Assessing the Impact of Maintenance Laws on Child Support in Zimbabwe: A Case of Harare

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ABSTRACT

Child maintenance constitutes a critical pillar in the realisation of children's rights and overall welfare. In Zimbabwe, the primary legislative framework governing child support is the Maintenance Act [Chapter 5:09], complemented by the Matrimonial Causes Act [Chapter 5:13], the Children's Act [Chapter 5:06], and section 81 of the Constitution of Zimbabwe (2013). Despite this progressive normative architecture, the effective enforcement of maintenance obligations remains deeply contested and practically challenging, particularly in the urban context of Harare. This study assessed the impact of maintenance laws on child support in Zimbabwe, with specific reference to Harare, employing a qualitative, interpretive case study design. Primary data were generated through semi-structured interviews with 44 participants across seven categories: magistrates, maintenance officers, legal practitioners, social welfare officers, maintenance applicants, maintenance respondents, and civil society representatives. Documentary analysis of court records and policy instruments, as well as non-participant observation of court proceedings, supplemented the interview data. Grounded in children's rights theory, the best interests of the child principle, and feminist legal theory, the study found that while Zimbabwe's maintenance legal framework is broadly rights-affirming, its implementation is severely hampered by institutional under-resourcing, dysfunctional enforcement mechanisms, inadequate legal awareness among applicants, the structural realities of Zimbabwe's informal economy, and entrenched patriarchal gender norms. The study concludes that achieving the protective goals of Zimbabwe's maintenance legislation requires comprehensive legal reform, substantial institutional capacity enhancement, modernised enforcement infrastructure, sustained public legal education, and gender-responsive court practices. Evidence-based recommendations are advanced to strengthen the maintenance system in Harare and, by extension, the broader Zimbabwean context.

Keywords: child maintenance, maintenance laws, child support, Zimbabwe, Harare, children's rights, Maintenance Act [Chapter 5:09], enforcement, best interests of the child, feminist legal theory.

BACKGROUND

Child maintenance refers to the legal and moral obligation of parents to provide financial support for their children's upbringing, welfare, and development. This obligation is recognised universally as a fundamental dimension of parental responsibility, irrespective of the relationship status between the child's parents. Across jurisdictions, legal systems have sought to formalise, enforce, and strengthen this obligation through legislation, court processes, and administrative mechanisms designed to ensure that children do not suffer material deprivation as a consequence of parental separation, desertion, or conflict (Ncube, 1991; Goldblatt, 2010).

In sub-Saharan Africa, including Zimbabwe, the question of child maintenance has historically been complicated by a complex interplay of customary law, statutory law, socio-economic realities, and patriarchal social structures. Zimbabwe's legal system recognises both Roman-Dutch common law and customary law traditions, each of which approaches parental maintenance obligations from distinct — and sometimes contradictory — perspectives (Maboreke, 2001). This legal pluralism has generated significant tensions in the

practical administration of child support, particularly in urban contexts such as Harare, where diverse population groups, varying economic circumstances, and evolving family structures converge.

Zimbabwe's primary legislation governing maintenance is the Maintenance Act [Chapter 5:09], which establishes the procedural and substantive framework for the lodging, hearing, and enforcement of maintenance claims. Complementing this Act are the Matrimonial Causes Act [Chapter 5:13] and the Children's Act [Chapter 5:06]. The Constitution of Zimbabwe (2013), particularly section 81, provides the overarching rights framework within which all maintenance legislation must be interpreted and applied.

Despite this legislative architecture, the enforcement of maintenance obligations in Zimbabwe has been characterised by persistent challenges. High rates of non-compliance, difficulties in tracing absent parents within a highly mobile and economically distressed population, inadequacy of court resources and infrastructure, and entrenched social norms that minimise paternal financial responsibility have collectively undermined the realisation of children's maintenance rights (Zimbabwe National Statistics Agency [ZIMSTAT], 2023). These challenges are particularly acute in Harare, the country's capital and most populous city, where rapid urbanisation, high unemployment, and the erosion of extended family support networks have intensified the vulnerability of children in single-parent households.

The socio-economic context of Zimbabwe is of particular relevance to this study. Following two decades of economic turmoil — characterised by hyperinflation, currency instability, and de-industrialisation — Zimbabwe's economy continues to experience significant structural fragilities, with informal employment accounting for over 70% of the working-age population (ZIMSTAT, 2023). These economic conditions directly impact the capacity of maintenance debtors to comply with court-ordered payments, even where willingness to do so exists.

