



**The Proliferation of child marriages in Rushinga District, Mashonaland Central Province,  
Zimbabwe**

**By**

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## **DECLARATION**

I, **Jonathan Mrewa**, declare that

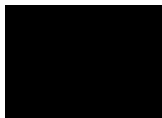
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## **DEDICATION**

I would like to dedicate this work firstly to my Lord who shepherded me through to complete this study. I also want to dedicate this piece of work to my family who stood by me through this journey. This piece of work was made possible through the patience, sacrifice and efforts of my wife Precious who had to bear my many hours stuck on the computer even in the wee hours of the night. This project is also dedicated to my children; Tadisa, Nyasha and Mazvita. To Benhildah, Princess and Presly, you deserve the whole page of thanks in this project. Thank you very much for your unwavering support.

Sadly, this project is also dedicated to my dearest sister, Joyce Mrewa (Mai Letwin), who passed away on 5 February 2022, before my graduation. She was a pillar of strength in this journey. Rest in peace my sister.

Lastly but not the least, I would like to dedicate this work to my father, mother Mr and Mrs Mrewa and to my father in-law- Mr Moyo. Your presence in my life and support in this journey made it possible for me to ascend this pinnacle.

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I want to extend my thanks to my brother Enock Nyambo, who helped in the editing and proof reading some of my write ups. It was cumbersome work, I know, as the work was always back and forth. The same sentiment goes to my brother Davison Nyabani, you were always willing to look at any work without any reservation. My acknowledgement also goes to the Rushinga Community that was forth coming during my data collection. I would also in particular, want to say thank you to the Acting District Schools Inspector of Rushinga District Mr Chingoni and his colleague Mr Nyamushamba for the warm reception during data collection exercise.

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## **ABSTRACT**

The study aims to explore the proliferation of child marriage in Rushinga District which stands at 50 per cent in Zimbabwe. A clear understanding of the problem of marriage of children is essential to bridge the knowledge gap on the proliferation of the practice of marrying off children in Rushinga District. The study is unique as it explores the social and cultural context of communities in dealing with the problem of child marriage.

The theory used to explore the perceptions and attitudes of the people in Rushinga District on the phenomenon of marrying off children is the Social Norms Theory by Parsons (1937) and Berkowitz (1986). The theory looks at the problem of child marriage through the lens of social and cultural context that frames the practice. This perspective points out that incidences of betrothal of girls in marriage are embedded in the social structures and attitudes that supports the practice within a social group. Customs and traditions surrounding marriage, including the desirable age for this, depends on views of community and society. In addition, social norms influence individual choices and they determine the criteria that an individual makes when deciding on the course of action to take. In making choices, individuals are sometimes influenced by community values in conforming to social expectations.

The study adopts a qualitative case study approach, which is a scientific inquiry of a phenomenon within its real background. This is especially important to determine the impact of a phenomenon when its practice is not clearly defined. Social interpretive research entails that knowledge is tied in the social views of the people under study, and revelation of the meaning can be established through exploration and appreciative inquiry of the social world of the people. Purposively, 5 wards out of 29 wards in the District were sampled, where community members were asked to express their views about child marriage. All participants in this study were 18 years and older. In total, 25 participants participated in semi- structured interviews during the study. The research participants were chosen based on their knowledge and experiences of the phenomenon in the district.

A number of themes emerged on the proliferation of child marriage during data collection and interpretation. The study revealed that betrothal of girl into marriage is embedded in the social interactions and how communities deal with issues such as poverty. For instance, marriage will entail bride price payment which becomes a livelihood option for a family in dire straits. Consequently, child brides' lives are entangled in abusive relationships imbedded in the norms surrounding masculinity in families. One of the panaceas identified in the study to the practice of child marriage, is community engagement and advocacy to deal with the social cultural impetus that triggers the practice of child marriage. Advocacy and dialoguing with opinion leaders is central to curb the practice of child marriage. Engagement will yield positive results as traditional leaders like chiefs can effectively monitor and implement the laws against child marriage, instead of sweeping them under the carpet.

## **ACRONYMS AND ABBREVIATIONS**

<b>ACRWC</b>	African Charter on the Rights and Welfare of Children
<b>ACHRWA</b>	African Charter on Human and Peoples' Rights on the Rights of Women in Africa
<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>ASRH</b>	Adolescent Sexual and Reproductive Health
<b>BEAM</b>	Basic Education Assistance Module
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women
<b>CPS</b>	Child Protection Committees
<b>DVA</b>	Domestic Violence Act
<b>FGM</b>	Female Genital Mutilation
<b>HPV</b>	Human Papillomavirus
<b>HIV</b>	Human Immunodeficiency Virus
<b>HRW</b>	Human Rights Watch
<b>ICRW</b>	International Center for Research for Women
<b>IEC</b>	Information Education and Communication
<b>RAU</b>	Research and Advocacy Unit (RAU)
<b>SADC</b>	Southern Africa Development Community
<b>STI</b>	Sexual Transmitted Infections
<b>TPA</b>	Termination of Pregnancy Act
<b>NBSLEA</b>	National Baseline Survey on Life Experiences of Adolescents
<b>NGO</b>	Non-Governmental Organisation
<b>OVC</b>	Orphan and Vulnerable Children

<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNFPA</b>	United Nations Population Fund
<b>UNICEF</b>	United Nations International Children’s Emergency Fund
<b>VVF</b>	Vesico- vaginal Fistula
<b>WHO</b>	World Health Organisation
<b>ZDHS</b>	Zimbabwe Demographic Household Survey
<b>ZNOCP</b>	Zimbabwe National Orphan Care Policy



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## **CHAPTER 1: CHILD MARRIAGE AND ITS CONTEXT**

### **1.1 Introduction**

This introductory chapter begins with a focus on the background and an outline of the research problem; that is the proliferation of marriage of children in Zimbabwe. Marriage of children is a topical issue on a global scale; including Zimbabwe, where the practice has limited the future outcomes and opportunities for many girls and women. This chapter introduces the research questions underpinning the study and an analysis of the phenomenon of child marriage in the Zimbabwean context. The main research question underpinning this study focuses on the entrenched social and cultural norms influencing the practice of child marriage in Rushinga District, Zimbabwe. This is followed by sub-questions meant to generate data on the phenomenon under study.

The chapter provides a brief outline of research methods and methodology. Research method is key as it specifies the tools of data collection and how the data is to be analysed. In addition, the chapter identifies qualitative approach as the research design. In this study, a case study is meant to gain an in-depth understanding of the practice of child marriage drawing from experiences, perceptions and circumstances of the research participants. The chapter identifies the Social Norms theory as the framework behind the study. Lastly, the chapter gives an outline of the structure as a guide to the flow of the thesis.

### **1.2 Background and outline of research problem**

In recent years, a growing interest in research on the causes of child marriages has developed and this is evidenced by a number of studies, (for example, Kelly, 2003; Clark, 2004; Nour, 2004; UNFPA, 2012; UNICEF, 2013). UNICEF (2007), in particular, highlights that globally “more than 60 million girls aged 20-24 years were married before their 18<sup>th</sup> birthday”. UNFPA (2011) further estimates that globally at least “39 000 children are married every day”. This means that “140 million girls will marry before they are 18 years, while about 50 million will marry under the age of 15 by the year 2020”. World Vision (2017:2) notes that if nothing is done to curb the practice, “there would be 960 million women alive who married as children by 2030”. This is problematic given that many countries are signatories to international child rights instruments. The Demographic Health Survey (2010) estimates that

“31 percent of the girls in Zimbabwe were married before they reached the age of 18 and about 15 percent of these girls were married before they reached 15 years”.

Available studies on child brides usually focus on causes of child marriages in general (UNICEF, 2007; ICRW, 2010). ICWR (2010) points out that the practice of marrying off children has been instigated by poverty that forces families to condone such a practice for economic rewards. Daughters are often viewed as commodities rather than members of the family who can contribute meaningfully to the household. Other studies elaborate on the impact of child marriage on educational outcomes (ICRW, 2010, Birech, 2013; Sibanda, 2013). Drawing from literature in other parts of the world, child marriage cases remain predominant, this is influenced by gender norms that discriminate against women and girls. In addition, these norms are deterministic in nature and they guide the conduct of men and women in the name of honour and shame. The resultant effect is the marriage of children that becomes a tolerable practice among the people in some communities (Nour, 2006; Waston, 2014). Subsequently, marrying off a young girl is believed to bring blessings to the family, is perceived to be a practice meant to protect the girl from sexual attacks, and a sense of security to insulate the girl against pregnancy out of wedlock (UNICEF, 2007; Shonge, 2011). It is therefore important to question how such out-dated social and cultural practices remain embedded fuelling the current problem and social phenomenon of child marriages globally and in Zimbabwe in particular.

In the Zimbabwean case, literature to date tends to focus on generic causes and educational outcomes of marriage of children with little focus on the perpetuation of harmful traditional social, and cultural beliefs and factors triggering the proliferation of the practice (Sibanda, 2011; Shonge, 2011). In addition, previous studies, for example, point out that child marriage has been a result of deficiencies in the laws and enforcement, and extreme poverty (Hanzi, 2006; Sibanda, 2011; Nyamadzawo, 2015). This study, therefore seeks to understand the social background in relation to the proliferation of child marriages in Rushinga District, in Mashonaland Central Province that has been reported to be at vortex of the problem (Women Parliamentary Report, 2016).

A careful analysis of the studies reveals that little attention and recognition has been given to understanding the social and cultural factors in Rushinga District despite the highest prevalence of 50 percent as indicated by the Women Parliamentary report (2016). A clear

understanding of the problem of child marriages is essential to bridge the knowledge gap on the proliferation of the practice in Rushinga District. The study is unique as it explores the social and cultural context of communities in responding to the pervasiveness of marriage of children. It is time to question how social and cultural practices fuel the practice and to add new dimensions in the interpretation of the causes and consequences of child marriage.

### **1.3 Concise Literature Review**

A growing body of literature suggests in general, the causes, consequences and ways of dealing with the prevalence of the practice of marrying off girls (Hanzi, 2006; UNICEF, 2012; Human Rights Watch, 2013). Nevertheless, as the nature and dimension of the phenomenon evolves; there is need to critically review the knowledge base about the factors leading to the proliferation of child marriage (Raj, et al., 2014). According to UNCRC (1989), child marriage refers to the marriage of children below the age of 18 years.

UNICEF Innocenti Research Centre (2001) advances an economic argument for the proliferation of child marriages citing absolute poverty as the major factor. The commoditisation of girls, especially among poor households puts them at the centre of survival strategies. As an example, in Sudan, the dowry paid by the groom is a source of income for the family (Human Rights Watch, 2013). Furthermore, Sibanda (2013) elaborates that poor families usually consider girls as an economic option in times of economic crisis to offset debts and as social capital to seal alliances.

World Vision (2017) observes that the practice of honour marriages is driven by cultural and social factors where girls are married off as virgins and this has led many families into giving away their daughters in marriages below the age of 18 years in fear of the girls being 'defiled.' Hence, they sanction the practice of child marriages claiming to protect these girls from engaging in premarital sex that can lead to loss of potential bride price and shame to the family. Gangoli & Chantler (2009) point out that marriages involving children are arranged by families and members of the communities. This is driven by the desire to preserve certain social and cultural values within these communities.

In the Zimbabwean context, child marriages are a result of several factors. CARE, (2015) posits that contradictory laws against marrying off girls is a major factor. Hodzi (2014) cites contradiction in the law where the Constitution of Zimbabwe stipulates that anyone below the



age of 18 years is a child; while the Children's Act outlines that anyone below the age of 16 is a child. These inconsistencies mean that the law is not clear and precise; hence, the application is not predictable.

Child marriages practice has been blamed for causing complications in the lives of girls such as psychological, health problems and physical abuse perpetrated on the girls in such unions (UNICEF, 2001; Nour, 2004). Other problems include; loss of childhood and lack of educational opportunities. In particular, ICWR (2010) observes that young mothers are robbed of childhood play and entrenched in adult chores and yet they are not ready to manage a life of motherhood and responsibilities.

According to the UNICEF (2001), child marriage causes health problems where a young mother is sometimes faced with obstructed labour. It results in vesico-vaginal fistulas due the fact that the baby might be too big and consequently, it damages the lower genital tract leading to incontinence of urine and sometimes of faeces. The condition has both psychological and social consequences for the girl child.

Researchers have attempted to identify strategies to address legal and economic factors that motivate child marriages. ICRW (2010) proposes community-based programming advocacy and education that targets all major stakeholders. In support of advocacy, Clark (2004) advances the need to provide economic activities and educational opportunities that provide alternatives to the entrancement of child marriage. Empowerment of girls through micro-credit and skills training provides economic opportunities for the postponement of marriage. Notably, the Zimbabwe National Statistics Agency (Zim Stat) (2015) paints a gloomy picture of Rushinga District where extreme poverty levels stand at 81.9 percent despite the presence of non-governmental organisations such as Save the Child and World Vision which provide livelihood projects.

In Rushinga District, Plan Zimbabwe (Non-Governmental Organisation), through its "Ending Child Marriage project" is campaigning against the practice of marrying off girls (Pazvakavambwa, 2015). Regardless of these programs, child marriage cases are still prevalent in Rushinga District. Against this background it is imperative to carry out additional research to examine the problem in Rushinga District. This district has been overlooked in terms of studies, yet the problem of child marriages is persisting (Zimbabwe

National Statistics Agency, 2015). To understand the problem, there is need to explore the social and cultural practices. Raj, McDougal, Silverman & Rusch (2014) note that child marriage is underpinned by embedded social and cultural norms that drive the attitudes and behaviours in the communities. Hence, there is need to do further research to examine how these root factors trigger the proliferation of child marriages.

#### **1.4 Research Problems, Aims and objectives**

Child marriage is increasingly becoming a problem in Zimbabwe with statistics from Mashonaland Central Province pegged at 50 percent of women who get married will be below the age of 18 years (Women Parliamentary report, 2016). Despite campaigns against the bad practice, the phenomenon is still prevalent. This problem has negatively affected girls because a solution to the problem yet to be found. In light of the identified problem, a study that explores the social and cultural practices causing the proliferation of child marriages could remedy the situation. The research will be used to gather information on the phenomenon, in order to come up with a course of action to enhance the welfare of humanity.

The overall aim of the study is to critically explore the entrenched social and cultural norms underpinning the causes of child marriage in Rushinga District, Zimbabwe.

The specific objectives include:

- 1.4.1 To explore the drivers of child marriages at community level in Rushinga District, Zimbabwe.
- 1.4.2 To understand the nature and context of social norms and practices those promote or discourage child marriages in Rushinga District.
- 1.4.3 To explore the attitude of the community towards child marriages in Rushinga District.
- 1.4.4 To identify what incentivises and benefits parents gain by marrying of their daughters before the age of 18 years in Rushinga District.
- 1.4.5 To analyse the consequences of children marrying below 18 years old.
- 1.4.6 To identify and suggest interventions, if any, that exist or can be employed to deal with the practice of child marriage in Rushinga District.

### **1.5. Main Research Question**

The study seeks to address the following main research question:

What are the entrenched social and cultural norms underpinning the causes of child marriage in Rushinga District, Zimbabwe?

#### **1.5.1 Sub-Research Questions**

1.5.1 What are the drivers of child marriage at community level in Rushinga District?

1.5.2 What is the nature and contest of social norms that promote or discourage marrying off girls in Rushinga District?

1.5.3 What is the attitude of the community towards child marriage in Rushinga District?

1.5.4 What incentives and benefits do parents gain in marrying off their daughters before the age of 18?

1.5.5 What are the consequences of children marrying below 18 years old?

1.5.6 What sorts of interventions, if any, exist or have existed or can be employed to deal with the practice of child marriage?

### **1.6 Principal theories upon which the research project will be constructed**

The Social Norms Theory was first developed by Perkins and Berkowitz in 1986 to explain alcoholism in students and Bicchieri further modified it in 2006. It also draws some of its tenets from the Social System of Parson (1951). The social norms theory has subsequently been used to explain a range of societal problems including the prevalence of child marriages. Bicchieri, Jiang & Lindemans (2014) consider that the practice of child marriage is a collective of individual behaviours that are influenced by what some people in a community do and what they perceive to be the correct path. In view of child marriages, the theory offers a definitive assessment of the practice in the society. Social norms can be defined as a collective practice sustained by empirical and normative expectations (Bicchieri, 2006). In the same vein, a social norm is defined as what people in a group believe to be normal, archetypal, and appropriate action (Paluck & Ball, 2010).

LaMorte (2016) underlines that the aim of the social norms theory is to understand conditions that influence behaviours - environmental and interpersonal and ways to effect the change of such behaviours. Emphasis of the social norms theory is on peer influence in decision making. Consequently, peer influence is affected by perceived norms defined as typical stands rather

than perceptible norm anchored on beliefs and actions in a group. In addition, the major tenets of social norms resonate on descriptive norm (doing what others do) and injunctive (doing what others think one should do) (Rimal & Real, 2005). In the same way, social norms are reinforced through perceptions on what other people in a group think and the norms are reinforced by sanctions imposed in that particular group (Mackie, et al., 2012).

Durlauf & Blume (2008) observe that social norms are prevalent within a specific cultural or social group. Latently, norms provide rules and expectations to guide behaviours that are acceptable within a community. Durlauf & Blume further suggest that a norm such as child marriage practice is determined by patterns of beliefs and assumptions where members of a particular community accept the practice of child marriages without thinking much about the consequences on the part of the victim. Hence, communities simplify the practice and accept it as something that has an inter-generational pathway (UNICEF,2011).

### **1.7 Research Design and Approach**

The study employs case study research approach in an effort to understand the phenomenon of child marriage. This is especially important when the "boundaries between phenomenon and context are not clearly evident" (Yin, 2009). Social interpretive research entails that knowledge is reproduced through interpretative inquiry of the phenomenon through the lens of the people within the geographical area. At the same time, researchers also drew meaning from the responses and actions of the research participants (Willis, 2007; Holloway & Wheeler, 2010). Hence, there is need to take into consideration how the social world is construed and ascribed in the communities under study. Given the nature of the phenomenon under study, the qualitative approach was found suitable to provide the researcher with the opportunity to interact with participants in their natural setting. The information gathered is received through directly interfacing with the people, assessing how they behave and act in their natural context (Hurth, 2002; Marshall & Rossman, 2011; Creswell, 2013). As Creswell (2013) observes, qualitative research provides a holistic account of the phenomenon under study. The researcher has room to look at issues from multiple perspectives, identifying patterns to the practice of marrying off girls. It is worth noting that the approach has been found useful to understand how the community views the practice and to establish the incentives that perpetuate the practice of child marriage. A case study's aim is to generate an in-depth analysis of the issue under research. Yin (2009) points out that the intention is to gain a particular worldview whether represented by one or few human informants.

## **1.8 Data Collection Tools, Data Translation and Transcription**

In depth, semi- structured interviews were undertaken in this study and the interview guide contain open-ended questions. Tellis (2003) asserts that semi- structured interviews allow the researcher and participants to be co-constructors of meaning in the social reality of the phenomenon under study. For instance, interviews generate data on the lived experiences of the participants through verbalising and using a language they are comfortable to use. Consequently, the researcher tape-recorded the interviews and later transcribed these tape recordings for analysis. Where relevant and required the interviews took place in the local language and these were translated during the transcription process. The interview schedules were translated from English to Shona - a local language spoken in the area. Semi-structured interviews were conducted by the researcher and assistant. The recorded data was further coded and thematic content analysis of data carried out.

### **1.8.1 Sample selection of the Wards and Participants in the District**

Kothari (2003) reveals that purposive sampling involves deliberate selections of wards and participants to provide information about the practice of marrying of children in Rushinga District. Research participants were chosen from the 5 wards. The 5 wards which were selected out of 29 wards were as follows: ward 7,10,12,19 and 22. These wards have the highest poverty prevalence of 95 per cent, and this is where reported incidences of child marriage are rampant (Zimbabwe National Statistics Agency, 2020) (Zim Stat, 2020). The research participants were chosen based on their knowledge and experiences of the phenomenon in the district. All participants in this study were 18 years and older. In total, 25 participants contributed in the face-to-face in-depth interviews during the study. Participants who were selected for this study include teachers, headmasters, ordinary people without positions of authority in the community and traditional leaders. In addition to that, the researcher interviewed women who were married off as girls and NGO staff members.

## **1.10 Structure of dissertation**

Chapter 1: Introduction and Background to study - The chapter introduces the study, identifies the research problem, the objectives, research orientation, the research questions, and the approach to be used.

Chapter 2: Causes and consequences of child marriage - The chapter focuses on the causes and consequences of child marriage at a global and the local context. It reviews literature;

focusing on the available literature on the phenomenon as well as gaps in the available literature of the practice of child marriage.

Chapter 3: Policies and Protocols on Child Marriage - This chapter examines the policies on issues around child marriage from a global and local context. A review of the policies and protocols is meant to assess the benefits and limitation of the provisions in terms of protecting girls from child marriage practice.

Chapter 4: Theoretical framework - The forth chapter focuses on the Social Norms theory that underpins the study. The aim is to analyse its appropriateness in understanding the practice of child marriage.

Chapter 5: Research Method - This chapter summarises aspects of the research -research context, methods and tools for research and analysis of data obtained.

Chapter 6: Data Findings and Discussion - Focus is on analysing data in order to understand the practice of child marriage in the communities.

Chapter 7: Conclusions and Recommendations - This chapter comprises findings, conclusion(s) and recommendations for further research on gendered issues on child marriages.

## **CHAPTER 2: CAUSES AND CONSEQUENCES OF CHILD MARRIAGE**

### **2.1 Introduction**

The chapter reviews literature on the causes of child marriages on a global and local context. The need to understand the causes of child marriage provides the motivation to look at various literature sources to put in context the practice of child marriage. The chapter unpacks the key concepts such as child and childhood. How communities interpret these terms have been a cause of debate and various interpretations. This has led to the problem and the persistence of the practice in the communities where it is practiced. Other concepts that are presented and defined in this chapter are ‘child marriage’ and ‘early marriage’ that are understood differently across the geo-political, cultural and legal context across the globe.

The section of the chapter looks at the causes of the practice of child marriage in detail. This review’s emphasis is to show that the practice of child marriage remains enshrined in outdated and at times in ambiguous contestable social and cultural norms, and beliefs. On a global scale harmful traditional practices and deficiencies in legislation among many factors come up strongly pinpointing what motivates communities to marry off children below the age of 18 years. The chapter also foregrounds the issues of the commoditisation of the girl child in a context where human and child rights are considered paramount.

The chapter concludes by looking at the consequences of child marriage. Consequences of the practice of marrying off children are diverse. Among the effects unveiling in literature review include health problems. Nour (2006) points out that young girls are exposed to HIV and other sexual transmitted diseases as they lack the bargaining power for safer sex in marriage. At the same time, the girls are more at risk of death and complicated delivery of babies. Girls who are in marriage are sometimes exposed to emotional and psychological trauma because they are denied the chance to express themselves due power dynamics that often favour the husbands because they are older than the young wives. As literature reveals, the girls lose out on educational opportunities and that denies them the chance for future employment and better livelihoods.

### **2.2 Key Concepts framing this study**

The chapter looks at key concepts that frame the discussion and discourse about the practice of child marriage on a global and local context in Zimbabwe. These key concepts inform and

structure this study as they provide the fulcrum on how societies understand the philosophy of children.

### **2.2.1 Child and Childhood**

In recent years, research interest has been focusing on the practice of child marriage, for example, studies by (Kelly, 2003; Clark, 2004; Nour, 2004; UNFPA, 2012; UNICEF, 2013). In particular, UNICEF (2007) highlights that “more than 60 million girls now aged 20-24 worldwide were married before their 18<sup>th</sup> birthday”. These and other studies provide a platform and context for people to understand the problem and persistence of child marriages. According to the UNCRC (1989), the appropriate age of transition to adulthood is 18 years and it is the responsibility of governments to safeguard and protect children from harmful practices such as child marriage. In the same vein, the African Charter on the Rights and Welfare of Children (ACRWC), (1990) Article 21.2 underlines that the marrying off girls constitutes the practice of child marriage. Article 21.2 emphatically notes states that,

“Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years” (ACRWC, 1990: 2)

Definition of child marriage in general terms is a contextualised stage of life both in law and under traditional contexts and remains ambiguous and contested globally. According to the UNCRC (1989:5), Article 1, “a child is any human being below the age of 18 years unless, under the law applicable to the child, when majority is attained”. In the same vein, the ACRWC, Article 2, defines a child as anyone below the age of 18 years. In Zimbabwe, there are a number of Acts that define a child. The Constitution of Zimbabwe, Section 78:5, defines a child as anyone below the age of 18 years while the Children’s Act, Chapter 5:06 (b) defines a child “as anyone below the age of 16 years”. The Criminal Law, Chapter 19:23, Section 61, defines a child “as anyone below the age of 16 years”. Customary Law is silent on the definition of a child and is permissive to marriage at any entry point in life. Consequently, according to customary beliefs, if a boy or girl reaches puberty, he/she is regarded as an adult. The rite of passage is celebrated through initiation ceremonies to allow the process of marriage to take place.

In the case of Zimbabwe, contradictions in the legal definition and the social, political, economic and cultural practices have led to challenges in communities to understand the



concept of child marriages. For the purpose of this study, the researcher will use the definition of a child with reference to UNCRC, African Charter on the Rights and Welfare of Child and that of the Constitution of Zimbabwe that define child marriage as any marriage entered by anyone below the age of 18 years (UNICEF, 2012).

The term child and childhood differ across and between social groups and societies, hence, it is a social construct and it is neither universal nor natural (Norozi & Moen, 2016). In addition, the social construction of childhood depends on situations and circumstances in which the stage of development is experienced. James & James (2008) further note that the social construction of childhood entails the stage of life that is negotiated in adult interactions. Woodhead (2013) asserts that a child is viewed as not yet adult, as someone who is weak, dependent and imperfect. Consequently, in some societies children are regarded as incomplete humans who lack cognitive, intellect, knowledge and are devoid of reasoning.

Norozi & Moen (2016) point out that chronological age is used to define a child in many contemporary societies particularly in the Western world especially in the enacting of laws and policies. However, a definition such as one advanced in the UNCRC is problematic as it does not consider the context and the experience of the child. For instance, not all children acquire the same physical, social and psychological development at the same time. Hence, such levels of development are not dependent on chronological age but are determined by physical, social and cultural factors.

Nouristein (2002) views the concept of childhood from the Marxist perspective. The Marxist philosophy views childhood as a capitalist ideological construction because the bourgeoisie need a well-educated workforce and hence, children should remain in school to become well-regulated adults. Consequently, laws are enacted and implemented to that effect. In addition, Evans (2012) notes that childhood is a social construct and is not biologically determined – it is liable to societal beliefs and cultures. At the same time, children should be viewed as social actors in the construction of knowledge in the community. Boaten (2010) further asserts that the concept of childhood should be understood in the context of culture and society because children are social beings whose experiences are constructed within the historical and cultural contexts. Consequently, an attempt to universalise the concept leads to misunderstanding in the world (LeVine, 2007).

Mayall (2002) maintains that childhood is determined by function and social interaction as well as social class. Hence, children affect and are affected by society, for example, changes in the economic institutions shape the roles and responsibilities of children. Thus, marrying off a girl becomes an economic option and alternative livelihood strategy. Furthermore, Evans (2007) emphasises that childhood integrates biological and social processes. The child plays the role of production and consumption in the family and the transmission of genes, ideas and identity. Consequently, within the norms of such a society, marriage can be seen as the fulfilment of biological and social responsibility. Hence marriage, regardless of age is revered for ultimately serving the purpose of fostering societal norms and values.

In the African setting, there is socialisation of children into the culture of their society. Children are educated through a continuous process to embrace their traditional customs and values. This can be done through participation in religious rituals and practices that instil obedience and respect of parents and elders (Wynnes, 2006). At the same time, Boaten (2010) underlines that children play a fundamental role as upholders of the customs and they perpetuate family and cultural legacy. In this context, marriage is another way to fulfil and perpetuate the traditions through procreation. In addition, maturity of the child is determined by religious and traditional rituals that initiate a child to adulthood. However, dynamics of childhood in Ghana, as an example, have been determined by socio-economic circumstances. In most poor families, children are forced into traumatic adult responsibilities without any protection (Wyness, 2006). Girls are expected to perform household chores and looking after the families in preparation of marriage. Thus, the practise of child marriage is embodied in the socio-economic situations due to imbalances experienced in society. Hence, the context in which a child is born determines how the child is reared. Subsequently, marriageable age is embedded in the family values and how they look at the benefits that come about when the girl is married.

Goldmen & Ronken (2000) argue that in terms of legal age, childhood is characterised by power, rights, maturation and knowledge based on chronological age. Hence, in most international protocols, a human being is described as a child until the eighteenth birthday. The child is dependent and much of the decisions are made by the parent and caregiver. Goldmen & Ronken (2000) further elaborate that children are seen as much dependent on adults to provide and shape their lives. Consequently, the needs and wants are provided by the parents and caregivers. Such dependence shows that sometimes the powers of adults

towards their children make them vulnerable. In addition, children are taught to respect their elders and are sometimes exposed to abuse and have little say in decision making. Thus, the practice of child marriage is centred on the powers that parents or guardians have over the girl child who in most cases is left with no alternatives except to accept the marriage that is arranged or imposed by the parent or guardian.

Steinberg (2004:8) affirms that childhood overlaps with puberty stage, a period marked by physical and psychological changes. Physical maturation happens between “10-15 years for girls and 15 years for boys”. During puberty, sexuality is manifested through sexual play, masturbation and coitus relationships guided by norms and traditions of the society (Goldmen & Ronken, 2000). At the same time, in most African societies, at puberty stage traditional rituals such as rites of passage are undertaken. Once the initiation ceremony has been undertaken, the girl will be ready for marriage.

Dahl (2004) suggests that physical development such as breast, pubic hair and the size of sex organs corresponds with sexual development. The age of maturation is decreasing with 50 percent of girls beginning to menstruate at the age of 12 years. In addition, Magnusson, Crandall & Evans (2019:5) consider that in the contemporary world; children are maturing earlier and are exposed to early sexual debut. In a survey in United States of America in 2017, the Guttmacher Institute (2019) reached the conclusion that between 2015 and 2017 about 40 percent of adolescents between the ages 15-19 years reported that that they had sexual intercourse while 45 percent indicated that they had oral sexual encounters. Consequently, the Dutch Parliament legalised sexual intercourse of children aged 16 years. In Canada children aged 12 and 14 years can legally consent to sex with peers of the same age and not more than 2 years older, and children from the age of 16 years can have sex with person of any age (CBC News, 2008).

Magnusson, Crandall & Evans (2019) assert that children are incapable to fully consent to sexual relationship with adults and even with other children. In addition, for anyone to give informed consent to sexual intimacy, it is important to possess knowledge and understanding of the act of sexual intimacy. Consequently, under such circumstances the children may display knowledge of sexual relationship; they are less capable than an adult. Hence, in most cases, children are unaware of acceptable sexual standards of society and have little

understanding of the harmful effect of such a relationship and they are taken advantage of by adult members of the community (Khurana et al., 2012). In most cases girls are vulnerable to advances that men make in sexual matters, and they have little control even in the use of protective measures against pregnancies when they indulge in sexual activities.

Magnusson & Evans (2012) claim that for sexual relationship to occur, both parties are supposed to freely consent. Conversely, children's behaviours are regulated by adults; hence, children do not possess the autonomy to freely consent. Thus, the power gap results in adults overriding and coercing children into sexual encounters through physical and psychological influence that incite children to consent (Dahl, 2004). In addition, children are taught at an early age to comply with adult demands. Consequently, children find it difficult to refuse adult advances, for instance, if an adult male fondles a girl, the girl may find it difficult to refuse or accept. In Zimbabwe, for example, the practice of *Chiramu* (sexual games with sister's or aunt's husband) is a tolerable act and this may result in the girl being coerced into sexual intimacy by the aunt's husband leading to pregnancy and child marriage.

According to Rama (2013) the concept of childhood differs across cultures and its definition, expectation and experiences is embedded in how the society perceives it. In addition, conceptualisation of the term childhood goes through the cycle of negotiation and reconstruction overtime. Hence, how society perceives the concept of child and childhood influences the understanding of the practice of marrying off children.

Proliferation of child marriages has been caused by the understanding that communities have about the concept of childhood. Child marriage is ingrained in the way societies understand the concept of childhood. In Southern African Development Community region (SADC), for example, the onset of puberty is regarded as a transition from childhood to adulthood. Some girls may start to menstruate as early as 10 years and they are viewed as adults (UNICEF, 2007; Growing What We Can, 2014). Consequently, girls are made vulnerable to child marriage.

Importantly, Growing What We Can (2014) argues that culture has a bearing on causes of child marriage. In Yemen, for example, there is a cultural belief that a young girl can be disciplined to become a good wife. In the same vein, religion has been at the centre of this practice of betrothing young girls in marriage. Among the Islam conservatives, they follow

the mantra of prophet Muhammad who married a girl aged 9 years as a wife (UNICEF, 2007). This is worth noting because the way society views childhood and the transition of a girl into adulthood are crucial in determining when a girl can marry.

Montazeri, et al., (2016) in a case study of Iran, concludes that a girl's marriage is regarded as a fulfilment of her social, emotional, and sexual needs. Marriage is viewed as a means to assert a girl's independence and an integral part of a transition to adulthood. Research results from a study by Montazeri, et al., (2016) show that for many girls, marriage has more benefits such as autonomy, love and respect in the community. In the same vein, Tremayne (2015) mentions that in the Iranian culture, adultery is prohibited both legally and morally, hence, families tend to marry off their children whilst they are young in order protect them from engaging in early sexual activities.

### **2.2.2 Child Marriage**

The definition and understanding of the concept 'child marriage' varies across geo-political, social, cultural, legal contexts and traditions across the globe. In this research, the concepts child and childhood will frame the current study on how the concepts influence the practice of child marriage on a global and local context in Rushinga District. This idea is drawn from how societies and communities perceive the concepts of child and childhood. The concept child marriage is defined as marriage of children below the age of 18 years (Clark, 2004; Nour, 2004; UNICEF, 2012). In addition, Cynerol (2009) points out that child marriage is a marriage that happens below 18 years and global statistics on the practice is alarming. Evidently, on a global scale, 60 million girls below the age of 18 years were married off. Subsequently, of the 60 million, 31 million girls were married as children in South Asia, while 14 million were married off in SADC countries, and 6, 6 million were married off as children in Latin America (Cynerol, 2009; UNICEF, 2012). At the same time, 60 percent of girls are married off as children in Sub Saharan Africa and, in Rushinga District (Zimbabwe) statistics show that 50 percent of girls marry off below the age 18 years (ZimStats, 2015). The concept of child marriage interestingly, according to researchers such as (Clark2004 & Nour, 2004), bears a chronological age limit that is set at 18 years. Such a view is imperative in this study as it reveals how the practice in most communities is misconstrued as people may share a different view in understanding the concept child as highlighted above. The concept of child is a social construct across cultures and societies in general.

According to the High Commission of Human Rights (OHCHR, 2015) child marriage is a marriage that takes place when one is below the age of 18 years. Consequently, the conceptualisation of child marriage given the chronological sequencing is important as it becomes reflective of the scale at which it is happening on a global and local context. In this study, conceptualisation of the term is imperative in understanding consequences of the practice of child marriage in the communities. At the same time, the chronological definition of child marriage gives a clear picture in understanding the reasons why the practice continues to happen in various parts of the world and in Rushinga District in particular.

### **2.2.3 Early Marriage**

Care (2018) mentions that early marriage refers to a marriage that occurs when a person is below the age of 18 years or where one or both parties are below 18 years or older but other factors make them unqualified to consent to marriage such as physical, emotional, social or psychological development. Interestingly, literature is awash with the term early marriage and in most cases the term is used interchangeably with child marriage (UNICEF, 2012). Yet, looking closely at the term, early marriage is not only limited to chronological age of anyone below the age of 18 years but it can refer to anyone marrying even after 18 years when the person is not yet ready to assume the roles and responsibilities of being married. An example is that someone can still be in college at the age of 21 years and when she marries, it can be termed early marriage as she is still to accomplish her educational endeavours.

According to Muller (2007), early marriage takes place when one is below 18 years. In literature there seems to be no clear definition of early marriage and child marriage because the terms are used synonymously because they refer to marriage that takes place below 18 years and country specific depending on the legal provisions. Early marriage refers to a marriage that occurs before or during adolescence (Somerset, 2000; UNICEF, 2012; Erwinsyah, et al., 2018). At the same time, International Planned Parenthood Federation (IPPF) (2007) defines early marriage as marriage consummated before one is 18 years old, before a child is physically and psychologically mature to get into a marriage. In this study, the use of the term early marriage can be problematic in understanding the concept of child marriage as it does not clearly define the chronological age as what might be termed early to one particular community, can be regarded as late marriage in another. Hence, the use of the

term will not clearly stipulate the appropriate discourse of a specific group that is affected by the practice of child marriage.

Committee on the Elimination of Discrimination against Women (CEDAW) (2014) highlights that the terms early marriage and child marriage are used interchangeably without much distinction. Nevertheless, in broad terms early marriage shows characteristics of child marriage but include circumstances that do not qualify as child marriage as the couples may be below the 18 years but may have reached majority age with regards to the law of that particular state. Thus, there is need for researchers to use the term with caution in order to identify a particular cohort that is affected by such a practice.

The term child marriage used in this study conveys a distinctive meaning from *early marriage* that is a relative that is interpreted contextually. According to Nour (2004), the term *early marriage* is ambiguous and does not specifically refer to children who marry below the age of 18 years. The Human Rights Council (2011:8) states that,

“An early marriage can refer to a marriage where both spouses are 18 years or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options.”

In this study, the term child marriage will be used as the operational term to refer to marriages that take place below the age of 18 years. This is in contrast to the conflicting term *early marriage* that refers to a marriage below 18 years as well as marriage that takes place when someone is above 18 years and not ready for such a marriage. Reference to the term child marriage is based on the guidelines of UNCRC (1989) and ACRWC (1990) that define a child as anyone below the age of 18 years. This is of relevance in order to clearly comprehend the practice of child marriage at global and local context. Moreover, the proper referencing of the practice will clearly reveal how communities understand the concept of child and childhood alongside the community expectations of children.

### **2.3 Global and Zimbabwe factors and context leading to child marriage**

The chapter focuses on a discussion of related literature on child marriage, focusing on general and specific causes of child marriage from global and then the local context of Zimbabwe. Conditions such as poverty, inadequate legislative frameworks and denial of

educational opportunities to girls fuel marriage of girls. At the same time, the perpetuation of social-cultural norms on marriage and the inferior positioning of the girl child in a family and community continue to influence the proliferation of child marriage and thereby contributing to poor outcomes and futures of girls and women.

