (Gill 2008).

McWilliam and Siegel (2001), opine that CSR is actions taken by firms or companies to support social goals, beyond the interests of the firm or its shareholders (mainly profit-making) and that is a legal requirement. This means that CSR goes beyond obeying the law. A firm or corporation that is conscious of women, children, and minority groups whilst partaking in their comprehensive responsibilities as enshrined in the CSR Pyramid is engaging in proper CSR. In simple terms, CSR can be simplified as the commitment of a firm or company to behave ethically and contribute to the national economic development whilst at the same time improving the quality of life of the communities surrounding the corporation.

The applicability of CSR responsibilities has been an area of great contention. According to Hendrich (2010), the primary motive for starting a business is to make money and maximize profits at all costs while minimizing losses. Consequently, philanthropic and ethical responsibilities are costs that companies would not voluntarily choose. This position contradicts the legal and moral obligations of the government to create a conducive environment for companies to operate while safeguarding the needs and aspirations of communities. The government has the duty of ensuring that the security, rights, and needs of the people are safeguarded in the communities where the companies operate (Larsen 2013). To achieve this, governments in most countries of the world create and enforce laws that make it compulsory for companies to engage in Corporate Social Responsibilities.

CSR and the Focus on Child Rights and Needs

Consideration of the children's rights should be integral to any CSR policy or program (Stewart 2015). Traditionally, companies used to focus on reducing and eliminating child labor in the supply chain only as a way of upholding the rights of children (Werner and Chandler 2011). This is despite the understanding that the rights

of children go beyond eliminating labor in the supply chain to include the provision of basic needs like food, shelter, education, health as well as recreation (Pless et al 2012). A robust CSR program should reflect a comprehensive knowledge of the different ways through which firms or companies may contribute to the provision and upholding of children's rights and needs.

UNICEF and the UN Global Compact came up with the Children's Rights and Business Principles popularly referred to as 'The Principles' which call on firms and corporates to support and respect children's rights throughout their operations and business relationships. These principles were founded on the concepts of 'Protect, Respect and Remedy' as enshrined in the UN Guiding Principles on Business and Human Rights. The principles indicate that firms can impact children's rights through their actions in the workplace, in the marketplace, in the community, as well as in the natural environment.

These principles provide that companies should meet their responsibility to respect children's rights and commit to the elimination of child labor in business activities and relationships. It also calls for the provision of decent work for young workers, parents, and caregivers. The principle further calls for ensuring the protection and safety of children in all business activities and facilities including ensuring that products and services are safe and seeking to support the rights of children. Marketing and advertising are called upon to respect and support children's rights. The rights of children should be observed when considering issues of the environment and land acquisition and use. Often children's rights are overlooked in security arrangements and emergencies. States are encouraged to reinforce community efforts to protect and fulfill the rights of children

CSR and the Mining Sector in Zimbabwe

In Zimbabwe, mining is the most crucial sector ahead of agriculture in terms of contributions to the national economy. According to Hawkins (2009), relative to global standards, Zimbabwe cannot be compared with other African nations as a mineral-rich economy, but it does hold adequate quantities of minerals such as platinum, gold, diamonds, methane gas, asbestos, nickel, coal, and chromite with the capacity to generate export earnings of around US\$2 billion annually. He further posits that mining has the potential over the medium term to generate upwards of \$5 billion a year within 15 years, thereby becoming the country's largest generator of foreign currency earnings. In this regard, the Zimbabwean mining sector has since been officially declared by the government as the centerpiece of Zimbabwe's economic growth in the short to medium term (Muruviwa 2013). The sector has grown to become the biggest contributor to the country's GDP, marginally overtaking agriculture with 16.7% in 2012, and is seen maintaining this position beyond the foreseeable future due to the unfinished controversies over the 2000 Land Reform Program (Jenkins 2013).

The influx of foreign investors targeting the mining sector in Zimbabwe has aggravated concerns over Corporate Social Responsibility as most of these companies have been found to increase the environmental pollution with children and women being at the receiving end of such malpractices (Jerie & Sibanda, 2010). The central government has been the main beneficiary of these foreign direct investments (FDI) to the country by harnessing the tax and royalties from such investments with little benefits accruing to local communities (Mashuku 2005). While Chazovachii and Mamhova (2012), argue that mining in Zimbabwe has contributed to the development of local communities, especially in the rural areas, their analysis lacks concrete examples of improvements in people's well-being from these mining operations.