INTRODUCTION

The intersection of law, socio-economic conditions, gender dynamics, and institutional capacity in Harare's maintenance system constitutes a critical site of inquiry for understanding the real-world impact of Zimbabwe's maintenance legislation. Children who are denied adequate maintenance support face cascading consequences across multiple developmental domains, including nutritional deprivation, educational discontinuity, healthcare inaccessibility, and psychological distress (Sloth-Nielsen, 2019). The disjuncture between legislative intent and practical reality thus represents not merely a legal failure but a human rights crisis with generational consequences.

This study fills a significant empirical gap in the existing literature. While Zimbabwe's maintenance legislation has been subject to doctrinal analysis — most comprehensively by Ncube (1991) and subsequently by Maboreke (2001) — there is a notable absence of recent, empirically grounded research specifically examining the implementation of maintenance laws in the urban context of Harare, particularly following the constitutional reforms of 2013 and the continuing economic challenges of the post-2008 period. This study addresses that gap by providing a current, contextually sensitive assessment of how maintenance laws are experienced and applied in Zimbabwe's capital city.

The study is guided by the following objectives: to examine the legal framework governing child maintenance in Zimbabwe and its alignment with international and regional standards; to assess levels of awareness and accessibility of the maintenance court system among Harare residents; to evaluate the effectiveness of the Harare Magistrates' Court in adjudicating and enforcing maintenance orders; to identify key challenges confronting implementation and enforcement; to analyse socio-economic and gender dimensions of maintenance compliance; and to assess the tangible impact of maintenance laws on child welfare in Harare.

LITERATURE REVIEW

Theoretical Framework

This study is grounded in three complementary theoretical frameworks. First, children's rights theory — articulated in the scholarship of Freeman (1983), Archard (2004), and Tobin (2019) — posits that children are

autonomous rights-bearing individuals whose interests and entitlements must be legally protected and institutionally guaranteed. In the maintenance context, this theory affirms that children possess a legally enforceable right to financial support from their parents, a right that flows directly from the parental relationship itself rather than from the parents' relationship with each other.

Second, the best interests of the child principle, enshrined in Article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC, 1989), Article 4(1) of the African Charter on the Rights and Welfare of the Child (ACRWC, 1990), and section 81(3) of the Constitution of Zimbabwe (2013), requires that in all actions concerning children, children's interests shall be a primary consideration. Scholars including Goldstein et al. (1979), Herring (2014), and Sloth-Nielsen (2019) have traced the conceptual evolution of this standard in child maintenance contexts, observing that its proper application requires courts to assess maintenance quantum with reference to the child's right to an adequate standard of living enabling full developmental potential, rather than merely minimum subsistence needs.

Third, feminist legal theory, as elaborated by Smart (1989) and Fineman (1991), directs attention to the ways in which law's formal neutrality may mask and reproduce substantive gender inequality. In the maintenance context, this encompasses the undervaluation of women's care work, the inadequacy of maintenance amounts relative to the true costs of child-rearing, the procedural barriers disadvantaging economically marginalised women in court, and the failure of enforcement mechanisms to adequately account for power asymmetries between maintenance creditors and debtors.

International and Regional Legal Framework

The UNCRC, ratified by Zimbabwe in 1990, constitutes the foundational international instrument governing children's rights, including the right to maintenance. Article 27 recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development, and obliges State Parties to take all appropriate measures to secure the recovery of maintenance from those financially responsible (Article 27(4)). Article 18 affirms that both parents bear common responsibilities for the child's upbringing and development. The UN Committee on the Rights of the Child elaborated in General Comment No. 14 (2013) that maintenance assessments must be holistic, child-centred, and attentive to the child's full developmental needs.

At the regional level, the ACRWC imposes on parents the duty to maintain their children and on state parties the obligation to secure maintenance recovery, emphasising the state's role as enforcer of last resort (Article 20). The SADC Protocol on Gender and Development (2008) commits member states, including Zimbabwe, to enact gender-sensitive legislation protecting women's economic rights and to ensure effective maintenance enforcement mechanisms (Article 26). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Zimbabwe in 1991, further obligates states to prevent discrimination against women in the maintenance context and to ensure equal access to justice in enforcement proceedings.