### **2.3.1 Family Structure and as a social institution**

In a milestone study, Montazeri et al., (2016) point out that a family as a system is a cause of the proliferation of child marriage. The understanding is that the family as system has norms, roles and is embedded in intergenerational issues. In Iran, marriage is an important milestone based on moral, religious and cultural grounds (Kirst-Ashman & Hull, 2014). The key implication of this view is that marriage is regarded as a form of identity and consequently, many girls marry below the age of 18 years to fulfil the duty as expected in the Iranian culture. Susan, et al., (2019) further suggest that across a wide range of societies, the status of families is aligned to morality of women and their sexual behaviours. The system of honour marriages is prominent in “both patri-local and patri-lineal, particularly in North Africa, the Muslim Middle East, South and East Asia” (Moghadam, 2004:7). Significantly, in these societies, the honour of women and girls is exemplified by morality issues particularly on the sexual conduct and behaviour. Hence, this point is worth noting because it illustrates why girls are married off below the age of 18 years.

Mahato (2016) makes a valid observation that marriage of girls below 18 years is meant to safeguard and protect them against potential abuse. In addition, the practice of marrying off girls reflects the societal views on the belief that girls’ purity is most predictable below the age of 18 years. Practices such as Female Genital Mutilation (FGM) are meant to protect sexual desires of the women, a practice more rampant in North-East Africa and parts of the Middle East. In some societies, caregivers or parents may withdrew their daughters from school once they begin to menstruate, fearing that their daughters might be vulnerable to male prey at school such as teachers and boys. Interestingly, however, in the eyes of concerned parents, marriage is seen to offer the “ultimate protection” measure. The implication drawn from this protection agenda is that parents spearhead the betrothal of girls as a means of safeguarding daughters from defilement that ruins family honour. Thus, the belief on sexual purity in communities provides the incentive for the practice of marriage



below 18 years. Apparently, the belief is that such a marriage will protect the girl from unsanctioned sexual activity (UNICEF, 2011, Ahonsi, 2019).

According to Nguyen & Wodon (2012) in cultures where upholding family honour is prevalent, the cult of virginity practice persists. Girl's status, honour and the family status rest on the virgin marriage. In Ethiopia, traditional values dictate that once a girl loses her virginity or have a child out of wedlock, regardless of age, she is regarded as a woman. This forces parents to marry off their daughters as a means of parental control. In the same vein, in a study carried out in Ivory Coast, one parent pointed out that forcing a young girl to marry is meant to protect her from immorality, strengthening clan relationships and is an honour to culture (Tristram, 2014). Chowdhury (2014) maintains that in Bangladeshi rural areas, 7 years is regarded as a suitable age for marriage. In addition, 9 year olds are regarded as old and may become unmarriageable. Interestingly, the belief in the honour system coerce some parents to marry off their daughters as children before they are regarded as unmarriageable. Girls are regarded as having prowess in sexual matters, more fertile than older girls; hence, men look for young girls to marry for procreation and to build families (Clark, 2006; Ahansi, 2019). Consequently, marriage of a daughter who is young has more incentive as the parents are in a position to bargain for a higher bride price.

Green, et al., (2015) attribute cultural norms on masculinity, femininity and sexuality; as contributory factors to the practice of child marriage in many communities. In many settings, men are socialised to take the role of breadwinner, to be dominant and to be decision makers. In contrast, women are expected to do household chores and look after children. Sexual construction of men's masculinity results in the raping of women even in marriage as men are socialised to be tough. Consequently, sexual, physical and emotional violence become an intergenerational effect. This results in low value attached to women, other than their sexual reproduction and domestic roles, and it accounts for male sexual entitlement to girls, young women and their commodification. Accordingly, Westley, Perkins & Allen (2005) observe that patriarchal norm defines power, economic and gender relations among reference groups that can lead to people resisting change and becoming cohesive. Green et al., (2001) suggest that culture of obedience characterise the manipulation of girls to ascend to marriage. In communities where child marriage is rampant, young people have no freedom of expression and autonomy to question the elders, especially fathers, mothers, uncles and aunts. In South Asia, the practice of "*Izzat* (honour) and *Sharam* (shame)" suggest women's purity is a

community responsibility and any defilement is met with scorn and ridicule. The implication drawn from this is that the culture of submissiveness makes girls comply with parents' wishes for marriage as they lack the agency to assert their reservation on the practice.

According to Muharry, Hakimi & Wahyuni (2018) a family in terms of existence is divided into two, the nuclear family and extended family. The nuclear family entails three social positions that is the father, mother and children. At the same time, the extended family includes other relatives such as aunts and uncles. Subsequently, there are norms and values that are followed by each individual as a family member. The attitude and behaviours of family members will determine the marriageable age (Sah, 2007). Family pressure will force a girl to marry as part of obedience to the values of the family (Bhanji, 2014). In a study of Indramayu Regency, Muharry, et al., (2018) found out that the family structure and father's education influence the practice of marrying off girls in the community. In the majority of cases, where the father's education is low, there are higher prevalence rates of children marrying off before their 18<sup>th</sup> birthdays. Highly educated parents, with the father being the educated one, in particular, will prevent the daughter from marrying as a child because he as the head of the family, the father can determine the marriageable age of his daughter. Thus, in some cases the decision to marry off the daughter is not determined by traditional values but by the priorities that families set for their daughter. For instance, the desire by the family to see their daughter prosper through educational attainment will influence the family to keep their daughter in school for better educational outcomes.

### **2.3.2 Harmful Traditional Practices**

Wadesango, et al., (2011) argue that harmful traditional practices promote the practice of child marriage in some Southern African communities. The practice is ingrained in discriminatory views and beliefs that perpetuate violence against women. Thus, lobola (bride price) payment renders women as subhuman assets for men. In some communities in Southern Africa, for example, girls are looked at as source of wealth and they are acculturated to such view as they grow up. Wadesango, et al., (2011) further advance that, other traditional practices such as Female Genital Mutilation (FGM) that involves partial removal of the sensitive genital organs such as the clitoris and excision of labia minora provides a conducive opportunity for child abuse to take place leading to child marriage. UNICEF (2009) claims that FGM forms part of a rite of passage ceremony, marking the transition of girls into adulthood. This makes the girls susceptible to child marriage. Against

this backdrop, the rite of passage is significant because in most societies that value traditional standards, once a girl is initiated into such a rite, regardless of age, she starts to assume adult roles and is pressured to accept any coercion into marriage. In addition, Children Dignity Forum (2008), in a milestone study in Mwanza and Nira regions in Tanzania, reached the conclusion that puberty is a time when girls undergo FGM between age 9 and 12 years. Accordingly, this period is marked by special training initiation activity and a girl is therefore, considered as an adult and is poised for adult responsibilities that include marriage.

One other cultural push that triggers the practice of child marriage is the culture of sexual purity that is highly regarded in some communities. In Bangladesh, as an example, for a girl to be unmarried, it is a shame. The belief is that if a girl is not married, she will indulge in illicit sexual escapades. Hence, to control the girls, they are supposed to marry to control their sexuality as dictated by the custom of *purdah* that limits the interaction of men and women (Islam, 2001; Svanemyr, 2010). In a similar case study of Ethiopia, child marriage is encouraged to promote family relations and the status of the girl is determined by the family that the girl is married (Alemu, 2011).

Cultural beliefs on sorcery and witchcraft provide impetus to marry off girls below the age of 18 years. Sorcery practice is a contributory factor to child marriage. In a case study of Bangladeshi villages, people are frightened by sorcery that uses magic to resurrect evil spirits to harm others. Villagers consult *pir-fakir* (saints) and *jin-sadhak* (devotees of a supernatural being) for spiritual guidance (Islam, 2001; Chowdhury, 2014). Consequently, if a man proposes to a girl but is refused, the man might apply sorcery to make the girl unmarriageable in the future. The understanding is crucial because from this pivotal belief, due to fear and need for avoidance of bad omen to happen to their daughters, families marry their daughters at a young age to avoid the risk of undesirable bridegrooms who might apply sorcery to get their daughters.

Wadesango, et al., (2011) posits that in South Africa, cultural beliefs and practices hold the community together and are reproduced over time. Traditional practices such as virginity testing have been blamed for sexual abuse of girls despite the fact that families bargain for higher bride price when the daughter is a virgin. This cultural practice is administered to girls only and it is an encumbrance on women and girls to act within the cultural planetary. Moffett (2006) maintains that the practice is done to control the sexuality of girls. It is

perpetrated by family structures that place men as heads of household and advocate for the subordination of women through cultural and tribal rituals. Virginity testing is carried in the community by elderly women. In a case study, Chief Makoni in Zimbabwe spearheaded the practice in his jurisdiction where five thousand girls went through the process at Osborne Dam and in 2004; four thousand girls went through the same process. This attracted the attention of other chiefs, whereby in 2005; some traditional leaders in Zimbabwe intensified the call for communities to practise virginity testing (Herald, 2002). Similarly, the practice of *ukuhlolwa kwezintombi* (virginity testing) in South Africa is practiced among the Zulu. Subsequently, the practice provides an atmosphere that makes the girls vulnerable because in the eyes of the community, those girls will have had matured to undertake roles expected within that community. Such expectations include marriage because the girls would have completed the rite of passage.

According to Scorgie (2002) the verification of the girls' virginity enables the family to bargain for higher lobola at marriage; an additional cow is given to the mother if a daughter is a virgin. This is done at a local chief residence and old women in the village administer the testing. However, despite the value attached to the practice by communities, this practise has been blamed for humiliating girls who fail the test. Similarly, girls are exposed to HIV infection as the testers may use the same equipment for testing on many girls. The key implication that can be established from this practice is that it inflicts psychological harm and it exposes girls to sexual abuse and child marriage. Consequently, girls who partake in such a ceremony become vulnerable to men believe in the purity of the women and those who believe that sexual intercourse with a virgin girl cures and protects people from contracting HIV (Leclerc & Madlala, 2003).

In Zimbabwe, some traditional rituals have been identified as fuelling the practice of child marriage. Traditional practices such as *Kuzvarira* (pledging in to marriage of a girl) whereby a girl child is married off even before birth is one example (Chinyoka, 2011; Matsika, 2013; Guvamombe, 2016). This practice is prevalent where economic problems exist and the child is given away once the family feels that she is capable to perform her duties as a wife especially at puberty stage. Hanzi (2006) identifies another practice called *kuripa ngozi* (appeasing avenging spirit). The ritual is done to compensate for the death of person who might have been murdered by a family member. In most cases, the belief is that if a wife is not given as compensation, the family and clan might end up experiencing a spell of

misfortunes and deaths as the spirit of the aggrieved victim will come to avenge until a girl is pledged. In a milestone research, Inter Press Service (2018) claims that in Honde valley in Zimbabwe, five girls were forced to leave school and become wives in 1999 as compensation for the murder of Kapesa. The five girls were handed over at the ages between 7 and 15 years. In a similar incident, Zimbabwe Daily (2017) reported a story that a girl aged 4 years from Hambari family, was pledged to Nyakuriwa family in Sahumani village in Manicaland province. This incident occurred after countless deaths in one Hambari family blamed on avenging spirits. It is important to understand that the traditional practice of appeasing avenging spirits result in young girl as early as 6 years been pledged to the family of a murdered person and becomes a wife of the male member of the family. This suggests that such traditions have fuelled the practice of child marriage and in most cases, some of the transactions are done secretly and family members are sworn to secrecy in fear of unforeseen consequences.

Another traditional practice that exposes girls to child marriage is *chiramu* (a practice whereby the husband of a sister or aunt has privileges to play sexual games with young sister or niece. According to Bulla (2014), African traditional cultures accommodate the practice of sexual ‘games’ whereby girls are exposed to sexual socialisation by elderly men through the custom of *chiramu*. This practice involves fondling of a girl’s buttocks and breasts without necessarily engaging in sexual intercourse. Such flirtation may lead to pregnancy and when it happens, the perpetrator is forced to marry the girl. Such a practice is an abuse of young girls and an attempt by the men to control the sexuality of young girls.

One factor that has triggered the scourge of child marriage in Zimbabwe is the practice of initiation ceremonies. Shoko (2006) in a study concludes that in the Waremba tribe, girls partake in the *komba* initiation rite. Normally, when girls start the menstrual cycle, ordinarily at the age 12 years, they are enlisted into initiation school, as they are considered mature and ready for marriage. The key implication of the initiation ceremony is that at the initiation school, girls are taught cultural norms on dating, sexual conduct and how to handle a man in bed. They are also taught to obey and to be submissive to future husbands. This practice is not much indigenous to Zimbabwe, as minority groups mainly practice it, particularly those of migrant origin who are descendants of Nyau and Chewa who migrated from Malawi and Zambia. Apart from Mberengwa area, it is practised in mining areas such Shamva, Nyabira and Norton in Zimbabwe. The initiation ceremony targets girls at the age of 11 years upwards

as they are at puberty stage and are believed to be ready for marriage (Thabethe, 2008). Consequently, when a graduation ceremony is held, this entails that the girl would be ready for marriage and resultantly, a number of girls end up being married below the age of 18 years.

### **2.3.3 Religion as a factor**

Human Rights Watch (2015) points out that child marriage practice is more prevalent in indigenous apostolic churches in Zimbabwe. The practice of marrying off young girls is rampant because the sects mixes tradition and religious concepts. In a study, Human Rights Watch (2015) observes that the major cause of such a practice emanates from the church doctrine that emphasis on purity of women and virgin marriage. As an example, young girls between the ages of 12 and 16 years are married off to elderly men in Johanne Masowe Shonhiwa church. Consequently, young girls are married off below the age of 18 years. The church is doctrine is too permissive to such practices, hence, older men are at liberty to choose from the congregation girls to marry. In most cases these girls are married in polygamous families. In the same vein, if the man does not find a virgin woman, the wife is mandated to help the husband choose another girl within the church as third or fourth wife. The cycle continues in the church, and it exacerbates the practice of child marriage in the church and consequently young girls are married off before they reach their 18<sup>th</sup> birthday in the church.

### **2.3.4 Poverty**

UNICEF Innocenti Research Centre (2001) argues that poverty is one of the causes of the child marriage. In families where poverty is acute and marrying off of girls becomes an economic option through the payment of lobola. The family of the girl who is married off benefit from the money or cattle paid as part of bride price. Such a practice is common in Asia and Africa and girls are regarded as an economic incentive and livelihood assets. This understanding is crucial, because from this pivotal standpoint, child marriage is regarded as a family survival and livelihood strategy. UNICEF Innocenti Research Centre (2001) highlights the above in a case study of Nigeria, revealing that since 1990, economic hardships have given rise to child marriages as men are postponing marrying because they cannot afford to look after the families. The implication drawn from this observation is that due to the delay by some men to marry, some parents are anxious that their daughters might not

marry or become pregnant out of wedlock. Hence, any opportunity to marry their daughter is received with open arms.

Poor or lack of better livelihoods triggers the practice of child marriage for Orphaned and Vulnerable Children (OVC) because lack of food and accommodation leave the children vulnerable after the death of parents. Children without parents or adult guardians might end up being involved in illicit relationships for the purposes of financial assistance (Kapesa, 2014; Guvamombe, 2015). Under such circumstances, girls are sexually abused by guardians and neighbours and in most cases; they become pregnant and are forced into marriage. Consequently, in most parts of Africa, Orphaned and Vulnerable Children (OVC) turn out to transactional sex to obtain food and money to survive (Yamba, 2005; Vigh, 2006). In addition, Kapesa's (2014) study affirms that OVCs are at a risk of sexual abuse as they negotiate life challenges in the absence of a mother or father. This suggests a significant risk factor for the girls, making them susceptible to child marriage as an economic survival strategy in the absence of parents who are supposed to provide for the children's livelihood.

According to Real Open Opportunities for Transformation Support (ROOTS) (2015), the practice of marriage of children is most common in areas where gold panning activities takes place in Zimbabwe. Gold panners have access to cash that they use to lure girls into sexual intercourse thereby making them vulnerable. The issue of culture of consumerism whereby girls look for money to buy or receive gifts makes the girls susceptible to transactional sex, seeking favours in return of sex hence making them vulnerable to child marriage. Consequently, in some instances, girls are pledged into marriage because of debt that might have accrued to the family (UNICEF, 2003). When a family is in poverty, it will receive assistance from another family or a rich man, who in turn, will receive the pledged girl as debt bondage. In most cases, the girl will be in the custody of the man's family, and once a girl reaches puberty, she automatically becomes the wife of the older man. The girl in this situation does not have a choice and she is threatened with unforeseen sanction (Malawi Human Rights Commission 2005; Hanzi 2006).

According to World Bank (2010), the practice of child marriage has geographical orientation; as such, it is much more prevalent in rural areas than urban areas because of high levels of poverty. This scenario exists because urbanisation has a positive impact in undermining poor copying mechanisms as poverty fuels the betrothal of young girls. According to the Zim Stats

(2013:25), child marriage cases are higher in rural areas “by 47.4 percent compared to 24 percent in urban areas” in Zimbabwe. However, there are certain urban centres such as Epworth in Harare where about half of the teenagers are married. UNCEF study shows a high association of economic deficiencies to the prevalence of child marriage in the communities. The implication of this practice is that poverty triggers the proliferation of child marriage in communities as a livelihood strategy for the family and in some circumstances; girls make themselves vulnerable by engaging in transactional sexual encounters leading to pregnancy and marriage.

Lewis (1966:22) claims that an individual who grows up in a culture of poverty has a “strong feeling of fatalism, helplessness, dependence and inferiority. Other traits include a high incidence of weak ego structure, morality and confusion of sexual identification, all reflecting maternal deprivation; a strong present-time orientation with relatively little disposition to defer gratification and plan for the future, and a high tolerance for psychological pathology of all kinds”. Hence, in this regard, it can be noted that society finds itself not valuing the future of its children. It tolerates the abuse of girls and girls tend to become victims as they succumb to such fatalist and helpless situations. For the reason of being helpless and dependent, girls simply resign to their circumstances declaring that whatever happens, occurs as they develop poor perception of the world. Marriage becomes a solution to gain instead of seeing it as detrimental; it becomes an opportunity to gain basic provisions that sometimes will be lacking from home.

### **2.3.5 Peer groupings and cultural reproduction**

Peer grouping has been identified as a cause of child marriage. Nagut (2015) mentions that social norms within children’s own peer groups sometimes perpetuates the practice. Children can make themselves vulnerable through behaviours that expose them to early sexualisation such as the consumerism culture. Stoebenau et al., (2016) further argue that some girls who engage in transitional sexual relations are motivated by the desire to acquire material support and other benefits. In a case study of South Africa, Pattman (2011) reaches the conclusion that young girls living in poor townships are driven by the desire for fashionable goods, hence, they engage in transactional sex that exposes them to pregnancies and HIV infections. The exposure to pregnancies and HIV is high because the girls experience violence in transactional sex since the partners are much older than themselves, who may not use condoms leading to pregnancies and child marriage. In this regard, it can be commented that



the needs of the girls become more diverse as they become older. Girls might expose themselves to transactional sex to get things such as make up kits, cell phones and trendy clothes.

Tremayne (2015) argues that the media exposes young people to sexual innuendos. The media is blamed for educating teenagers about intimate relationships and are stimulated to experiment because of the erotic movies they are exposed to watch. Key implications drawn from this factor is that children are in a “social space that is structurally determined by a range of social institutions, but at the same time, children as subjects, are also structurally and culturally social actors with specific social roles to play” (James & James, 2004:4). As individuals and peer groupings, children collectively show agency in the proliferation of child marriage.

Teenagers who hang out freely after hours are most likely to end up engaging into pre-marital sex. In a study, Omar (2010) found out that in Malaysia, teenagers who hang out with peers without parental supervision result in teenage pregnancies for the adolescent girls. In addition, Irmawaty (2014) found that free interaction among adolescent peers could lead to premarital sexual experimentation especially if adolescents hang out with adventurous peers. Thus, adventurous adolescents will pressure other innocent adolescents to engage in pre-marital sexual activities that can lead to child pregnancies.

Muharry, et al., (2014) in a study of Indonesia, came to conclusion that advances in technology and information among children exposes them to sexual material. Interaction among the children has become extremely free and children start dating on social platforms such as WhatsApp and Facebook. In addition, children are exposed to pornographic material and content from smartphones and internet thereby influencing them to engage in pre-marital sexual activities. In another study, Anair (2013) suggests that there is a significant correlation between accessing erotic material and early sexual debut. Teenagers by nature are curious and they tend to imitate what they hear or see. Consequently, through pre-marital sex, the girls become pregnant, and this may lead to child marriage and unsafe abortions.

### **2.3.6 Gender Discrimination**

According to Nagut (2015), gender discrimination is a factor that perpetuates the practice of child marriage. Several social ills are rooted in gender discrimination, such ills are reflected

in some of the harmful traditional practices such as the FGM and marrying off girls in the communities. Nagut's (2015) point is worth noting in that discrimination against girls causes underreporting of cases of child marriage by members of the communities in fear of taboos and stigmatisation of any whistle blowers. Many cases of child marriage, therefore, remain hidden. Victims of the practice are also afraid to report the incidences and parents remain silent because of the honour belief. Subsequently, some parents fear to bear the guilt and shame in public for having failed to raise children properly when a child elopes with a man despite the fact that the girl would have been under the age of 18 years.

Tyson (2006:39) further posits that patriarchal beliefs undermine the confidence that women have. "In every domain where patriarchy rules, a woman is the other as she is objectified, marginalised, defined only by her difference from male norms and values. She is also defined by what she allegedly lacks and that men purportedly have". In such a context, it can be noted that patriarchy undermines the potential that women have thus leading them to play a second-class position in society. This leads to the expropriation of girls as they are powerless, and it is a common phenomenon in societies where patriarchy reign. Kambarami (2006:6) underlines that in the Shona culture in Zimbabwe, for example, when a girl reaches puberty, "all teachings are directed towards pleasing one's future husband as well as being a gentle and obedient wife. Her sexuality is further defined for her, as she is taught how to use it for the benefit of the males". Hence, it can be noted that patriarchy depicts girls as objects meant to please the male counterpart and that make them vulnerable to male's exploitation in society.

Simone de Beauvoir (1949: 25) argues that patriarchy has been blamed for putting men at a higher position in society as they are "considered essential subjects (independent selves with free will), while women are considered contingent beings (dependent beings controlled by circumstances). Men are expected to act upon the world, change it, give it meaning, while women have meaning only in relation to men". Thus, women are regarded as second-class citizens and much emphasis is placed in their inadequacies. Susan, et al., (2019) advance the argument that the need for male guardianship in families influences the practice of child marriage. Women are regarded as weak and vulnerable. Some communities believe that girls need to be married off to protect them from possible rape is an accompanying factor. In Yemen, there are high incidences of rape. In 2001, the Police Department annual report stated that an average of 10 incidences of rape of girls was reported every day (Jugantor, 2002).

Beauvoir (1949) further points out that patriarchy dictates to women that they are incomplete if they are not married, and this puts insurmountable pressure on girls thereby recruiting them into motherhood. In most societies, due to the dictates of patriarchy, women become content in investing their lives and meaning in men. This has made girls more vulnerable to child marriages as they see marriage as something essential in their lives.

Paluck & Ball (2010:8) look at two distinct forms of abuse for girls in the private and public sphere. In the private sphere, “such violence is exclusionary; in the public sphere, it is segregating and subordinating. Above all, sometimes the state has a systematic bias towards patriarchal interests in its policies and actions”. Sultana (2010) further claims that male violence goes unpunished because of the legal systems that are contradictory and inconsistent in the bringing justice to the victims. Girls become insecure and helpless – resulting in the girls being deprived of opportunities and remain economically disadvantaged. Against this backdrop, it can be noted that both family and state have been seen to be silent on the issue of child marriages, hence, the proliferation of this practice. Paluck & Ball (2010) affirm that social norms such as patriarchy normalises cultural practices that perpetuates girl child marriage resulting in the exploitation and abuse of girls. Wesley, Perkins & Allan (2005) further note that social norms can make children’s rights violation acceptable and some of the social norms are anchored on gender discrimination that reinforces violence against girls which will then result in under reporting of cases of child abuse, as many cases remain hidden due to fear of stigma. Growing What We Can (2014) further maintains that culture can be tolerant to girls’ abuse. In Yemen, a cultural belief that a young virgin bride can be shaped into dutiful wife has incentivised the practice of child marriage.

Kambarami (2006:7) advances that the boy over girl child preference intensifies the practice of child marriage. “Men rule females by right of birth and even if the male child is not the first born in a family, he is automatically considered the head of the household anticipated to be protecting and looking after his sisters”. In addition, the girl child is further discriminated against because she is viewed as an economic asset that is disposable through marriage. Kambarami (2001) maintains that the Shona culture perpetuates gender inequalities because the custom is prescriptive of the behaviours and expectations of the roles and responsibilities of men and women. In particular, girls are expected to be obedient, and all teachings are geared towards preparing the girls for marriage. The girl’s sexuality is controlled by society and even the age to marry is determined by society. Consequently, the male child has more

privileges; is expected to be more productive; is trained to lead the family and decision making. Hence, in most communities that child marriage practice is prevalent, boys are given more opportunities to be in school than girls who are expected to marry and have children (UNICEF, 2012).

In most societies power structures are patriarchal and the marriage of girls is seen as a way of enforcing social norms. This ensures that girls and women accept their domestic responsibilities and subordination (IPPF, 2007). Deiprato, et al., (2015) claim that some families and communities see girls as of little importance outside the confines of being wives, while boys are given preference in that they will carry on the family name. In addition, gender inequality is endorsed by some cultural factors that undermine women choices in marriage as they have no right to make choices even the age and time to because they are part of the property of their fathers and husbands.

### **2.3.7 Conflict and Wars**

Child marriage is also caused by wars and migration. UNICEF (2007) suggests that on a global scale, vulnerable families such as those in refugee camps like that in Burundi, marry off their daughters as children in order to protect family honour. World Vision International (2012) argues that child marriage has been practised as a protection measure for girls. Marriage is viewed as a measure to ensure that the girl is safe. In conflict areas such as the Southern Sudan, Uganda and Somalia, families marry off their young daughters to militiamen as a way of defending family honour and as protection measures for the families. What this means is that wars have been exacerbating the proliferation of child marriages as girls become vulnerable to militiamen. In a similar case, in Nigeria, at Chibok on 14 April 2014, Boko Haram an Islamist militia group abducted 276 schoolgirls. The abducted girls were taken as sex slaves and wives for the militiamen (The Telegraph, 2016).

### **2.3.8 Deficiencies in legislation**

Contradictions within the legal framework provide favourable conditions allow the practice of child marriage in Zimbabwe. Although Zimbabwean Constitution explicitly prohibits child marriage, a number of laws have not been harmonised to uphold the marriageable age limit (Musiwa, 2016; Nyamadzawo, 2016). This is worth noting, for example, the Customary Marriage Act sets no limit to age of marriage, while the Marriage Act allows girls to marry at the age of 16 years and anyone below the age of 16 can only marry with the “consent of

Justice Minister”. The Criminal Codification Act makes it a criminal offense for anyone to marry below the age of 18 years; it is an offense to use cultural or customary rites of passage to force a woman to marry. The criminal law abhors any adult to have sex with a minor between the age of 12 and 15 years. However, the law says if a man has “sex with a girl that he has married, it is not an offense” (Human Rights Watch, 2015; Musiwa, 2016). The key repercussions of such disharmony and contradiction in the legal framework is that the practice of child marriage has no limitation in the legal circles. Many perpetrators of the offence on child marriage have escaped the crime without conviction because of contradictions in the law in terms of how it defines who a child is.

Human Rights Watch (2015) mentions that the gap in the child protection system in Zimbabwe fuels the practice of child marriage. In most cases, this has undermined victims’ recourse to seek protection from abusers. In a scenario where there is an abuse, the victim might not have financial resources to travel to institutions that provide protection. In some situations, authorities often dismiss the girl’s concerns as ‘a family matter’. In addition, Human Right Watch (2015) further points out that in Zimbabwe, there are many cases of apparent inactive protection system. In addition, if a girl falls pregnant out of wedlock or seen with a man and spends a night outside the family home, the family usually forces her to get married to that man in order to maintain family honour. Consequently, lack of functional social protection systems provides a favourable atmosphere that allows for the abuse of girls and making the practice of marry off girls permissive. In addition, the practice of marrying off girls is shrouded in secrecy and no justice is mated to the perpetrators of the practice of marrying off girls in the communities.

## **2.4 Consequences of Child Marriage**

The impact of child marriage is noticeable in several ways. The practice of marrying off girls negatively affect children as it substantially affects them psychologically, economically, socially and even health wise. The practice is at most linked to psychological and health risks such as the vesico-vaginal fistulae and exposure to HIV/AIDS ((UNICEF 2001; Akpan 2003; Nour 2004). The section will examine a number of effects of child marriage.

### **2.4.1 Health Problems**

Kelly (2003) upholds that child marriage exposes young girls to risk of contracting HIV and other sexually transmitted diseases. A study in Kenya showed that “married girls had a 50

percent higher likelihood chance of contracting HIV infection than unmarried girls. The risk was even higher in Zambia that stood at 59 percent. In Uganda, the prevalence rate for girls between 15-19 years was higher for married women, standing at 89 percent as compared to unmarried girls that stood at 69 percent” (Birech, 2013:99). The study noted that age difference between the men and their wives was a significant cause of these infections. Consequently, women who marry as children remain at risk of infections because they have little bargaining power with their husbands because of spousal age difference. As a result of age difference, men tend to dominate in relationships and the wives are subjected to domination and abuse to an extent that even if the wives know that the husbands are engaging in extramarital relationships, there is no room to negotiate for safer sexual intercourse with the husbands. Subsequently, the young wives are infected with STIs or HIV by their husbands and are powerless because of the spousal age difference (UNICEF 2001).

Nour (2006) affirms that in Uganda, HIV prevalence rate is 89 percent among married girls compared to 66 percent for single girls. Husbands are much older, and the marriages are polygamous. Married girls depend financially on their husbands and wives are powerless to influence their husbands to be tested for HIV and to remain in monogamous relationships. Consequently, girls who are married cannot leave their husbands, as the girl’s matrimonial family may not be able to repay the paid lobola. The implication of this scenario is that in some communities, it is a shame to divorce due to the stigma and possible financial implications. Hence, girls are forced to hold on to these marriages in fear of stigma and rebuke by their families and society. At the same time the girls can be ostracised by their communities.

Another health risk associated with child marriage is the exposure to cervical cancer for the girls. Child marriage in polygamous relationships may result in cervical cancer infections. This comes as a result of “poor access to healthcare and their husbands having multiple sexual partners”. In a study in Mali, cervical cancer has been attributed to high risks associated with child marriages. Consequently, in a control study, “200 participants with and without cancer, the mean age at marriage was 15 years, the Human Papillomavirus (HPV) infection was detected in 97 percent of the cases and 40 percent of those under control” (Nour, 2006: 1645). The understanding is crucial from this pivotal research, the risk of exposure is high for the young wives who have little control in the relationships and are disempowered to negotiate for safer sexual intercourse with their older spouses.

Young mothers are more at risk of death and illness when giving birth as compared to older women. According to Akpan (2003: 20) “compared to women aged 20, girls between 10 to 14 years are 5 -7 times more likely to die from childbirth while girls between 15 and 19 years are two times likely to die”. In a study in Mali and Togo, Nour (2006:1646) found out that “maternal mortality rate for girls aged between 15 and 19 years is 178 per 100.000 live births and for women aged 20-34 it stands at 32 per 100,000 per live births. In Togo, the rates are 286 and 39 respectively”. Against this backdrop, it can be commented that the health risks associated with the practice of child marriage are many and sometimes the results are fatal to the young mothers.

Nour (2006:1644) points out that in Cameroon and Ethiopia, “for every girl who dies giving birth, 30 more suffer injuries, infections and disabilities”. For girls under 15 years, incidences of Vesico- vaginal Fistula (VVF) are high. VVF is a condition experienced in giving birth at a young age due to obstructed labour because the girl’s pelvis is not yet developed to deliver a baby. Consequently, without caesarean section procedures, the baby may die. During the process of delivery, if the baby passes through the vagina, the baby might cause tearing of the vaginal wall that results in a condition called fistula (Akpan, 2003; Nour, 2006). In another study done in Niger, 88 percent of women with fistula were between 10 to 15 years old who are in marriage. The key implication of a complicated birth delivery is that there is a danger of the breakage of the birth canal, leakage of faeces in the canal and urinary problems. The consequences are dire as these often result in the women being ostracised from society as unclean. In a study carried out in Nigeria, the condition of VVF affects around “150,000 women resulting in husbands divorcing 80-90 percent of sufferers” Nour (2006:1646). Thus, it is imperative to note that giving birth at a tender age has physical and psychological trauma on the girl.

Another consequence of child marriage is the risk of HIV infection and emotional abuse of the young wife. In a study in Goromonzi District (Zimbabwe), RAU (2016) reveals that respondents indicated that child marriage unions are characterised by a turning point where the husband becomes violently abusive or would financially neglect the family and indulge in beer binges. Neglect is also experienced when the husband engages in sexual encounters with multiple partners and in some instances infecting the young wife with Sexual Transmitted Infections (STI) including HIV. In the same study, 74 percent of the respondents indicated

that their marriages were dominated by spousal conflict and violence. It is important to note that child marriage victims suffer from power dynamics as in most cases, the husbands are older and mature thereby controlling every facet of the relationship.

A study conducted by ZIMSTATS (2016) on experiences of young brides reveals that there is an association between sexual violence and exposure to HIV infections in child marriage. This comes as a result of the fact that the young wife can be coerced or forced into sex through violence and threats that inhibit the girl's ability to negotiate safe sex (The Sunday Mail, 2016). In the same vein, WHO (2012) notes that child marriage is highly associated with incidences of maternal mortality and morbidity. The risk of death following pregnancy "is twice as great for women between 15 and 19 years than those between 20 and 24 years. This can be five times more for girls between 10 and 14 years" WHO, 2012: 25). For instance, in Zimbabwe, the maternal mortality rate stands at 614 per 100 000 live births. The majority of the cases recorded are those of girls who are victims of child marriage (ZIMSTAT, 2015).

#### **2.4.2 Loss of Decision-making powers**

Ibisomi (2014: 40) suggests that most girls who are married to older men are often negatively affected by the problems associated with power dynamics because of the age difference. In a case study of Nigeria, "mean age difference between husband and wife is 12 years and worse still; where the wife is 18 years; the gap can be 18 years". Subsequently, the young wife will find it difficult to negotiate and make decisions in the household and that result in psychological and emotional distress. The young wife is often exploited and lives in lifelong servitude. ICRW (2012) underlines that child marriage is disempowering for the young wife who lacks bargaining powers with the husband and in-laws over matters that include movement, belongings and properties. Girls are subjected to controls through violence, threats and humiliation and sometimes confinement to the house with domestic and child rearing duties. This exposes many girls to suffering and psychological torture as they battle with the challenges of asserting their freedom under the yoke of servitude from their husbands and in-laws.

In another case study of South Asia, 80 percent of young wives are sexually exploited by their husbands and are often raped by their husbands despite showing unwillingness to have sex (UNICEF, 2012; Human Rights Watch, 2015). It is worth noting that power dynamics in



a relationship, makes the young wives vulnerable to abuse and psychological trauma as they are bullied by their husbands. In some instances, the girl is exposed to competition with the other wives in a polygamous relationship and sometimes the girl is unable to cope with the pressure and taunting from the adult wives of the husband. In addition, girls are exposed to psychological trauma as they are expected to play the role of a wife and yet they are still young and inexperienced to handle pressures of married lifestyle. Worse still, young girls are bullied by the older wives who assign them various tasks and are treated as slaves in the absence of the husbands (UNICEF, 2012; Jonas, 2006; Wadesango, et al., 2015).

One negative effect of child marriage on the girls is deprivation of agency, in participation and voice, and in decision making on issues pertaining to their lives. According to Klugman (2014), girls are forced into silence on many matters that include decision on reproductive health especially on family planning matters. Girls are denied access to participate in community and national affairs matters. In addition, they are alienated from economic and educational programs and that confine them to vicious cycle of poverty (Beaman, et al., 2012). Consequently, lack of agency among the married girls reinforces inequitable gender norms that limit the aspirations and success of the girls to make a difference in their lives and community as they lose out in terms of productivity and long-term developmental goals. Against this background, it can be commented that girls are disempowered because of their age and marriage pressures to be active in community projects. In some instances, the husband might not be willing to have his young wife interact with the wider in community income generating projects such as poultry and market gardening. Even if there are organisations spearheading projects for out-of- school youths, married girls are sometimes denied the opportunities by their husbands.

According to UNICEF (2006), girls are socially affected as they are at risk of separation, abandonment, divorce, and widowhood especially when married to older men. As a result, widowed girls are deprived of family assets and discriminated against. In a case study carried out in Zimbabwe, Hodzi (2014) notes that girls who get married are entrenched in physical, economic, and social challenges. According to The Sunday Mail (2016), the Deputy Chief Justice of Zimbabwe (Luke Malaba), in his ruling, banning child marriage practice, noted that the consequences of child marriage in Zimbabwe have been the reinforcement of gendered disparities, economic, emotional and social deprivation on the development of the girls.

Consequently, child marriage serves as a source of subordinated nature of communities that uphold patriarchal tendencies that give away young girls to older men in marriage.

### **2.4.3 Exposure to Violence and Abuse**

Innocenti Digest (2001) advances that victims of child marriage experience domestic violence and in most cases, they are unable to leave the abusive relationships due to cultural and social restrictions around issues of divorce. As a result of the trauma suffered, many cases trigger victims to inflict self-harm and committing suicide. In a study carried out in Egypt, husbands have beaten 29 percent of married adolescent wives. In Jordan, a published study in 2000 UNICEF, indicates that “26 percent reported cases of violence perpetrated against teenage wives”. Escapees are brutally treated and sometimes killed in Jordan, Egypt, Lebanon and Turkey (UNICEF, 2001). In another case study in Java, “girls who are married off as children are three times more likely to be divorced than those who marry later”. These girls end up in poverty. In Mexico, research indicates that divorced teenage girls are “six times more likely to be living in poverty than those who would have postponed marriage” (UNICEF, 2001:26). Those who postpone marriage are in a better position as they are more likely to have been educated and are able to start income generating ventures to support their livelihoods. Consequently, child marriage deprives girls of their agents to make important decisions in their lives in terms of livelihood options.

Chowdhury & Morium (2018) advance that young couples face many difficulties including financial hardships; sexual adjustment and transitioning into parenthood before the couples have a chance to strengthen their relationship with each other. The marriage is characterised by several challenges as the couple is supposed to jell and find a way of coping with the demands of life. When a girl is married, she is supposed to deal with interpersonal relations with in-laws and even communication with the husband. The implication is that child marriage unions have diverse consequences that include educational development deprivation, denial of freedom and personal development. In addition, child marriage denies children life skills that are useful to manage their own lives due to the burden that is associated with these marriages. Victims of child marriage often end up languishing in marital problems due to lack of social skills to navigate the challenges posed by married life.