The decentralization policy by the Government of Zimbabwe is meant to promote rural development through the provision of social and infrastructural services. The process has the potential of bringing development to rural communities, especially when backed by a consistent and transparent CSR policy directive. The devolution process has the potential of transforming rural growth points into centers of socio-economic growth for the rural populace. Pre-colonial efforts along the same thinking led to the emergence of towns built around mining centers like Shurugwi, Mvuma, Zvishavane, Hwange, Kadoma, Chegutu, and Bindura which were granted town status (Chamber of Mines 2011). Isolated infrastructural developments were made including the construction of social clubs and socializing platforms in respective communities as part of social responsibility. However, CSR was not mandatory and hence community development was limited to the interests of the corporates and not of the community.

Dziro (2014), acknowledges that some corporates like the Trojan Mine in Bindura had several community initiatives that supported the Bindura community. The mine rehabilitated several roads including Manhenga road connecting Bindura with Domboshawa. Dziro further claims that the construction of staff houses, and the promotion of social soccer are part of CSR. He further contends that the construction of the stadium was meant to bring the spirit of togetherness and team-building amongst the mineworkers as well as the Bindura community (Gumbo 2014). The tournaments provide entertainment to the locals and have resulted in the rise of first division soccer Mwana Africa Football Club which now participates in ZIF's Premier League.

II. Methodology

This research used a qualitative exploratory research design. It aimed at gathering qualitative data from the Mashonaland West and Midlands provinces of Zimbabwe on child rights-centered preferences by the mining sector under Corporate Social Investment programs. The two provinces chosen have the highest number of large mining corporates that including the Mhondoro-Ngezi Platinum mine, the Unki Platinum mine, Mimosasa gold mine, and ZimascoChrome mine. A purposive sampling technique was chosen based on the perceived subjects' knowledge and experience on issues of CSR programs within the province and their child rights focus. Data were analyzed using a thematic approach. This was done concurrently with a literature review to compare the findings with other research.

III. Findings and discussions

Community Trusts which are largely funded by the mining firms have organized effective CSR initiatives in Zimbabwe. Respondents from the two provinces affirm the contributions of mining companies in addressing the social and economic programs within their respective communities. Through the community share ownership programs, the respective communities have benefitted through infrastructural development programs. The Trusts managed to sponsor livelihood projects for youths. This supports similar research by Makumana (2015), who confirmed that community Trusts in Zimbabwe funded through the mining corporate social responsibility programs are effectively empowering local communities.

Common income-generating projects supported by the mining CSR programs include projects on, poultry, brick molding, small-scale mining, road construction, and disaster response programs. Sometimes, partnerships with state parastatal like the Zimbabwe Electricity Supply Authority (ZESA) in Mashonaland West province guarantee continuous power supply in the community through the provision of energy power lines. In all the provinces, the Community Share Trusts have also contributed to the refurbishment of local schools and clinics, and roads. The Trusts as part of CSR initiatives managed to fund the installation of the fiber optic cables around the Ngezi district thus increasing internet access for schools and the business community around.

In the two provinces studied, CSR by mining corporates has brought several benefits to the communities and chief among them being infrastructure development, employment creation, supporting income-generating projects, emergency response programs, supporting sports and recreation in schools, assisting in power generation, and supporting environmental and conservation programs. Under the infrastructure category, provisions in line with children's rights achieved included the construction of classroom blocks, clinics, housing units, recreational facilities, teaching materials, and payment of school fees for vulnerable children. Children of adult beneficiaries of employment or IGPs supported by CSR have indirectly benefitted as their parents were able to meet their income needs.

Child Rights mainstreaming under CSR

While notable progress was made by the platinum mining companies especially Ngezi and Unki platinum through CSR, major concerns revolved around the quality of child rights mainstreaming. Emphasis has been on the quantitative aspect of community engagement while the qualitative elements remained untouched. This observation tallies with the opinion of Mawowa (2013) that issues to do with children's rights are usually generalized, focusing on the most visible activities like the construction of the school, provision of water, construction of clinics, and electricity supply. This leaves out the most significant elements of children's rights that affect their day-to-day lives. Schools built under the CSR do not have adequate learning materials to support the pupils' learning environment. In some districts, schools were renovated, yet vulnerable children were deprived of the right to education due to exorbitant fees charged. When children cannot access their right to education in a community where corporates provide structural assistance only under their CSR, the effectiveness of their contributions remains futile. This is supported by a study carried out by Maphosa (2014) in the context of Zvishavane Community Trust, when he observed that quantitative rehabilitation of major roads put the lives of children at great risk as the roads did not have speed humps, stop signs, or traffic lights near the schools to allow for children's safe crossing into and out of the schools.