National Legal Framework

The Maintenance Act [Chapter 5:09] establishes a comprehensive system for the lodging, adjudication, and enforcement of maintenance claims. Section 4 vests jurisdiction in maintenance courts constituted by magistrates' courts. Section 5 provides that any person unable to maintain themselves — including a child — may lodge a complaint against a person legally liable to maintain them, encompassing both parents irrespective of marital status. The enforcement framework in sections 17 to 28 includes attachment of earnings (section 18), attachment of movable and immovable property (sections 19-21), civil imprisonment of up to three months for wilful default (section 22), and provision for enforcement of foreign maintenance orders (section 28).

The Children's Act [Chapter 5:06] enshrines the best interests of the child as the paramount consideration in all proceedings affecting children (section 4), while sections 67 to 75 provide additional maintenance obligations and state intervention powers through the Department of Social Welfare. The Constitution of Zimbabwe (2013), through section 81, guarantees every child the right to family or parental care, protection

from neglect, exploitation, and abuse, and to basic nutrition, shelter, healthcare, and social services. Section 81(3) declares that children's interests are paramount in every matter concerning them, creating an interpretive imperative for all maintenance legislation and proceedings.

The intersection between statutory law and customary law remains a significant tension in Zimbabwe's maintenance system. Under Shona and Ndebele customary traditions, maintenance obligations are often conceived as collective responsibilities of the patrilineal clan rather than individual paternal duties, a conception that can deflect personal parental accountability (Ncube, 1991). In Katekwe v Muchabaiwa [1984] ZLR (S) 112, the Supreme Court affirmed that the statutory maintenance framework takes precedence over customary law norms that would deny a child's right to maintenance from their father, though the practical penetration of statutory norms into communities governed by customary practices remains incomplete.

Empirical Literature Review

The empirical literature on maintenance law implementation in Zimbabwe provides important contextual grounding for this study. Ncube's (1991) comprehensive study established the foundational legal and sociological parameters of the maintenance system, documenting the procedural dimensions of adjudication and the interface between statutory and customary norms. Maboreke (2001) highlighted the persistence of structural gender inequalities in the maintenance system, including courts' tendency to award inadequate maintenance amounts and the difficulties women face in locating and serving absent fathers. Research by the Legal Resources Foundation (2008) found significant information deficits among maintenance applicants and documented the overwhelmed and under-resourced state of Zimbabwe's magistrates' courts.

Research by the Women and Law in Southern Africa Research and Educational Trust (WLSA, 2004) documented the widespread phenomenon of 'paper orders' across SADC countries — maintenance orders granted by courts but never or rarely enforced — attributing this to a combination of debtor default, inadequate enforcement mechanisms, and creditors' reluctance to pursue enforcement due to economic dependence or distrust of the system. Comparable findings from South Africa (Goldblatt, 2010; Sibanda, 2019), Zambia (Mwenda, 2007), and Kenya (Kameri-Mbote, 2000) demonstrate the regional breadth of these challenges. Del Boca and Flinn (1994) and Mpedi (2009) identify three categories of defaulting debtors — genuinely unable, able but unwilling, and strategically evading — a taxonomy of particular relevance in Zimbabwe's context of widespread informality and economic hardship.

METHODOLOGY

Research Design and Philosophy

This study adopted a qualitative, interpretive case study design, with Harare serving as the bounded case. The qualitative methodology was selected for its capacity to generate contextually rich, participant-centred understanding of how maintenance laws are experienced, interpreted, and applied in Harare's complex social, institutional, and economic environment (Creswell & Poth, 2018). The case study methodology, as articulated by Yin (2018), enables in-depth, multi-perspectival investigation of a contemporary phenomenon within its real-world context, making it particularly appropriate for assessing the implementation of legal frameworks in practice. The study was grounded in an interpretivist philosophical paradigm, holding that social reality is constructed through human interpretation and interaction (Bryman, 2016), complemented by elements of critical theory directing attention to power relations, structural inequalities, and the ways in which law may reproduce or challenge those inequalities.

Population and Sampling

The target population comprised all individuals and institutions involved in the maintenance system in Harare. Purposive sampling was employed to select 44 participants possessing specific knowledge, experience, or perspectives directly relevant to the research questions (Patton, 2015). Table 1 below presents the sample composition.