Turner (2013) points out that those girls who are married are sometimes not able to leave or end the marriage due to cultural norms that tie them. This is contrary to international law or

national laws that denote that the spouses have equal rights in dissolution of marriage, yet, child wives have little options to do that. In a study of Bangladeshi, girls who are abandoned by their husbands remain tied to the in-laws houses because they do not have alternative means of financial support outside matrimonial home. Where lobola has been paid, pressure can be increased on the girl to remain married lest the in-law family demands a refund of the sum paid. In most cases, girls that intend to leave their husbands are subjected to public humiliation and vilification. In Nicaragua, for example, girls who escape from violent husbands and return to their maiden homes, are forced by their parents to go back to their husbands and endure because the community believes that marriage has its own ups and downs. Consequently, such attitude stems from the social norms that are rampant in the communities that implores and encourages married women to be tolerant and submissive to their husbands (HRW, 2014; Green, et al., 2015).

ICRW (2010) further notes that child marriage robs young girls of the developmental milestones that characterise childhood. Young girls are exposed to the burden of domestic obligations, motherhood, and sexual violence at a tender age. Girls not Brides (2014) argues that young mothers are immature to shoulder a lot of responsibilities that come because motherhood such as looking after children, taking care of husbands, and engaging in meaningful livelihood activities. Marriages in most cases that entered between a young girl and older man end up in divorce because of marital strife and dissatisfaction. In the same vein Montazeri, et al., (2016) posit that in most cases married girls suffer from low autonomy and are disempowerment to make decisions; lack negotiation and critical skills to navigate the vicissitudes of life encountered in a marriage set up. Consequently, the girls are usually at crossroads as their husbands and even the in-laws expose them to bullying and abuse. The young wives have little bargaining power in making decisions over things such as allocation of resources in the family and are sometimes restricted from accessing information about health services available in their communities.

According to the UNFPA (2012), married girls are sometimes exposed to domestic violence at the hands of their husbands and in-laws. In a case study carried out in India by ICRW (2003), girls who married below 18 years are twice likely to be exposed to intimate violence such as beating, emotional and sexual trauma. Consequently, the dire effects of partner violence can be reflected in the economic scale as that affects their self-esteem and productive capacity in life (Clark, Bruce & Dude, 2006). In turn such an exposure negatively

impacts on health and the well-being of the girls as well as loss of productive time (Morrison & Ellsberg, 2005). It is worth noting that the consequences of violence are dire for the girls as they are susceptible to injury, chronic pain and gastrointestinal issues (Campbel, 2002).

#### **2.4.4 Emotional and Psychological Trauma**

Innocenti Digest (2013) advances that child marriage undermines adolescence developmental milestones, resulting in forced sexual relations that have a psychological and emotional impact on girls. In most cases, girls are unhappy in imposed unions as they end up being isolated. In some instances, girls who run away from their husbands are often beaten and sent back by their maternal guardians. This results in trauma and distress that is endured in silence. In a study of Rajasthan state, married girls suffer a lot as they end up experiencing isolation, lack of educational opportunities and trauma due to repeated pregnancies. In the event of the death of the husband, the girl is inherited and becomes a wife of one of the family members. ICRW (2007) affirms that young girls are deprived of childhood and future. The girls are burdened with domestic responsibilities and motherhood at the expense of interacting with friends and looking forward to career prospects. Research indicates that married girls are isolated and powerless. They lack bargaining power on issues of their interests. According to Erickson's psychosocial stages of the development, ages between 12 and 18 years are characterised with identity versus role confusion, consequently, for married girls, the confusion becomes more diverse and compounded (Nguyen, Wodon & Wodon. 2015). The teenage mother will be subjected to a lot of problems because of the denial to enjoy the experiences of childhood. Marriage becomes an oasis of stresses and strains because the adolescent have not established the resilience, meaningful livelihoods and career to look after herself and the family (Raj, et al., 2015).

Girls who marry off as children are at a higher risk of psychological disorders because they are denied their rights to express themselves and making choices (Barman, 2019). In addition, Le (2011) points out that victims of child marriage are at risk of recurrent and lifetime psychiatric disorders such as immobility, loss of self-confidence and even for girls who are admitted back into the school system, the trauma in most cases impedes their performance and may suffer from denigration from other girls in the school system (Ahmen, et al., 2013).

In some cases women who are married off as children have challenges in inter-personal relationships. They may have difficulty in issues such as controlling anger, shame, hurt and dependency. Raj & Boehmer (2013) found out that adolescent mothers may neglect their children and maltreat them as they may use physical punishment as parenting style. This might be a result of higher rates of depression, lower self –esteem and problematic family relationships. Against this backdrop, it can be noted that the psychological impact of practice of child marriages have a debilitating effect on the girls. Subsequently, loss of self-esteem and abuse that the woman is subjected to by the husband may be manifested even in the parenting style that is punitive to the children. The adolescent mother might be going through a vicious cycle of depression that can be projected towards the child.

According to UNICEF (2015), a quarter of children in Zimbabwe cited abuse by caregivers. Forms of violence include sexual, physical and emotional abuse. The National Baseline Survey on Life Experiences of Adolescents (NBSLEA) (2014) report indicates that over one third of girls experienced sexual violence before the age of 18 years. Of those aged between 13 and 24 years, about 78 percent reported that boyfriends, uncles and other family members are perpetrators of abuse.

Although Zimbabwe has an established Victims Friendly System to manage abuse of children, the NBSLEA (2014) reports that 62 percent male and 75 percent females did not know where to seek professional help after abuse. For those who knew, aged 15-19 females reported that they did not seek professional help because they thought that sexual abuse is normal, 25 percent said, they were afraid to get in trouble; 28.7 percent were afraid to embarrass themselves or their families and 24 percent did not want to put the perpetrators in trouble. Consequently, victims become tolerant to abuse due to the normalisation of sexual abuse by society. According to Zimbabwe Demographic Household Survey (ZDHS) (2012), violence against women starts when they are still children, the vast majority (67 percent) of the respondents cited that they experienced sexual violence when they were between 15-19 years.

Research and Advocacy Unit (RAU) (2014) advances that child marriage is a social ill as it results in the isolation of victims of the practice. RAU study (2014) of child marriage in Goromonzi District in Zimbabwe revealed that child brides complained about lack of companionship. Most respondents pointed out that the marriages are characterised by lack of communication between husband and wife, resulting in the young wives seeking

companionship from neighbours and children of their age. In the same study, one participant even elaborated that she had been married for 22 years and only stayed with the husband for 8 years and he left for Mozambique and never returned. In the same vein, most child brides complained about sexual dissatisfaction citing competition for the husband with other wives in polygamous marriages.

#### **2.4.5 Loss of Educational Opportunities and future employment prospects**

One notable resultant effect of child marriage is educational deprivation. Child marriage perpetuates cycles of illiteracy and poverty. The practice causes many girls to drop out of school and reducing life opportunities to acquire skills to manage their livelihood (UNICEF, 2005; Svanemyr, et al., 2006). Consequently, poverty results in poor families trading off their daughters to get bride price and reduce economic burden of looking after the girl they believe would eventually marry. The implication drawn the problem of deprivation is that there is a correlation between girls school retention and child marriage. Girls who stay longer in school have less risk of exposure to child marriage.

In another observation on educational deprivation, INSTRAW (2005) points out that child marriage has a devastating effect of causing girls to leave school and depriving them of the opportunity to get a career that would help them to lead a fruitful and rewarding career in the future. Child marriage implies that girls' educational careers are deprived as they are expected to take care of their husbands, doing household chores and looking after the children. In Zimbabwe, Nyamadzawo (2015:21) found out that for "each additional year of delay in the age of marriage, a girl would benefit on average from 0.22 additional year of schooling and an increase in the probability of literacy of 5.6 percent". Consequently, child marriage have a negative bearing on human development index because girls are denied be opportunity to attain education that is useful in making them productive citizens in the country. The negativity can also be manifested in the loss of personal growth and development (Otoo-Oyortey & Pobi, 2003).

According to Parliamentary Portfolio Committee on Gender and Community Development (2016) in Mashonaland Central, the practice of child marriage is causing girls to drop out of the school system as early as grade 6 and 7 in Muzarabani District. In another district of Centenary (Zimbabwe), during public hearing sessions, it was reported that an average of 30

girls were dropping out of school every term due to child marriage. The Parliamentary Portfolio Committee further reported that there is high prevalence rate of child marriages in Mashonaland Central in Zimbabwe. Consequently, the effects of child marriage have dire problems for the victims as they are deprived of lifelong opportunities to study. Deprivation of education entails that the girls are subjected to a vicious cycle of poverty that becomes intergenerational.

## **2.5 Summary**

In summary, the causes of child marriage on a global and local context are diverse. Literature review showed that the practice is enshrined in the ambiguous social and cultural norms. A review was done to identify the consequences of child marriage at global and local context. At the global level, for example, the family as a system is a cause of the proliferation of child marriage. The understanding is that the family as system has norms, roles and is embedded in intergenerational issues. In Zimbabwe, some traditional rituals are fuelling the practice of child marriage. Traditional practices such as *Kuzvarira* (pledging in to marriage of a girl) entails that a girl may be married off even before birth. This practice is prevalent where economic problems exist and the child is given away once the family feels that she is capable to perform her duties as a wife especially at puberty stage. A clear review was undertaken to understand the socio- cultural impetus that drives the practice of child marriage including the need to engage in cultural legitimacy of the legal frameworks to create the buy-in of the communities to deal with the problem of child marriage. The consequences of the practice are dire as exemplified in the chapter. Some of the consequences include psychological trauma for the girls, isolation and abuse from the husband who takes advantage of bargaining power in the relationship. At the same time, the section outlined factors that contribute to the practice of child marriage. Given the array of factors that trigger the practice, it is imperative to identify strategies that are useful to curb the proliferation of the practice of child marriage. This is covered in chapter 3 that looks at policy and protocols to deal with the challenges of child marriage.

## **CHAPTER 3: POLICIES AND PROTOCOLS REGULATING CHILD MARRIAGES: GLOBAL AND DOMESTIC**

### **3.1 Introduction**

The chapter focuses on the legal issues around the practice of child marriage on a global and local context. The chapter reviews and summarises the international and local legal systems and instruments to protect children and curb the harmful practice of child marriage. The review shows irregularities between child marriage practice and legal instruments. The chapter unpacks the policies and legislations that influence the reporting and responding to the practice of child marriage. This thrust is a further development of the issues raised in chapter 2 on the challenges emanating from the deficiencies in policies and legislations that provide conducive atmosphere towards the practice of child marriage.

The commitment by Zimbabwe to protect children and curb the practice of marrying off children can be drawn from the various protocols that Zimbabwe is a signatory of, at international level as well as enacted at local level. Globally, Zimbabwe is a signatory of the CEDAW (1979) that focuses on the elimination of discrimination against women and girls. At the same time, the country is a signatory of the UNCRC (1989) that emphasises on upholding the rights of children, survival and protection against all forms of abuse that include sexual exploitation of children in marriage. The chapter unpacks the ACRWC (1990) that Zimbabwe is a member of the protocol that stipulates that a child is anyone who is below the age of 18 years. Countries are mandated to protect children against abuse that include child marriage.

Apart from being a signatory of international protocols, Zimbabwe has a number of policies and legislations that are meant to protect children from child abuse. Some of the legislations to be discussed in this chapter include the Constitution of Zimbabwe which stipulates that the legally, a child is anyone below the age of 18 years. At the same time, Zimbabwe has legislations that govern marriages such as the Customary Marriage Act and the Marriage Act. Discussion in the chapter will unpack the deficiencies that characterise the legislations that makes the marriage of children below the age of 18 years permissible. In dealing with issues surrounding adolescence sexual reproductive health issues, Zimbabwe has an Adolescents Sexual Reproductive Health Policy (ASRH) that is meant to encourage the young people to practice safe sexual and reproductive health.



Central in this chapter is the discussion on the interventions strategies that help in addressing the gaps and inconsistencies in the laws and policies in Zimbabwe that has failed to curb the practice of marrying off of children in the country. The discourse in the chapters focus on the advocacy and awareness campaigns, harmonisation of the laws that are in conflict that are failing to protect children against marrying off below the age of 18 years.

### **3.2 Global Protocols and Instruments on the Rights of Children**

There are a number of international protocols to address issues affecting women and girls in particular. A number of these protocols are enacted in response to many afflictions that undermine the survival, well-being, quality of life and progress of women and girls in their communities and societies. This section will reference and review the global protocols and mechanisms pertaining to child marriages.

#### **3.2.1 Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (CCMMAMRM) (1964)**

According to CEDAW (1979), this convention was established in 1962 and is a legal framework to uphold the rights of women and girls. Zimbabwe became signatory in 1990. The convention obliges state parties to advocate for the rights of girls. Such an undertaking entails that there should be consent between the spouses when entering into marriage.

Article 1 asserts that,

“No marriage shall be legally entered into without full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnise the marriage and of witnesses, as prescribed by law.” (CCMMAMRM, 1964:2).

Under this treaty, state parties are expected to observe the rights of women. Thus, Article 2 advocate for women to have a free will in choosing a spouse and consent to marriage willingly.

In the same vein, Article 2 notes,

“State parties shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, in the interest of the intending spouses.” ((CCMMAMRM, 1964:3).

Understanding of this protocol is crucial because betrothal of young girls must be prohibited and effective legislations should be enacted to curb the practice of child marriage. In addition, countries should enact legislation instruments that stipulate the minimum age of marriage. More importantly, there can be mechanisms to monitor the realisation of such agendas.

Under the same protocol, Article 2 endorses that state parties “should take measures to modify the social and cultural patterns, behaviours and attitudes of men and women; to achieve the elimination of prejudices” (CCMMAMRM, 1964:2). In addition, emphasis is that “customary and all traditional practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men or women should be abolished” (CCMMAMRM, 1964:3). The key implication established from this protocol is that girls are supposed to be protected by the state and legislation should be put in place to deter child marriage practice and general abuse of girls.

Despite the well-meaning provisions of the protocol, its application and implementation has met with challenges in most countries that have higher rates of child marriage incidences. Such a limitation in its application can be noted in the case study of Zimbabwe. Although the country ratified the treaty in 1991, it is still yet to domesticate the treaty in to its national laws to make it enforceable. According to CEDAW (2012), discriminatory customary laws are still prevailing, that is, in types of marriages - civil marriage, registered and unregistered customary marriages. Consequently, child marriage is still persistent making girls more vulnerable, especially in rural areas where the circumstances of risk and vulnerability are high. The situation has been exacerbated by inadequate capacitation of law enforcers and advocacy and awareness of women’s rights (Zim Rights, 2017). In addition, CEDAW is against the prevalence and existence of harmful norms, practices and attitudes such as virginity testing, polygamy and payment of lobola. Thus, these practices fuel the discrimination of women and girls. Innocenti Digest (2001) points out that girls who marry off as children often suffer from domestic violence. Subsequently, sometimes they cannot leave abusive relationships due to cultural constraints around issues of divorce and over dependency on their spouses for livelihoods. As an example, in a study carried out in Jordan, a published study in 2000 indicates that there are 26 percent reported cases of violence perpetrated against teenage wives. Escapees are brutally treated and sometimes killed in Jordan, Egypt, Lebanon and Turkey (UNICEF, 2001).

In the field of education, CEDAW is worried about high school dropout rates and low retention and completion rates of girls, especially at secondary level. All this is due to child marriage, teenage pregnancies and cultural practices (CEDAW, 2012). In addition, there are high incidences of girls who suffer from sexual abuse and violence from both teachers and classmates. Consequently, CEDAW implores governments to enact laws that remove barriers to girls' education through spearheading programmes that retain girls in school and allow re-entry of girls in school after falling pregnant. Furthermore, CEDAW encourages authorities to put effort in the provision of career counselling, safe educational environment that is free from violence and protecting girls from sexual harassment. Again, effort should be put in strengthening awareness and training for school officials and students on the girls' rights.

### **3.2.2 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)**

The Convention came into effect on 31 September 1981 and Zimbabwe became signatory in 1981. Article 1 focuses on the “total elimination of discrimination against women and promotion of their full participation in the development of their communities” (CEDAW, 1979:2)

According to United Nations (2000), CEDAW mandate covers both the de jure equality, (equality of opportunity) and the de facto equality (direct or indirect discrimination in public or private). The Convention works towards the elimination of discriminatory customs, gender discrimination included. Article 2 obligates state parties to “embody the principle of equality in constitution and legislations as well as repealing discriminatory laws”. Emphasis is put on the State to provide women with access to education, health care, employment opportunities and protection of disadvantaged women or girls in society in their respective countries.

Article 5 implores State parties “to modify social and cultural practices to eliminate prejudices and stereotypes of women” (CEDAW, 1979:3). State parties are obligated in Article 9 to create opportunities for equal educational opportunities for women. Similarly, Article 11 provides for the protection of women in employment against unfair labour practices and calls for the provision of better working conditions such as maternity leave and non-discrimination at work places. In addition, an Optional protocol was adopted in 1999, which allows women to complain within the jurisdiction of their countries, and to bring their complaints against their governments on violation of rights to CEDAW. However, there are

procedures that are to be followed in addressing complaints which are supposed to have been attended to under domestic channels (All Answers Ltd, 2018).

Shin (2004) acknowledges the limitations of the convention in terms of non-reporting or overdue reports. Countries take a long time to submit reports. This emanates from non-enforcement mechanisms on the part of the convention. In addition, this is compounded by the issue that the committee meeting time is too limited. Members meet twice a year and the time is too limited to deal with reports that accumulate over time (Byrnes, 2004). More so, compliance depends on member state self-reporting, reluctance to adopt formal recommendations and inability to help in launching complaints.

Another limitation that afflicts the implementation of CEDAW protocol is that State parties fail to provide comprehensive legislative frameworks that protects women against discrimination. Article 2 places emphasis on State parties' provision of equality of sexes through constitutions and legislative frameworks. Consequently, most domestic legislations or constitutions of State parties lack clear identification of discrimination against women and this is reflected by lack of prohibition or commitment to promote gender equality in member countries.

One challenge faced by the CEDAW is on monitoring and compelling countries to stop discriminatory traditions and cultures. This has been noted in some reports that CEDAW receives information that points to traditional systems that discriminate against women (Minor, 2004). A case in point is arbitration system that characterise rural communities whereby women despite exposure to abuse from a husband might be forced make a reconciliation with the husband before receiving justice. As an example, the issue of customary marriage disadvantage women in the event of divorce. According to Zimbabwe Law Report (2008) (ZLR), a case of Matibiri vs Kumire, the couple was married under customary law but when the marriage dissolved, the wife was left with little goods of value. Subsequently, she brought the matter to court and the ruling was in favour of the husband. Such an undertaking comes from the law that states that upon dissolution of an unregistered customary union, the property belongs to the husband unless it is classified as *amai* and *maoko* property. The treaty lacks self-executing powers and enforcement of it is difficult. Abuse of women rights continues to happen regardless of the fact that the committee can institute procedures in Article 29 against a country by taking up a case for arbitration at the

International Court for Justice. The major obstacle is that most State parties that may support the Committee have little benefit in instituting the procedure. More so, non-interference in other's domestic affairs is a norm, fearing retaliation as State parties are not immune to policies that discriminate against women (All Answers Ltd, 2018).

Reservations that characterise the treaty make the treaty mostly heavily reserved treaty. Minor (2004) points out that the treaty is found wanting as it takes a neutral stance in dealing with some cultural and customs that discriminate against women. Reservations are permitted under Article 28 that provides ratification of the convention subject to reservation (All Answers Ltd, 2018). A case in point is the Islamic reservations where women have a second class status resulting from Islamic law and customs. As an example, Iraq made a reservation to article 2(f) that requires State parties to "take appropriate measures including legislation to modify or abolish existing laws, which constitute discrimination against women" (CEDAW, 1979:2). Egypt for example, expressed a reservation on Article 16, that emphasis on equality of men and women over marriage. Consequently, the clause on reservations was acceptable despite discriminating against women and in conflict with the mandate of the protocol. Lack of consensus over reservation procedure emanates from religious and cultural norms on the rights of women (All Answers Ltd, 2018).

The convention has no quasi- judicial power to incriminate State parties that violate the convention. In addition, the convention lacks powers to petition and that gives individuals the chance to launch complaints for violation. Any procedure of complaints by individuals rest upon state parties to agreeing to optional protocol (Shin, 2004). Subsequently, the Convention has been ineffective to compel member countries to embrace the rights of women. A case in point is that of Brazil where at least 400 women were murdered by their husbands between 1987 and 1989. Most of the men were acquitted or given reduced sentences based on their honour defence. The convention is a rhetoric that does not protect the people it intends to protect (Roman, 1993). Minor (2004) further argues that the convention relies on State parties to complete its work and the reports are a suspect as they are compiled by government officials and it lacks standardised reporting format.

### **3.2.3 United Nations Convention on the Rights of the Child (UNCRC) (1989)**

Zimbabwe is an active member of the United Nations, and she ratified the treaty in September 1990. The UNCRC is an important convention that was established by members

of the United Nations to uphold “the rights, survival, development and participation of children in their families, households and communities. According to Freeman (2011), children, for reason of their “physical and mental immaturity, need special safeguard and care, including legal protection against all forms of abuse”. Hence, this motivated the spearheading of the UNCRC.

UNCRC (1989) defines a child in Article 1 “as anyone below 18 years unless under laws applicable to the child, where the majority is attained earlier” UNCRC, 1989:2). However, this definition of the child has been criticised for not being explicit. Kaime (2009) mentions that to define a child as anyone below 18 years unless under law applicable on attainment of majority age is flawed as this may result in the denial of children rights under traditional definition of childhood in the communities. In the same vein, with Article 3, emphasis is placed on the “best interest of the child in all matters concerning the child” (in Article 3). Article 3 states that,

“The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children” (UNCRC, 1989:2).

The UNCRC in Article 2 obligates countries to put measures in place that protects children against all forms of discrimination with regard to status, opinion and beliefs. Article 2 explicitly notes,

“Non-discrimination applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn’t matter where children live, whether they are boys or girls” (UNCRC, 1989:2).

In the same vein, Article 18 underlines that State Parties shall use “their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child”. Thus, Article 18 notes,

“Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children.” (UNCRC, 1989:5).

It is important to note that the child's best interest should take centre stage in all dealings and interactions.

The UNCRC (1989) further highlights in Article 19 that State Parties should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents and legal guardians. Article 19 is explicit as it says,

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse or exploitation, including sexual abuse” (UNCRC, 1989:6).

The implication of this premise is that children should be protected from abuse and legislations should be enacted that prohibit any practices that undermines and prejudice the rights of children.

Kaime (2013: 97) posits that adoption of the rights at international or regional level, may not be the same at national or local level. “Mere adoption of formal text or passing of legislation on the rights and welfare of children may not be indicative of consensus or legitimacy of rights within a particular community”. Taken together, with flair of contextualising children's rights, legitimacy and conformity with the guidelines of children's rights charter, decisions are derived from internal validity. Hence, members of a particular community will draw the reverence and acceptability of the prescribed rights by perceiving the benefits either tangible or intangible where the rights are applied.

The need to take a cultural consideration in child rights issues is grounded on the premise of cultural legitimacy. There is need to adopt approaches grounded within cultural legitimacy to “mobilise political and social forces within a community, including gatekeepers to accept accountability and responsibility for implementation and enforcement of children's rights” (Kaime, 2009:100). The key implication drawn from such approach motivates individuals and communities to take action in favour of the rights and welfare of children as individual action is the ultimate resource for society. Mobilisation of individuals influence political will within a community, thereby influencing those in power to accept accountability for the implementation of children's rights (Nyamu-Musembi, 2000; Ibhawoh, 2000; Kaime, 2009).

The application of the UNCRC has faced a number of challenges in the world. Kaime, (2009) points out that the UNCRC places emphasis on raising public awareness of the convention. Article 42 states that governments have a mandate to make the document and provisions known among its citizens. However, the language used on State parties to report has some loopholes. Hence, many governments have not done that as the cases on child marriage continue unabated. According to the UNICEF (2017: 56) report, the practice of child marriage is an on-going phenomenon in the world. On a global scale, child marriage practice has been recorded with highest prevalence in the following countries: “Niger (76 percent); Central African Republic (68 percent); Chad (67 percent); Bangladesh (59 percent), and Mali (52 percent). High prevalence has also been recorded in South Sudan (52 percent); Burkina Faso (52 percent); India (47 percent), and in Zimbabwe (33 percent)”. Consequently, this poses a limitation in the application and implementation of the UNCRC by state parties in upholding the rights of children despite being signatories of the convention.

The UNCRC is weak in its monitoring system on the implementation of the rights of children among its signatory members. Kaime (2009) points out that the Convention relies more on the reports of member countries. There is no room for a country to lobby complaints nor does it provide for individuals to lobby complaints against their own governments. In addition, the UNCRC relies heavily on courts of State parties that may have a narrow interpretation of the provisions, thereby undermining the rights of children. Consequently, Ibhawoh (2000) advances that the UNCRC in most cases, is not self-executing, and courts have no mandate to affect it until domestic legislations have been passed.

UNICEF (2016) posits that in the case of Liberia, 36 percent of Liberian girl are married below the age of 18 years. This is due to non-existence of campaigns to educate the public about the effects of child marriage. In addition, the monitoring and evaluation of laws on the protection of children is lacking, prosecutions are very low and the existence of dual legal system of statutory and customary laws is permissive to the practice of child marriage.

International protocols are ineffective because the enforcement is lacking. According to Adeneyi (2016), the protocols lack the capacity of enforcement. Notable examples are the failure by state parties to report, lack of political will by state parties and poor implementation frameworks by countries have gone unpunished (Assefa, 2011). In addition,



the protocol body's role has been limited to only making recommendation rendering it toothless to effect any meaningful change in curbing the practice of child marriage. This has been caused by the fact that the Committees lack the powers to impose sanctions to violators of the rights of children. Thus, international human rights provisions have been suspiciously viewed as an attempt to impose Western cultures on the other parts of the world. Subsequently, the laws are viewed as incompatible with the beliefs and cultures of some people. This has led to non-European countries ratifying the protocol but continues with the practices - much of the practices are based on patriarchal beliefs that subject women and girls to subordination (Conner, 2007).

Conflict in laws entails inconsistencies and contradictions embedded in laws which result in individuals faced with several options and also the court having to make a choice in passing a judgment (Adeneyi, 2016). In the case of Nigeria, despite the fact that the country ratified international treaties, application of provisions on the harmful and discriminatory cultural and religious practices is still a source of conflict, for example, Customary Law and Children's Act as well as the Sharia law. Hence, it creates conflict and contention regarding to marriageable age (Adeniyi, 2016). In addition, Nigerian laws allow three legal systems to determine marriage independently. Thus, it creates contention because there is no consensus on determination for marriageable age. A court case on Sharia law, Ketural vs Mattheeu- the area court declared that the father has a right to marry off his daughter and this was upheld by the Sharia court, despite the provisions of the Children's Act that stipulates that eighteen years is the marriageable age (Adeneyi, 2016).

The Commonwealth (2013) notes that lack of awareness among parents, officials and families retards the legislation against the practice of child marriage. In Sri Lanka, it gave rise to corruption and falsification of birth and marriage registers. In addition, customary marriage has been used to justify child marriage. In this regard, a lack of support system is an impediment towards curbing the practice of child marriage. The Commonwealth points out that in Sri Lanka, the police identify cases of child marriage, men may be prosecuted and girls are issued with court orders for them to be sent to shelters and homes. Conversely, probation officers sometimes are unwilling to place these girls in shelters citing inadequate space, resulting in the girls returning back to their husbands as an alternative.

### **3.2.4 African Charter on the Rights and Welfare of Children (ACRWC) (1990)**

Zimbabwe is an active member of the African Union and it ratified the treaty on 19 January 1995. Under Article 1, the charter defines a “child as anyone below the age of 18 years” (ACRWC, 1990: 9). This is a departure from the African traditional view of childhood as it is not determined by age limit, but rather by a number of factors such as ability to perform certain feats such as initiation rites and childhood ending upon marriage (An-Na'im & Hammond, 2000; Kaime, 2009). Once a person marries, she is regarded as an adult. African Charter on Rights of Children is so explicit on age and upholds the protection of the child.

Kaime (2013: 97) affirms that the ACRWC was born on the pretext that Africa was under represented at the UNCRC conference in Geneva. It explains that children's rights should take “cognisance of the social and cultural values of Africa, including those relating to family, community and society”. Article 11 notes that there should be “the preservation and strengthening of positive African morals, traditional values and cultures” pg 11. Viljoen (2000) further mentions that the desire for acculturation of children's rights should take consideration of the context of African setting in order to legitimise rights within the African framework. Llyod (2002) concludes that the ACRWC is complimentary to the UNCRC in upholding the rights of children. Consequently, the desire to acculturation of children's rights to African values and heritage motivated its establishment.

The charter upholds children's interest in Article 4 where it is stated that,

“In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. In all judicial or administrative proceedings affecting a child .....an opportunity shall be provided for the views of the child to be heard” (ACRWC, 1990: 9)

The education of children is upheld in Article 11 as the article affirms,

“state Parties shall take all appropriate measures with a view to achieving the full realisation of this right and shall in particular; provide free and compulsory basic education” (ACRWC, 1990: 11).

Ekundayo (2015) points out that the ACRWC urges state parties to make primary education compulsory and free. The instrument further calls for the provision of education for gifted and disadvantaged females. Emphasis is on the girl child who falls pregnant and should be allowed to continue with schooling. Article 11 further says,

“State Parties shall take all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue their education on the basis of their individual ability” (ACRWC, 1990: 15).

Kaime (2009) argues that in African societies, girls’ education is not taken seriously as anyone who gets pregnant is removed from school and education is terminated. Such a practice is contrary to the ACRWC that urges that state parties should create conducive environment to ensure that girls’ rights to education are guaranteed and the curriculum should be designed to promote the moral, traditions and values (ICRW, 2005; UNICEF, 2012). The key implication to this view of keeping the girls in school is an important milestone. If girls are in school, they are protected from being vulnerable to child marriage.

Article 15 suggests that children should be “protected from all forms of exploitation”. It explicitly notes,

“Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, spiritual, moral, or social development.” (ACRWC, 1990: 15).

The implication is that children should be protected from being used for economic gains including prostitution and also trafficked into child marriage for household labour.

The charter emphasises the need to observe childhood developmental stages of life. Article 19 emphasises that “children should be protected from abuse and torture” because it robs the child of childhood and sense of security. Ekundayo (2015) underlines that childhood is a crucial stage of development that should be respected. Children are sometimes exposed to sexual and psychological abuse at home and in the community. Usually, this is done in the name of culture. Article 19 states that,

“Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his/her parents against his/her will, except when a judicial authority determines that such separation is in the best interest of the child.” (ACRWC, 1990: 17).

The implication of Article 19 is that state parties must enact legislation that protect children from physical and mental violence.

Article 21 places emphasis on the prohibition of harmful traditional cultures that affect children. State parties are urged to take measures to abolish harmful social and cultural practices. Article 21 is clear as it states that,

“State Parties shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child.” (ACRWC, 1990: 18).

It is important to note that practices that prejudice the health of children must be condemned. Examples of such practices include female genital mutilation and the betrothal of girls below 18 years (Dembour, 2006; Kaime, 2009). According to Lloyd (2002), the ACRWC is complimentary to the UNCRC in many aspects. The ACRWC, upholds the acculturation of children's rights using the African lenses about values and heritage in the African context. It is important to observe that in the African context, children do not enjoy many rights. Accordingly, the percolation of children's rights has a Western influence, somewhat lacking in the African Cultures. This is reflected in the traditions that are permissible to the practice of child marriage.

Kaime (2009) affirms that cultural legitimacy of children's rights can be established where local practice has laid a conducive environment for practice. There is a need to construct the conception of child rights with specific reference to cultural and historical contexts. Consequently, the promotion and protection of rights of children should be reflective of the community where it is being applied. For instance, in communities that respect the rights of children, the implication of the charter is acceptable, but in communities that have no value of rights of children as prescribed by the charter, it is much harder to introduce the prescribed rights (Kaime, 2009). Hence, it is imperative to take into consideration the socio-cultural practices of the communities that the rights are to be implemented in order to have a buy-in by community members as well as the gatekeepers. Taking cultural fusion is significant because introducing children's rights in communities that run contrary to protection of children, maybe viewed as a threat to established cultural patterns and routines.

The ACRWC acknowledges both state and African culture to ensure the rights of children. Article 1 calls upon state parties to recognise the rights and freedom of children, while at the same time, paragraph 6, of the preamble, recommends that the concept of rights should be

contextualised within the virtues of African cultural heritage. This is meant to increase the sense of ownership of the charter by honouring both universal human rights standards and the need to uphold local cultures. However, Viljoen (2000) points out that ACRWC is explicit in its definition of a child as “anyone below 18 years” (ACRWC, 1990: 9). This is contrary to the traditional African setting of childhood. In African setting, the definition of a child is a communal assessment as it is not determined by chronological age but by the role the child can play. Taking this into consideration, it is imperative to note that people understand things through their own cultural lenses, hence, legitimising human rights standards can be achieved by appreciating culture and values of a particular culture (An-Na'im, 2000; Kaime, 2009).

Despite its well-meaning intentions, the Charter has been found wanting in a number of cases. According to Freeman (2011), an investigation into the violation of the rights of children in countries is cumbersome and a long process for the committee. One notable flaw is that a committee of experts responds to issues basing on information received from governments that it is meant to investigate. If an investigation is carried out, a preliminary report is released to the government and media. After a final report is compiled, the concerned government is given six months to submit a written reply on the measures taken to address the allegations made (Kaime, 2009). Thus, the enforcement of the recommendations by the ACRWC experts is done at the discretion of the investigated government. Many at times, the ACRWC has no powers to institute any sanctions to compel the accused government to uphold the rights of children.

One of the limitations of ACRWC is enshrined in the ambiguous legislation. Okpalebi (2017) argues in the case study of Nigeria, that the attitude of Nigerian courts to international treaties is discouraging. A case in point is that Nigerian Supreme Court in a case of *Ogugu vs State*, the Supreme Court declared that the African Charter rules are not enforceable through courts, and in case where the local court provisions are contrary to the African Charter provisions, the local court ruling takes precedence over African charter recommendations. Illustratively, Nigeria is a federal state (36 states) and consequently, not all the states have ratified the Child Rights Act; therefore, no court can enforce prosecution for any violation of the rights of the child when it has not ratified it.

Kaime (2009) posits that limitation associated with ACRC is that due to the influence of culture, the rights of children clause is left scathed. Adults in most African communities

believe that as a result of children's limited level of development and knowledge, children are incapable of knowing their best interests. Consequently, adults make decisions on behalf of children including decisions on who marry and at what point marriage can take place.

According to Ekundayo (2015) one loophole in the framework of ACRWC is that it acknowledges and gives parents and the family fundamental role in the development of the child. Such a view point previews the family as a loving and caring environment but on the contrary much of the abuses of children in Africa emanate from the family. In addition, domination of children by adults has shaped the lives of children sometimes negatively. Consequently, the view that children are right holders is difficult to realise in Africa. Adults continue to determine the destiny of children, including the rightful age girls can marry.

Omari & Mblinyi (2000) view the desire by African states to acculturate children's rights as militating against the protection of children particularly girls from abuse. A case in point is that in traditional African setting, chronological age is not the only factor to determine the maturity age of children but attainment of status does. As an example, childhood ends upon marriage. Once a child gets married, she ceases to be regarded as a child and starts to assume adult roles such as bearing and rearing children. Hence, marriage of a girl is regarded as a transitional step towards adulthood, thus, the ACRWC's definition of the child as anyone below 18 years remains questionable as it is simply a theoretical view that is undermined by the practices that take place in some communities. In addition, in most African countries, there is a dual legal system vis-à-vis civil and customary laws. These two conflicting laws in terms of defining who is a child puts an egg on the face of the ACRWC in terms of determining the appropriate age for a person to be defined as a child and an adult. In Zimbabwe, for example, the Customary Marriage Act, is silent on the appropriate age for a person to marry and anyone can marry and assume adult responsibilities (Human Rights Watch, 2015; Musiiwa, 2018).

Ekundayo (2015) applauds the ACRWC for being explicit on the rights of girls to education and State parties are compelled to ensure that education for girls who are gifted and disadvantaged is provided. It further obliges State parties to ensure that girls who fell pregnant are allowed to continue with their education. Notwithstanding these benefits, the fact however remains that in some Africa families, girls' education is not encouraged and

pregnant girls drop out of schools. In Zimbabwe, pregnant girls drop out of school, in 2018, 10 percent of girls dropped out school due to pregnancies among other factors that undermine the rights of girls to access basic education (Financial Gazette, 2018).

Eide & Eide (2006) posit that Article 14 requires State parties to provide adequate nutrition, reduce infant mortality and provide appropriate care for expectant mothers. However, it is important to note that Article 14, is found wanting as it fails to explain how State parties are to provide that health care and it does not state the minimum standards of quality health care for children. Consequently, many African states are signatories to the charter but looking closely the provision health care for children and in particular pregnant adolescent girls remains questionable. In addition, traditional practices such as FGM continue to take place in some communities thereby undermining the effort to promote the health and wellbeing of girls in Africa (Children Dignity Forum, 2008; Zimbabwe Demographic Household Survey, 2015).

Children Dignity Forum (2008) points out that Article 21 prohibits harmful social and cultural practices. Despite the overwhelming endorsement by State parties to take measures to abolish traditional practices such as FGM, the fact remains that the practices continue unabated in some of the communities. In reality initiation ceremonies such as FGM negatively affect girls and it is used as conduit to promote the practice of child marriage.

One weakness of the ACRWC is that it emphasises on the duty and responsibilities of the child whereby the child has responsibilities towards family and society, to respect parents and elders, and towards the preservation of African cultural values (UNICEF, 2015). According to Ekundayo (2015) the obligations that a child has to society and family has led to a serious contestation as adults in the community shows an entitlement attitude and sometimes the entitlement privileges have been used to the detriment of the rights of children. Persistence of practices that exposes children and girls in particular to child marriage continues unabated. As an example, in Zimbabwe, the practice of *chiramu* whereby an aunt's husband can play sexual games with a niece has remained unchallenged in many communities that sometimes lead to pregnancies of adolescent girls (Chirwa, 2002; UNICEF, 2015).

### **3.2.5 The African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHRWA) (2003)**

Zimbabwe ratified the treaty on 18 November 2003. According to Turner (2013), the most important section of the protocol is Article 6. Much emphasis of the treaty is Article 6 that outlaws the marriage of girls and boys and calls for governments to stipulate in law that the “minimum age of marriage shall be 18 years”. In addition, legislation of all marriages is to be done and received in an official registry. Article 6 upholds that,

“States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative..... – no marriage shall take place without the free and full consent of both parties; and minimum age of marriage for women shall be 18 years” (ACHRWA, 2003: 8).

It is important to note that child marriage is prohibited and governments must ensure that children are protected from harmful traditional practices.

Article 2 of the protocol is based on the elimination of discrimination against women and girls. State parties are obliged to enact legislation and measures that prohibit any forms of discrimination that endangers the lives of women and girls. This can be achieved through,

“Enacting and effectively implementation of appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women and girls” (ACHRWA, 2003: 8).