The construction of health facilities was not matched with the provision of medicine and affordability of the services for these children in some districts of the provinces studied. This concern was once raised by Machadu (2012) that it is not enough to provide a clinic when people are not able to access the services due to higher service charges. Clinics rehabilitated through CSR do not have qualified staff to offer effective service to the community. This fits well with the findings of Mathibela (2013) who posits that most of these rural health centers have nurses and nurse-aides only and maybe just one general practitioner doctor that visits on an occasional basis. There are no specialists' pediatricians to assist pregnant mothers including children with health challenges. Such anomalies defeat the object of CSR and a children-centered approach to development if assistance is limited to physical infrastructure only.

Mainstreaming of the child rights and needs in the CSR initiatives must begin in the planning phases of the projects. The study discovered that there is a glaring gap in the participation of children during the planning phase. Often, Non-governmental organizations operating in the district bring pre-planned projects most of which were not based on needs assessment. The District Social Welfare department follows a generic national action plan for Orphans and vulnerable children. This is against best practices in child rights programming. Ideally, project planning should be characterized by the involvement and contributions of children and the institutions that work with children. Such institutions include the Department of Social Welfare, Ministry of Primary and Secondary Education, Ministry of Health and Child Care, non-governmental organizations, and traditional leaders.

Where CSR is involved, a needs assessment should precede project planning and child mainstreaming should be part of the indicators for local development plans. As the study ascertained, when the Community Trust receives requests and proposals from several departments, they are presented to the responsible council committee for discussions and debates. Children are not considered part of key stakeholders. Sub-committees are then set who will ensure that the project is a success. The sub-committee, comprising experts in particular fields is appointed to lead committees. The assumption is that such a committee will work in the best interest of children.

Children's rights begin soon after conception when the course of a child's future begins to be set (Engle 2006). The principle of universality and non-discrimination demands that all programs consider the welfare of all children irrespective of their gender, class, or religion. In most mining companies assessed, practices of discrimination against the girl child and the disabled still exist among the communities with regards to access to education. Surrounding communities still hold the feeling that in the absence of adequate financial resources for secondary education, the boy child gets first preference. This practice arises out of the lack of awareness programs that must accompany community development projects by the CSR. Some schools constructed through CSR funds do not have ramps for the disabled minors thereby discriminating against the physically challenged. As noted by one participant, where district wards received assistance through the CSR, the criteria for beneficiary selection are often politically motivated resulting in discrimination based on political proximity or affiliation.

On the indivisibility and interdependence of child rights under CSR, the study found out that there is a lack of coherence among the child rights observances. Provisional rights like education, health, play, and recreation were relatively matched with protection rights like the right to protection from abuse, neglect, exploitation, and discrimination. Isolated cases showed that CSR funds were used to sponsor educational materials like textbooks, fees for orphans, and school furniture thereby reducing the dropout rates in schools. This in turn reduced discrimination based on gender and income.

According to Children's Rights Alliance (2020), the right to survival and development underscores the vital importance of ensuring access to basic services and to equality of opportunity for children to achieve their full development. Due to the government's program on devolution, the survival and developmental needs of children were made secondary to the political processes in the mining companies. Indicators for survival and development among children according to UNICEF include growth monitoring, oral rehydration, and disease control, breastfeeding, immunization, child spacing, food, and female literacy. Often mining companies did not include any of these activities as they were left to non-governmental organizations operating in the provinces. The non-observance of the right to survival and development in the context of children with disabilities has resulted in failure to achieve full potential for children with physical challenges.

There is a need for improvement in mainstreaming children's needs and rights when responding to emergencies and disasters. During periods of droughts and hunger, the Community Trusts sometimes provide food handouts to the community in the form of a food hamper comprising of maize grain, cooking oil, beans, and sometimes rice. Quite often, food for infants such as porridge and milk for babies is not included in the food hampers, ignoring the infants and their needs. This demonstrates the lack of awareness on nutritional standards to be adopted when implementing programs on CSR. The same principle should be used in schools. Awareness in the areas of children's health, hygiene, and rights needs to be appropriate and significantly effective for children in schools.

IV. Conclusion

The child rights-centered approach to corporate social responsibility is a discourse about the dignity of the human person. Despite some shortcomings in the implementation of CSR in mining companies, the corporates have made a significant contribution to the community around them. CSR has proved to be beneficial to both the mine and the community. Changes in people's well-being were noted which are linked to the program impacts. However, the mining companies need to respect and consider seriously children's needs and rights in the planning, designing, and implementation of CSR initiatives. Institutions that deal with children's needs and rights should be involved in all the processes of CSR projects. In Zimbabwe, the mining environment has been

known for being a breeding ground for sexually transmitted diseases, HIV and Aids, and abuse of children. This can be mitigated through the effective use of CSR funds. CSR is a statutory requirement for large corporates and has economic advantages to the company. However, the program must go beyond fulfilling statutory requirements and graduate towards assisting communities to meet their potential.

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