Table 1: Sample Composition by Participant Category

Participant Category	n	Gender Split	Sampling Method
Magistrates / Judicial Officers	5	5M, 0F	Purposive
Maintenance Officers	4	1M, 3F	Purposive
Legal Practitioners	6	3M, 3F	Purposive
Social Welfare Officers	4	1M, 3F	Purposive
Maintenance Applicants	15	2M, 13F	Purposive / Snowball
Maintenance Respondents	6	5M, 1F	Purposive / Snowball
NGO / CSO Representatives	4	2M, 2F	Purposive
TOTAL	**44**	**19M, 25F**	

Source: Field Research, 2024

Data saturation — the point at which no new themes or information emerged from data collection — was achieved after approximately 38 interviews, with the final six serving to confirm existing themes, consistent with the requirements of qualitative research for contextual depth and thematic richness (Braun & Clarke, 2006).

Data Collection and Analysis

Three principal data collection methods were employed. Semi-structured interviews were administered in participants' preferred language (Shona, Ndebele, or English), ranging from 35 to 90 minutes in duration and audio-recorded with consent. Document analysis encompassed court records and maintenance case files from the Harare Magistrates' Court, legislative instruments, judicial decisions, annual reports of the Department of Social Welfare, and civil society organisation publications. Non-participant observation of public court proceedings was conducted on eight occasions over a four-week period. Data were analysed using the six-phase thematic analysis framework described by Braun and Clarke (2006): familiarisation, initial coding, theme generation, theme review, theme definition, and report production. Atlas.ti qualitative data analysis software was employed to assist with coding and theme management.

Ethical Considerations

Ethical clearance was obtained from the Faculty Research Ethics Committee prior to data collection. Informed consent was secured from all participants, with written or oral consent obtained following explanation of the study's purpose, participants' rights, and uses of data in their preferred language. Confidentiality and anonymity were ensured through pseudonyms and participant codes throughout all data collection and reporting. Participation was entirely voluntary. Maintenance applicants who expressed distress during interviews were provided with referral information for support services. All audio recordings and transcripts are stored on password-protected devices and will be retained for five years in accordance with university data management policy.

RESULTS

Awareness and Accessibility of Maintenance Laws

A central finding of the study concerns the significant deficit of legal awareness among maintenance applicants, particularly regarding the procedural dimensions of the maintenance system. While 80% of

applicants (n=12/15) were aware of a general right to claim maintenance, awareness of specific legislative provisions and enforcement mechanisms was substantially lower, as presented in Table 2.

Table 2: Level of Awareness of Maintenance Laws Among Applicants

Awareness Indicator	**n**	**Percentage (%)**
Aware of right to claim maintenance from non-custodial parent	12/15	80%
Aware of the Maintenance Act [Chapter 5:09] by name	5/15	33%
Aware of the role of maintenance officers	6/15	40%
Aware of enforcement mechanisms (e.g., wage attachment)	4/15	27%
Aware of the option to vary a maintenance order	3/15	20%
Had received formal legal advice before filing	7/15	47%

Source: Field Research, 2024

These findings are consistent with the Legal Resources Foundation (2008) study, which documented significant information deficits among maintenance applicants in Zimbabwe's lower courts. Physical and economic accessibility of the Harare Magistrates' Court emerged as a significant challenge: applicants from outlying high-density suburbs such as Mabvuku, Tafara, and Dzivarasekwa described commuting for over two hours each way to attend court hearings, with consequential costs in money and lost income. Of the 15 applicants interviewed, only four had legal representation throughout proceedings, while four navigated the entire process without any legal assistance whatsoever.

Effectiveness of the Maintenance Court System

Data obtained from the Harare Magistrates' Court registry indicate that the court received approximately 4,200 new maintenance applications in 2023, representing an 18% increase from the 3,560 applications recorded in 2019, against a backdrop of unchanged judicial and administrative staffing levels. The average time from filing to a first maintenance order was estimated at six to ten weeks for uncontested matters and four to eight months for contested matters. Legal practitioners noted cases in which finalisation of maintenance proceedings had taken over a year, a delay with serious implications for children's welfare during the interim period.