The protocol is unequivocally clearer on the issues to deal with harmful traditional practices that jeopardise the health and well-being of women and girls. This article is relevant in condemning the FGM practice that is used as a rite of passage to marry off young girls. State parties are supposed to enact laws backed by prosecution to those that perpetuate the practice of FGM whether through sacrifices or medication. In the light of those who are victims of the practice, the ACHRWA (2003) articulates that victims of traditional harmful practices should be provided with access to health, legal and counselling services.

The protocol highlights that state parties must deal with laws that discriminate against women and girls. Laws that unfairly treat people discriminately based on sex and stereotype must be abolished. Moreover, it implies that age discrimination that supports marriage of girls below 18 years and that of boys to be 18 years should be amended to stop the practice of child



marriage. Article 4 upholds states parties to “enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public” (ACHRWA, 2003: 8).

Article 3 endorses the right to dignity of women. Article 3 states that, “Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.” The state parties are compelled to put measures that guarantee the protection of women and girls against all forms of violence (ACHRWA, 2003). Clearly, this brings to the fore the sexual abuse that girls are subjected to before, in and after marriage. Hence, it is the responsibility of governments to protect girls from abuse. However, Innocenti Digest (2001) asserts that in Egypt, husbands have subjected 29 percent of married adolescents to violence. This implies that effort should be put in curtailing the practice of child marriage to uphold the rights and protect girls from exploitation and degradation.

On the issue of marriage, the ACHRWA is unambiguous in condemning child marriages. Article 6 is against arranged and forced marriage of women without their consent. However, such acts are still rampant in a number of countries. Consequently, in many parts of Africa, girls are being married off to men without consenting. Pledging of girls as wives for survival strategy and as a way to appease avenging spirits should be prohibited. A case in point is the pledging of five girls in Honde Valley in Zimbabwe in 1999. The girls were between the ages of 7 and 15 years; this was done to appease an avenging spirit (Inter Press, 2018).

The charter endorses the health and reproductive rights for women and girls. Article 14 explicitly says women have,

“the right to control their fertility; the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS” (ACHRWA, 2003: 16).

More so, a woman has a right to be informed about the health status of a partner, especially in the case of HIV/AIDS. In contrast, most adolescents who are married, in most cases are denied those rights by their spouses. Mensch, Bruce & Green (1998) point out that in most cases married girls have no access to or are denied access to contraceptives. In a study of Cameron, Mali and Nigeria, the uptake of contraception among 15-19 married girls, it is 1.5 percent, 2.4 percent and 0.6 percent respectively. Consequently, girls are vulnerable to HIV

and Sexually Transmitted Infections (STIs). Hence, one example of note is that of Rwanda, “where 25 percent of married girls who became pregnant by age 17 years, were infected with HIV and the girls reported of having had sexual encounters with their husbands only” (Innocent Digest, 2001: 37).

Centre for Human Rights (2018) points out that application of international laws is limited on the aspect that some signatory countries use dual legal systems. Some countries recognise marriage below the age of 18 years that would have been ascended by the parents or guardians. In South Africa, girls below the age of eighteen years may marry with the consent of the Minister of Home Affairs. Similarly, in Kenya, the Marriage Act permits a child to be married with the consent of the guardian. In addition, Centre for Human Rights posits that International Laws application is undermined by the existence of both customary and religious laws in some countries. For example, in Gambia, Mali and Mauritania, there is no minimum age of marriage under the Sharia law, which is the dominant law governing these countries. Subsequently, the Children’s Act of Gambia allows the provision of personal law, such as the Sharia law, in making decision about a child. Hence, 95 percent of Gambians are Moslems; hence, child marriage practice is permissible in the society (Centre for Human Rights, 2018).

Enforcement and monitoring of the laws is a big challenge in many countries. In the Democratic Republic Congo and Mali, enforcement on the protection of children has been weakened by wars. Legal provisions in these countries leave a lot to be desired such that offenders on child abuse are released from prison or even acquitted at the courts due to corruption. In addition, the existence of customary and religious laws take precedence over legal provisions. In a similar scenario, in South Africa, a High Court Judge publicly acknowledged marriages that take place under the *Ukhutwala* custom. *Ukutwala* custom means to carry and it is rampant in the rural areas of Kwazulu Natal. This process entails kidnapping of a young girl by a man, to endorse marriage (Thornbury, 2015). Hence, in Gambia, a court ordered the return of lobola paid for a 15 year old girl instead of prosecuting the perpetrator of the crime. In the same vein, lawyers in Gambia are too expensive to engage, hence, girls are sometimes forced into marriage by their guardians. Consequently, when a case is brought before the courts, it often collapses because the girl is put under a lot of pressure to withdraw the case (Human Rights Watch, 2018).

### **3.2.6 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (2016)**

The Southern African Development Community Parliamentary Forum (SADC-PF) adopted a protocol in 2016 that is meant to end the practice of child marriage. The background to the protocol comes in the wake of the proliferation of child marriage practice in the region that stands at 40 percent (UNICEF, 2014). Zimbabwean parliamentarians were part of the team that formulated the protocol in 2016.

The protocol calls upon state parties to condemn the practice of child marriage. Article 17 states that,

“From the commencement of the law – (a) the betrothal of a child is prohibited; (b) a marriage between a child and an adult or between two children is prohibited” (SADC Model Law, 2016: 33).

This is deliberately meant to pursue governments to enact laws that are meant to provide relief on the practice. The protocol goes further to outline that a victim of child marriage, and a third party intervening in a child marriage in accordance with paragraph (e) of section 19 is void, shall be entitled to appropriate legal aid by the Government. The Government shall put in place policies, programmes and mechanisms that will ensure accessible and affordable legal services to victims of child marriages, and third parties intervening in a child marriage in accordance with paragraph (e) of section 19. Paragraph 19 explicitly states, “The Chief Justice (state competent authority) shall prescribe rules for the procedures and processes relating to the dissolution/ annulment of a voidable child marriage.”

The protocol goes further to acknowledge the need for provision of support to victims of child marriage. Emphasis has been put on the establishment of services to those already in marriage. In part 5 of the protocol, governments are called upon to “establish public safety homes, public foster homes or any other public facility for the residence, care and maintenance of victims of child marriage which shall be funded from an anti-child marriage fund”. The protocol goes further placing emphasis on the delivery of protection of children in marriage against violence. Article 6 says, ‘child in marriage shall not be subjected to any form of violence, including sexual violence, rape, coerced sex or harmful practices’

The protocol is also centred on promotion of community networks. The idea lies in promoting and creation of synergies with the traditional and religious leaders. In this strand, governments are,

“Encouraged and assist local communities to establish community watch committees, under the auspices of traditional leaders or religious authorities, for the prevention of child marriages and protection of children already in marriages” ” (SADC Model Law, 2016: 34)

In the same vein, the protocol suggests some remedies to deal with the practice of child marriage. Article 24 notes any solemnisation of child marriage should be,

“Prohibited and any person shall not solemnise, conduct, promote, direct or abet the solemnisation of a marriage which the person suspects or believes that one party is a child, or both of the parties are children” (SADC Model Law, 2016: 35)

The protocol goes further to suggest in Article 26,

“The Government shall establish programmes and incentives for families and children to assist delay marriage, including the following: provide opportunities for children, especially girls, to continue their primary, secondary and tertiary education” (SADC Model Law, 2016: 36)

Governments are further implored to establish “incentives for families and children to assist in the delay of marriage, such as provision of cash transfers to the family to encourage children to remain single until they reach the minimum age of marriage; providing funds to a girl child, to enable the girl child to complete secondary education and giving scholarships and bursaries to a girl child up to tertiary level”. For those already in marriage, Article 27 implores governments to provide safety homes, basic materials, counselling and rehabilitation services to victims of child marriage. Emphasis is placed on engagement with communities where child marriage practice is rampant and awareness campaigns for communities to understand the benefits that come through delaying the marriage of a child before the age of 18(SADC Parliamentary Forum, 2016).

Despite these remedies in its submission, the parliamentary model is found wanting as it lacks the merit to deal with the practice as its basis is superficial because much of the

challenges impugned in the practice of child marriage are based on socio-cultural factors (Kaime, 2009). Limitations to the protocol are found in its emphasis in lobbying governments to use judicial interventions that have failed to curb the practice. The proposed remedies lack the tact just like other protocols that lack emphasis on curtailing socio-cultural factors that undermine the effort to deal with the practice of child marriage. Consideration of children's rights in a cultural framework is very important as it creates a buy-in from the local populations.

According to Dembour (2001), culture is responsive to human agency, therefore, the state and civil society action towards it should be focused on adoption of practices that uphold the rights of children. Hence, it is imperative to note that conceptualisation of children's rights as a set of cultural practices should be based on adoptability. The legal instrument sets minimum standards such that if the rights are conceived in the cultural framework, local communities will mould them according to the dynamics of the community concerned (An-Na'im, 2000; Kaime, 2009). The upshot of this is the possibility that a particular community's engagement creates platforms for training for transformation in matters that concerns children's rights.

Ekundayo (2015) recognises the importance of children's rights protocols in upholding the rights of children. It is worth noting that the SADC Model law instrument codifies global commitment, that children have rights to survive and develop; to protection from violence; abuse and exploitation; to ensure that their views are heard and respected in their best interest. The instrument obliges the governments to enact legislation to protect children. However, there are a number of drawbacks in the application of the international legal frameworks emanating largely from the considerable ambiguity in terms of socio-cultural norms in the communities.

According to UNFPA (2018), the proposal by the Model law to criminalise the practice of child marriage is as narrow as it insinuates that child marriage is the only crime and yet there a number of violations associated with child marriage such as rape, abductions and child trafficking. Instead, there should be a broader way of dealing with the practice of child marriage that is holistic such as access to justice for children (Girls not Brides, 2018). A case in point is that in Zambia, the Law Development Commission noted that criminalisation of the practice has a negative effect to families and communities. For instance, criminalisation entails that for example, all the people that attended wedding ceremony of the child bride are

accomplices. Such an undertaking is impossible and the prisons will be populated and not able to handle such a number of purported perpetrators. The Zambian law commission noted that such a move contradicts government effort to decongest the prisons.

Another challenge that undermines the effort to implement the SADC Model Law is the barrier of access justice by young girls. According to Girls not Brides (2018), the barriers to access justice are enshrined in the young age of the victim and in most cases the perpetrators are parents or guardians who are accomplices to the crime. This leaves the girl vulnerable and handicapped to the matter. In addition, Mwambene (2018) observes that in most cases victims of child marriage have faith in the protection of their parents who fail to protect them. In South Africa, as an example, *ukuthwala* victim, case of Jezile vs R was returned by her family to the man who had abducted her. Therefore victims end up suffering in silence as they are compelled by societal pressures not to file any criminal allegations against their parents or guardians.

UNFPA (2018) posits that lack of funding in mainstreaming programs on advocacy and awareness to curb the practice of child marriage is a big hindrance to in implementation of the measures to stop the practice. For instance, many governments in SADC do not have provision for Anti Child Marriage fund. More importantly, National Actions Plans budgets are not specific to protect girls from the practice of child marriage. Such a view indicates that enforcement of the Model Law is a lip service as funding in most SADC countries is insufficient to provide interventions to protect girls from such a practice.

### **3.3 Legislative Framework in Zimbabwe**

Nyamadzawo (2015) affirms that Zimbabwe has a dual marriage system because it has more than one legal system on administration of marriages. There are three types of marriages acts recognized, that is, the Marriage Act, Customary Marriage Act and the Unregistered Customary Marriage Law. What it means is that marriage practice is regulated by more than one system; that is the traditional and common law systems of marriage.

#### **3.3.1 Constitution of Zimbabwe (2013)**

Jovičić (1977:17) defines a constitution as a formal, “written legal Act with the highest legal force that regulates basis of social relationships and state order”. Sinani (2010:2247) observes that the constitution “establishes the basis of the organisation and functioning of the state

itself and it determines institutions that generate and create laws, regulates procedures and legal form of expressing the law”. The implication of this assessment is that the constitution provides a legal firework for the establishment of a system on the development and functioning of a country’s legal system.

According to IPFF (2016), the constitution of Zimbabwe being the supreme law of the country, Section 26(b) prohibits the pledging of children into marriage. The constitution states,

“The State must take appropriate measures to ensure that: no marriage is entered into without the free and full consent of the intending spouses; children are not pledged in marriage” (Section 26 of the Constitution of Zimbabwe, 2013: 28).

Section 26(C) upholds equal rights between spouses and recognises the imbalances between spouses that are embedded in the patriarchal traditions. Section 26(C) notes, “there is equality of rights and obligations of spouses during marriage and at its dissolution; and in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses” (Section 26 of the Constitution of Zimbabwe, 2013: 29). This reflects on the power imbalance when a girl enters into marriage with an adult male. In Zimbabwe, child marriage is a socio-cultural practice characterised by payment of bride price and wife inheritance. Girls are merely treated as tokens to fulfil a contract or debt.

Musiwa (2018) points out that Section 26 (d) highlights the protection of spouses during and after dissolution. In most cases, girls are obliged to stay in a marriage, as there are consequences that ensue after dissolution. In a court case of Mudzuru and another vs Minister of Justice (2016, Z79/14(cc), the girls complained of wanton abuse during and after dissolution of their marriage. The provisions of the constitution are important to note in relation to the practice of child marriage in Zimbabwe. In light of this observation, Musiwa (2018) maintains that in Zimbabwe, although the constitution stipulates the legal age of marriage to be 18 years, there is still no specific legislation that outlaws child marriage. Hence, the battle to stop this practice is yet to be won.

Having a constitution is not enough to fight the scourge. There is need for government to develop and implement legislations that protect the rights of children against child marriage.

There is need to harmonise the two conflicting marriage laws, that is Marriage Act and Customary Marriage Act with the Constitution of 2013 in order to make the practice of child marriage a criminal offence (Nyamadzawo, 2015; Plan International, 2015, Musiwa, 2018). To elucidate the inactivity of political leaders in tackling the problem, one parliamentarian, in presenting a motion on 26 August 2016 said, “In parliament, we have to seriously consider how we deal with child marriage and not to continue having this debate in this August house. We can continue debating until cows come home. This is the second time this motion had been adopted and nothing tangible has happened for us to eradicate this scourge.” The implication of such inconsistencies of the law provides a conducive environment for the practice of child marriage.

Plan International (2016:4) affirms that children should be protected from child marriage as the “state must ensure that no marriage is entered into without free and full consent of the intending spouses, children are not to be pledged into marriage and there should be equality in marriage and dissolution.” IPFF (2006) further observes that consent should entail disclosure of the nature of the relationship for both parties involved, voluntary choice and consultation in decision making. Section 26 of the Constitution states that there should be no coercion or force when entering into marriage. Despite, the provisions of the constitution to uphold and protect children from the harmful practice of child marriage, there is very little understanding of the section by both lay and professionals to use it and protect children from harmful practices (Plan International, 2016; Musiwa, 2018). As it stands, children are still being pledged into customary rituals such as “*kuripa ngozi*” or homicide bride. At the same time, children are forced to participate in these rituals because they do not have the capacity to make decisions to consent into marriage.

Hanzi (2015) points out that failure by governments to enact and implement laws that provide standards that explicitly protect girls from exploitation has fuelled the practice of child marriage. For example, in Zimbabwe, since the enation of the New Constitution in 2013 and the Zimbabwe Supreme Court ruling on a case of Mudzuru and another vs Minister of Justice (2016,Z79/14(cc), the government is yet to harmonise the marriage laws to be in tandem with the constitution. The Customary law and Marriage Act have provisions that permit marriage below the age of 18 years (Nyamadzawo, 2015; Musiwa, 2018). Consequently, customary law allows families to settle cases of child marriage among themselves without any punitive measures in place to deter perpetrators from committing



similar crimes in the future. It is important to note that child marriage is a result of poor marriage laws. In many developing countries, Zimbabwe included, there is a contradiction between customary and civil laws. While civil laws condemn marriage below 18 years, the customary law condones the practice by not stipulating any age limit. In such instances, Nyamadzawo (2015) points out that the Zimbabwe laws set a different minimum age for marriages and it has led society to utilise the traditional legal system that condones child marriage.

According to Mawodza (2018), the constitution has neither put in place any punitive measures to deter perpetrators of abuse nor promotes the protection of girls against child marriage. Consequently, the practice of child marriage has not been criminalised and no time frame has been set to compel parliamentarians to amend the other laws that contravene the provisions of the constitutions. The Acts to be amended include the Marriage Act and Customary Marriage Act that accommodate the marriage of children below the age of eighteen. To this end, the amendment of the laws is still to take place to date despite the landmark ruling in 2015.

Mawodza (2018) stipulates that the Constitution negatively upholds exception on unfair discrimination where it is deemed fair, reasonable and justifiable. This is sometimes mistaken for shared cultural values in society that promotes the dignity of people. Consequently, practices such as sexual dalliance sometimes lead to impregnating of nieces by aunt's husbands. In addition, *kuzvarira*, a culture that involves giving away of daughters by parents to wealthy men undermines the girls' best interests and right to consent to marriage. Thus, the girl is made vulnerable because of her age and it is a clear violation of her dignity and freedom of choice.

CEDAW (2017) posits that the Constitution of Zimbabwe is discriminatory when it comes to girls who are temporary residence - access to health, safe environment and protection from harm and abuse is a nightmare. Consequently, denial of girls with temporary residence status the right to health exposes girls to child marriage in cases where they abused and raped because they do not have the right to access legal abortions and contraception. This is a clear violation of the rights of girls who are neither citizens nor permanent residents of the Zimbabwe.

### **3.3.2 Child Protection System in Zimbabwe**

According to UNICEF (2015), until the year 2000, Zimbabwe had a comprehensive social child protection system in Africa. Things took a nosedive because of the socio-economic and political instability after 2000. In this regard, a number of legal and policy frameworks were put in place to ensure the right to protection of children for survival, development and well-being. These rights are enshrined in the Constitution of 2013. Under Section 19, government is mandated to place measures that are in the best interest of the child. The government is expected to create space and environment conducive for children's participation and enjoyment of rights (Zimbabwe Constitution, 2013). See Section, 3.3.8 for more detail on the constitution.

In the same spirit to uphold the protection of children, the Children's Act (2001) articulates the rights of children for their protection and care. The Act prohibits the assault, ill treatment and abandonment of children (Children's Act, 2001). See Section, 3.3.5 for more detail on the Children's Act.

Another policy of note is the Zimbabwe National Orphan Care Policy (ZNOCP) of 1999 that was enacted to combat the orphan crisis caused by HIV and AIDS epidemic. By year 2004, 761,000 children were orphaned. This policy emphasises on the need to create Child Protection Committees (CPCs) at village to national level (UNICEF, 2015). According to ZNOCP, orphans are supposed to be looked after by their biological families and community, with much emphasis placed on the family-strengthening approach. This policy is meant to provide support for the orphans as well as vulnerable destitute children, abandoned and whose parents/guardians have given them up in settlement of disputes or cultural beliefs (National Plan of Action for Orphans and Other Vulnerable Children (NPAOVC), 2004).

Under the ZNOCP, the programmes established include the Basic Education Assistance Module (BEAM), through which school fees is provided for Orphan and Vulnerable Children (OVC). Other programmes include the Cash for Transfer for Vulnerable Groups, Drought Relief and the Public Assistance Fund (NPAOVC, 2004).

Despite having well defined legislation and policy frameworks, lack of resources prevented the full implementation of the programmes in Zimbabwe. According to the Financial Gazette

(2017), 339,000 children were at risk of dropping out of school due to non-payment of the fees through the module. The programme is still finding challenges to support the OVCs with school fees to date due to the failure by the government to mobilise enough funds to support the OVCs.

### **3.3.3 Customary Marriage Act (1957)**

Another Act that characterise the Zimbabwe legal framework on marriage is the customary law. The solemnisation of customary marriage in Zimbabwe is officiated by a customary officer. Section 4 affirms,

“A marriage to be solemnised in terms of this Act shall be solemnised by a customary marriage officer of the district in which the woman or her guardian resides. The customary marriage officer, shall be present at the solemnisation of every marriage in terms of this Act” (Customary Marriage Act, 2004:2).

Musiiwa (2018) notes that the flaw in this Act is that it does not stipulate any minimum age of marriage. Section 7 asserts that the solemnisation of marriage is done only through the satisfaction of,

“The customary marriage officer that the intended husband and wife freely and voluntarily consent to the marriage; and that the guardian of the woman consents to the marriage or that a magistrate has authorised the solemnisation of the marriage” (Customary Marriage Act, 2004: 3).

This is worth noting because due to the flaws in the determination of specific age on marriage, the Act is vulnerable to abuse, it paves way to marriage determined by cultural and traditional dictates that upholds marriage of children below the age of 18 years.

The implication drawn from this lack of clarity on the marriageable age, under customary marriage law, makes the parent or guardian to make a decision on the marriage of the child even if the child is below 18 years. Section 5 gives the guardian or parent of the child a say in marriage. The Act notes in Section 5,

“After consultation with the guardian of the woman, the customary officer, can fix the marriage consideration. If no guardian of a woman who wishes her marriage to be solemnised can be found, a magistrate after due inquiry, authorise the solemnisation of her marriage” Customary Marriage Act, 2004: 3).

According to Madhuku (2010), customary law have limitations in its application and it is a big disadvantage to a woman. It is only applicable to few cases where justice requires it and in most cases common law must prevails over it. In a case of *Matende vs another*, the appellant and respondent were married under customary law for a period of seven years. The couple had a house and the husband terminated the marriage and wanted to have the wife removed from the title deed. The respondent opposed and sought justice for fair distribution of the matrimonial asserts. However, according to customary law, the respondent, “without considering her contribution, was only entitled to *amai* and *maoko* property and not the general distribution of matrimonial property”. In a similar case, *Matibiri vs Kumire*, the parties were married under customary law. When the marriage dissolved, the wife was left with little goods of value. Subsequently, she brought the matter to court and the ruling was that “upon dissolution of an unregistered customary union, the property belongs to the husband unless it is classified as *amai* and *maoko* peroperty” (ZLR, 2000).

Madhuku (2010) argues that marriage under customary law has a big disadvantage to a woman. In a case of *Jena vs Nyemba*, the Supreme Court of Zimbabwe made a ruling that the consequences of marriage under customary law is that: Under African laws and customs, “property acquired during a marriage becomes husband’s property whether acquired by him or wife. To this effect, there are few exceptions”. In addition, the main exception is that the wife is entitled to her *amai* and *maoko* property. *Amai* property is “that category of property which comprises of the livestock and its increase that accrues to a woman as a result of her daughter’s marriage. While *maoko* property covers property acquired by a woman through personal labour” (ZRL, 1999:128E). Subsequently, customary marriage undermines the right of property to the woman, worse still, to a child bride who is often taken advantage of by husband because of power dynamics – in most cases the husband will be older and better informed in such matters.

### **3.3.4 Termination of Pregnancy Act (TPA) – (1977) Chapter 5-10**

According to Mawodza (2018: 03) the TPA permits abortion to take place “where there is a possibility that the foetus was conceived through unlawful sexual contact such as rape or incest”. In addition, Section, 4 of the Act allows abortion to take place in order to save the life of the mother, and if the child to be born will suffer from serious physical or mental defects of such a nature that he/she will permanently be seriously handicapped. Consequently,

the Act is useful in that it protects young girls from early pregnancies that may be a result of rape or sexual dalliance as these sexual contacts are contributory factors to child marriage.

There are few exceptional circumstances where abortion is allowed. Under the TPA, abortion is legal under circumstances that include; saving the life of the pregnant woman, if the continuation of pregnancy endanger her life; “if there is a serious risk that the unborn child will suffer from physical or mental defects that will cause handicaps, and where the pregnancy is a result of unlawful intercourse such as rape” (TPA, 1977:3) - when a man has sex with a child above 12 but below 16 years with or without her consent. The same applies in the case of incest and when a man has sex with a person with mental disorder.

However, the Act has been found wanting in many aspects as the TPA prohibits termination of pregnancy outside the stipulated conditions as noted above. Otherwise, if anyone terminates a pregnancy, it is categorised as a criminal offense. According to Mawodza (2018), this is a violation of the Maputo Protocol – Article 14(2) that upholds State Parties should ensure that women’s health in general and their reproductive health in particular including choice of contraceptive method must be guaranteed. In addition, Speroff & Darney (2011) points out that no contraceptive is 100 percent efficient and hence, abortion is an alternative to curb early pregnancies that may lead to child marriage as the girls are left with no other choice except to elope to the men who impregnate them.

Another limitation of the Act is that even in the case of pregnancy conceived through rape; the process of obtaining legal documentation is cumbersome. A case in point is the *Mapingure vs Minister of Home Affairs and Ors* (22/14). In this case, Mapingure was raped by robbers at her home. She intended to have the pregnancy terminated but she needed police report to confirm that she had been raped and this was to be done in a period of 72 hours of sexual intercourse. After delays, a report was later obtained from police and the 72 hours had elapsed. After a month, the pregnancy was confirmed and the appellant was told that she should wait until the rape trial was completed. After the trial, the magistrate court ordered to allow the termination of the pregnancy to take place after 6 months. However, by the time the documentation was provided by the court, it was no longer safe to terminate the pregnancy and the assigned medical officer refused to carry out the procedure, citing that it was risk and too late to undertake the procedure. Consequently, after a full term of pregnancy, the appellant gave birth to a child. Mawodza (2018) points out that the case of Mapingure is a

clear testimony that the termination of pregnancy is complicated and liable to administrative delays that may lead to girls becoming child mothers.

According to *Newsday* (2019), one legislator noted that the TPA is out of sync with reality. There are a lot of gaps within the law and it is even difficult for those who qualify to access the service. Similarly, victims of marital rape are not included. In addition, the Act demands that there should be two doctors to assess the circumstances of the victim in which in most places in Zimbabwe that is non-existent.

According to *The Zimbabwean* (2019:5), there are many challenges to set up a legal abortion as this can only be done by “medical practitioner in designated institution with written permission of the superintendent of the institution” - hence, this can only be done when the superintendent has been satisfied by two opinions of physicians who are not members of the same profession. Consequently, this procedure is done at the expense of the woman. In a country where many people are poor, women are unlikely to meet the requirements. The process is cumbersome. If the pregnancy is a result of rape or incest, the superintendent of the health institution has to wait for the order from the magistrate, who would have been notified of the rape charge by the police.

According to Coast et al., (2014) the abortion law is too restrictive and it drives desperate pregnant women to seek unsafe abortions- which are performed by untrained persons that may result in physical dangers and mental health challenges. It is noteworthy that the legislation denies the poor girls and women access to medically safe procedures as they cannot afford costly services from private centres.

Maternowska et al., (2014) further points out that the Act does not cover statutory rape as a ground for lawful abortion. Consequently, the law should be permissive to allow termination of pregnancy by a girl below 16 years because the girl is incapable of consenting as stated by Section 3(a) of Criminal Amendment Act (Chapter 58). In addition, contraceptives are not readily available for girls below 18 years and the risk of getting pregnant is very high. Hence, there is need to avail legal abortion to girls who fall pregnant to curb the practice of child marriage. The situation is critical in that supplying contraceptives to girls below 18 years is an offense, since it is unlawful to conduce to the seduction and immoral acts of promiscuity of a minor. The Children’s Protection and Adoption Act (Chapter 33) provides that “anyone

who causes or conduces to the seduction, abduction or prostitution of a child, or young person shall be found guilty of offense” (Children’s Protection and Adoption Act (2000:6). In this case, section 2 defines a child as a person below 16 years and young person as someone who attained 16 years but below 18 years.

Mawodza (2018) notes that if a woman takes all precaution to prevent pregnancy, becomes pregnant whilst on contraceptive, this should be regarded as unwanted pregnancy due to the failure of a particular method. Thus, 100 percent effective contraceptive is not available and contraceptive failure may be due to ignorance and misuse of the method. Consequently, for the girls below the age of eighteen years – this may lead to pregnancies. Hence, the TPA is too restrictive and it denies girls below the age of 18 years their right to terminate unwanted pregnancies. This forces them to do unsafe backyard abortions or to get into child marriage unions.

### **3.3.5 Marriage Act, Chapter 5.11(2001)**

Marriage under this Act is solemnised by a marriage officer. Section 8, subsection 1 states,

“A marriage may be solemnised by a marriage officer only. Any person, not being a marriage officer, who purports to solemnise a marriage shall be guilty of an offence and liable to a fine or imprisonment.”

Marriage Act, Chapter 5.11 stipulates that marriageable age for girls is 16 years and 18 years for boys. Section 22 affirms,

“No boy under the age of 18 years and no girl under the age of 16 years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable” (Marriage Act, 2001: 6)

However, the law permits marriage of a minor through the consent of a parent or guardian for a girl below 16 years and a boy below 18 years. Section 22 states,

“The marriage of a minor shall not be solemnised without the consent in writing of the persons who are, at the time of the proposed marriage, the legal guardians of such minor” Marriage Act, 2001: 6)

The Act further sanctions the marriage of a minor with the consent of a high court judge in the event of non-availability of guardian. It states,

“If the consent of any legal guardian cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, a judge of the High Court may grant consent to the marriage” Marriage Act, 2001: 7)

It is stipulated under the Marriage Act that any girl below 16 and boy below 18 may get a marriage contract (unless) granted by the Minister of Legal and Parliamentary Affairs. Consequently, Nyamadzawo (2015) postulates that the Marriage Act is discriminatory in nature as it sets age limit unfairly; that is 16 years for girls and 18 years for boys. This has led the practice of child marriage to persist and it is a direct violation of the constitutional provision that specifies equality of sexes in matters that affects them.

The Act allows discrimination on the ground of gender and it makes the Act permissive to the practice of child marriage. Mutyaba (2001) makes valid point that the Marriage Act permits child marriage as it allows discrimination of girls. This is explicitly noted in section 22 that states, “No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister” (Marriage, 2001:5). It fosters the inferiority of women and violation of girls’ rights. The key implication to the law is that there is need to amend the Act to bring it in line with international law and the Constitution that condemns sex with minors and age discrimination.

### **3.3.6 Children’s Act (2001)**

According to Bhaiseni (2016: 4), “this Act’s foci include providing care and protection to all children in Zimbabwe and establishment of children’s court and registration of institution for reception and custody of children.”

The Act is explicit in the protection of the child from any harm. Subsection (4) stipulates that,

“if any parent or guardian of a child or young person assaults, ill-treats, neglects, abandons or exposes him or allows, causes or procures him to be assaulted, ill-treated, neglected,....., he shall be guilty of an offence” (Children’s Act, 2002: 9).

Section 72 of the Children’s Act implores parents or guardians to “provide adequate food, clothes and medical care to children”, especially girls to ensure that they are not neglected or



abandoned as that may lead to prostitution (Mawodza, 2018). The Act further stipulates that a 2 year sentence or penalty will be mated to parents who neglects, ill-treat or fail to prevent harm to children. This is critical as the ZIMSTAT (2015) argues that poverty and educational deprivation are major contributors to the risk factors that causes child marriage. Accordingly, 60 to 40 percent of girls in rural and urban areas respectively drop out of school thereby risking the girls getting married. To this end, prosecuting parents who expose children to abuse is critical as stipulated by the Children's Act Section 2(c) that relates to the curbing of the practice of child marriage as parents are held accountable for the survival and welfare of their children.

Emphasis of the Act is on protection of children from corruption. Under section 8, anyone who,

“Allows a child or young person to reside in or to frequent a brothel shall be guilty of an offence....., any person who causes or conduces to the seduction, abduction or prostitution of a child..... shall be guilty of an offence” (Children's Act, 2002: 10).

However, the flaw of Children's Act (1972) is on its definition of a child as anyone below 16 years, minor as anyone below 18 years and young person as someone who attained 16 years but below 18 years of age. Nyamadzawo (2015) and Musiwa (2018) significantly underline the notion that different age categories under the same Act makes it prone to abuse in determining marriageable age. There is need for the Act to be assertive on setting the minimum age to be perhaps 18 years to avoid harm being perpetrated against children.

It is important to note that Children's Act is silent in condemning harmful social and cultural practices that fuel the practice of child marriage. The implication of this flaw is that it promotes harmful traditional practices such as betrothal of girls into marriage under the disguise of cultural practices. Bhaiseni (2016) asserts that the Act lacks emphasis on the provision of Child Protection Committees (CPS) that promote the establishment of social programmes for referral, identification, investigation and protection of children from abuse in the communities that children reside. The importance of CPS lies in,

“Identifying children in need of care and protection, providing assistance where possible, referring to appropriate service providers and mobilising resources. The absence of this important structure in the Children's Act is an indicator of failing to align with the requirements of international legal instruments” (Bhaiseni, 2016:3).

Mawodza (2018) points out that the Children's Act contradicts the requirement of the Constitution of Zimbabwe that states that anyone below the age of eighteen is a child. Consequently, the Act is found inadequate over the protection of children against the practice of child marriage. In addition, Section 22(1) is an accomplice in violation of the rights of children by allowing girls between 16 years but below 18 years to marry. This is a direct contrast to the African Charter, Maputo Protocol and the Constitution of Zimbabwe that stipulates that anyone below 18 years is a child and cannot consent into a marriage.

Mawodza (2018) further posits that the Children's Act is flawed in that it purports that girls mature earlier than boys and that they can enter into marriage at the age of 16 years while boys can consent into marriage at the age of 18 years. Hence, such a claim has no scientific evidence and it makes girls more vulnerable to child marriage.

Another gap that is noted in the Act is that it is silent on the education of children. According to Herald (2018), introduction of school fees at primary school by government caused a number of children to drop out of school. At the same time, the Act does not cover the enforcement of children's education that should have been a prerogative of the Act to emphasise on the rights of children to education. Consequently, lack of access to education has been largely blamed for child marriage.

According to Mawodza (2018), Children's Act does not have a provision that domesticates the best interest of the child. The best interest of the child entails that a child has the prerogative to exercise her rights. However, the prevalence of traditional practices such as *kuzvarira* or *chiramu* in Zimbabwe perpetuate violation of the best interest of the child favouring the interest of parents and guardians at the expense of the interest of the child. Therefore, the Act is found defective in promoting the best interest of the child. The Act does not have a clause that is specific in highlighting the best interest of the child as specific in the UNCRC. Consequently, the ZIMSTAT (2018) argues that the Children's Act is weak and should be amended to include the establishment of the principle of the best interest of the child so that it can be a pillar and spring board to protect the girl child from being manipulated by parents as a source of livelihoods to get bride price. Cumulatively, the flaw of the Act is that it protects children below 16 years and those between 16 and 18 years are left vulnerable as they are regarded as adults. Bhaiseni (2016) argues that the children's Act leaves girls between 16

and below 18 years at risk of abuse that may lead them being vulnerable to sexual exploitation including child marriage.

### **3.3.7 Domestic Violence Act (DVA), 2006**

The Act specifies the types of domestic violence actions that constitute domestic violence. Among the cited crimes include: “physical abuse; sexual abuse; emotional, verbal and psychological abuse; intimidation, and harassment. The DV Act further outlines the following actions as violence against individual rights: i) forcible entry into the complainant's residence where the parties do not share the same residence; ii) depriving the complainant of or hindering the complainant from access to or a reasonable share of the use of the facilities associated with the complainant's place of residence; iii) the unreasonable disposal of household effects or other property in which the complainant has an interest; and iv) abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women—such as forced virginity testing; v) female genital mutilation; or pledging of women or girls for the purposes of appeasing spirits; vi) forced marriage; and vii) child marriage”(Domestic Violence Act, 2006: 4).

Under this Act, victims of domestic violence are entitled to apply for protection order against the perpetrators. Such order prevents the perpetrators from further committing violent acts, prevent the abuser from entering the house of the victim, and mandate the abuser to pay emergency and relief, household expenses and even school fees for the children. The law posits that when a victim reports the matter to the police, the police officer will either arrest the perpetrator or advice the victim to apply for protection order. According to Article 6 of the DVA, the police officer, May “arrest any person whom he/she thinks has committed an act of domestic violence” (DVA, 2006). In addition, under the DV Act, the protection order is valid for 5 years and it is issued with a warrant of arrest. Similarly, in Article 14, if an abuser breaches any condition, the complainant will request for the arrest of the offender.

Article 5 of the DVA stipulates that every police station should have a Victims Friendly Unit, where cases of domestic violence and sexual abuse are reported. The Unit should be coordinated by an officer with expertise in domestic violence and family related matters. In addition, the officers are expected to give advice to victims pertaining where they can get shelter, medical treatment or legal recourse (Canada: immigration and Refuge Board of Canada, 2015).

Despite the existence of the law, there are a number of challenges that mar the implementation of the DVA. According to the Herald (2012), implementation of DVA has been found wanting because the police officers attending these cases are cited to have undesirable attitude toward the victims. The police officers are accused of soliciting for bribes from perpetrators to sweep the case under the carpet. Resultantly, the police officers are blamed for accusing the victim of being a problem for repeatedly reporting, and a victim having to report her case to the front desk officers before being referred to the Victims Friendly Unit. Thus, police officers are regarded as stumbling blocks to the implementation of the DVA as they sometimes do not take the reported cases seriously by regarding it as a private matter (Financial Gazette, 2012; Chuma & Chazovachii, 2012). In the same vein, IFRC report (2017) indicates that police officers lack the will to implement laws related to violence against women. Police officers show attitude by turning away victims, treating the matter as domestic issue, and in some instances, they play a mediatory role that worsens the situation. Hence, this discourages women to make a follow up on their reported cases.

Canada: Immigration and Refuge Board of Canada (2015) points out that the DVA is undermined by socio-cultural factors that prohibit victims from reporting. Women victims are reprimanded by their families if they report cases of abuse to police (Chuma & Chazovachii, 2012). Similarly, the DVA among religious families is treated with caution. According to Chireshe (2015), such cases are swept under the carpet as religious people believe that married women are more respectable than divorced or single. Married women are deterred from reporting police abuse. For instance, there is a belief that God have the power to change the acts of the abuser. Instead of reporting the matter to the police, the victim must pray about it as it is a test of faith. If a woman is to report the matter to the police, the marriage might end up in divorce and divorce is seen as a failure on the part of a woman.

Chireshe (2015) further points out that domestic violence is embedded in the family system that impedes women from reporting incidences of domestic violence. The fear of stigma when the report of violence is brought in the public arena, makes the victim unwilling to expose her circumstances in the public arena. Thus, it makes victims to remain silent in order to protect family secrets because family interest takes precedence over individual interest (IAGCI, 2018). Domestic violence is kept a secret to preserve marriage and to protect one's social status. Consequently, silence nurtures violence as the abuser sees the dividends that

enable him to control the victim. This happens because the perpetrator receives positive results at no cost. Hence, there is need to promote community awareness of the existence and benefits that come about due to breaking of silence when a perpetrator is brought to justice.

Another challenge militating against the implementation of the DVA is lack of awareness and the provisions of the act among the people. This makes the law inaccessible to the majority of the victims. According to Tom & Musingafi (2013), there is knowledge gap about the existence of this Act. In a study of domestic violence in Glen Norah (Harare), respondents indicated that despite higher prevalence of cases of domestic violence in their area, awareness of such an Act is lacking. Against this backdrop, it can be noted that lack of knowledge in communities makes it impossible for victims to report abuse cases. Hence, it is imperative for authorities to spearhead the awareness campaigns so that victims of domestic violence can receive assistance to mitigate the problems of abuse that affect girls and women in marriages.

According to Zimbabwe Demographic and Health Survey (2015), there is low reporting and service uptake on gender based violence in Zimbabwe. Statistics indicate that more than one in three married women aged between 15-49 years have experienced spousal violence. Spousal violence is very common in Zimbabwe. In addition, Freedom House (2018) posits that social stigma and societal perceptions about reporting spousal violence inhibits victims to report. Reasons for not reporting are diverse and they include: women's fear of losing economic support and lack of information that gender based violence is a crime. Consequently, it is important to take a proactive role in the advocacy especially in the rural areas where information is scarce. The ministry of justice should make it a policy to cascade information into communities about the existence of laws so that people are aware of where they can seek justice. Given the statistics that one in every three married women experienced domestic violence, it is imperative for the government to raise awareness on the ills and the form of assistance victims of the crime can get.

Another challenge in the implementation of DVA is ingrained in the indifferent attitude and reluctance on the part of authorities. According to IAGCI (2018), discriminatory attitudes and practices of authorities affects women to seek help especially on the prosecution of marital rape cases. Such cases require the consent of the Attorney General. Consequently, such a cumbersome bureaucratic procedure discourages women from reporting. Cumulatively, entrenched institutional and societal attitudes disregard marital rape as violence against

women and they inhibit women from seeking justice. In addition, USSD report (2017) transcripts that despite the fact that domestic violence is punishable through administration of fines and imprisonment up to 10 years, the judiciary service treats this in most cases as private matter and prosecution of perpetrators is very rare. Such an attitude is what has been referred to by Walby (1990) that there are two distinct forms of abuse of girls in the private and public sphere. In private, such violence is exclusionary; in the public, it is segregationist and subordinating. Above all, “the state has a systematic bias towards patriarchal interests in its policies and actions.”

### **3.3. 8 Adolescents Sexual Reproductive Health Policy (ASRH) 2009**

The ASRH policy has the following aims: “a) it is meant to encourage the youths to practice safe sexual and reproductive health such as delaying sexual debut or protected sex, b) to increase availability, access and utilisation of friendly ASRH services to young people, c) to create a safe and supportive environment for addressing ASRH issues for young people, and to strengthen coordination and partnership for evidence based on ASRH programming. In addition, the strategy identified some interventions measures that include; behaviour change communication, life skills and livelihood; service delivery; policy and advocacy, and coordination” (ASRH, 2009:7)

According to the National ASRH Strategy (2009), behaviour change interventions is to be communicated effectively to young people, parents communities through participatory and evidence-based approach to control harmful sexual and reproductive health practices such as violence and child abuse. In addition, life skills education – entails providing and equipping young people with skills that encourage abstinence, faithfulness in sexual relations and contraceptive use. At the same time, service delivery- entails provision of facilities and special rooms at Youth Friendly Centres. Similarly, the concept of policy and advocacy is intended to spear head national advocacy plan, through mobilisation of parliamentarians in their constituents to provide ASRH needs assessments and youth-friendly corners. Conversely, according to John Hopkins School of Public Health (2015) the behaviour change, life skills and livelihood approaches to ASRH suffers from lack of funding especially for peer educators; limited monitoring and supervision. Lack of funding has negatively impacted the provision of information and services in the country, mostly in the rural areas where much of the girls are falling pregnant, resulting in child marriage.

The John Hopkins School of Public Health (2015) further notes that implementation of the program is marred by conflicting policies in service delivery. In this context, HIV testing and counselling policy requires adolescents below 16 years to have the blessings of parents to consent for testing. In addition, Ministry of Primary and Secondary Education (MOPSE) requires NGOs providing ASRH programmes in schools to go through teachers and yet teachers may not be experts in the field. At the same time, MOPSE prohibits the provision of contraceptives in schools. One may say that there is need to revisit policy directives and acknowledge that children are getting into sexual activity well before the age of 16 years. Hence, to reduce child pregnancies and exposure to HIV, it is imperative to provide comprehensive sexuality information and resources to adolescents that are engaging in sexual activities and those who are at risk of indulging into the activity.

Amnesty International (2018) points out that Zimbabwe's demographic health indicates that 40 per cent of girls are sexually active before their 18th birthday, and yet indications on the ground illustrates that girls are isolated from accessing sexual reproductive services. In a study by Amnesty International, girls who are not married demonstrated ignorance on protection against pregnancies and STIs. Consequently, this makes the girls vulnerable to child marriages as they are likely to fall pregnant. Furthermore, an Amnesty International (2018) report transcripts that taboos on sexuality information create barriers for adolescent girls to access services. Girls who fall pregnant become objects of ridicule in the communities and are forced into marriage. In some instances, their health is at risk as they delay to seek ante-natal services. Subsequently, parents, teachers and community leaders have strong reservation to allow adolescents to access sexual reproductive health services before marriage fearing that they will condone sexual activity which is against cultural and religious values in Africa.

The John Hopkins School of Public Health (2015) observes that Youth Friendly Centres are characterised by lack of resources such as pregnancy test kits, generators, gloves and materials for sterilisation, and even medicines for post abortion care. In addition, most centres have the challenge of infrastructure to provide private and confidential services. In essence, Youth Friendly Centres are supposed to provide space to treat adolescents in private – not walking through the clinic or queues to receive treatment. However, some of the centres violate that privacy and in most cases the centres operate during week days making it difficult for in-school youths to access such services. With regards to lack of privacy in accessing such

services, a number of adolescents are not willing to visit such centres as they fear to be questioned by their parents and community members. Normally, when adults in a community are ill-informed and adamant about sexuality, they will start to give a label that such and such a girl is promiscuous because she will be getting contraceptives.

Amnesty international (2018) advances that the complimentary roles that Comprehensive Sexuality Education (CSE) in schools is making towards achieving the goals of ASRH leaves a lot to be desired. The way the CSE is being delivered through the Guiding and Counselling lessons is found wanting, for example, curriculum takes the abstinence approach and the conceptualisation of adolescents' sexuality is still negative. Furthermore, the teaching of the concept in schools is marred by lack of teaching and learning material resources for the Guiding and Counselling subject. Teachers are left with no choice except to use their own discretion on what type of material is supposed to be dispensed to learners. In this regard, it is important to note that sexuality and life skills education should be taught by an expert in the field, not by teachers without knowledge and resources as this will do more harm than good. As a result, teachers are taking a conservative approach that sometimes leave the learners with little information and the concept are remaining a mystery thereby resulting in adolescents indulging in sexual activities blindly.

One other challenge of implementing the ASRH programmes is lack of funding due to reduced budget allocation for the health sector. The Ministry of Health in Zimbabwe has always been underfunded against the 2001 Abuja Declaration protocol that declares that countries budgets for health should be at least 15 per cent of the annual budget. In contrast to this protocol, Zimbabwe's budget, for example, in 2017, the budget allocation constituted 8.2 per cent of the annual budget (Amnesty international, 2018). Consequently, this has compromised the health delivery system. In an effort to offset the budget deficit, the government continues to charge user fees for maternal health services in public health institutions. This has impacted negatively on adolescents to access services. Despite the existence of the ASRH policy, UNFPA (2015) points out that maternal death accounts for 20 per cent among the 15-19 years due to unsafe abortions and the girls are also prone to obstetric fistula. Thus, the provision of such a programme remains compromised because the government is failing to provide the material resources that are required in programming.



Zimbabwe Demographic Household Survey (ZDHS) (2015) reports that 40 per cent of girls and 24 per cent of boys have sex below 18 years, consequently, 10 adolescent girls give birth every year simply because the uptake of contraceptives for unmarried adolescents is very low. Such a scenario has been exacerbated by contradictory laws that makes the provision of contraceptives or HIV testing services provision difficult because adolescents below the age of 16 years requires parental consent and the statutory rape law prohibits service providers to avail sexual reproduction information to children below 16 years. In addition, Save the Children (2012) points out that parental consent requirement prohibit the provision of adolescents' access to reproductive health services. Laws and policies require parental involvement in services provided to children below 16 years. Thus, parental consent restricts and deny adolescents the abilities to make choices of their sexual reproductive health. Despite the good intentions of the ASRH policy, the high level of HIV/AIDS rate of transmission, early sexual activity and unwanted pregnancies are indicators that adolescents should be exposed to contraceptives and STI preventative methods. Furthermore, the Criminal Act and Sexual Offences Act, make it a criminal offence to have sexual intercourse with anyone below 16 years. Consequently, health providers are unwilling to provide contraceptives to adolescents under the legal age of consent without parental consent, because it is a criminal offence to provide adolescents with contraceptives below the age of 16 years.

### **3.3.9 Education Act 25.4 Amendment 2020**

The Education Act has been amended several times and the recent amendment of the Act was done on 16 March 2020. The Act upholds the provision of the Constitution of Zimbabwe Section 75 states that every citizen of Zimbabwe has a right to education that is funded by the government and it implores the government to enact legislation that makes education a basic right for children.

The Education Amendment Act 25.4, in Section 4, subsection (1a) stipulates, "The State shall ensure the provision of sanitary ware and other menstrual health facilities to girls in all schools to promote menstrual health." At the same time in subsection section 2(b), no child shall be,

"discriminated against by the imposition of onerous terms and conditions in regard to his or her admission to, suspended, excluded or expelled from any school on the grounds of his or her nationality, ....., ethnic or sex, gender, marital status, age, pregnancy, disability"(Education Act 25, 4:4 ).

Furthermore, the Education Act, in section 5 stipulates that education should be compulsory to every primary school going child. In that vein every child is entitled to basic state funded education and it implores parents to send their children to school.

The Act succinctly says,

“Any parent who deprives a child the right to basic state funded education shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding two years” (Education Act 25, 5: 4).

Section 10 upholds the right of the child to be enrolled at a nearest primary or secondary school where the child resides unless the school is fully enrolled. The Head of the school is compelled to issue a certificate to facilitate the child who could not be enrolled at his school to get a place at another school. In addition, the Act, in section 64 upholds the health of children in schools. It points out that at every school should appoint a reproductive health focal person. In the same vein, section 68(c) stipulates that no child shall be excluded from school due to non-payment of school fees and in the case of girls, on the basis of pregnancy (Education Act 25, 4).

Despite the well stipulated provisions of the Education Act, there are a number of challenges that can be noted in this act. According to the Inter-ministerial Task-force On the Alignment of Legislation to the Constitution (IMT) Technical Committee (2017), the situation is critical in terms of Net Enrolment Rate (NER) in primary and secondary schools. In Zimbabwe, for instance, for the past 20 years since 2000, the NER has been vacillating. Between 1996 and 2006, NER at primary school fell from 82.6 percent to 68.2 percent respectively. This has been due to poor funding of the education sector due to economic meltdown. At the same time, since 2014, the budget allocation to primary and secondary education has been found inadequate, for example, in 2016, the Ministry of Primary and Secondary Education received a paltry \$810 million only and yet the situation is critical in terms of provision of basic education to learners. According the Zimbabwean (2019) about 20 400 pupils dropped out of school in 2018. This shows that the situation is critical as the government is failing to provide. There are diverse reasons for the dropout that includes financial constraints and pregnancy in case of girls.

Another challenge that militates against the provision of the right to education in Zimbabwe is to do with the disbursement of funds to Basic Education Assistance Module (BEAM) that is meant to provide funds for the vulnerable children in Zimbabwe. According to the (IMT) Technical Committee (2017), despite the allocation of US\$15 million from treasury, only US\$4.5 was received. Furthermore, the Financial Gazette (2017), points out that 339,000 children were at risk of dropping out of school due non-payment of the fees through the module. Against this backdrop it can be commented that government is failing to release funds to help the most vulnerable children to be kept in school. Consequently, those who suffer most are the girls as they end up married as children because they will be out of school.

Amnesty International (2018) observes that the inclusion of Comprehensive Sexuality Education (CSE) in schools, through the Guiding and Counselling lessons lives a lot to be desired. The curriculum takes the abstinence approach and the conceptualisation of adolescents' sexuality is still wanting. In addition, the teaching of the subject still remains a discretion of the teacher in terms of the content because there is no teaching and learning material resources for the Guiding and Counselling subject. Against this backdrop, there is a need to implement the school health policy to ensure that young people have access to comprehensive sexuality education that exposes them to conception, family planning, HIV and STIs awareness, as well as consciousness of their rights about discrimination and abuse. As a result of lukewarm approach in the provision of reproductive health information, a number of girls are dropping out of school due to pregnancies because they are ill informed and they lack access to contraceptive as it is against the Ministry of Primary and Secondary Education policy to provide contraception to learners at school.

According to CEDAW (2001), provision of education to girls is important because it eliminates discrimination against women by creating equal opportunities for both boys and girls. Similarly, educational support emancipate girls from servitude and they enjoy freedom in the private and public spheres of their lives. In addition, provision of education will enhance the right of women and girls to make choices in the field study and options in choosing careers of their choices. Given the prevailing scenario of girls dropping out of school, especially failure to progress to secondary schools, the challenge of child marriage will continue unabated, especially in the rural areas. The implication that can be drawn from non-provision of educational opportunities for girls is that the girls will be trapped in the vicious cycle of child marriage. This will happen, despite the existence of educational policy

that says that children should not be removed from school for non-payment of school fees. In most cases the victims are girls as they end up being married as they may lack alternative to mitigate the vicissitudes of life that come about due to lack of schooling opportunities.

### **3.4 Intervention strategies on implementation of Protocols and Laws**

There is a need to address the gaps and inconsistencies existing in the laws and it should be stipulated that the minimum age of marriage is 18 years. As such, punitive measures should be instituted for perpetrators of such crimes. For example, prosecution of all parties involved should be mated on violators. In South Africa, the High Court sentenced Mvunileni to 2 years in prison for forcibly marrying a 14 year old girl. This was necessitated by the Prevention and Combating of Trafficking in Persons Act of 2013. The law provides for the prosecution of anyone who concludes a forced marriage for the purpose of exploitation, financial gain, harbouring and abusing vulnerability.

The Centre for Human Rights (2018) points out that there should advocacy and awareness campaign programmes to address attitudes of people on the practice of child marriage. For example, in Uganda, international organisations such as BRAC has set up youth clubs for girls to socialise, write songs, get exposure to financial training and life skills drills. Such clubs provide a platform for discussion of issues affecting girls that include child marriage. Similarly, in DRC, the Parliament for Children, have been established giving children the opportunity to articulate issues that affects them. In Gambia, the Child Protection Alliance, spearheaded training for parents and communities on the dangers of child marriage. At the same time, the Gambian Committee on Traditional Practices Affecting Woman and Children is active in advocacy matters that deal with sexual reproductive health and children's rights. In a case study of Malawi, the Girls Empowerment Network of Malawi (GENET) has been relentlessly active in campaigning against harmful traditional practices and has managed to rescue several girls forced into marriage. In addition, UNFPA, worked with Malawi National Youth Council to lobby parliamentarians to enact a law that sets 18 years to be a minimum age of marriage in 2015. At the same time, UNFPA spearheaded programmes development programmes on non-formal education and mentorship for at risk girls.

In a similar case study of Malawi, UNICEF and UNFPA in 2016 supported programming and advocacy to improve girls' decision making and life skills and promotion of school retention. According to UNICEF (2013:31), in Sierra Leone, UNICEF and UNFPA in 2016 helped to

establish “154 new girls clubs on top of 257 clubs already in existence. The clubs supported 4,398 adolescents with life skills. While in Burkina Faso, more than 15,000 girls were supported with safe spaces and counselling services”. In Ghana, 85,990 girls in and out of school benefitted from life skills and empowerment programmes. While in Mozambique, 23,518 girls benefitted from a mentorship programme that strengthen their agency and capacity to make informed decisions on challenges that afflict their lives.

There is need to harmonise laws that are in conflict. In a case study of Zimbabwe, there is a contradiction between customary and civil laws. While civil laws condemn marriage below 18 years, the customary law condones the practice by not stipulating any age limit. In such instances, Nyamadzawo (2015) points out that the Zimbabwe laws set a different minimum age for marriages and it has led society to utilise traditional legal system that condones child marriage. For Zimbabwe, there is need to have an effective legal system that monitors the practice of child marriage and any abuse cases of children. According to Musiwa (2018), Section 26 of the Constitution is a way to hold the government accountable to the protection of children against abuse. The constitution takes the government to task to forbid the pledging of children into marriage through advocating for use of legal measures to stop the habit. It is important to note that child protection practitioners should hold perpetrators of child marriage accountable and facilitate their prosecution under constitutional provisions. This can be done through inquiry and investigation and making recommendations to appropriate authorities to take action. Mutyaba (2011) points out that legislations that permit child marriage should be amended or nullified to ensure that age of marriage should be 18 years for both sexes. Notably, nullification of the Marriage Act and Customary Law that permit the practice of child marriage would be a welcome move.

The Commonwealth (2013) points out that legislative reforms are a panacea towards curbing the practice of child marriage. For example, legislative reforms in Sri Lanka have been successful because the government passed a law that declared that all marriages must be registered and consent of both parties must be recorded. An amendment of the Penal Code 1995 was instituted that defined rape as having sexual intercourse with a girl less than 16 years with or without consent. Accordingly, from 2000, incidents of girls marrying below the age of 15 years dropped to 1.3 percent while marriage of girls between 15-19 years dropped to 19.7 percent. Resultantly, the health demographic survey shows that only “1 per cent of Sri Lankan women aged between 15-19 years gave birth that year” (Commonwealth, 2013: 6)

Chikanza & Chinomona (2018) note that laws should be amended to suite the prevailing circumstances and it should be responsive to time and need. In Zimbabwe, as an example, the TPA should be amended to allow abortion to take place in cases of girls who fell pregnant most of them are in a position to consent for sexual intercourse. In addition, the TPA should be amended to recognise the rights of women and girls to decide - when to have children or to marry and not to be coerced into marriages due circumstances of having fallen pregnant. Worse still, it is common knowledge that restrictive abortion does not prevent women from resorting to clandestine and dangerous methods that may result in injury and mortality.

Save the Children (2012) affirms that government and civil societies should develop and implement systems to prevent child marriage. The role of the government should include reviewing customary and civil laws. The laws should ensure that “18 years is the minimum age of marriage”. In order for the law to be effective, there is need for the government to provide birth and marriage registration programs. It is important to note that countries should enact and strictly uphold laws to ensure that marriage is entered with a free and full consent of intending partners. As an integrative programme, there should be provision of essential services, including prevention, reporting and responding to cases of child marriage in the communities. Counselling services should be made available and shelter for girls, who run away from such marriages, should be provided.

CEDAW (2012) points out that governments should put in place measures to prevent violence against women and girls. This can be done through ensuring that women and girls have access to justice. Hence, State parties should train judicial personnel on the strict application of laws dealing with violence against girls. Governments should provide assistance and protection of girls who are victims of sexual violence, provision of shelter especially in rural and remote areas for victims of abuse.

Svanemyr, et al., (2012) suggest that ending child marriage requires community engagement to question, challenge and change norms. Empowerment of girls requires total commitment by the families and creation of social environment to allow girls to complete their education. Svanemyr, et al., (2012) note that change of attitude, customs and practices is an important step towards curbing the practice of child marriage. There should be open discussion on marriage and campaigns should target harmful traditional practices that condone child

marriage. There is need to spearhead information dissemination in traditional rural communities where child marriage is much prevalent. The messages should highlight the benefits of postponing marriage (UNICEF, 2007; ICRW, 2012). To successfully address the prevalence of child marriage, solutions should be tailor made to suit the local context. Focus should be aimed at engaging the community and religious leaders in an effort to curb the norms that perpetuate the practice (Lemmon & El-Harake, 2014).

There is need to engage in advocacy work that centres on the importance of keeping girls in school and government should create conducive atmosphere for schooling through scholarship programmes, legal reforms and affirmative action. Advocacy should target laws that violate the rights of children, encourage the provision of effective system of registration of birth and marriages (Plan International, 2012; Save the Children, 2012; Girls not Brides, 2013). At school level, teachers should actively participate in advocacy work against the practice of child marriage- citing the harmful effect of the practice and the benefit of education. Teachers should also report suspected cases of child marriage to law enforcement agencies and help in the readmission of girls into the school system after falling pregnant (ICWR, 2012).

According to the Parliament of Zimbabwe (2016), the Ministry of Home Affairs, through the Registrar General's office, must be mandated to establish central registration of marriages. The target should include marriages that are officiated by churches and customary unions to ensure that they comply with Section 80 and 81 of the Constitution that stipulates 18 years is the minimum age of marriage. In order to enforce this provision, birth certificates should be issued to all children in the disadvantaged communities making it possible to investigate cases of child marriage (Nyamadzawo, 2015; Musiiwa, 2018).

In order to deal with the problem of child marriage, punitive punishment should be mated to both the perpetrator and accomplices such as parents who facilitate the marriage of children. According to the Parliament of Zimbabwe (2016), the judiciary should institute severe punishment to perpetrators of child sexual abuse and those who marry girls below the age of 18 years. Beneficiaries of child marriage transactions such as *lobola* should be punished as well. It is worth noting that there is need to establish One Stop Centre by various stakeholder institutions such as ZRP, Parliament, Justice legal system and Victims friendly courts to deal with cases of child marriage. The establishment of safe houses to victims of child marriage

should be considered as it provides an immediate support. Provision of these social services will help to stop the practice and it enables support to victims of child marriage.

One panacea to curtail the practice of child marriage is the provision of education as an empowerment and intellectual development tool. Innocent Digest (2001) notes that there is need to ensure that parents keep their daughters in school. The provision of basic education promotes personal, wider social and economic opportunities for postponement of marriage. It is imperative to note that in the cases where girls would have missed formal education, non-formal programmes should be put in place to help in bridging the gap on intellectual and personal growth offered by schooling. One notable case study is that of Kenya, in Sumburu district, in the 1990s, the programme on skills development reduced child marriage cases and helped girls to be assertive (World Bank, 2013).

McCleary-Sills & Benveniste (2015) highlight that effort should be put in the establishment of girls-friendly schools close to their communities to reduce distance travelled. Governments should facilitate the employment of female teachers who can act as role models and the adoption of a flexible curriculum that allows girls to meet their domestic responsibilities. There should be enforcement of stiffer penalties for male teachers who abuse school girls. A leaf should be taken from Yemen example, where investments have been put in training and hiring hundreds of female teachers to work in rural areas to act as models for girls (World Bank, 2013). Another significant case study is of Bangladeshi, NGOs are working with in-school and out of school girls on issues to do with child marriage, health and human rights. A programme run by the Centre for Mass Education in Science (CMES) offers girls a life oriented education to enable them to recapture the adolescence life left behind due to child marriage. After finishing the course, they engage in life skills programme to avoid child marriages. The results of such a programme are encouraging. In Bangladesh, “many more girls than boys attend primary and secondary schools, and female literacy has soared from 65 percent in 1999 to 83 percent in 2012” (World Bank, 2013:25)

Innocent Digest (2001) articulates that there is a need to provide shelter for girls who run away from stressful marriages. In a study of Ethiopia and Kenya, the girls who fail to get assistance end up in poor urban communities and being exposed to betrothals. There is a need to provide emergency support as exemplified in Zimbabwe where NGOs such as Musasa



Project provides counselling support, temporary shelter and legal support to victims of abuse (Plan International, 2012, Musasa Project, 2014).

Bulla (2014) points out that it is imperative to establish child protection committees to curb the violation of children's rights at community level. These committees should include both men and women who should act as watchdogs. In Mberengwa District in Zimbabwe, Save the Children is training community members at ward level on issues of child rights. The organisation educate community members, traditional leaders and school authorities on child rights issues through an active Information Education and Communities (IEC) materials such as flyers, posters, pamphlets and brochures. Information dissemination is targeting harmful traditional practices that violate children's rights. Another example is that of Senegal where community based awareness campaigns are supported by the non-profit organization, Tostan. The organisation enlisted the support of religious leaders to take part in awareness campaigns against practice of female genital cutting (FGM) as well as child and forced marriage. Tostan's approach has led to a change in social norms, "encouraging 5,423 villages in Senegal to move away from FGM and child and forced marriage" (Klugman, et al., 2014:90). It is important to acknowledge that the establishment of child protection committees will help in reaching out to communities where child marriage cases are rampant. Advocacy should target community members to under the problems associate with the practice of child marriage.

Save the Children (2012) notes that government and civil society should develop and strengthen child protection system that works as watch dog to stop the practice of child marriage. The role of the government should include reviewing customary and civil laws that condone the practice of child marriage. As such a government should ensure that 18 years is the minimum age of marriage. In order for the law to be effective, there is need for the government to promote birth and marriage registration exercises. Government should ensure the provision of essential services such as prevention, recovery and reintegration centres of victims of child marriage. In addition, counselling services should be made available and shelter for girls who run away from such marriages should be provided. One notable example is the programme implemented in Amhara region in Ethiopia, a region where 1 in every 5 girls is married below age 15 and 44 percent are married by the age 17 years. In 2004, the government collaborated with Population Council in a project called Berhane Hewan (Light of Eve). The ground-breaking programme in Amhara promoted an engagement with

community and gatekeepers. Families were provided with cash on condition that their daughters remain in school for the duration of the programme that runs for two years. During the programme cycle, female mentors trained in life skills and reproductive health socialised the girls. Those who were out of school were trained on livelihood skills. In this milestone programme, the results were encouraging as girls between the ages 10-14 were enrolled in schools and therefore kept away from temptations of child marriage and 90 per cent success rate was recorded (Erulkar & Muthengi, 2009).

### **3.5 Summary**

It can be noted that the causes of child marriage on a global and local context are diverse. The chapter looked at the international and local legal systems that speak on child marriage. The focus in the chapter was on global laws such as the CEDAW that obliges state parties to uphold the rights of women. Such an undertaking entails that there should be consent between the spouses when entering into marriage. While the UNCRC in Article 2 obliges States Parties to act appropriately to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities and expressed opinions. At the same time, much emphasis of global protocols such as the UNCRC and ACRWC have been shown to implore governments to enact laws that curtail harmful traditional practices such as genital mutilation and pledging of girls. In addition, the protocols implore governments to empower girls and women through skills development and empowerment. At the local Zimbabwean context, the Constitution of Zimbabwe being the supreme law of the country, Section 26(b) prohibits the pledging of children into marriage. The constitution states, “the State must take appropriate measures to ensure that: no marriage is entered into without the free and full consent of the intending spouses; children are not pledged in marriage”. In addition, observation was made on local legal laws such as the TPA which limits girls to access better sexual reproductive health options in case of an unwanted pregnancy. Abortion under the TPA is criminalised and in most cases, it results in girls opting to go to the backyard to do unsafe abortions which causes death among the girls. Notable statistics is that maternal death due to unsafe abortions accounts for 20 per cent among the 15-19 year olds. A review was done to identify the consequences that come about because of gaps in the legal system as well as interventions that can be put in place to deal with the scourge of child marriage. Emphasis was put on measures that address the gaps and inconsistencies existing in the laws that violate provisions of international laws that stipulate the minimum age of marriage to be 18 years. In addition, there is need to institute punitive

measures to deter perpetrators of such crimes. Prosecution of all parties involved in child marriage transactions should be meted on violators and must be accompanied with stiff penalties.

## **CHAPTER 4: CHILD MARRIAGE: A SOCIO-CULTURAL NORM DIALOGUE**

### **4.1 Introduction**

This chapter is a review of the theoretical framework underpinning the analysis of the discussion. Analysis of the theoretical framework is warranted as it builds on the previous chapters (2 & 3) that looked at the causal factors leading to the practice of child marriage and its consequences. The chapter will fulfil the primary purpose to ‘explain the meaning, nature and challenges associated with the phenomenon, often experienced but unexplained in the world we live, so that we may use that knowledge and understanding to act in a more informed and effective way’ (Ravitch & Riggan, 2017: 2). In this research, the perspective of socio-cultural norms mirrors much on child marriage practice and the phenomenon is largely influenced by social norms prevalent in the communities. WHO (2009) observes that social norms offers a set of standards that organise and guide behaviours and social actions in terms of acceptability or unacceptability in a society. Social norms survive in a community because individuals accept and conform to the norms or attitudes, expecting that others will do the same. The social norms theory provides the basis for understanding that social norms are enforced because of external and internal pressures. Individuals are discouraged from violating norms because of fear of disapproval, punishment, guilt and shame exerted on those who go against the internalised social norms of the community. The concept of social norms is central to understanding and explaining why and how child marriage practices are acceptable and persist in many communities globally. Interestingly, the model is applicable to Zimbabwean context.

The chapters looks at the Social Actor theory by Talcott Parsons that unpacks how people uphold the social norms in the communities through the internalisation processes. Parsons (1951) emphasises on maintenance of the values of society through collective efforts. Such values have a bearing on the practice of child marriage. In addition, the chapters discusses the Social Norms theory by Perkins and Berkowitz. Under this theory, social norms can be a result of sanctions that can be positive or negative – failure or upholding social norms have its own consequences. In addition, the chapters discusses the Social Norms theory by Bichierri (2006) that acknowledges that there is human cognition in the maintenance and survival norms in the communities. At the same time the prevalence of norms such as child marriage occurs in close knit groups.

One section in the chapter offers a critique of the social norms theory in relation to the practice of child marriage. One of the argument that is put across in the chapter is that the practice of marrying off children is an internalised process whereby people are cultured to accept the practice as a normative. Tristram (2014) acknowledges that social norms are entrenched in the need for conformity. Similarly, the social norms theory has limitations in relation to the practice of child marriage because norms are regarded as permeable and multi-focal. As such nothing is cast in stone because there survival is determined by the observer and the observed. Subsequently, the practice of child marriage is rooted the social – cultural norms that determines how individuals behave and interact in the communities.

## **4.2 Conception of Social Norm**

The Social Norms theory was developed by Perkins and Berkowitz in 1986 to explain alcoholism in students. The theory was later modified by Bicchieri in 2006. It also draws some of its tenets from the Social System theory of Parson (1951). The social norms theory has subsequently been used to explain a range of societal problems including the prevalence of child marriages. Bicchieri, Jiang & Lindemans (2014) explain that the practice of child marriage is perpetuated through the collective individual behaviours resulting in people asserting that their actions and behaviours must be considered acceptable and therefore normalised. Bicchieri (2006) defines social norms as a collective practice sustained by normative expectations. In the same vein, a social norm is defined as what people in a group believe to be normal, archetypal and appropriate action (Paluck & Ball, 2010).

LaMorte (2016) explains that social norm theory aims to understand the environment and interpersonal influences acting on individuals and groups and thereby working towards how to address the social problems and phenomena that emanate from this. Peer influence in decision making and behaviour is important to consider. Thus, peers are sometimes affected by perceived norms instead of actual norms. The major tenets of social norms evolve on descriptive norms (doing what others do) and injunctive (doing what others think one should do) (Rimal & Real, 2005). In the same way, social norms are shared perceptions about what others think in a social group and maintained through sanctions imposed on deviants in that particular group (Mackie, et al., 2012).

Durlauf & Blume (2008) observe that social norms are rules or expectations of behaviour within a specific cultural or social group. The authors explain that norms offer social standards of appropriate and inappropriate behaviour, governing what is and is not acceptable and coordinating interactions within a social group. A “norm” such as child marriage practice is therefore determined by patterns of beliefs and assumptions where members of a particular community accept and value the practice of child marriage without reflecting its negative impacts on others within the group. Hence, communities simplify the practice, normalise it and continue with it. It is then transmitted and has an inter-generational pathway (Bicchieri & Mercier, 2014).

Social norms within a reference group prevail due to the sanctions against those that deviate from the practice. The survival of a particular norm is based on the approval or disapproval within the reference network. Any norm violation is likely to be sanctioned by a punishment whereas those who comply with the norm are rewarded (Elster, 2007; Bicchieri, 2015). Consequently, the need for conformity in a reference group entails that norms can be persuasive and salient to the extent of being permissive to practices that might be prohibited by law – a typical example being the betrothal of girls into marriage. Berkowitz (2003) hypothesised that social norms are sometimes reinforced by attitudes, beliefs, and moral judgement in a social group. The survival of a norm such as the practice of child marriage does not necessarily need everyone’s consensus but rather the perception that others in the community believe it is right. Consequently, the internal and social pressures forces individuals to maintain the practice of child marriage.

Kaime (2009) notes that social norms accumulate over time in society and they transform individuals into organised groups and give these groups an almost indefinite community. In the same vein, Gaffney-Rhys (2011) asserts that social norms regulates behaviours and patterns of meanings; through which society communicates, perpetuates and develops knowledge and attitudes towards life. It is important to note that a social norm such as marriage of girls below the age of eighteen years is condoned as it is a practice that is passed on from one generation to another (Rimal & Real, 2005). In addition, social norms can induce compliance through socialisation, interaction and automaticity. This comes about because of human interactions. Norms can be followed because they can act as a social identifier and power holding. Those investing in maintaining the social status can enforce compliance (Rimal & Real, 2003). Accordingly, norms are held in place by their detectability,

interdependence, proximity and sanctions. These make the practice obligatory, appropriate and tolerated (Cislaghi & Shakya, 2018). In this regard, social norms persist due to external and internal pressures. Hence, individuals are deterred from violating norms fearing sanctions and punishment. Similarly, the practice of child marriage is enforced by social norms in a community where it is practised.

### **4.3 Theorising Social Action and Social Norms**

The section will begin with the examination of Parson's Social Action Theory, followed by a discussion of Perkins and Berkowitz's Social Norm Theory and its recent elaboration by Bicchieri.

#### **4.3.1 Social Actor Theory: Talcott Parsons 1951**

In Parson's theorisations, the social system is hypothesised to play an important role in facilitating practices such as child marriage (Parson, 1951; Turner, 1991; Stanford Centre for Study of Language and Information (2016). For Parsons (1951:17), "a social system consists of individual actors interacting with each other in a situation that has a physical aspect". Actors are motivated to optimise gratification and relationship. A situation is determined by a system of culture and shared symbols. Consequently, the social system determines the role society plays in controlling behaviours of the people within its system; through inculcating values and norms that make the people accept the practice that influence behaviour and attitudes within the system. In the process, an individual is socialised to play a role in relation to the status one holds in society. The socialised individual responds to the cues that come within the social system to fulfil that role. Hence, any violation of such a norm would mean that the person who has not observed this norm is a deviant and therefore attracts social sanctions for failing to adhere to the cultural practice.

The socialised actor is a metaphor that Parsons characterises as a way people uphold the social norms in the society through the internalisation of behaviours and attitudes due to social norms of mediation. More importantly, Parson's theory of socialised actor, envisions norms as exogenous. The theory is concerned with how the value system is created and how it changes over time. The theory is based on the premise that people voluntarily adhere to shared value system because it interjects to form the personality of individuals in a society (Stanford Centre for Study of Language and Information (2016). It is significant to note that

norms play an important role in shaping individual choices by determining the needs and preferences and this is achieved through a value system. As a result of the shared value system and the need to fulfil the societal expectations, this has seen several girls marrying below the age of eighteen years in many countries (UNICEF, 2010; Girls Not Brides, 2015).

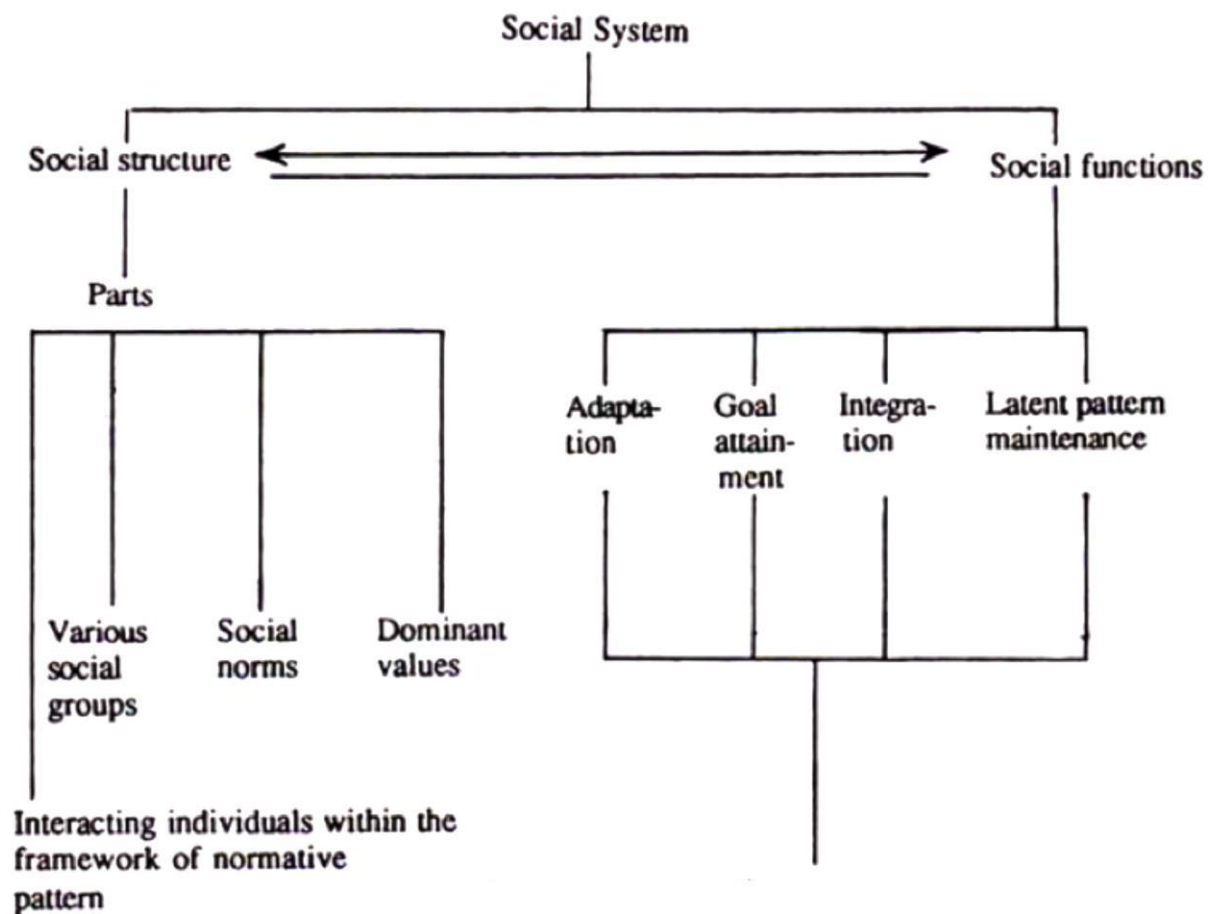
Parsons acknowledges the process that inculcates social norms in society as acculturation – a process whereby “symbolic mediated pattern values or standards of appropriateness that permits the construction of action guide, normative and conventional rules through which significant cultural objections are generated and used” (Parson, 1931:12). It is important to note that through the process of acculturation, individuals internalise the societal norms that regulates the attitudes and behaviour of an individual to become a socialised participant in the value system. It is therefore important to note that Parson’s notion of the socialised actor indicates that an individual is viewed as a recipient of a cultural practice. As a result of the interactions with others in the community, values are internalised, thereby causing an individual to dance to the tune dictated by the social system (Chirkov, Ryan & Sheldon, 2011).