A critical institutional deficiency identified across all participant categories was the presence of a single full-time maintenance officer serving the entire Harare Magistrates' Court — a ratio of approximately one officer to over 4,000 cases annually, dramatically below any reasonable standard of adequacy. This under-resourcing produced cascading effects on the speed, quality, and enforceability of maintenance proceedings. The quality of maintenance orders was also a concern: amounts awarded where debtors were informally employed or unemployed were frequently described by applicants and practitioners as inadequate to cover basic child-rearing costs, reflecting the inherent tension between the best interests standard and the practical realities of debtor incapacity. This pragmatic judicial approach, while contextually understandable, sits in tension with the constitutional imperative of section 81 and the children's rights framework, and may inadvertently signal to debtors that non-compliance has limited consequences (Sloth-Nielsen, 2019).

Enforcement Challenges

Enforcement emerged as the most consistently and urgently identified systemic challenge. Qualitative data and partial court records suggested that between 50% and 70% of maintenance orders in Harare were not consistently complied with. The practical effectiveness of the main enforcement mechanisms is summarised in Table 3.

Table 3: Assessed Effectiveness of Enforcement Mechanisms Under the Maintenance Act [Chapter 5:09]

Enforcement Mechanism	Assessed Effectiveness	Key Limitation
Attachment of Earnings (s.18)	High	Limited to formally employed debtors (est. <30% of cases)
Civil Imprisonment (s.22)	Low	Counterproductive; debtor loses income; human rights concerns
Attachment of Property (ss.19-21)	Moderate	Limited by debtor asset profile; sheriff capacity constraints
Warrant of Execution	Low-Moderate	Often futile where debtors have limited attachable assets
Voluntary Consent Order	High (where achieved)	Dependent on debtor cooperation; frequently breaks down

Source: Field Research, 2024

Attachment of earnings — the most effective enforcement mechanism — was applicable in fewer than 30% of maintenance cases due to the predominance of informal employment among maintenance debtors in Harare. Civil imprisonment (section 22) was universally described as counterproductive: imprisoning a debtor for up to three months typically results in loss of employment and income, rendering the child worse off during and after the imprisonment period. The attachment and sale of debtor property was frequently futile given the limited attachable assets of many respondents. Critically, the Maintenance Act does not currently provide for cross-agency data sharing to facilitate debtor tracing or income verification for informally employed respondents — tools available in more developed maintenance systems such as those of the United Kingdom and Australia — creating a fundamental structural enforcement gap.

Socio-Economic Factors and Gender Dimensions

Zimbabwe's broader socio-economic context — characterised by currency volatility, high inflation, widespread unemployment, and a large informal economy — was a central determinant of maintenance compliance patterns. Courts and maintenance officers described significant difficulties in setting maintenance quantum that is both adequate for children's needs and sustainable given economic volatility. Dollar-denominated orders may become burdensome as exchange rates deteriorate, while Zimbabwe dollar-denominated orders may rapidly lose real value in inflationary conditions. The absence of automatic indexation mechanisms compounds these challenges, necessitating repeated variation applications that burden the already-overwhelmed court system.

The study revealed pronounced gendered dimensions in the operation and impact of the maintenance system. Of 15 maintenance applicants interviewed, 13 (87%) were women, reflecting the broader regional pattern in which women disproportionately assume the role of primary caregiver following parental separation (Maboreke, 2001; WLSA, 2004). Patriarchal social norms — including beliefs among some male debtors that bride price (lobola) payments transfer maintenance responsibility to the woman's family, or that new family formations diminish obligations to prior children — were described by social welfare officers and civil society representatives as significant attitudinal barriers to compliance. Several female applicants also described experiencing an unwelcoming, 'cold' court environment that added to the already significant burden of maintenance proceedings. These findings are consistent with feminist legal theory's analysis of the ways in which formal legal neutrality may fail to challenge structural gender inequalities (Smart, 1989; Fineman, 1991).

Impact on Child Welfare

Where maintenance orders were effectively made and consistently complied with, the study found clear and meaningful positive impact on children's welfare, including improved nutritional status, sustained school attendance, and enhanced healthcare utilisation. One participant (Maintenance Applicant MA-05) described how consistent maintenance had enabled her teenage son to remain in school, pass his O-levels, and continue to sixth form — an outcome she directly attributed to the maintenance order and its enforcement. Conversely, the widespread enforcement failures documented in this study translated directly into negative outcomes for children, including school dropout due to unpaid fees, food insecurity, and denial of essential healthcare, representing concrete violations of children's constitutionally guaranteed rights under section 81 of the Constitution of Zimbabwe (2013).