For Parsons, society as a social system is influenced by action frame of reference that inculcates the social norm of the community. The complex reference of society is delineated by basic categories that influence the process of social interaction. In his submission, Parsons maintains that society is an open system that is actively involved with an interchange in the environment influenced by boundaries and maintenance (Parson, 1951). The system of action is impugned by four functional influences namely; the pattern maintenance, goal attainment, adaptation and integration. It is against this background that one may comment that society influences how individuals react and act in accordance with the expectations within the reference network. Consequently, through process of maintenance, attainment and integration influence individuals to conform to the social order.

Accordingly, Parsons (1951) identified four basic functional problems the social system deals with in order to exist as an independent entity in its social processes and internal functions to inculcate norms in the society. These roles and functions can be summarised diagrammatically as shown below:



**Figure 4.1: Social system**



Source: adopted from Parsons. T (1976: 20)

The first basic function is the pattern maintenance (L). This involves the maintenance of stability through internalisation of culture. Such maintenance is centred on normative patterns of a particular society's value that influences individuals' motivation to maintain the status quo. This comes about as a result of socialisation of an individual to internalise the values and culture of that particular society. The second function is goal attainment (G) and this involves the commitment of individuals to the values of the society as well as contributing to the basic functioning of the system (Parson, 1951).

The other category of function in the social system is adaptation (A). This implies that society has to find means to maintain its goals through management of the scarce resources. When goods are many, one goal must be sacrificed so that the resources are used to maintain another goal (Ogburn & Nimkoff, 2011). This suggests that the system loses the benefit of a sacrificed goal through the function of goal attainment. This means that goal maintenance and adaptation is more important in bringing more rewards to the betterment of a society (Loaiza

& Wongm, 2012). Consequently, the practice of child marriage is influenced by the social system through goal maintenance and adaptation. A case in point is when a family is languishing in poverty with limited options; it sacrifices a girl to marry below the age of eighteen years to generate resources for the entire family's survival. The bride price that is received becomes a form of livelihood.

For Parsons, the function of integration (I) in the social system is based on a hierarchy of controls, that is, the mutual adjustment of subsystems in the society for effective functioning of the whole system. This happens through the maintenance of normative expectations in allocating rights and obligations (Parson, 1951; Calhoun & Van Antwerpen, 2007). Turner, 1991). In the context of this study, the betrothal of girls in marriage is an obligation to society towards the formation of families and it is done to maintain the family honour by stopping girls from engaging in premarital sex that may result in dishonour to the family.

According to Geary (2009) the social action theory acknowledges human agency in decision making. Individuals have an agency to choose what they prefer, but these choices must conform to the social expectations within that social grouping or setting. Norms are internalised through the process of socialisation. When norms are internalised, people tend to conform to the behaviour deemed appropriate and people develop feelings of shame if they deviate from the norm. Decisions are therefore, circumscribed by situations and normative expectations of society (Isaac, 2005). These normative expectations are expressed in cultural values that orient individuals to maintain and adapt to the society's values and culture. Accordingly, the social system is dependent on information that filters through the social interactions that determines the way of life in that particular reference group due to internal controls (Parson, 1951). It is significant to note that due to the hierarchy of controls that society has on individuals, the practice of child marriage persists and becomes imbedded in the practice of that community. Although individuals have agency to choose, that agency is restricted by the need to achieve the ultimate social goal attained through social references. Individuals may feel the pressure or be pressured to conform to the value attached, for example, to the practice of marrying a girl below the age of eighteen years.

According to Darlington (2001), the theory of socialised actor affirms that society has a reality of its own, over and above individuals who comprise it. Members of society are

restricted by social expectations expressed through a way of thinking and feeling. Consequently, social expectations are external to the individual and are endowed with power of coercion to influence human behaviour. Parsons' view of social system is that social actors may choose to act according to their self-interest but over and above that self-interest; individuals are bound by the common value system seeking for approval and avoiding any form of disapproval from the society (Chowdhury, 2014). As a result of the values attached to a particular norm such as the practice of child marriage, order and stability are socially derived phenomena, brought about by common value system that is embodied in norms such that when conformed to, the orderly function and reproduction of society is guaranteed.

Parsons (1953) acknowledges the concept of society as a system of concrete and interacting human individuals who are bearers striving to maintain the value system. The society survives by maintenance of a common value system through collective effort, formulation and interpretation that in turn is used to deal with external situations. Calhoun (2007) further notes that prevalence of patterns of values and commitment of elements within the system coincides with external boundaries such as the jurisdictions and political order that are sometimes found wanting in dealing with such practices such as child marriage.

Chowdhury (2014) points out that the social system framework upholds stable interactions and role expectations influenced by moral significance. Conformity to the social system is a responsibility matter for individuals to fulfil their obligations and to maintain a common value system. At the same time, the attainment of common values motivates individual actors to support the value patterns that influence conformity with relevant expectations. At the same time, conformity is done to avoid negative sanctions for non-compliant behaviour. For Parsons, societal values are transmitted through symbolism and collectivises that are manifest in subunits. These purely expressive types constitute the acting out of the need - dispositions of collectivises and feelings of solidarity of its members. Community members are found regulating and manifesting common moral sentiments and need- dispositions of members of collectivism (Chowdhury, 2014). In the same vein that the celebration of a virgin marriage and the value of family honour fuel the practice of child marriage in Zimbabwe.

Parsons (1951) illustrates that in a social system, normative patterns are social values that are normatively regulated complex behaviours of patterns such as roles used to maintain the common normative culture in the form of collectivism. Performances of roles in the form of

collectivism demonstrate that the membership of individuals are asserted by accomplishing obligations for the maintenance of the system (Ogburn & Nimkoff, 2011). Maintenance lies in the category of institutional values, at the cultural level through the process that upholds the belief system such as religion and ideology. Stability in the social system is achieved by goal attainment whereby individuals are expected to uphold the values of the society. At the same time, solidarity is a common denominator for collectivism to enforce social norms. The internal threats come from a member who breaks the solidarity; deviants to the norm are labelled traitors and saboteurs of collectivism and any defiance is met with sanctions (Parsons, 1951). Hence, compliance can come result from punishment and rewards - coercion can be induced through fear of social punishment such as gossip, disapproval and isolation. Compliers may receive rewards that include praise and recognition (WHO, 2011). In this regard, the practice of child marriage is reinforced and secured on the social norm that upholds the view that girls need to be married below the age of eighteen years to protect them from engaging in premarital sex that can undermine the family honour if they are defiled before marriage.

Chung & Ramal (2010) suggest that Parson's socialised actor theory identifies values that dictate people's interactions in a social encounter. In Socialised Actor theory, common value system influences individuals to restrain personal interest for the common collective goal - values control behaviour through a consensus and social sanctions. To further support this view, Peter & Spiekermann (2005) point out that all actions take place in a frame of reference that connects the end, means, conditions and norms. Hence, individual actions, despite their subjective meaning, are not random. Individuals internalise values in the process of social actions. Consequently, the practice of child marriage is influenced by a common value system in a society where marriage below the age of eighteen is celebrated with esteem. In addition, Parsons identifies the role of shame and honour which abides human interactions - shared values implying moral obligation; adherence is not a matter of individual choice (Parsons, 1966). People in a social group abide by the values, even if it is against their immediate self-interest.

#### **4.3.1. Limitations of the theory of Socialised Actor.**

A number of questions regarding the Socialised Actor theory remain unaddressed. Stanford Centre for Study of Language and Information (2016:9) points out that the theory assumes

that “norms affect actions by becoming part of an individual’s preferences and goals”. It is therefore, “on-going social relationships such as group membership have marginal effects”. Conversely, most behaviour is closely embedded in a network of personal relations (Granovetter, 1985). Turner (1992) further points out that sometimes, personal identity takes precedence over group identity. If a group is solving a common task, but if each member is rewarded according to contribution made, personal abilities will be highlighted and each individual would regard themselves as unique and different from the rest. Consequently, when differences between individuals and groups are escalated, selfish motivation will crop up. This is why despite the widespread value that may be attached in a community about the marriage of girls below 18 years, some families may choose to keep their children in school to postpone marriage below the age of 18 years.

Calhoun (2007) argues that social norms do not need to be internalised to effect action has adopted a broader perspective. In some cases, conformity is conditional and people can stop following the norm in case of disagreements about group’s identity characteristics. The desire by some people to acquire and maintain a social identity does not necessarily mean that they are committed to any given norm, but the identity a norm can support. A person, for example, who affiliates to a religious sect that supports polygamy and the marrying of young girls below the age of eighteen years means that the person cares about the status that comes as a result of that and will act in conformity to the group’s expectations because he wants the group to validate his identity. A change in the group membership will bring a change in the norm. Hence, norms are potentially unstable (Stanford Centre for Study of Language and Information (2016)

Calhoun (2007) avers that in relation to change and conflict, an individual is over socialised in the system. The individual is viewed as essentially social, depending on the training received. The individual is too conforming that conflict with the group is totally eliminated. Conversely, the view is over simplified and there is over emphasis of stability in social life. People in a group sometimes develop divergent perspectives about a phenomenon, conflict is inevitable, and that can destroy the cohesion to uphold a particular Stanford Centre for Study of Language and Information (2016). In the case of child marriage, people in a community might have a different ideas on the issue and this has seen some individuals discrediting the

practice through upholding the rights of their daughters by sending them to school and influencing them to pursue careers way beyond the age of 18 years – desirable delay of marriage.

As mentioned by Peter, et al., (2005), Parson's theory of social actors leans too far to the objectivist side and neglects the role of individuals in making their own choices. The theory places little attention to the role played by individuals who are accountable to their actions as they may be aware of how rules constrain their own actions. Consequently, Parsons' Theory fails to take into account the role that individual agency plays in the production and reproduction of social structures. Similarly, the practice of child marriage is not followed blindly in the communities because there are certain individuals who uphold the rights of their children, thereby protecting them from marrying off below the age of eighteen. One notable example is the programme implemented in Amhara region in Ethiopia, "a region where 1 in every 5 girls is married below age 15 and 44 percent married by the age 17. In 2004, the government collaborated with Population Council in a project called Berhane Hewan (Light of Eve)" (Muthengi, 2009:7). The ground breaking programme promoted engagement with community and gatekeepers. In this milestone programme, the results were encouraging as girls between the ages 10-14 years were enrolled in schools and therefore kept away from temptations of child marriage. Concerning this programme, 90 percent success rate was recorded (Erulkar & Muthengi, 2009).

In addition, Parsons Theory has not escaped criticism and has strongly been challenged because the Socialised Actor theory has a tendency of treating individuals as judgemental dopes who passively assimilate norms and act accordingly (Peter, et al., 2005). Hence, the theory fails to take in to consideration the independent choices that individuals make in relation to societal issues. One notable example is that individuals may decide to uphold the practice of child marriage or condemn the practice depending on individual preferences. Furthermore, Parsons has been criticised for over dependence on functionalism that social system is based on the principles of consensus – that is all institutions largely reflect values and goals, accepted largely by all members of society. As such, it neglects the aspect of dissent and conflict that transient society. Apparently, community members have a choice to follow a practice or not depending with the value they attach on the rights of their daughters.

#### **4.3.2 Social Norms theory: Perkins and Berkowitz's (1986)**

Perkins & Berkowitz (1986) adopt social norms theory to examine patterns of alcohol consumption by University students. The study shows that individual students overestimate their peers' use of alcohol that tends to cause drunkenness and creates an attitude towards its use (Boot, 2012; McAllaney & McMahon, 2017). Accordingly, the theory focuses on the cause and effect of the social norms that inform decision and practices in a social setting. The practise of child marriage is a result of the norms that transient societies where it is practised as people tend to assimilate the practice and condone it directly or indirectly.

According to Berkowitz (2003: 12) the key assumptions of the Social norms theory are as follows:

- i) Actions are informed by misinformation by attitudes and beliefs.
- ii) Misinformation is consequential when it is well defined and apparent.
- iii) Individual members of society are receptive to misinformation and sometimes do little to change the misinformation.
- iv) Misinformation is self-sustaining as it undermines expression of opinions and promotes a problem behavior by normalising it.
- v) Individuals can pay a blind eye to a practice thereby promoting it its survival.
- vi) Norms persevere when many people believe and support it.

This suggests that social norms theory is based on the assumption that individual attitudes and behaviours are sometimes influenced by misconceptions relating to peer attitudes and behaviours (Berkowitz, 2004). In addition, a social norm is characterised by misperceptions-difference between actual attitudes and beliefs held by individuals relating to such attitudes and behaviours (Culleton, Hout & Fooley, 2015). The key principles that characterise the social norms theory are based on two types of norms, that is injunctive norm and descriptive norms. Injunctive norm entails perceptions related to attitudes of approval or disapproval of other's behaviours whilst descriptive norms are based on perceptions of involvement of others in behaviour (McAllaney, 2010). Hence, Mackie, et al., (2003) posit that American college students believed that their colleagues drank more frequently and in huge amounts than they do and they believe that their peers are tolerant to alcohol drinking than they do. Similarly, the practice of child marriage is influenced by societal sanctions and beliefs that promote its sustenance.

According to Perkins & Berkowitz (1986:7), when behaviour is believed to be characteristic of the minority, but reveals the characteristic of the majority, it becomes a false consensus.

“After coming to a false consensus, an individual might increase negative attitude because he believes in the normative attitudes of his peers”. It is therefore, an individual who believes that an activity is a perceived norm justifies the behaviour because of the misconception. Likewise, the practice of child marriage maybe informed by false consensus that prevails in a community and people might end up supporting the practice of child marriage directly or indirectly through their attitudes and beliefs.

Demetriou (2005) notes that indecision by institutional leadership and attitudes contributes to pluralistic ignorance and perpetuation of undesirable behaviours. Even though leaders might not participate in negative behaviours, their attitudes, views and discussions about a practice can contribute to perpetuation of behaviour (Berkowitz, 2003). More so, misconceptions are a result of pluralistic ignorance- widespread misconceptions about social attitudes and norms are provided by an individual’s private (inner) attitude and public behaviour (Prentice and miller, 1996). Hence, individuals believe that their peers think and act differently from them, when in actual fact they are similar (McAllaney, 2010). In the same vein, the practice of child marriage is influenced by such attitudes by members of a particular community. In a case study in Iran, for example, girl’s marriage is regarded as a fulfilling their social, emotional and sexual needs. Marriage is viewed as a means to assert their independence and an integral part of a transition to adulthood (Montazeri, et al., 2016).

According to Bowen & Bourgeois (2001), social norms can be reflective when individuals act as bystanders and refrain from confronting a problem behaviour of others. When an individual underestimates their peers’ discomfort with problem behaviour, they may refrain from expressing their discomfort towards it. Research on homophobia suggests that most college students underestimate the extent to which their peers are intolerant of homophobic remarks (Bowen & Bourgeois, 2001). Students are willing to confront such remarks when made aware that their peers are uncomfortable (Berkowitz, 2001). This view can be used to explain the marriage of children below the age of eighteen as some people in the community tolerate the practice despite the fact that they might be having a different opinion but because of their unwillingness to point out the ills associated with the practice, it will persist in the community. Such a practice has led to the exploitation and women in some societies where child marriage is practiced.



Berkowitz (2005) notes that misconceptions of other men's attitudes and behaviours with regards to sexual abuse may inhibit men who are bystanders from intervening and it functions to facilitate abusive behaviour in men. This may foster a normative culture that encourages women to expose themselves to being taken advantage of and for men to feel that it is normal to do so (Stein & Bernett, 2004). In addition, Reynolds, Subsic & Tindall (2014) note the norms that relate to the impact of others are either descriptive or injunctive. Descriptive norms describe what a community perceives as acceptable. It refers to what motivates people to do and motivation for adaptive action. "Injunctive norm refers to rules and beliefs of what is morally approved or disapproved conduct and enforced by social sanctions" (Reynolds, Subsic & Tindall, 2014:7). Thus, the practice of child marriage becomes a norm as some people in a community will tolerate it as acceptable practice that has been in existence for time memorial. Hence, norms are enforced through self-interest, as people feel embarrassed, anxious, guilt and shame when they are violated. Such interest results in group norm cooperation. Therefore, individuals are forced to act in line with the norm accordingly.

Marckie, et al., (2003) points out that sanctions maintain the survival of social norms. Sanctions take different forms, either positive or negative - admiration or contempt, praise or rebuke physical rewards or physical punishment. Therefore, those who fail to adhere to the norm, may be gossiped, can be ostracised from society, denied status in community or can be regarded as impure. Hence, in a community where child marriage is practised, people are constrained to act against the practice of the child marriage as they fear the negative sanctions that may come to any violator of such a practice. Similarly, those who partake or tolerate the practice are rewarded with praise and acceptability in the community as they are viewed as custodians of such a practice.

Narayan, et al., (2000) posit that social norms are influenced by the expressiveness of power in the community. Firstly, Power over – enforced by one or more people to significantly constrain the choices of other people through domination, law enforcement or non-arbitrary authority. Secondly, Power within- that has to do with individual agency, beliefs about self-efficacy and esteem. At the same time, there is another category known as Power to - that deals with individual capacity and resources to attain the means. Lastly, there is Power with-group agency to attain valuable ends that solidarity (Pritchatts & Kappoor, 2009). In this regard, expressive power in the community comes with sanctions within a reference group that can be enforced by visible power (hidden power and invisible power (subordinates often

seem to act against their own interest – acceptance of powerless). The practice of marrying off children below the age of eighteen can be enforced by these forms of power that discharges positive or negative sanctions to violators of a social practice. Growing What we Can (2014), underlines that culture has a bearing on the causes of child marriage. UNICEF (2007) reported that families in refugee camps in Burundi protect their honour by marrying off daughters as children. In the same vein, religion has been at the centre of this practice of betrothing young girls in marriage. Similarly, among the Islamic conservatives, they follow the mantra of Prophet Muhammad who married a girl aged 9 years as a wife. A practice such as child marriage can be embedded in the traditions of cultures or religions that people within that community will stand guided by what happened before them.

Berkowitz (2002) points out that the social norms theory can be used to explain circumstances whereby individuals refrain from confronting problem behaviour of others because they incorrectly believe that such a displayed behaviour is acceptable in a group. Consequently, individuals are forced to refrain from expressing their discomfort with a particular behaviour. Hence, pluralistic ignorance results in individuals acting inconsistently with their beliefs and values (McAllaney, 2010). Misperceptions of a norm undermines the expression of opinions and behaviours that are falsely thought to be non-conforming, resulting in negative cycle which upholds unhealthy behaviour at the expense of good behaviour (Berkowitz, 2002). Hence, the practice of child marriage persists in communities due to the custom that regards the practice as normal and individuals who might have a different opinion might not be in a position to express their views in a community.

McAllaney (2010) further note that pluralistic ignorance becomes strong due to fear of social disapproval that moderates behaviour of non-compliance. The need to fit into masculine ideal and acceptance by other men causes suppression of behaviours inconsistent with the ideal and triggers the assumption that other men, unlike oneself, condone the behaviours (Berkowitz, 2002). Similarly, the practice of child marriage persists in society as men partake and believe that the practice is acceptable in the cycles of men. Hence, such a misperception encourages men to suppress their discomfort with the other men who marry children under the age of eighteen and may result in some feeling the pressure to accept or participate whether or not they want to as a matter of hyper- masculinity and honour. In Yemen, there is a cultural belief that a virgin girl can be turned into obedient wife. As a consequence, it causes men to seek the hand in marriage of girls below the age of eighteen years.

Berkowitz (2002) suggests that pluralistic ignorance results in bystander behaviour in response to problem behaviour. When individuals want to respond negatively to behaviour, usually individuals will take public position that is in conflict with their opinion. Individuals may not criticise a practice because they may see that others are not doing anything and make assumptions that there is no problem (social influence); may fear doing something that causes embarrassment (audience inhibition); and may assume that if they don't act someone else will (diffusion of responsibility) (Stalder, 2006). Likewise, the practice of child marriage is liable to bystander behaviour as individuals in a community may take a public position thereby not doing anything to deal with the problem of girls being married off below the age of eighteen.

#### ***4.3.2.1 Limitation of the Social Norm theory - Perkins and Berkowitz (1986)***

The application of the social norms theory is saddled with some limitations. This is based on the assessment tools that inform the applicability of the theory. For example, the social norms studies have used a range of assessment on health behaviours but they have relied on self-report measures such as Drinking Norm Rating Forms (Bowen & Bourgeois, 2001) and daily Drinking Questionnaires (Dickie, et al., 2018). Hence, debate has been going on about the use of self-reporting assessment on behaviours such as misperceptions of substance abuse by university students (Perkins, 2012; Melson, et al., 2016). The grey area is on potential underreporting of negative health behaviours through the use of self-reporting measures. Consequently, there is lack of clarity over the specificity of social norms feedback on featured interventions and assessment of perceived norms, in terms of how feedback highlights the behaviour or attitude of the broader social group. The challenge is on references that describe the feedback and comparability between personal behaviour and actual reported norms (McAllaney, 2017).

In addition, many studies on social norms do not explain “whether personal norms were assessed pre – to post interventions or how misperceptions of social norms were targeted by interventions” (Palfai, et al., 2014:8). One study on the effects of health eating information in school children did not report assessing student's baseline eating behaviours or their perceived norms pre- or post- intervention. In view of that, such studies provide feedback that might be based on pre-existing differences rather than effects on normative feedback (Dempsey, McAllaney & Bewick, 2018).

Some studies on social norms do not “specify which normative feedback messages were included in interventions, identification of referent groups and whether feedback was tailored for key socio demographic characteristics”(Kypri, et al., 2004:12). Hence, an understanding of how interventions target the difference between individual’s perceptions of social norms and actual reported norms is warranted as that gives a comparison between individual’s own behaviours and attitudes, perceived norms and the actual reported norms of a referent group (Dempsey, et al., 2018). Furthermore, social norms interventions lack process evaluations, qualitative data on participants’ experiences of exposure to normative feedback and researcher led reflections on challenges associated with delivering social norms assessment informed feedback( Dempsey, et al., 2018).

#### **4.3.3 Social Norm theory: Bicchierri (2006)**

Bicchierri (2006) examines patterns of social interactions in communities as directly influenced by social norms. The term social norm used in this study conveys a distinct meaning of behaviours and attitudes displayed in the community in relation to the practice of child marriage. Bicchierri notes that social norms are constructed from the desires and beliefs of individuals in a reference group. It is through the process of interactions that individuals internalise the social norms that are within their communities.

Bicchierri (2006) suggests that the internalisation of norms is a cognitive process. Social norms develop in close-knit groups where on-going interactions are the rule. Smaller groups monitor their member’s behaviour and the member will learn at personal cost, to cooperate. The norm is held as a ‘default’ rule in any new encounter unless the cost of conformity becomes excessive. Once a norm emerges in a group, it tends to persist and guide member’s behaviour in a new situation and member is isolated from the original group (Sherif, 1936). Thus, the process of social norm maintenance entails crucial factors of compliance. Norm’s conformity is sustained by a number of factors to the effect that if there are sanctions for compliance, the individual does a cost benefit analysis and chooses to maximise expected utility. The choice is also determined by actions and beliefs of others.

The practice of child marriage is sustained through the checks and balances that are imposed in society through social sanctions to support and condemn any deviance to the practice in the communities. In Ethiopia, for example, traditional values dictate that once a girl loses her

virginity or has a child out of wedlock, regardless of age, she is regarded as a woman. This forces parents to marry off their daughters as a means of parental control (Nguyen & Wodon, 2012). In the same vein, in Ivory Coast, in a study carried out, one parent pointed out that forcing a young girl to marry is meant to protect her from immorality, strengthening clan relationships and is an honour to culture.

For Biccheirri & Mercier (2014), the process of internalisation of social norms and compliance is determined by social expectations that are categorised as empirical expectations – an individual may believe that many people conform to the norm while under normative expectations individuals believe that many people expect them to conform to the practice. Under normative expectations with sanctions - individuals believe that the relevant population expects to conform to a practice with a consequence of sanctions to a deviant behaviour (Bertin & Pantalone, 2016). Social norms compliance primarily involves compliance with a norm in relations to the expectations from individuals in the community in connection with the prevailing phenomenon as exemplified by compliance with the practice of child marriage.

Bertin & Pantalone (2016) suggest that social norms define economic, institutional and gender regimes power. This power is enshrined in the beliefs, attitudes and values in a social system. The implication of this view is that norms are prevalent in the institutions, family and communities through condoning practices such as child marriage. This can be manifested through underreporting of cases of child marriage in the family or community. At government level, the failure to provide essential social services and the arrest of perpetrators of child marriage lay bare how the practice of child marriage is condoned. In Zimbabwe, for example, the Customary Marriage Act sets no age limit to marriage, while according to the Marriage Act, girls at the age of 16 can marry, and anyone below the age of 16 years can only marry with the consent of Justice Minister (UNICEF, 2013; Hodzi, 2014). Such abstruseness by law allows the practice of child marriage to continue without much recourse to justice.

Mackie, et al., (2012) emphasise the importance of Bicchierrri's social norms theory. Social norms maintenance is seen as being influenced by; the social expectations – based on the belief one holds about what other people do and by one's belief about what others think one should do. A reference group also maintains social norms - group membership tends to hold expectations of one another through a reference network. Reference groups are composed of

people whose expectations matter to an individual. The interdependence of beliefs and actions within the reference network perpetuates a practice which is resistant to change. Child marriage as a traditional practice is self-sustaining as communities condone the practice based on the rewards that come along with the practice. In Zimbabwe, in the Waremba tribe, girls partake in the Komba initiation rite. Normally, when girls start the menstrual cycle, usually at the age of 12, they are initiated into the school, as they are considered mature and ready for marriage (Shoko, 2012). In addition, social norms are maintained by social influence. These influences include; sanctions or disapprovals, negative or positive reward system.

According to Bicchierri, Jiang & Lindemans (2004), a norm is behavioural in nature and is reinforced by one's belief that others are practising (empirical expectation). In addition, the norm is sustained when one sufficiently believes that many others in a population believe that it should be followed and any deviance is sanctioned (normative expectation). Bicchierri's notion of how norms are internalised is influenced by two factors that determine social behaviour namely; social proof and social interdependence. This suggests that individuals believe that compliance with a norm is a legitimate expectation from others who comply and a sanction system is present, meted by others in a community to punish non-compliance or reward compliance. Consequently, the normative expectations are hinged on an individual belief that others have a right to expect conformity and the individual has a duty to conform. Non-compliance is met with sanctions in a reference group. Hence, the practice of child marriage in a community has an interdict of behavioural rule in individuals who prefer to conform to it. Conditionally, "people believe that most people in their reference network conform to it (empirical expectation), and that most people in their relevant network believe they ought to conform to it (normative expectations)" (Mackie, et al., 2012:9).

Bicchierri & Mercer (2004) affirm that not everyone's preferences are conditional and sensitive to social expectations. Sensitivity to social expectations is a result of lack of agency or autonomy. Autonomy entails self-determination and freedom. Thus, compliance to the practice of child marriage is sometimes influenced by circumstances beyond the control of the victim because of lack of agency. Agency indicates the capacity of a person to make independent decisions and free choice on matters that affect her. A girl who is to be betrothed can make a decision to accept or decline the arrangement, thereby expressing her free will in the practice.

A Care generated Report (2017) explains that the social norms theory by Bicchierri is very distinct with emphasis on empirical expectations and normative expectations. People prefer to conform if both empirical and normative expectations are in place. Thus, they expect that most people conform to the norm and expect to follow it to avoid sanctions. Social expectations entail that behaviours and beliefs are interrelated. The reason why parents marry off their daughters below the age of 18 years is sometimes embedded in many factors such as institutional constraints (community, family, government), influence, gossip, and pressure. Calhoun (2007) further posits that norms are maintained by social influence – the anticipation of social approval or disapproval for one's actions (social sanctions). Deviant behaviour faces social backlash. This implies losing or conferring power in the community. Hence, social norm enforcement has a salient influence as it curtails any powers of individuals who might have a divergent view by instilling fear of sanctions to both the ordinary people in the community as well as those in the echelons of power - traditional leaders and politicians alike are emasculated.

Bicchierri & Mercer (2014) postulate that social norms are enforced by pluralistic ignorance that may prevail in a particular community. Pluralistic ignorance implies that there is no transparency in communication to condone or condemn behaviour. There is no possibility to tell each other on likes or dislikes of behaviour. The display of decent will put an individual at a disadvantage. There is a psychological inference of people's support. Hence, the social situation is the one in which the norms are adopted and endorsed. People will fear to be embarrassed and ostracised if they disagree with the norm. In some instances, people will assume that their behaviour is consistent with their attitudes and preferences, as widespread compliance endorses the norm which results in public compliance and allegiance (Durlauf & Blume, 2008). For Bicchierri (1986), norms are supported by normative expectations whereby individuals conform to a norm with the belief that others expect them to behave in a certain way and a contrary behaviour attracts negative sanctions. Consequently, a norm such as initiation ceremony for girls may be held in high esteem. If a girl does not undergo the process, this might attract stigma and the girl might find it difficult to find a husband and she will become a victim of negative perceptions. Worse still, the entire family might face rebuke for defying a shared norm and the family can be ostracised (Bicchierri, 2010).

According to WHO (2009: 22) cultural and social norms are “rules that govern behaviours within a specific group. Norms determine social standards of appropriate and inappropriate behaviour governing what is or is not acceptable”. Norms persist because individual’s preference to conform to a given expectation implies that others will conform. This is enforced by sanctions that disapproves, punishes or instil feelings of guilt and shame, resulting in the internalisation of the norm. Bicchierri & Mercer (2014) conclude that a social norm can be entrenched thereby eliciting conformity. Undergoing initiation ceremony maybe unpleasant for a girl, but if a girl holds the belief that she is expected to be initiated, while believing that a large number of people in community expect her to be initiated, she will feel the social pressure and the result is collective compliance. As such, a norm controls public behaviour and any deviance is likely to be punished because social norms have a powerful effect of scorn and embarrassment to those who fail to observe the prescribed norm in a community.

According to Elster (2007), social norm compliance has a heuristic influence whereby norm compliance is an automatic response to situations in view of a particular norm rather than a conscious decision to uphold a particular norm. Norms are contextualised and are influenced by experiences of the previous circumstances, thereby making them salient. For the reasons of empirical expectations, people may develop conditional preferences to obey the norm and this attracts collective behaviour for conformity. Bicchierri (2006) further highlights that normative expectations condition people to act in reciprocity. Individuals acknowledge other’s expectations and in turn, feel an obligation to fulfil them. Hence, the possibility of sanctions induces preference for conformity. The possibility of sanctions either positive or negative motivates individuals to follow a norm, either out of fear of punishment or the desire for a reward.

For Bicchierri, “social norms prescribe or proscribe behaviour; they entail obligations and are supported by normative expectations. Not only do we expect others to conform, but we are aware that we are expected to conform” (Bicchierri, 2006: 63). Norms are enforced by fear, benevolence and desire to fulfil other’s legitimate expectations. Fear sometimes implies that neglecting other people’s expectations and preferences induce punishment. The value attached to reciprocity prompts an individual to obey the dictates of norms to allow the smooth functioning of society even in the face of betrayal of one’s true feelings. Bertin & Pantalone (2016) further emphasise that a social norm is an equilibrium affirming that



individual's action is a reply to everyone's actions. It causes a self-fulfilling prophecy, whereby a person in a group formulates each other's actions. Equilibrium determines that beliefs are supported by experience and become ingrained in the practice of people, thereby strengthening the norm through reciprocity. Consequently, when a norm has become entrenched, people attribute value to it. Hence, external sanctions seldom play a role to induce conformity as individuals legitimise other people's expectations and become mandated to fulfil the obligation. Hence, in the face of child marriage, people tend to normalise the practice without questioning the resultant effect to the girl child.

Bertin & Pantalone (2016) summarised their views of social norms by concluding that internalisation of norms is a result of the process of socialisation, interactions with rituals of identity, conformation and reflective reworking experiences. Such a process is reinforced by peer comparisons that are relational identity consolidation and formal rules that influence and provide social meaning to the norm being practised. Similarly, a social norm such as the practice of child marriage is reinforced through the process of socialisation and internalisation of the norm in the community. Girls surrender their freedom to the norm as they reflect on what their peers are doing. Pressure for compliance to the societal social norms invokes individuals to display behaviours in line with the expectations of a group. Hence, imposition of sanctions induces the perception of the intensity of the norm and it resultantly affects behaviour.

According to Bertin & Pantalone (2016) the value attached to a norm depends on the symbolic meaning sanctioned by the norm, the importance of the norm and the consequences that bear on the decision to conform or deviate from the practice. Social norms have an influence on the legal norms for adherence or non-adherence. Compliance is determined when consistence between social and legal rules is noted but non-compliance is a result of mismatch between social norms in which individual identify and legal norms clash. Ryle (2015) claims that politicians sometimes play neutral role in making decisions on certain norms in community. They avoid making unpopular decisions about certain norms that might prevail in a community. Hence, politicians take a conservative behaviour following the status quo. In this regard, the blind eye syndrome paid by the political establishment, especially councillors and members of parliament in communities where child marriage practice is rampant, is an indication of the level of social norm influence to bureaucracy. Those in

authority ironically fear the risk of losing power as unpopular attack on a particular norm creates negative effect on consensus and voting.

For Mollen, Rimal & Lapinski (2010), an individual's behaviours and attitudes are shaped in part by behaviours and attitudes of others in a social setting. Similarly, Sheriff (1937) examined the power of social influence through an auto kinetic experiment, which reflected convergence of ideas among people. Sheriff concluded that social norms are social frames of reference as they are normative influenced. Individual perception is anchored around frames of reference provided by others. In the experiment, people were asked to estimate how much still dot of light seemed to move (Sheriff, 1937). Perceptions in the experiment reflected that the power of group norms shape perceptions and can be internalised by individual as accurate information. Such perceptions can persist even though others are no longer present. Social norms play a role in influencing individuals to conform to a practice such as child marriage as a way to uphold the norm that is part of their philosophy of life. Hence, norms provide rules to govern behaviours – people will follow rules if they perceive that the majority of population follow the guidelines.

Norms are motivated for pro- social actions (Bichierri & Chavez, 2010). According to the Human Rights Watch (2015:5), “child marriage practice is common in the Indigenous Apostolic Churches and charismatic Evangelical groupings that mix Christian beliefs with traditional cultures. These churches command an approximately 1.2 million followers in Zimbabwe”. A midwife who is a member of the Johanne Masowe Shonhiwa Apostolic church in 2015 pointed out that the major cause of the practice is the church doctrine that dictates that girls between 12 and 16 should marry in order to prevent sexual relations outside marriage.

Bertin & Pantalone (2016) note that social norms are informal in nature and lack codification. Compulsory enforcement of behaviours is inherent, but informal, and it is entrusted in the community dynamics that govern relationships. Social norms are a result of social processes that come as a result of internalisation of expected behaviour which is influenced by external imposition as well as personal commitment for adherence. Bichierri & Mercer (2014) affirm that social norms rely on reference networks to follow the norm. It matters what people in a reference network believe what ought to be observed to a certain behavioural pattern. For

example, marrying off a daughter below 18 years may define a good bride price and the upholding of family honour that comes through marriage of a virgin daughter.

#### ***4.3.3.1 Limitations of Bicchieri's Social Norm theory***

Bertin & Pantalone (2016) emphasises that not all practices of child marriage are a result of social norms but the practice can be sustained by self-regard such as rational response to circumstances. For example, parents might calculate that it is costly to keep a daughter at home. If a parent has such a mentality, it can breed a homogenous and collective purpose that results in each individual calculating the best options for a dire situation. Hence, the need for bride price as opposed to sending a daughter to school. Similarly, practices are sometimes driven entirely by structural or material causes than social norms. Parents may agree to marry off their daughter because the family wants one less mouth to feed and to reduce the burden of payment of school fees. To hinge the practice of child marriage entirely on social norms is quite misleading (Heise & Manji, 2016).

Conversely, Bicchieri & Mercer (2014) argue that not all collective practices are a consequence of social norms. For example, the need for dowry and changing girl's education shows that child marriage is sustained by self-regarding preferences- rational response. The practice of child marriage can be attributed to self-perpetuating interest of the parents that may be hinged on economic consideration at the expense of the daughter.

On the contrary, child marriage practice can be a custom whereby people practice it despite the reason for doing it being long forgotten. Parents may marry off their young daughters below the age of eighteen years because it is a tradition and nobody thinks about it (Chung & Rimal, 2016). In addition, child marriage can be sustained by moral preferences, based on personal beliefs. If parents believe that women should be chaste, it becomes a moral rule (Wadesango, Rembe & Chabaya, 2011). Consequently, such customs trigger marriages of daughters below the age of eighteen years contrary to the view that it is a practice that is informed by social norms in a particular society.

In spite of the influence that is credited to the social norms, Asch (1951) conducted an experiment that contradicted informational norms- (inactive norm). Asch carried out an experiment where individuals were asked to compare a line's length to three other lines- in which the group deliberately gave incorrect answers. Pressure to conform to group opinion

became evident as power of normative influence dominated - individuals chose to conform to the majority against one's better judgement (Asch, 1951). However, absence of group resulted in individuals resorting to their better judgment (Chung & Ramal, 2016). Hence, individuals in a society still maintain their rational views on a particular phenomenon such as the practice of child marriage. Such situations would warrant parents to choose not to marry their daughters below the age of eighteen despite the prevailing common practice in a community.

#### **4.4 Critique of Social Norms theory on the practice of Child Marriage**

A comprehensive analysis of socio-cultural norms gives a clearer picture of their influence on the practice of child marriage that commoditises and objectifies the girl child. This justifies the argument for the need to understand socio-cultural impetus towards the practice of child marriage. Indeed, social cultural norms are simply a mirror image of factors that are attributed to influence the practice of child marriage, and many of the factors draw a greater deal from socio-cultural influences. It is imperative to highlight that there has been general appreciation of the influence of socio-cultural influence on child marriage, both at global and local context, and yet, they are the *casus belli* on the practice in many communities. Research has tended to segment the causes without much focus on analysing how socio-cultural factors permeate through a number of factors attributed to the proliferation of child marriage. (Chowdhury, 2014).

Child marriage has a social face and it is determined by the social circumstances that prevail in that community. In a case study, in Bangladeshi, they have a proverb that says girls are brought up in their family but are handed over to other families and it is hard for a girl to make her maiden family her own (Bertin & Pantalone (2016). Hence, there is no reason to continue holding on to her, as she will eventually leave. Likewise, Chowdhury (2014) views child marriage as a social construct as marriage is regarded as a duty for a woman and marrying a girl is esteemed as a divine command. This provides an insight into why communities marry young girls. This is perhaps because of the belief that if girls do not marry as children, they are prone to immorality thereby violating their chastity.

Social norms prevail because of sanctions within a reference group. The survival of a particular norm is based on the approval or disapproval within the reference network. Any

violation of a norm is likely to be sanctioned or punished whereas those who comply are rewarded (Elster, 2007; Mackie, et al., 2014; Bicchieri, 2015). Accordingly, the betrothal of girls is permissible in that it is engrained in the traditions of a particular community. Those who go against the practice may be regarded as deviants; hence, they are cowed to submission. Consequently, young girls are compelled to comply with the practice, fearing ridicule or ostracism by their families and community at large.

Social norms breed gender disparities and dominant cultures that define masculinity and femininity. In addition, violence against child brides in marriage is hinged on the belief system that men should control their wives through asserting their masculinity by physical and sexual force as a sign of legitimate control (Jewkes, Flood & Lang, 2014). It is important to note that such masculine norms have led to violence perpetrated against girls before and in marriage. Any resistance is regarded as rebellious and victims of such violence are sometimes blamed for having instigated the punishment to be administered on them.

Social norms do not prevail in a vacuum, but they thrive in an environment triggered by forces such as religion and culture (Mackie, et al., 2014). Ryle (2015) advances that sexuality is a product of social norms that invariably are planted within a particular cultural context. The way a society structures sexuality issues bears much on the working of that society. The issues on sexuality are more than just internal, psychological or biological aspects of human beings as it is part of a structure of a society and is built into institutions, statuses and social roles (Beauvoir, 1949). As a result, the norms that promote child marriage are rooted in a patriarchal system that dictates and defines the sexuality of girls, hence, the permissibility of traditional cultures such as FGM practices that centres on the fertility of girls thereby creating a rite of passage to allow the marriage of girls below the age of 18 years.

Marcus and Harper (2014) maintain that members of society are acculturated to particular norms at a young age. They internalise certain ideas and behaviours to become a way of life. Such kind of socialisation contributes towards the maintenance of common practices through discouraging individuals from challenging the prevailing norms (Mackie, et al., 2014). The key implication on the socialisation of individuals to social norms that perpetuate the practice of child marriage entails that members in the community will not be able to question and they ascent to the practice as a way of life in the spirit of preserving culture (Marcus & Harper, 2014). Thus, because of the prevailing norm, people are coerced to maintain the practice in

fear of stigma, guilt and shame to challenge the practice of child marriage in their communities.

Social norms are centred on power dynamics. Social status and power are embedded within gendered lines. The premium often placed on female virginity prior marriage influences many people to opt for a virgin girl when they want to marry. Such a belief (and traditions) has led men to look for girls below the age of eighteen years for marriage, thereby fuelling the practice of child marriage (Marcus & Harper, 2014; Ryle, 2015). The influence of power and status plays a key role in condoning the practice of child marriage. The belief system on virgin marriage has led many to seek out the young girls as marriage material to satisfy the need for family honour and the social standing of a man who would have been able to marry a virgin.

Coontz (2005) points out that through exploitation in marriage, girls are used as currency, in some ways no different from the exchange of animals and clay pots. Girls are controlled in marriage, as they play a role of production and reproduction. Hence, marriage is a means to control the potential capabilities of girls. Subsequently, because of the cultural norms that commoditise women, girls are coerced into marriage through a variety of means. In some instance, when fathers gain status by giving away their daughters to young men in exchange for loyalty and gifts, girls are coerced into child marriage (UNICEF, 2011). It is important to note that the social norm approach provides an insight on reasons why the practice of child marriage is prevalent because girls are regarded as commodities and common property of the community. Girls below the age of eighteen years are exploited and betrothed into marriage according to the dictates of the community.

Ryle (2015) emphasise the importance of social norms because individual actors are understood only in light of the relationship with other actors. People are identically endowed with interchangeable nodes as they are linked with other people within the reference group. Durlauf & Blume (2008) further points out that individual characteristics are less important than the people one interacts with. Social norms on gender primarily involves and are considered a product of social relationships in which men and women are embedded - behaviours or attitudes are a result of positions in particular social networks. For that reason, the practice of child marriage is a result of an interchange between perceived social expectations and sanctions imposed on those who go against the practice.

For Parsons (1966), any action partaken by individuals is controlled and uncontrolled within the framework of normative orientation (norms, values, and ideas), goals, means and situational conditioning. The process of normative orientation entails a crucial subjection where an individual actor cannot be a pure active perpetrator, because there are intervening variables such as norms, purpose, conditions and rules taken in accordance to the determinations of that particular society. In this light, it is important to note that norms entangle individuals in a web and it is difficult to extricate oneself from the common practice because of the sanctions that are imposed, thereby causing a particular behaviour pattern to prevail. The practice of child marriage, therefore, becomes an offshoot of set standards.

Parsons (1966) in his social system framework examined the roles of actors. The process of orientation of values that controls individual choices and priorities in relation to different needs and goals was investigated. Parson's notion on how norms are internalised in a social system is reflected in an outside-in approach because interactions are embedded in the social order. Through the various principles such as affectivity, self-orientation and universalism, individuals are oriented towards collective purpose for society's good. This can be achieved through internalisation of cultural orientation by the process of socialisation. It is important to note that the practice of child marriage is perceived as achieving societal goals. In Yemen and Iran, for a girl to be unmarried, it is a shame. The belief is that if a girl is not married, she will indulge in illicit sexual escapades (Islam, 2001 & Svanemyr, 2010). Hence, to control the girls, they are supposed to marry thereby controlling their sexuality as dictated by the custom of purdah that limits the interaction of men and women (Islam, 2001).

Durlauf & Blume (2008) claims that norms have a special place in social life as they provide an action frame of reference. Turner argues that individual choices are limited by the need to serve the societal good. Hence, the idea of being gratified at the expense of societal values in a particular situation becomes a moral dilemma. Subsequently, roles and actions are prescribed in a social system where rewards and punishment serve the primary role of maintaining and modifying motivation. It is important to note that the practice of child marriage is enforced by the aspect of value consensus. In Ethiopia, child marriage is practised to maintain the family name and promote social standing. The success of a girl hinges on a good marriage and linking the family to another family through marriage (Alemu, 2011).

Accordingly, child marriage is apparent as a way to guard the girl from premarital sex and unwanted pregnancies.

Social norms have the power of coercion. Darlington (2001) claims that members of society are constrained by the social norms through their way of thinking and acting external to the individual and endowed by the power of coercion. Therefore, the belief and moral codes are passed on from one generation to the other and individuals who make up the society (Darlington, 2001). Parsons (1937:38) argues, ‘norms play a bigger role in making choices, thereby shaping individual needs and preferences. Norms influence behaviours through the process of socialisation that starts from infancy and they become part of one’s motives of action, conformity to a standing norm’. The highlight of this assertion shows that socialisation inculcates individuals with values to uphold certain cultures and conformity is regarded as appropriate and deviance is met with scorn. In West Africa, FGM forms part of a rite of passage ceremony, marking the transition of girls into adulthood and any girl who is not initiated into that rite is regarded as incomplete and susceptible to shame and ridicule (UNICEF, 2009).

According to Nagut (2015), social norms in communities determine to a larger extent perceptions on childhood. As an example, although the ACRWC defines a child as someone below the age of 18 years, on the contrary, many communities consider the onset of puberty as a signal to rite of passage into adulthood and it brings about social expectations on marriage ability. The ensuing implication to this view is that social norms are at the centre on causes of child marriage because they are held in place by reciprocal expectations among the people in a reference network. Norms are clusters of self-fulfilling expectations. These expectations reinforce the practice of child marriage and it is reinforced through conformity (Bichierri, 2006).

Cultural norms play a role in human societies regardless of level of development, religious or political organization (An- Na'min & Hammond, 2000). Culture entails “habits and values of society that endows human beings with additional extension anatomical apparatus, with protective armour of defences and safeguards and with mobility and speed” (Malinoski, 1931:08). Consequently, social norms are shared and unquestioned routines that are reproduced by individuals in a given generation, passed on to newcomers who are included in



the group as they are born or become assimilated into the group. It is worth noting that norms provide cumulative a bedrock to support patterns and behaviours in the community that result in the sustainability of the practices (Darlington, 2001). Child marriage as traditional practice is self-sustaining as communities condone the practice based on the rewards that come along with the practice. In Zimbabwe, for instance, in the Waremba tribe, girls partake in the Komba initiation rite. Normally, when girls start the menstrual cycle, usually at the age 12, they are initiated into the school, as they are considered mature and ready for marriage (UNICEF, 2015). A Ryle (2015) further point out that sexuality is entrenched in the cultural norms whereby the sexuality of women is controlled and dictated by men. The loss of virginity is regarded as theft from the father and sexual decisions are regarded as belonging to the male members of the community hence, the decision to marry the girl before she brings dishonour to the family.

According to Stanford Centre for Study of Language and Information (2016) social norms elicit conformity and there is correlation between people's beliefs and displayed behaviour. These normative beliefs define expectations from the actors that other people in a group will follow the approved behaviour and avoid prohibited ones. Norms have a significant influence on the increase of the vulnerability of young girls. Some traditional African cultures accommodate the practice whereby girls are exposed to sexual socialisation by elderly men through the custom of *chiramu* (sexual games). The game involves fondling of a girl's buttocks, breast and private parts without necessarily engaging in sexual intercourse (Bulla, 2014). In some instances, however, the adult males end up engaging in sexual intercourse with the girls leading to pregnancy (Bulla, 2014). Girls' vulnerability is manifested in gender discriminatory practices and social acceptance of such practices as well as under reporting of the phenomenon in communities.

According to Tristram (2014), in cultures where upholding family honour is prevalent, the cult of virginity practice persists. Girl's status, honour and the family status rest on the virgin marriage. Accordingly, Chowdhury (2014) affirms that in Bangladeshi rural areas, 7 years is a suitable age for marriage. Nine-year-olds are regarded as old and may become unmarriageable. It is important to note that such a belief in the honour system coerces some parents to marry off their daughters young before they are regarded unmarriageable. Girls are regarded as having prowess in sexual matters, more fertile than older girls (Nguyen & Wodon,

2012). Hence, men look for young girls to marry for procreation and to build families and for the parent who receives dowry, this is invariably a welcome move. In essence, marriage of a daughter who is young has more incentive than a woman who marries above eighteen years.

A generated Human Rights Watch report (2014) points out that child marriage is much prevalent in communities that believe in the rite of passage syndrome. In Tanzania, girls are considered ripe for marriage when they reach puberty. Guvamombe (2016:120) further affirms,

“Puberty is regarded as a transition period when children become adults. At puberty, secondary sexual characteristics are developing and young people start developing interest in the opposite sex and ability to reproduce’

In the same vein, Children Dignity Forum (2008), in a momentous study in Mwanza and Nira regions in Tanzania, suggests that puberty is a time when girls undergo FGM between age 9 and 12 years. Accordingly, this period is marked by special initiation training activity and a girl is therefore considered as an adult and is poised for adult responsibilities that include marriage. It is important to note that a cultural practice in most parts of the world where child marriage is pervasive, much emphasis is put on cultural determinations rather than chronological age for marriage considerations.

One other cultural impetus that triggers the practice of child marriage is the culture of sexual purity that is highly regarded in some communities. In Bangladeshi and Ethiopia, for a girl to be unmarried, is a shame. The belief is that if a girl is not married, she will indulge in illicit sexual escapades. Hence, to control the girls, they are supposed to marry to control their sexuality as dictated by the custom of *purdah* that limits the interaction of men and women (Islam, 2001 & Svanemyr, 2010). In a similar case study, in Ethiopia, child marriage is encouraged to maintain family name and promote social standing. The success of “a girl is based on a good marriage and linking the family to another family through marriage” (Alemu, 2011:9). Consequently, child marriage is perceived as a way to protect the girl from premarital sex and pregnancy that demean family honour. Similarly, in the Middle East and West Africa, control manifest in FGM practice meant to reduce sexual pleasure and temptation (UNICEF, 2005; Human Rights Watch, 2012). It is significant to note that in some communities, parents withdraw their daughters from school once they start to menstruate, fearing exposure of the girls to male teachers and students (UNICEF, 2005; Akpa, 2010; ICWR, 2010). Key implication to this belief on sexual purity in communities provides

the incentive for the practice of marriage below 18 years. Apparently, the belief is that such a marriage will protect the girl from unsanctioned sexual activity.

Green, et al., (2015) agree that cultural norms on masculinity, femininity and sexuality contribute to the practice of child marriage in societies. In many settings, men are socialised to take the role of breadwinner, to be dominant and to be decision makers. In contrast, women are expected to do household chores and look after children. The sexual constructions of men's masculinity results in the raping of women even in marriage as men are socialised to be tough (UNICEF, 2005). Therefore, sexual, physical and emotional violence is an intergenerational consequence. This results in low value attached to female, other than their sexual reproduction and domestic roles, and it accounts for male sexual entitlement to girls, young women and commoditisation.

Accordingly, Westley, Perkins & Allen (2005) observe that patriarchal norm defines power, economic and gender relations among reference groups that can lead to people resisting change and becoming cohesive. Green, et al., (2001) suggest that the culture of obedience characterises the manipulation of girls to ascend to the practice of child marriage. In communities where child marriage is rampant, young people have no freedom of expression and autonomy to question the decisions of the elders; especially fathers, mothers, uncles and aunts. This makes the girls more vulnerable and susceptible to child marriages. In south Asia, the concept of *Izzat* (honour) and *Sharam* (shame) suggest that the bodies and actions of women and girls represent community or individual honour (UNICEF, 2005). The implication drawn from this example is that the culture of submissiveness makes girls comply with parents' wishes for marriage as they lack the agency to assert their reservation on the practice.

Tyson (2006:24) further posits that patriarchal beliefs undermine the confidence that women have. Therefore, "in every domain where patriarchy reigns, a woman is the "other" as she is objectified, marginalised, defined only by her difference from male norms and values. She is also defined by what she (allegedly) lacks and that men purportedly have". In such a context, it can be noted that patriarchy undermines the potential that women have, thus leading them to play a second-class position in society. This leads to the expropriation of girls as they are powerless as manifested in societies where patriarchy reigns. Kambarami (2006:6) further postulates that in the Shona culture in Zimbabwe,

“Once a girl reaches puberty, all teachings are directed towards pleasing one’s future husband as well as being a gentle and obedient wife. Her sexuality is further defined for her, as she is taught how to use it for the benefit of the males”.

Hence, it can be noted that patriarchy depicts girls as objects meant to please the male counterpart that makes them vulnerable to male’s exploitation in society- consequently marrying below the age of eighteen.

Simone de Beauvoir (1949:15) points out that patriarchy has been blamed for putting men at a higher position in society as they are “considered essential subjects (independent selves with free will), while women are considered contingent beings (dependent beings controlled by circumstances). Men are expected to be able to act upon the world, change it, give it meaning, while women have meaning only in relation to men”. Thus, women are defined not just in terms of their difference from men, but in terms of their inadequacy in comparison to men. Green, et al., (2015) allege that the need for male guardians in families influences the practice of child marriage. Women are regarded as weak and vulnerable and, in some cases, a community’s belief that girls need to be married off to protect them from possible rape can be causal impetus. There are some communities in the world, where rape incidences are common, and one example is Yemen where there are high incidences of rape. In 2001, the Police Department annual report stated that an average of 10 reported incidences of rape of girls was reported every day (Jugantor, 2002). Consequently, Beauvoir (1949) further points out that patriarchy dictates to women that they are incomplete if they are not married and this puts insurmountable pressure on girls, thereby recruiting them into motherhood. In most societies, due to the dictates of patriarchy, women become content in investing their lives and meaning in men. This has made girls more vulnerable to child marriages as they see marriage as something essential in their lives.

Kambarami (2006:6) further advances that the practice of boy child preference intensifies the practice of child marriage.

“Men rule females by right of birth and even if the male child is not the first born in a family, he is automatically considered the head of the household anticipated to be protecting and looking after his sisters”

The female child is further discriminated against because eventually, she marries and joins another family whilst the male child ensures the survival of the family name through bringing additional members into the family. Kambarami (2006) expresses that in the Shona culture in

Zimbabwe, where the problem of girl child marriage is rampant, patriarchal practices shape and perpetuate gender inequality and strip women of any form of control over their sexuality due to the fact that patriarchal custom is dominant (ICWR, 2005). Hence, patriarchy leads to gender inequality and subordination of women to the extent that females do not have control over their sexuality. It is important to note that in a patriarchal society, the male child has more privileges than the female child. Some parents might even prefer to send the boy child to school, whereas the girl child is denied access as she is to be married off eventually (UNICEF, 2012).

Sultana (2010) further upholds that male violence is systematically condoned and legitimated by the states' refusal to intervene against it, except in exceptional instances. Due to such violence (rape and betrothal of girls) and the continued sense of insecurity, the girl child is bound to the home where she is economically exploited and socially suppressed. Against this backdrop, it can be noted that both family and state have been seen to be silent on the issue of girl child marriages hence the proliferation of this act. Paluck & Ball (2010) assert that social norms such as patriarchy normalises cultural practices that perpetuate the practice of child marriages that have significantly influenced the exploitation and abuse of girls. Wesley, Perkins & Allan (2005) further note that social norms can make children's rights violation acceptable and some of the social norms are anchored on gender discrimination that reinforces violence against girls, which will then result in under reporting of cases of child abuse, as many cases remain hidden due to fear of stigma. Growing What We Can (2014) shows that culture can be tolerant to girls' abuse. These cultures are of the belief that a young virgin bride can be shaped into dutiful wife hence this incentivises the practice of child marriage

Innocenti Digest (2001) expresses that child marriage is regarded as a strategy for economic survival in communities characterised by a culture of poverty. Where acute poverty is prevalent, a young girl is viewed as an economic burden and her marriage becomes a survival strategy. This is in West Africa, Asia and Sub Saharan Africa where a family may receive cattle as bride price. In a case study of Nigeria, since 1990, economic hardships have given rise to cases of child marriage as men are postponing marriages because of economic hardships. As a result of this development, some parents are anxious that their daughters might not be married. Any opportunity for their daughter to be married is received with open arms.

Lewis (1966:13) claims that ‘an individual who grows up in a culture of poverty has a strong feeling of fatalism, helplessness, dependence and inferiority. Other traits include a high incidence of weak ego structure, morality and confusion of sexual identification, all reflecting maternal deprivation; a strong present-time orientation with relatively little disposition to defer gratification and plan for the future, and a high tolerance for psychological pathology of all kinds’. Hence, it can be noted that society finds itself not valuing the future of its children. It tolerates the abuse of girls and girls tend to become victims as they succumb to such fatalist and helpless situations. As a result of these feelings of helplessness and dependence, girls simply resign to their circumstances as they would have developed poor perception of the world. Consequently, child-marriage is perceived as solution rather than a drawback. It becomes an opportunity to gain basic provisions that sometimes will be lacking from home.

In addition, child marriage is enforced by social norms due to a number of reasons such as the social expectations concerning the appropriate age of marriage- fear that girls who marry late might not find a husband; cultural and religious values on virginity – encourages adolescence marriage and son bias- that affect resources invested in girl’s education (Oxfam India, 2016). This suggests that the practice of child marriage is enforced by social norms that are based on gender factors that promote the control of girl’s sexuality and demands conformity to the practice of child marriage. Thus, people comply with norms because they fear negative reactions from others. If they do not comply, violators experience degrading comments, gossip or violence. Failure to conform to the norm is met with negative sanctions and those who comply are rewarded through praise and acceptance in the community where the practice of child marriage takes place.

Oxfam India (2016) notes that violence against women and girls is manifested in the social norms as it is perpetuated within the safety of homes, by people who are related to child brides socialised to endure the silence and rationalise it. As a result of this, the power of social expectations and the need for belonging are highly influential for conformity- the drive for approval motivates individuals to change their behaviour and attitudes (Walker, 2012; Turner, 2013). Similarly, social norms functions like law but are socially and informally enforced- valued group members sanction violators socially. Sanctions take place in different forms such as shaming, shunning or ostracism – they reach out to people’s public and private lives (Palluck & Ball, 2010). Therefore, violators of the norm are negatively sanctioned while

upholders of the norm are held in high esteem. Hence, this motivates community members to strive to tour the line as dictated by undesirable norms such as child marriage are practised in a community.

Furthermore, social norms have three elements as follows: a) social norms are based on interdependent actions on what is typical and appropriate. Some of the beliefs are based on assumptions (Bicchierri, 2002). Similarly, people might think that a belief is more typical (prevalent) than it actually is. Many in a group might privately reject it but overtly follow it assuming others think it is appropriate; b) Social norms exist within reference groups, therefore, influenced by a group of people important to an individual. Lastly, social norms are maintained by social sanctions- approval (positive sanctions) or disapproval (negative sanctions) (Wesley, Perkins & Allan, 2005). For these reasons, the practice of child marriage is hinged on the influence perpetrated by social norms that communicate ideas about social approval of the practice and value that is attached to virgin marriage and family honour if a girl marries below the age of eighteen.

Palluck & Ball (2010) explain that social norm communicates ideas about social approval. A perception about what is desirable in a given community can lead to the prevalence and acceptability of the practice of child marriage. Additionally, social norms can perpetuate violence against women within a reference group. Descriptive norm entails that tolerance of violence against women is typical of men to hit wives while injunctive norm will treat violence in home as private affair (Scott, Bell & Hidden, 2010). Thus, the practice of child marriage is perpetuated by the value that communities attach to the marriage of girls below the age of eighteen years that is regarded as a sign of honour to the involved parties and families. In addition, United Nation Population Fund (2012) suggests that married young girls are at risk of exposure to domestic violence at the hands of their husbands and in laws. In a case study carried out in India by ICRW (2001), girls who married below 18 years are twice likely to be exposed to intimate violence such as beating, emotional and sexual trauma.

Chung & Ramal (2016) maintain that social networks have a strong influence on behaviours as they entail group involvement. Group involvement influences both positive and negative behaviours- need for belonging and acceptance (Christensen, et al., 2004). Similarly, in Asch (1951) experiment, participants were pressured to yield incorrect answer, even, the correct answer was not clear just because of the need to fit with the rest of the group and avoid

ridicule. The influence on social sanctions, pressures people to conform (Ramal & Real, 2003). Against this backdrop, it can be commented that reference groups play an important role in influencing behaviours as they influence how individuals think and see things. Studies have shown that group membership has a strong motivation and it has a strong influence particularly when one identifies with the group. Hence, the practice of child marriage can become a common community practice.

#### **4.5 Limitations of the Social Norms Theory on the practice of Child Marriage**

Despite the framework's analysis of social norms as embedded in social network in relation to the problem of child marriage, this theoretical framework fails to capture the reason why an individual may decide to do what he does for his personal reasons despite the fact that it might be against the social norms of the society (Nyamu-Musembi, 2000; Herskovitz, 2004). Consequently, culture is not deterministic as members in a community have agency that empowers them to act against established cultural expectations. It is worth noting that culture is not something floating above people's heads and unconditionally conditioning their actions. In fact, people are active participants and agency of social change.

Stanford Centre for Study of Language and Information (2016:9) further notes that norms do not need to be internalised to effect action. "Conformity to norms is conditional and people can extricate themselves from the norm if there are doubts or disagreement about a group-identifying characteristic". Consequently, human beings conform to group identity from individual or welfare considerations, subject to future rewards or self-interest. It is important to note that cultures are eclectic, dynamic and subject to significant alteration over time as they are vulnerable to and respond to influence of social, economic and political change (Ibhawh, 2000). Heise & Manji (2016) went further to highlight that young girls have benefited from programmes that empower women to capacitated girl's agency through building their self-efficacy to resist social norms that undermines their self-esteem to accept child marriage at face value.

In Bangladesh, NGOs are working with in-school and out-of-school girls on issues to do with child marriage, health and human rights. A programme run by the Centre for Mass Education in Science (CMES) offers girls' life-oriented education to enable them to recapture the adolescence life left behind due to child marriages (World Bank 2013:17). After finishing



the course, they engage in life skills programme to avoid child marriages. The results of such a programme are encouraging. In Bangladesh, as “many or more girls than boys attend primary and secondary schools, female literacy has soared from 65 percent in 1999 to 83 percent in 2012”. One may comment that where the community sees benefit from an undertaking, they comply by supporting the deed. Hence, interventions that are meant to curb the practice in communities that value the practice need to have a positive feedback so that the people can rally behind the intervention.

According to Ibhawoh (2000), norms are permeable and flexible, and are neither neutral nor exist with one voice. It is multifocal and over- determined by both the observer and observed who are actively engrossed in it. It is important to note that there is no privileged position, no absolute perspective and no final recounting (Hitchcock, 1985). It is worth noting that in some cases, child marriage is a result of material causes as a poor parent may betroth her daughter because she wants one less mouth to feed.

Contrary to the influence of social norms, Rimal & Real (2005) concluded that often though powerful, norms do not always affect behaviour. People do not act on the basis of what others are doing in a situation but they may defy tide (Chung & Ramil, 2016). Consequently, social norms are not adhesive and therefore cannot be followed blindly as people are not pawns in a chess game. People have the right of refusal to follow them. Hence, this is why the practice of child marriage is condemned by other parents and some families uphold the value of sending their daughters to school and postpone the marriage of their daughters below the age of eighteen years.

The general ability of the social norms to influence behaviour is problematic. According to Bandura (1989), the social norms theory falls short in its applicability as it asserts that individuals are unable to or unwilling to think for themselves and are guided by what others think. For that reason, this ignores much research about human motivation and learning- that emphasises on the role of moderating personal incentives and self-efficacy. In the case of the practice of child marriage, not all parents are influenced by social norms to marry off their children below the age of eighteen years. This can be illustrated by the percentage of the prevalence of the practice in Zimbabwe. The ZimStat (2014) indicates that child marriages cases by province in Zimbabwe are as follows; Mashonaland Central 50 percent, Mashonaland West 42 percent, Masvingo 39 percent, and Mashonaland East 36 percent.

Hence, the above statistical figures show that not all parents practice the norm of marrying off children when they are young.

A closer examination of the theory of social norms however reveals a number of gaps and shortcomings. In their study of perceived norms and alcohol consumption at the University of Texas, Rimal & Real (2003) concluded that the relation between perceived prevalence of other's behaviour and individual behaviour reported in literature is potentially misleading. Individuals do not function in a cognitive vacuum, following blindly what others are doing. Rather, individuals make an assessment about the beliefs and non-beliefs. They make a comparison between what others are doing and their own behaviour. Subsequently, the study revealed that normative influence perceived on benefits to oneself strongly correlated with alcohol consumptions among university students. Hence, there is little motivation to be driven by other's behaviour if engaging in behaviour is beneficial to oneself. Similarly, the practice of child marriage is not blindly upheld in communities as people can make their rational choices either to support or condemn the practice.

In addition, self-efficacy plays a central role in people making decisions, contrary to the view that people are companions of winds of convenience adhering to social norms. Self-efficacy pivots on people's confidence on personal control when it is high, individuals are more likely to deal with challenges in a more appropriate way – exercising their rational judgement rather being a companion of winds of convenience (Rimal & Real, 2003). Accordingly, self-efficacy rescues individuals from normative influences, particularly to situations that are characterised by peer pressure. Self-efficacy empowers oneself against a group behaviour that one is reluctant to engage in – it breeds confidence to withstand group pressure (Chung and Ramal, 2016). Therefore, the practice of child marriage is sometimes a matter of choice among parents, either to allow their daughters to marry below the age of eighteen or to wait. Hence, this is why the percentages of child marriage in Zimbabwe are not 100 percent in the communities where it is practised. For example, statistics in Zimbabwe stand as follows: Midlands 31 percent, Manicaland 30 percent, Matabeleland North 27 percent, Harare 19 percent (The Zimbabwe Multiple Indicator Cluster Survey report, 2014).

#### **4.6 Summary**

It has been observed that child marriage is a result of cultural practices that characterise many communities where it is prevalent. Without appreciating the cultural and social norms that

underline the practice of child marriage, the effort to nip the practice in the bud will not suffice. Parsons in his social actor theory concluded that norms within a society influence and determine the behaviours of individuals through the process of socialisation. While at the same time, Perkins and Berkowitz (1986), and Bicchieri (2006), in the social norms theory argue that social norms are enforced through reference networks enlisting compliance in the society. Social norms are prevalent in the institutions, families and communities. These norms are manifested in the push and pull factors in the practice of child marriage. Consequently, social norms are inherent in the families, communities and institutions that fail to take appropriate actions to deal with the problem of child marriage. It has become apparent that there is need to pay attention to social norms in order to establish strategies to deal with the proliferation of child marriage in Zimbabwe, and beyond.

## **CHAPTER 5: RESEARCH METHOD**

### **5.1 Introduction**

This chapter focuses on the research design and research method adopted for this study. The aim of this chapter is to identify the design that is going to be used in light of the phenomenon that under review. At the same time, the chapter will outline the methods and techniques that best fit the research aims and objectives of the research outlined in chapter 1 in order to produce valid and reliable findings. The chapter is divided into sections that include the background of Rushinga District (Zimbabwe), research design, sampling methods, data collection methods, ethical clearance issues and field reflection.

The study is based on a case study research, which is an empirical inquiry of a phenomenon within its real life context. This is especially important when the "boundaries between phenomenon and context are not clearly evident" (Yin, 2009). Social interpretive research entails that knowledge is produced by exploring and understanding the social world of the people being studied, focusing on their meanings and interpretations. Therefore, there is need to take into consideration how the social world is construed and ascribed in the communities in relation to a phenomenon on the practice of child marriage. Given the nature of the phenomenon under study, qualitative approach is found suitable to provide the researcher with the opportunity to interact with participants in their natural setting. The information gathered is received through directly interfacing with the people, assessing how they behave and act in their natural context (Hurth, 2002; Marshall and Rossman, 2011; Creswell, 2013). The chapter will reveal how qualitative research provides a holistic account of the phenomenon under study. It is worth noting that the approach has been found useful to understand how the community views the practice and to establish the incentives that perpetuate the practice of child marriage. A case study's aim is to generate an in-depth analysis of the issue researched.

The chapter will outline in detail the data collection tools, data translation and the transcription. In depth, face-to-face interviews will be undertaken in this study. Semi-structured interviews often contain open-ended questions and discussions may diverge from the interview guide. Tellis (2003) asserts that semi- structured interviews allow the researcher and participants to be co-constructors of meaning to the social reality of the

phenomenon under study. For instance, interviews generate data on the lived experiences of the participants through verbalising and using a language they are comfortable to use.

The chapter will reveal how the researcher used purposive sampling method to select participants for the study. For Patton (2015), purposive sampling entails the development of a framework that involves selection of participants who are grounded in the matter to the studied. Patton (2015:264) proposed; “The logic and power of purposive sampling lies on the selection of information rich cases for in-depth study. The information rich cases are those from which one learns a great deal about issues of central importance to the purpose of inquiry. Studying information rich cases yield insights and in-depth understanding” Therefore, purposive sampling will be done in a selection of the participants from the 5 wards in the district. Various community members will be asked to voluntarily participate and to express their views about child marriage.

A section in the chapter will explain how data will be analysed manually, using constant comparative analysis, utilising a process called coding. Coding is a strategy by which researchers find themes and patterns in qualitative data. Typically, a researcher codes "meaning segments" in the data using words, sentences or phrases. The researcher will apply content analysis on data collected from in-depth interviews. In conclusion, the chapter will provide a summary of ethical considerations as the researcher is fully aware of the standard research ethics and will abide by the research protocols of Kwazulu Natal University through the thesis process. The researcher will observe the principle of voluntary participation where participants will not to be coerced into participating in the study. The researcher will observe informed consent requirements.

## **5.2 Background of Rushinga District**

Rushinga is a district in Mashonaland Central in Zimbabwe. According to Zimbabwe National Statistics Agency (ZIMSTAT) (2020), about 95 percent of the population is resident in the district. The population stands at 92400 (44995 males and 47405 females). It has a poverty prevalence of 81.9%. The district lies in the valley along the Zambezi escapement. Poverty prevalence gradually increases away from Rushinga Growth Point that is from the west to east. Eastern bordering wards predominantly situated along the border with Mozambique, have high poverty prevalence. This district is predominantly rural and most the people in the area rely on agriculture as a source of livelihood (ZIMSTAT, 2020).

Most of the people in the district are subsistent farmers and the harvest is poor due to low rainfall patterns. The district falls into agro - ecological region IV and the average rainfall per annum is between 450 mm and 650 mm. Given the scenario that the population is rural; their major method of crop cultivation is through using hoes because very few households have cattle as a form of draught power. In addition, animal husbandry especially cattle population is low because of tsetse flies making it uncondusive for cattle rearing. The low cattle ownership even dates back to the period before independence in 1980, when the Rhodesian government, in an effort to curtail the movement of the liberation war fighters, sprayed herbicides that were poisonous that destroyed trees and grass. Consequently, many households lost their heads of cattle. After independence in 1980, the situation did not improve as the region was caught at cross roads due to the war in Mozambique as the Renamo bandits crossed into Rushinga and killed some of the cattle. The community has not been able to restock.

In terms of income generation, food crops sales rank the highest form of livelihood despite the fact the crop production turnover is low in the district. The other form of livelihood in the district is gold panning that takes place along the Mazowe River. Gold trade plays a significant role as a source of livelihood for both men and women in the area. In addition, some people engage in fishing activities when they go to Mozambique.

The Parliamentary Research Department (2013) points out that the district has 40 Primary schools and only 17 Secondary schools. With the high population of children in the district, the secondary schools are far apart in terms of distance. As an example, children from Chiridze village in Ward 1, walk for about 10 km to Chapanduka Secondary school. This forces many children to dropout at grade 7 before proceeding to secondary because the distance is cumbersome and in particular, girls find the distance too risky to undertake.

The district has 11 health facilities that averagely service the whole population. As a result of high poverty levels which average 81.5 percent, there are 11 non-governmental organisations operating in the area, focusing on programmes such as agriculture recovery, water and sanitation; nutrition; education, and gender issues. The district is dominated by traditional leaders and spirit mediums who have a strong influence on the local people's beliefs. However, Christian faith is also practiced with several churches and sects found in the district.

### 5.3 Interpretivism and Qualitative Research Overview

Bryman (2011:6) asserts that the study of social science phenomenon such as child marriage is a product of societal influences. This can be examined using ontological interpretation and to some extent, epistemological philosophies with the view that the social world determines the behaviour, attitude, beliefs and values of social actors (Nueman, 2014).

As Ritchie (2013:4) observes,

“Ontology is concerned with the nature of reality and what is there is to know about the world. Key ontological questions concern whether or not there is a social reality that exists independently of human conceptions and interpretations.”

It is worth noting that to comprehend the practice of child marriage, ontological interpretation approach should take centre stage for one to understand the social world of members in the community (Nuemanmm, 2014)

Bryman (2011:32) interpretivism entails that “knowledge is produced by exploring and understanding the social world of the people being studied, focusing on their meanings and interpretations. At the same time, researchers construct meanings and interpretations based on the views of participants”. Thus, consideration should be taken to understand how the social world is construed and ascribed in the communities in relation to child marriage phenomenon.

Ontology is concerned with interpretation of forces that constrain and inhibit its members to make a contrary decision on a particular practice in a community. A culture is a repository such that it socialises people to function in a particular community, through internalisation of the values and beliefs (Bryman, 2011; Nueman, 2014). Hence, this study takes into consideration the constructivism notion of ontology that reflects on the agency of social actors in shaping and influencing culture. The focus in the study is to bring out the specific reality of the phenomenon of child marriage in the communities as a construed as well as an ascribed practice.

The ontological interpretation of the social world of the phenomenon under study creates an understanding of the practice of child marriage as embedded in the cultural framework and it gives the researcher the opportunity to explore the views of people about the reality of the situation concerning the practice of child marriage (Shape & Spencer, 2003; Nueman, 2014). The ontological perspective situates the researcher towards different methodological

approaches to understand the social reality of the proliferation of child marriage. This in turn creates the platform to understand the reality of the phenomenon, what constitutes the practice and how the practice has been sustained within social interactions (Hay, 2002).

Ontological approach acknowledges the existence of the social world under the lenses of the social actors. Hence, the researcher engaged with different perspectives with an open mind to understand the social world of the social actors under study by using positivist and neutral data collection tools that inform interpretive research. Engagement of various groups of people was done to establish the truthfulness, dependability and credibility of their worldviews in relation to the phenomenon. Conceptualisation and analysis of the views of participants using positivism and neutrality approaches helped to establish how the phenomenon under study is perceived and at the same time guides against the alteration of sense on how the practice of child marriage is perceived in the communities (Spencer, 2003).

In this study, epistemological interpretation has been considered important in order to understand the phenomenon under review. This philosophy is concerned with the creation of knowledge and how to reach out to that knowledge. It brings into the fold the reality of the social world and proposes how to reach out the truth (Brymann, 2011; Neuman, 2014). The application of both ontological and epistemological views is essential to produce knowledge and the understanding of the phenomenon. Therefore, there is need to appreciate both strands in order to gather dependable and credible empirical evidence (Neuman, 2014).

Neuman (2014) emphasised the importance of inclusion of epistemology philosophy in social science research to understand the phenomena under study. Newman argued that the understanding of the social world is understood through interacting with people in their natural setting. He summarised his views as follows,

“To produce social science knowledge, we must inductively observe, interpret and reflect on what other people are saying and doing in specific social contexts while simultaneously reflect on their own experiences and interpretation”(Newman, 2014: 95)

Given the nature of the phenomenon under study, qualitative approach was found suitable to provide the researcher with the opportunity to interact with participants in their natural setting. Under this approach, information gathered is received through directly interfacing with the people and assessing how they behave and act in their natural context (Hirth, 2002; Marshall & Rossman, 2011, Creswell, 2013). As Bryman (2011) observe, qualitative research provides



a holistic account of the phenomenon under study. The researcher has room to look at issues from multiple perspectives, identifying patterns and creating a bigger picture of the phenomenon under study. It is worth noting that the approach has been found useful to understand and examine the views of how the community and marginalised groups regarding views the practice of child marriage and to establish the motivation for its perpetuation.

The researcher was motivated to use qualitative approach as it gives room for inductive processes that allows the scholar to work back and forth, between themes and data base until comprehensive data is generated (Nueman, 2014). In the same vein, it creates room for engaging in deductive inquiry, whereby a researcher can refer back to data on themes in order to establish how comprehensive the information is and there is a window of opportunity to gather additional data if a researcher notices some deficiencies in that aspect (Braun & Clarke, 2006). It is significant to note that qualitative approach enables the researcher the chance to adopt content analysis in the processing of the data through examination of the ideas that inform the practice of child marriage.

Creswell (2013) asserts that the qualitative research perspective informs the study of a social and cultural phenomenon. The approach is sensitive to the context of research and takes a stance to understand the setting and circumstances of the participants. Consequently, this research was grounded in the events and actions of the people studied in their everyday lives. Bryman (2011) argues that for any research that has a bearing on the socio-cultural context, qualitative approach becomes more appropriate as it allows the researcher the chance to understand the context, actions and the perspective of the community in relation to the phenomena under review. Concerning this thesis, qualitative approach was suitable because the practice of child marriage is rooted in socio-cultural environment. The approach provided an opportunity to create a clearer picture of the phenomenon within its context and geographical location, giving meaning and understanding of the experiences of members in the community under study.