Civil society representatives described research by their organisations indicating that children in single-mother households with no maintenance support were significantly more likely to experience school dropout, child labour, and other adverse developmental outcomes than those in comparable households receiving consistent maintenance. The psychological dimension of maintenance failure was also identified as significant: the chronic stress, conflict, and uncertainty associated with protracted maintenance disputes were described as having detrimental effects on both custodial parents' wellbeing and children's emotional development, consistent with developmental literature emphasising the importance of economic stability and low parental stress for positive child outcomes (Sloth-Nielsen, 2019).

DISCUSSION

The findings of this study reveal a fundamental and consequential gap between the law on paper and the law in practice in Zimbabwe's child maintenance system as experienced in Harare. This gap operates across four intersecting dimensions: legislative adequacy but institutional insufficiency; formal enforcement powers but practical enforcement failure; progressive rights-affirming norms but deeply entrenched attitudinal barriers; and legally guaranteed child welfare but systemically compromised child outcomes.

The legislative framework, anchored by the Maintenance Act [Chapter 5:09] and constitutionally grounded in section 81 of the 2013 Constitution, is broadly progressive and rights-affirming. Its alignment with international standards — the UNCRC, the ACRWC, and the SADC Protocol on Gender and Development — provides a sound normative foundation. However, as the WLSA (2004) documented across the SADC region and as this study confirms specifically in Harare, a progressive legal framework cannot deliver on its promises in the absence of adequate institutional capacity and effective enforcement infrastructure. The Maintenance Act's enforcement provisions were designed for a context of formal employment and fixed assets that no longer characterises the majority of Harare's working population, rendering the Act structurally ill-suited to contemporary economic realities.

The single-maintenance-officer model operating at the Harare Magistrates' Court — one officer for over 4,000 cases annually — represents a structural failure that renders the Act's protective provisions largely aspirational for many applicants. This finding echoes the Legal Resources Foundation's (2008) documentation of institutional overwhelm in Zimbabwe's magistrates' courts and aligns with Maboreke's (2001) earlier observations about systemic under-resourcing. The Maintenance Act grants maintenance officers significant roles in facilitating voluntary compliance and early resolution; without adequate staffing, these roles cannot be performed, and cases proceed to more protracted and adversarial processes, with associated costs in time, money, and emotional wellbeing for applicants and their children.

The gendered dimensions of the study's findings warrant particular attention. The overwhelming feminisation of maintenance applicants (87% female) reflects not merely a demographic pattern but a structural outcome of patriarchal social organisation, in which women disproportionately bear both the practical burden of single parenthood and the procedural burden of navigating a complex and frequently unwelcoming legal system. Feminist legal theory's critique of formal legal neutrality as a mask for substantive inequality is powerfully illustrated: the Maintenance Act is formally gender-neutral, but its operation in a context of persistent patriarchal norms, informal economy dominance, and institutional under-resourcing produces outcomes that

systematically disadvantage women and the children in their care (Smart, 1989; Fineman, 1991). The best interests of the child principle requires that these gendered dynamics be explicitly acknowledged and addressed in both legal reform and institutional practice.

The impact on children's welfare documented in this study is both empirically grounded and theoretically significant. The evidence that maintenance non-compliance contributes to school dropout, food insecurity, and healthcare inaccessibility represents not merely economic hardship but violations of children's constitutionally guaranteed rights under section 81 of the 2013 Constitution and Zimbabwe's international obligations under the UNCRC and ACRWC. As children's rights theory affirms, these are not discretionary benefits but legally enforceable entitlements whose denial represents a failure of the state's protective function (Freeman, 1983; Tobin, 2019). The study's limitations — including the qualitative methodology's constraints on statistical generalisability, the unavailability of comprehensive disaggregated court statistics, and the geographic delimitation to Harare — should inform the interpretation of findings and direct future research toward quantitative, longitudinal, and comparative approaches.

RECOMMENDATIONS

Legislative Reform

The Maintenance Act [Chapter 5:09] should be comprehensively reviewed and amended to address the following specific gaps: the introduction of maintenance investigators with statutory powers to access employment, banking, and tax records for income verification and debtor tracing, modelled on South Africa's Maintenance Act No. 99 of 1998; the establishment of a centralised maintenance payment fund through which court-ordered payments are channelled, enabling faster detection of default; the introduction of alternative enforcement mechanisms suited to the informal economy, including instalment arrangements and community service in lieu of civil imprisonment; and the automatic indexation of maintenance orders to account for inflation, removing the need for repeated variation applications. Zimbabwe should also consider acceding to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2007) to strengthen cross-border enforcement against Zimbabwean migrants.

Institutional Capacity Enhancement

The Judicial Service Commission and the Ministry of Justice, Legal and Parliamentary Affairs should urgently address the staffing crisis at the Harare Magistrates' Court by increasing the number of maintenance officers to a ratio capable of handling the court's caseload within timeframes consistent with children's urgent welfare needs — with a target of no more than six weeks from filing to first hearing for uncontested matters and four months for contested matters. Dedicated family court divisions with magistrates specially trained in family law, child rights, and gender sensitivity should be established within the Harare Magistrates' Court. Court facilities should be improved to provide a welcoming, accessible, and child-friendly environment for maintenance applicants and proceedings.

Legal Awareness and Access to Justice

A sustained, multi-channel public legal education programme on maintenance rights should be implemented collaboratively by the Ministry of Justice, the Legal Aid Directorate Zimbabwe, and civil society organisations, targeting women and marginalised communities in Harare's high-density suburbs. This programme should include community information sessions conducted in Shona and Ndebele, accessible plain-language guides to the maintenance process, helplines and walk-in information centres adjacent to the Magistrates' Court, and partnerships with community health workers, schools, and religious institutions as channels for legal information dissemination. The Legal Aid Directorate should be adequately funded to provide at minimum legal advice to all maintenance applicants who cannot afford private legal assistance.

Enforcement Modernisation and Gender-Responsive Approaches

Zimbabwe should invest in the technological and administrative infrastructure necessary for modern maintenance enforcement, including: a national maintenance registry accessible to courts and enforcement agencies; data-sharing protocols linking the maintenance court with the Zimbabwe Revenue Authority (ZIMRA), the National Social Security Authority (NSSA), and the Registrar General's Office to enable income verification and debtor tracing; and exploration of mobile payment platforms and automated deduction mechanisms as alternatives to formal attachment of earnings for informally employed debtors. All components of the maintenance system should be subjected to a gender audit to identify and address barriers specific to women applicants, with mandatory gender sensitivity training for all court officials. Child support guidelines — similar to those adopted in Australia, the United Kingdom, and South Africa — should be developed to provide more consistent and adequate maintenance assessments fully reflective of children's developmental needs. A formal inter-agency maintenance task force should be established, mandated to coordinate enforcement efforts and report annually to Parliament on maintenance compliance rates, enforcement actions, and child welfare outcomes.

CONCLUSION

This study provides empirical evidence on the impact of maintenance laws on child support in Zimbabwe, with specific reference to Harare. Employing a qualitative, interpretive case study design and drawing on data from 44 participants across seven categories, supplemented by documentary analysis and court observation, the research confirms that Zimbabwe possesses a broadly progressive and rights-affirming legislative framework for child maintenance, grounded in the Maintenance Act [Chapter 5:09], the Children's Act [Chapter 5:06], the Matrimonial Causes Act [Chapter 5:13], and the constitutional provisions of section 81 of the 2013 Constitution. This framework is substantively aligned with international and regional standards, including the UNCRC, the ACRWC, and the SADC Protocol on Gender and Development.

However, the study's central finding is that a substantial and consequential gap exists between this rights-affirming framework and its practical implementation in Harare. This gap is the product of intersecting institutional failures: severe under-resourcing of the Harare Magistrates' Court and its maintenance officer function; enforcement mechanisms structurally ill-suited to an informal economy in which the majority of debtors are employed outside the formal sector; inadequate legal awareness among applicants; the incapacitating effects of Zimbabwe's economic instability on maintenance compliance; and deeply entrenched patriarchal gender norms that systematically disadvantage women and children. The cumulative effect is the systematic denial of children's constitutionally guaranteed rights to maintenance support, with concrete negative consequences for their nutrition, education, healthcare, and psychological wellbeing.

The challenges identified are substantial but not insurmountable. With political will, adequate resource allocation, evidence-based legislative reform, and coordinated inter-institutional action, Zimbabwe's maintenance system can be transformed into one that consistently delivers on its most essential promise: ensuring that every child receives the financial support to which they are legally and morally entitled. This research contributes to the growing body of evidence on child maintenance law and practice in the Southern African context, and aims to catalyse the urgent, sustained commitment to systemic reform that Zimbabwe's children both deserve and urgently require.

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