According to Nueman (2014) qualitative researcher has the prospect of facilitating observation, questioning, listening and immersing the research in the realm of the participants. It is important to note that the researcher is able to understand interactions between people and their perceptions about a phenomenon. There is space to comprehend the development of the practice being told and perceived from the perspective of the participants. Understanding

the practice of child marriage is a case in point. Consequently, qualitative approach was much preferable as this research is pinned on understanding the sociocultural factors on how they influence the practice of child marriage.

In this study, qualitative research had the advantage of allowing the researcher the chance to familiarise himself with the cultures of the community through attending meetings, documenting and observing interactions in their settings; the effort was meant to understand how culture influence people's experiences in the practice of child marriage (Creswell, 2013). It is important to note that qualitative research played a key role in the study of this phenomenon and the approach provided an insight into why socio-cultural factors influence and sustain the practice of child marriage.

For Neuman (2014), qualitative approach entails the review of the subjective perceptions of social world of the participants that is, the etic perspective (outside view). The social world review primarily involves exploration of the things from the perspective of the participants in order to get an insider's view of the phenomenon through understanding the feelings, experiences and perceptions of the people under study. In this regard, the researcher had the liberty to use semi -structured interviews in order to listen and observe the narrative of the participants about the social reality of the practice of child marriage. This had been made possible by multiple sources of data explored by the researcher.

Looking at the phenomenon under study, qualitative research generated a detailed description of the phenomenon. The advantage of qualitative research was that the study generated a detailed account of the participants' experiences, uncovering feelings and actions. A descriptive analogy provided a dense and detailed assessment of the practice of child marriage in the communities (Bryman, 2011). The paradigm also provides insight to readers of the thesis, with a clearer picture of the context and the processes of the research; and it maps a clear pathway of the study. It makes it possible for anyone to understand the processes involved and if given the opportunity to undertake the same study, the reader can be able to reach similar conclusions (Creswell, 2013).

#### **5.4 Research Design and Methods**

This section describes the research design and the methods used to undertake this study. A research design refers to the integral components of study in relation to collection and

analysis of data (University of California, 2008). In the same vein, Snape & Spencer (2005) define research design as a framework that denotes actions which informs research and implementation of research undertaking. The term research method is more prescriptive in referring to the behaviour and instruments used in selecting and designing research techniques (Bryman, 2011).

For this study, the researcher used qualitative design approach and instruments to explore the phenomenon of child marriage. The research design used is the case study and the instruments used to gather data were semi-structured interviews. The identified design and methods were meant to provide an in-depth understanding of the practice of child marriage drawn from the experiences, perceptions and circumstances of the research participants. This has been made possible because the framework on data collection allowed an interactive contact between the researcher and participants to explore the practice of child marriage through the eyes of the research participants (Snape & Spencer, 2005; Bryman, 2011).

#### **5.4.1 Case Study Approach**

The term case study defines an empirical inquiry that investigates a contemporary phenomenon, within its life context, especially when boundaries between the phenomenon and context are not clearly defined (Yin, 2003). While Stake (1995) defines a case study as an exploratory inquiry of a complex and particular nature of a phenomenon in a particular setting, Yin (2003) emphasises on the exploratory nature of the case study especially when the ‘how’ and ‘why’ questions are being asked about a phenomenon in its real life context. Drawing from the nature and characteristic of a case study, it has been found relevant to the context of this study as it underpins the rationale to understand the proliferation of child marriages in Rushinga District. Much effort goes into understanding how and why socio-cultural norms influence the practice of child marriage. The use of the why and how broad questions inform the main thrust of the thesis - the examination of how and why the phenomenon has survived in the district for a long time.

Moyo (2013) emphasises that case study methodology appreciates the review of contemporary real life situations, thereby promoting an in-depth inquiry of the lives of the people under study in order to construct meaning of the prevailing phenomenon of the practice of child marriage. For Yin (2003), the inquiry process entails an exploratory journey and the use of open-ended questions and probing that triggers participants to explain the

complex issues in their own words; making the inquiry rich in explaining the phenomenon. This is an advantage because instead of choosing from fixed responses that characterise quantitative research, open-ended questions evoke meaningful responses from participants and it provides an insight into why the practice of child marriage prevails albeit the external forces that might question the practice of child marriage.

Yin (2003) emphasises the importance of the use of case study in assessing phenomenon that has a cultural bearing such as the practice of child marriage. Yin (2003) argues that the social forces that are inherent in a particular community influence and determine the direction of a particular phenomenon. Yin (2003) summarised the views as follows:

“The logic of case study is to demonstrate causal argument about how general social forces shape and produce results in a particular setting. When we examine specific cases, the intricate details of social processes, and cause-effect relations become more visible.” (Walton (1992:122).

With reference to the above assertion by Walton (1992), it is important to take into consideration the role of case study in defining boundaries to establish causal-effect relationships that are inherent in a particular setup in order to understand a complex phenomenon such as the practice of child marriage.

Neuman (2014) notes then that the goal of social science research is to develop an understanding of the people in their natural environment thereby learning how the people experience their everyday lives. Concerning the inquiry into the lives of people in a particular setting, case study provided the room to carry out an in-depth analysis of the social setting and seeing things from the viewpoints of the people in Rushinga District with reference to the practice of child marriage. Thus, such exploration is achievable in a case study because the researcher directly observed the people in their natural environment (Zaidah, 2003; Nueman, 2014). It is worth noting that the case study approach gave the researcher the opportunity to understand the phenomenon through analysing, describing and interpreting how people create and maintain the social practice of child marriage in the community.

The case study allowed the researcher to understand the basic nature of beings in ongoing processes of interaction. By giving room for an interpretive approach in data collection, the research paradigm unveiled the motivation of the people who engage in the practice of child marriage within their natural environment. Neuman (2014) further points out that it is

meaningless to deduce the social life from the abstract (laboratory). Actually, case studies allowed the researcher to establish the daily feelings and experiences of the people in their natural environment. Neuman (2014: 108) posits, “Facts are fluid and embedded within the environment, they are impartial, objective or neutral. Facts are contingent and context specific” In this light, it is important to note that case study approach helped to the researcher to understand the practice of child marriage through interactions with the people in Rushinga District.

Through adopting the use of a case study, the researcher used semi- structured interviews as data collection method. Lewis (2003) asserts that case studies adopt the use of various sources of data that are qualitative in nature to explain a complex real life situation that may not be established in an experimental research (Zaidah, 2003). Neuman (2014) further acknowledges the efficacy of more than one category of collection data to examine a phenomenon thereby making it possible to justify emerging themes. The use of semi - structured interviews makes it possible to study a phenomenon where various causality factors are established from participants’ perspectives. Semi- structured interviews that were administered to different participants helped in generation of data from various groups providing a holistic elaboration of the phenomenon. This is important because multiple data sources converged to provide timeous insights into the factors critical to the case under review (Evans & Means, 2007; Regen et al., 2008).

#### ***5.4.1.1 Limitations of Case Study Approach***

The use of case study as research methodology has been found to have some limitations in research. However, some of the limitations identified are a result of misunderstanding levelled by the natural scientist in the use of the research method (Bryman, 2011). Yin (2003) in highlighting the limitation of a case study as a research method identified the challenge of lack of rigor; bias, and sloppy findings drawn from a singular study. It is important to note that although a case study is buttressed on that ground, the problem is not on the method but rather on the part of the researcher who would not have set his goals well. If the goals and methodology are well set, the findings of the research can be credible and dependable. The process of credibility and dependability is validated by the use of different categories of respondents (Yin, 2003). For this study, the researcher interacted with different research groups such as teachers, village heads, women and men in the community as well as women

who married as child brides. Data was generated through administration of semi -structured interviews to allow scientific generalisable findings beyond the small study area (Yin, 2003).

A case study approach is blamed for its tendency of making researchers conclude on the basis of their own views patterning the phenomenon because of the researcher's preconceived notion. This makes a case study not scientifically generalisable as most cases are based on a singular case (Yin, 2003; Flyvbjerg, 2004). However, the use of case study method has been found useful in teaching and research. Flyvbjerg (2004) points out that the view that case study approach is not generalisable scientifically does not carry water because a case study allows the understanding of human behaviour. For instance, one of the most significant uses of a case study is to bring a nuanced and subtleness of human interaction that cannot be understood meaningfully by using experimental research tools. Moyo (2013) claims that a research based on interpretive discipline, targeting theoretical propositions, should not be confused with those meant to generate scientific frequencies.

Despite the few limitations levelled against case study approach, it can be noted that this approach comes closer than any other research design method to generate findings that take cognisance of the social structures in society and cultural practices that sanctions the practice child marriage. Hence, this study adopted the approach design that determined the population sample for the study.

#### **5.4.2 Sampling Design and Method**

Sampling plays an important role in the identification of research participants and the choice of sources of data in a study. The motive for sampling is that it clarifies in research design because it allows the researcher to select a case from wider population that will be too big to be studied as a whole. At the same time, sampling allows the researcher to generalise conclusions to the entire population (Flick, 2014). It is important to note that researchers choose a sample population in order to identify a population that shares the characteristics important for exploration of a phenomenon under study (Moyo, 2013).

In this study, the researcher used purposive sampling method to select participants for the study. For Patton (2015), purposive sampling entails the development of a framework that involves selection of participants who are grounded in the matter under study. Patton (2015:264) proposed;

“The logic and power of purposive sampling lies on the selection of information rich cases for in-depth study. The information rich cases are those from which one learns a great deal about issues of central importance to the purpose of inquiry.”

In this study, the researcher therefore considered purposive sampling to choose participants who have knowledge and experience in the practice of child marriage in order to generate data essential to understand the practice.

Kothari (2003:18) points out that “purposive sampling is a non-probability sampling, which involves the deliberate selection of particular units in the universe”. Purposive sampling was done in the selection of the wards where community members were asked to express their views about child marriage. Five wards were chosen for the research and participants who took part in in depth-semi-structured interviews were selected from these wards. The 5 wards that were selected out of 29 wards in the district include; ward 7,10,12,19 and 22. These wards have the highest poverty prevalence of 95 percent, and this is where reported incidences of child marriage are rampant (Zim Stat 2015). The research participants were chosen based on their knowledge and experiences of the phenomenon in the district.

The use of purposive sampling played a key role in the study as the researcher was able to select participants who are information rich and it allowed the researcher to conveniently select participants within population that have characteristics of interest to provide an in-depth analysis of the practice of child marriage in Rushinga District (Guarte & Barros, 2006). The selected participants were able to generate data relevant to research questions. Interview questions were administered to chiefs, teachers, heads of schools, girls who are married, and men and women in the community in relation to their understanding of the practice of child marriage. In the same vein, purposive sampling allowed deliberate choice of informants who act as gatekeepers to a culture. They are observant, reflective of community interest, are both able to and willing to share information (Bernard, 2002; Lewis & Shepherd, 2006). Hence, key informants provided an in-depth understanding, critical to the interpretation of the practice and an understanding of the influence they have towards the sustenance of the practice of child marriage.

Creswell & Clarke (2013) assert that purposive sampling involves identification and selecting participants that have knowledge about or experience in a phenomenon. In this study, the people and organisations interviewed were chosen purposively for their characteristics useful

to the answering of the research questions. The advantage of purposive sampling was that the researcher was able to identify participants who were available, willing and able to articulate their experiences on the practice child marriage in their natural environment thereby creating a window on a particular worldview of the practice in the community (Creswell, 2013)

In tandem with the qualitative approach, the researcher used a small sample size. This is done to acquire information that is useful for understanding the complexity of the phenomenon rather than the use of a representative population that characterise quantitative research (Charmaz, 2003; Merriam, 2009). Charmaz (2003) further affirms that qualitative research sample is relatively small. However, qualitative research relies on saturation of data, a point where data has been sufficient to cover the topic and any addition will add no value. In this study, the chosen sample has been deemed sufficient to provide an insight into the practice because the goal of purposive sampling is to identify particular characteristics of a population that are useful to answer research questions.

#### **5.4.3 Data Collection Instruments**

In order to generate data on the practice of child marriage, the researcher used semi-structured interviews as primary sources of data. During the data collection process, the researcher used observations as a latent data collection tool to observe the social interactions and nonverbal cues displayed during the interview process. In this study, the researcher interviewed a number of participants in examining the subject matter. Heale & Forbes (2013) point out that the use of various categories of respondents such as teachers, school heads, chiefs and victims of child marriage in order to create confidence in the findings where multiple sources are used to address a research question. A total of 25 participants were interviewed during the process of data collection. It is important to note that the researcher used semi structured interviews, to examine and provide a comprehensive picture on the same subject matter of the proliferation of child marriage in Rushinga District.

##### ***5.4.3.1 Semi- Structured Interviews***

In this study, semi structured interview schedules were administered to teachers, school heads and community leaders (headmen and chiefs). Interviews were conducted among girls and women who married off as child brides to gain insight of their views on the practice of child marriage. Special consideration was given to those under the care of NGO (*name withheld for*



*anonymity*) to reduce harm to these girls/women. During the process of data collection, the researcher sought the consent of the participants prior the interview. A total of 25 semi-structured interviews were administered to participants. More detail was revealed on the processes and how the interviews were conducted under the *Section 5.5 - Field work reflections*.

There are numerous forms of interviews. Concerning this study, the researcher used face-to-face semi-structured interview techniques because it provided the researcher with the chance to make use of the predetermined questions that are reworded and modified during the interaction. For instance, the importance of face-to-face semi- structured interview is that it provides an open setup and is flexible as it responds to the direction that the participant takes. The interviewer makes adjustments to deal with issues that are raised. Consequently, it allows the interviewer to make a follow-up on interesting developments and the interviewee can elaborate and expand on issues raised during the interaction (Grabrium & Hostein, 2002; Rubin & Rubin, 2005; Dornyei, 2007).

The use of face-to-face semi- structured interviews was useful in this study as the researcher was able to gain access to the feelings, experiences and attitudes of the participants towards the practice of child marriage. Interviews created rapport and observation of the participants' non-verbal communication (Artkinson, 2004; Cameron et al., 2009). Face to face interview provides interaction in the context of the research. Tellis (2003) asserts that semi-structured interviews allow the researcher and participants to be co-constructors of meaning in the social reality of the phenomenon under study. For instance, interviews generated data on the lived experiences of the participants through verbalising and using language they are comfortable to use.

For this study, semi- structured interviews were found suitable and more powerful to establish narrative data and it gave the researcher the opportunity to investigate people's views in-depth (Kvale, 2003; Legard, et al., 2003). Cohen, et al., (2007) further claims that interviews are important in the exploration of construction and negotiation of meanings in natural environment. The ability of semi-structured interviews to provide a researcher with the chance to establish meanings in an environment entails that the researcher gained an insight into the practice of child marriage in the community.

Semi- structured interviews were found useful in this study because of their personal conversation nature. According to Alshengeeti (2014), interviews allow participants to speak in their own voices and express their feelings on a particular subject matter. They are interactive and the interviewer is able to probe for clarity on questions and emerging themes on a particular phenomenon. In this regard, the interactive nature and the room for asking additional questions and some unanticipated enquiries made it possible for the researcher to probe views and ideas of the interviewee (Gray, 2004; Berg, 2007).

Dornyei (2007:10) views semi-structured interviews as “crucial in creating a mutual understanding between the interviewer and interviewee because the interviewer is able to rephrase or simplify questions that might appear ambitious to the interviewee”. The process of collecting data promotes direct human actions through comprehensive speech conversation as the researcher is able to probe deeper into the phenomenon. It is important to note that under this study, the researcher explained and rephrased the questions when the interviewee became unclear about a question.

Adhabi & Anozie (2017:8) note that semi- structured interviews provide interviewees with the chance to reflect deeply on the phenomenon. They proposed that semi- structured interviews provide;

“Opportunity to explain issues with regards to how communities understand them. This is significant, as the central issue in qualitative research is to justify occurrences of a phenomenon” (Adhabi & Anozie, 2017: 8).

For Willis (2007) semi-structured interviews provide rapport and empathy between the interviewer and interviewee. Because of their informal nature, they make the respondents feel at ease. They encourage openness, trust and empathy. For this study, the data collection tool generated more insight as participants were able to articulate their understanding of the practice of child marriage through interactive platforms created by interviews. The participants were able articulate their views about the phenomenon under study.

Willis (2007) acknowledges the empowering nature of semi structured interviews as central to making the participants comfortable in becoming co-explors of the social reality with the interviewer. In other words, the interviewer and interviewee can be on the same footing. The researcher does not assume to know everything and this empowers the respondents as the conversation is based on mutual exchange. Unstructured interviews in contrast allow the

participants to recount their experiences in their own words as the interviewer works as a guide. This view motivated the researcher to use semi-structured interviews, as some of the participants were women and it made them comfortable to define the problem of child marriage using their lived experiences.

The use of the interviews motivated the researcher in that they allowed the recording and transcription of data. Moyo (2013) found out that semi-structured interviews create room for the recording and transcription of data to safeguard natural limitation of memories and the gloss attached when recalling what people might have said. Bryman (2001) further suggests that the recording of interviews provides room for the researcher to re-examine answers given by an interviewee and is open for assessment by other researchers to evaluate the analysis and results. In this study, recording of the conversations had the advantage to the researcher in data analysis as it allowed repeated examination of the interviewee responses and makes the data available for assessment by other researchers.

Like any other research tools, semi-structured interviews have their demerits. Semi structured interviews suffer from bias to the detriment of validation. This comes about because of the researcher's interference with the results. For instance, the researcher might ask leading questions that might compromise the quality and validity. In the same vein, the researcher may give away his/her judgement through non-verbal cues or tone. Consequently, this might encourage or discourage the respondent's to be truthfulness (Creswell, 2003; Bryman, 2011). To limit occurrence of such problems, the researcher made use of an interview guide that stipulated the subject matter to be examined and it guided systematically the outline of the issues to be attended to while it allows flexibility on follow-up question procedures (Arthur & Nazroo, 2003).

One other limitation levelled against interview instruments is the interviewer influence. Denscombe (2007) affirms the problem of interviewer effect based on gender, sex and ethnicity. The interviewer might influence the amount of information participants are willing to reveal. The remedy was that the interviewer made it clear at the beginning of the interview on the purpose and motivation of the study to put the interviewee at ease.

### **5.5 Fieldwork reflections**

In-depth interviews (Kitchin & Tate 2000) are meant to obtain data from people who have knowledge on the phenomenon under study. This knowledge is based on the training or the interactions that the participants have with the community where the phenomenon is happening (Rubin & Rubin, 2005). Semi-structured interviews often contain open-ended questions and discussions may diverge from the interview guide. The researcher interviewed 25 participants during the course of data collection. In addition, the semi-structured interview guide was translated from English language to a Shona which is a vernacular language spoken in the area. This was meant to ensure that those participants who could not understand the English language will be able to contribute to the discussion without limitation of the English language. Consequently, the researcher tape-recorded the interviews and later transcribed these tapes for analysis. The researcher interviewed the following groups: The researcher recruited teachers, heads of schools and Schools Inspectors from the 6 schools and the district office. The researcher was granted permission by the Ministry of Primary and Secondary Education to recruit teachers from a network of 6 schools. In this study, purposive sampling was done to recruit the teachers. The teachers selected were those from the life skill, guiding and counselling clubs. These teachers were selected because they have much interaction with students in schools over social life issues including child abuse cases such as child marriage. The involvement of teachers in the study allowed the researcher to gather useful data on child marriage practices in Rushinga district and its impact on the school system. In addition, the heads of schools and schools' inspectors were helpful in generating data on the issues that have to do with the rate of school dropout and an outline on policies that are meant to retain the girls in school.

The researcher also involved women who were married off as children. In the selection of women who married off as girls, the researcher liaised with an NGO working in the district on gender mainstreaming and child rights, to identify these women under their care in order to reduce any harm to these women. The NGO helped in recruiting the women from their network and support groups. Therefore, 5 women were selected purposefully from this network of women who married off as child brides to participate in the semi-structured interviews. The researcher was granted permission to work with organisation's field staff.

These women were selected in order to gain insight on their views on the practice of child marriage.

To generate data on the phenomenon under study, ordinary men and women in the community (without positions of authority in the community) were recruited to participate. In this study, 6 interviewees were conveniently selected for the semi-structured interviews within the 5 identified wards in the district. Semi-structured interviews with the community members allowed the researcher and participants to be co-constructors of meaning to the social reality of the phenomenon under study. For instance, interviews generated data on the lived experiences of the participants through verbalising and using a language they are comfortable to use. To strike a balance on gender perspective on the practice of child marriage, men and women were interviewed during the process of data collection.

The researcher also approached the community leaders seeking their consent to participate in the study. In this study a chief, two village heads agreed to participate in the in depth interviews. Inclusion of community leaders was warranted because the gatekeepers articulated the problem from a cultural and social perspective, as they are the custodians of the cultural and administrative issues in the community.

In conducting semi-structured interviews with NGOs, the researcher engaged staff members from an NGO operating in the area on gender and child protection programming. The researcher was granted permission to engage the organisation's staff members in carrying out the research. Selected staff members of the organisation interviewed included the District Project Officer and 1 Community based facilitator from the wards of operation. The staff members from the organisation generated information from a key informant perspective based on their professional experience as they interact with the community on issues of gender and child rights.

## **5.6 Data interpretation and analysis**

The aim of qualitative research is to understand a phenomenon from the view points of the people experiencing it and such a research calls for qualitative design approaches and tools that reveal the experiences of the people through data analysis (Streubert, Speziale & Carpenter, 2007). In this study, content analysis was used to generate meaning on data. Content analysis involves the use of systematic coding and categorising large amounts of

textual information unobtrusively to establish trends and patterns of words, frequency and relationships (Mayring, 2000; Gbrich, 2007). With the use of content analysis technique, the researcher examined the narrative materials from stories of participants, breaking it into small units of content and reducing them into descriptive data (Sparker, 2005). This is in tandem with qualitative approach that is the basis of this study to make meaning out of the narratives and stories of the research participants.

The advantage of content analysis in this research is that the data generated has been viewed not as a representative of the physical events, but of text, images and expression. This creates the platform to interpret and act on for their meanings (Krippendorff, 2004). The data reviewed the lived experiences of the people in relation to the practice of child marriage. Themes that were generated provided an insight on how the practice is sustained and maintained in the community.

During the data analysis process, content analysis technique empowered the researcher to transcribe the interviews data, by making sense of the whole data by referring to it several times. The process entailed assessment of manifest (developing categories) and latent (developing themes) data. Consequently, content analysis focused on identification and examination of ideas and assumptions that informs the phenomenon. The themes were extracted from cross cutting data drawn from research instruments and text in order to establish repeated patterns to establish meaning (Braun & Clarke, 2006).

When using the content analysis method, the researcher was guided by the six thematic phases propounded by Braun & Clarke (2006) as follows: Phase 1-Data familiarising (transcription of data and noting down of initial ideas; Phase 2- Generating Codes (establishing codes from raw data), Phase 3- Establishing themes (refocusing analysis for broader themes emerging from data. Other phases that were taken into consideration include, Phase 4-Reviewing themes (creation of a thematic map); Phase 5-Defining and naming Themes (establishing clearer patterns of the themes) and Phase 6- Production of report (final report on the extracts and report writing) (Braun & Clarke, 2006).

In applying content analysis process, the researcher did a verbatim transcription of the semi-structured interviews. During the process, the researcher listened attentively to each interview

several times establish the patterns and categories. The process involved notation of symbols and review of captured comments from the field.

Codes were allocated to specific units. Neuman (2014) posits that coding entails allocation of specific labels and specific units of related nature. The researcher arranged the themes and categories into meaningful texts. This process of coding was based on the following steps:

**Open coding** involved identification of units of data according to the research topic that is on proliferation of child marriage in Rushinga District. The codes were transcribed into phrases, words and context with reference to written comments obtained from the field work.

Another step taken was **axial coding** that involved further refining of themes and categories emanating from open coding. This involved categorising and identification of patterns in relation to emerging themes from the data set.

The third step involved **selective coding** as the researcher closely looked at emerging themes in relation to the research questions. A closer look of the themes and categories centred on questions such as what are the causes of child marriage, what are the social norms that enforces the practice, and how this practice does affects girls. Identified themes that came out of the research questions include culture, poverty, agents on the part of the girls, violence and abuse, loss of childhood; empowerment; and harmonisation of laws (more detail on the emerging themes is in chapter 6 that focuses on data interpretation and analysis).

Data analysis is a continuous process in a content analysis framework whereby the researcher moves back and forth between the entire data, on coded extracts as well as on analysis of data being produced (Ryan & Bernard, 2000; Braun & Clarke, 2006). Typically, in this study, the researcher was compelled to review and work on the codes until the concrete meaning was drawn from the codes to establish the patterns and meaning to produce an informed report on the findings from the field about the practice of child marriage in Rushinga District.

## **5.7 Ethical considerations**

The researcher is fully aware of the standard research ethics and will abide by the research protocols of Kwazulu Natal University through the investigation process. The researcher observed the principle of voluntary participation where participants were not to be coerced into participating in the study. The researcher observed informed consent requirements.

Participants were informed of the procedures and any risks involved and asked to give their full consent to participate during the recruitment process. The researcher guaranteed the participants full confidentiality and that information obtained would not be made available to anyone who is not directly involved in the study. The principle of anonymity was observed where participants and organisations involved will remain anonymous throughout the study. The researcher was fully aware that participants should not be subjected to harm in anyway whatsoever. The researcher applied the dominant approach to protect participants' identities on data that cannot be collected anonymously (Kaiser, 2011). During the cleaning process, addresses and the village names of the respondents were removed. Pseudonyms were used as identifiers instead of the actual names. To ensure that participants were protected from potential trauma during and after the research process, the researcher ensured that interview questions did not intrude into the autonomy of the participants who are victims of child marriage practice. The researcher ensured that individuals had access to an advocate during initial stage of study and during data collection session. Interviews for victims of child marriage, was restricted to those who were in the care of Non-Governmental Organization that was working in the communities affected by child marriages. The reason for restricting interviews to those in the care of professional organizations was to reduce harm to victims.

### **5.8 Trustworthiness and Credibility**

To ensure trustworthiness, dependability and credibility, the researcher, used semi- structured interviews as an instrument of research to generate data. In this research, the researcher used an inquiry audit in the examination of the process and product for consistency and this was achieved through examination of raw data. The researcher will also make available segments of raw data for others to analyse and adopt the member check approach in which research participants will corroborate the findings (Bryman, 2008; Creswell, 2013). To ensure conformability and uphold neutrality, the researcher adopted trail audit method on raw data; analysis notes for both personal and process notes. In the case where participants request for the findings, the researcher will make this available. The final thesis is also uploaded by the University and can be accessed online. The researcher will provide the relevant webpage details to the participants. If participants are to request presentation of findings the researcher will do so. Ferris and Sass-Kortsak (2011) posit the researcher should offer a summary of research results to individual participants and including information in the consent form on the harm and benefits of receiving the results with options to decline all or any of the results. This position puts a priority on the principle of autonomy by respecting the decision-making



capacities of the research participant. It also provides individuals with the information they need, to make informed decisions in light of knowledge of potential risks, benefits and harm. Similarly, when one fails to provide feedback to participants, this may cause problems for other researchers who may come after – because participants might feel that they have just been ‘used’ and this will make them more reluctant to participate in research in the future.

## **5.9 Summary**

The chapter focused on the research paradigm based on qualitative research methods. Qualitative research enthused the study because of the type of phenomenon under review. Qualitative research method was suitable for this study as it provided the researcher with the opportunity to interact with participants in their natural settings. The information gathered was generated through direct interfacing with the people, assessing how they behave and act in their natural context. The instruments of data collection discussed in the chapter are semi-structured interviews. Semi -structured interviews were found useful in the research because face-to-face semi structured interviews allowed the researcher to understand the feelings, attitudes and experiences of participants. Interviews were useful in creating rapport and affording participants’ non-verbal communication. Free open discussions among participants generated new ideas gathered from individuals in a group. The chapter also delved on data analysis framework. In this study, content analysis was used to generate meaning on data. Content analysis involves the use of systematic coding and categorisation of large amounts of data. The researcher examined the narrative materials from participants’ stories and break it into small units of content and reduce the units into descriptive data.

## **CHAPTER 6: KEY FINDINGS AND DISCUSSION**

### **6.1 Introduction**

This chapter is a presentation and discussion of the collected qualitative data on the views and perceptions of the Rushinga community about the practice of child marriage. The aim of this chapter is to draw meaning from that data that has been collected in order to derive knowledge about the practice of child marriage in the community under study. The chapter provides an outline of the background of research participants and discussion relating to the key thematic areas emerging in the data analysis. The chapter will analyse key thematic areas that emerged through the process of data analysis. Themes that emerged include how the community defined the term child marriage. Participants' views differed in the definition of a child hence the persistence of the practice of marrying off children in the community. The chapter also discusses the factors that lead to the practice of child marriage. A number of factors emerged that trigger the proliferation of the practice of child marriage in the Rushinga community. Factors such as absolute poverty in some families makes the practice of marrying off of child as a form of livelihood. Religious practices is also a key factor in the proliferation of the practice of child marriage. Some religious sects are permissive to practice of marrying off children. At the same time, factors such as lack of awareness of the laws that prohibit the practice, influence of media and technology as well as lack of appreciation among some families of girl child education. The influence of social norms remain key in the influencing the practice of child marriage. Traditional practices such as sexual dalliance, pledging of the girl child and beliefs that a young girl can be a better wife influences the practice of child marriage.

The chapter focuses on the consequences of the practice of marrying off children. The effects of the practice include gender based violence due to power dynamics in the families; health effects as the girls are at risk of contracting HIV and other sexual transmitted diseases. At the same time, child marriage undermines the full potential of the girls to obtain formal education and future employability skills. The chapter in conclusion, looks at the perspectives of the participants with regard to the intervention strategies to curb the practice of marrying off children. Among the suggested solutions is the provision of education for the girls so that they complete their education. In addition, there is need for advocacy and awareness campaigns to curb the practice of child marriage. Provision of the better livelihood options such as income generating activities for poor households can be a panacea to the problem.

Harmonisation of the laws in Zimbabwe was identified as a way of curbing the practice as perpetrators can be prosecuted.

### 6.1.1 Participants Profiles

The researcher administered 25 semi-structured interviews during the process of data collection. Categories of participants is tabulated as follows:

*Table 6.1: Profiles of the participants*

Participant No	Gender	Age	Description
1	Female	35	Ordinary member from the Community
2	Male	49	Teacher
3	Male	50	District Schools Inspector
4	Male	50	School Head
5	Male	46	Ordinary member from the Community
6	Female	32	Ordinary member from the community
7	Male	56	Chief
8	Male	58	Schools Inspector
9	Female	35	Ordinary member of the Community
10	Female	30	Teacher
11	Female	26	Teacher
12	Male	52	Village Head
13	Male	45	NGO Staff member
14	Female	50	School Head
15	Female	44	Village Head
16	Male	55	Teacher
17	Female	40	Ordinary member from the Community
18	Female	39	Ordinary member from the Community
19	Male	40	Ordinary member from the Community
20	Male	45	NGO Staff member
21	Female	45	Married off as child bride
22	Female	21	Married off as child bride
23	Female	30	Married off as child bride
24	Female	20	Married off as child bride
25	Female	25	Married off as child bride

Participants from the Ministry of Education included teachers and school heads from Rushinga District. The teachers selected were those from the life skill, guiding and counselling clubs. As such, the school heads gave an in-depth professional perspective on child marriage. In addition, the involvement of teachers and education officials in the study

allowed the researcher to gather useful data on child marriage practices in Rushinga district and its impact in the school system.

The other category of participants who took part in the semi-structured interviews were women who were married off as children. These women were selected in order to gain insight of their views on the practice of child marriage. In addition, ordinary men and women in the community (people without positions of authority) were interviewed to generate data on the phenomenon under study. The discussions will reflect the larger amount of perceptions in the society in relation to the practice of child marriage. The discussions will exemplify the miniature spectrum of the community delving on why and how the practice of child marriage is sustained and maintained the society.

The researcher approached community leaders seeking their consent to participate in the study. In this study, a chief and village heads participated in in-depth interviews. The inclusion of community leaders were important because they articulated the problem from a cultural and social perspective, as they are the custodians of the cultural and administrative issues in the community. At the same time, the researcher administered semi-structured face to face interviews to NGO staff members. The staff members from the organisation generated information from key informant perspectives based on their professional experience as they interact with the community on issues of gender and child rights.

In this chapter, themes that emerged from the semi-structured interviews will be discussed. The discussion will focus on how the concept on the child and childhood is perceived and understood in the community. Factors that cause child marriage were be highlighted. The other theme that emerged in the discussion focused on the social norms that enforce the practice of child marriage. In the discussion, the impact of the practice of child marriage on girls married off as children is to be discussed. In addition, a critical review of on the roles that traditional leaders play in the survival or curbing of the practice of child marriage was discussed. The analysis focused on the forms of assistance that can be provided to girls/women married off below the age of 18 years. Subsequently an understanding of level of awareness of laws that prohibit the practice of child marriage was done. At the same time, discussion delved on the intervention strategies that can be effected to deal with the practice of child marriage.

## 6.2 Definition of a Child

Defining what a ‘child’ is remains key in understanding the practice of child marriage in the communities and the participants’ responses to key questions on the practice of child marriage. The responses to the definition in the term ‘child’ were varied and conflicting. The majority of people who were interviewed were of the opinion that a child is anyone below the age of 16 years, while few respondents gave a legal definition, which is 18 years.

There are misconceptions about what is a ‘child’. Some people in the community understand ‘child’ in terms of chronological age while others view it from a physical development perspective. Accordingly, Human Rights Council (2011) observes term child is a contextualised stage of life both at law and under traditional contexts. For instance, section 78 of the Zimbabwean constitution says a child is anyone below the age of 18 years while under traditional and religious context, if a boy or girl reaches puberty, he/she is regarded as an adult. The rite of passage is celebrated through initiation ceremonies to allow the process of marriage to take place. The way a child is viewed in both legal and traditional context is important because it determines how the practice persists. There is a close relationship between community understanding of the term child and the prevalence of the phenomenon in that respective community.

Responses from the participant were congruent with the arguments advanced in the literature review chapter. A factor that contributes to the proliferation of child marriage is the different understanding that communities have about the concepts of ‘child’ and ‘childhood’. As an example, in the SADC region, in some communities, the onset of puberty is regarded as a transition from childhood to adulthood. Some girls may start to menstruate as early as 10 years and therefore, they are viewed as adults (UNICEF, 2007; Growing What We Can, 2014). This makes the girls vulnerable to the practice of child marriage. This is worth noting because the way society views childhood and the transition of a girl into adulthood are crucial in determining when a girl can marry, including the change in expectations and responsibilities.

The diversity of definitions are noted through the responses given. One participant said, “a child is anyone below the age of 12 years” (*Number 1, Female, 35 years, ordinary member of community*), while another participant (*Number 5, Male, 46 years, ordinary member of community*) said, “a child is anyone who is below the age of 16 years”.

In the same vein, one participant (Number 7, Male, 56, chief) did not give chronological age but defined a child using physical attributes by saying, “a child is anyone who is not developed in terms of physical body such as undeveloped breast and height”

On the other hand, participants from the teaching profession gave a legal definition. One participant (Number 3, Male, 50 years, Schools Inspector) said, “A child is anyone in school despite the fact that she might be above 18 years.” The responses from the teachers show that they have a better understanding of the legal definition of the child because they are in a better informed position because of their professional orientation.

### **6.3 Key factors contributing the persistence of child marriage**

Factors leading to the practice of child marriage are diverse. These factors can be noted from the responses that were given by participants during the semi structured interviews. These factors are discussed as follows:

#### **6.3.1 Poverty and Livelihood Strategies**

One of the conditions that came out prominently during the discussions was the lack of better livelihoods options for the families in Rushinga District. A family may look at their daughter as a source of wealth and this wealth can be generated through the payment of bride price (lobola).

One participant said,

*Higher levels of poverty we experience in Rushinga makes girls get married before maturity. Girls are not going to school, parents are very poor in this community, hence, the girl will be doing nothing and when the parents find a man who is rich they will encourage their daughter to get married so that they can escape from the jaws of poverty. (Number 2, male, 49 years, Teacher).*

Another participant made an explicit connection between lack of alternative livelihood and child marriage. The participant observed that lack of alternative livelihood can trigger practices such as *kuzvarira* (pledging of a girl) as a family may pledge a daughter at birth and when she is around 10 years old, she is send to the would be husband.

Another participant said,

*The challenge is that a system like kuzvarira is prevalent but if you can go there right now and investigate, you might not get it and if you look closely you can see that the girl would have been pledged. Due to the higher levels of poverty, families can consent to a man to provide basic needs for a girl while she is at her family until she has reached puberty stage and claim the girl as wife. (Number, 3, male, 49 years, Schools Inspector).*

Such views are consistent with arguments raised in the literature chapter that the causes of child marriage include lack of better livelihood options in the communities.. UNICEF (2001) affirms poverty as one of the major factors reinforcing the practice of child marriage. Where poverty is acute, a young girl may be regarded as an economic option where families can generate an income or cattle from the marriage of the girl. This understanding is crucial, because child marriage is considered a family survival and livelihood strategy. In traditional societies in the SADC region- the bride's family receives cattle as bride price. From the observations above, one can conclude that some families view their daughters as a source and object of wealth when she gets married through the payment of lobola.

The types of farming practiced in the area such as shifting cultivation, are factors that triggers the practice of child marriage at community level. Some families along the border with Mozambique have two households, one in Mozambique where they practice farming seasonally and the other one in Zimbabwe. During planting season, they go to Mozambique and plant and only come literally after harvesting. This leaves the children vulnerable as they will be lacking parental care.

One participant said,

*Due to the socio-economic nature of Rushinga District, along the border with Mozambique, some families still practice shifting cultivation, when the parents leave to plant in Mozambique, they leave behind children looking after themselves, and this makes the girls vulnerable as they may miss out on parental guidance, resulting in them eloping. (Number 6, female, 32 years, ordinary member of community).*

Subsequently, such a practice along the Mozambican border precipitates the practice of child marriage as girls are left on their own at home, looking after their siblings while their parents are in Mozambique doing farming. Hence, this leaves the girls at the mercy of some gold

panners in the area who shower the girls with gifts and they end up being impregnated and consequently getting married.

The persistence of the practice of child marriage is caused by the need of lobola as a form of livelihood. Families expect to get lobola after the marriage of their daughter; hence, they become receptive to the practice of child marriage. Closely linked to lobola payment, is the behaviour of some parents or guardians of chasing away girls from home when they hear that their daughter is in a love relation regardless of her age.

Participants said the following,

*The culture of lobola payment is another factor as families expect to receive bride price from the marriage of their daughters. Consequently, this will lead to the marriage of young girls before they are exposed to the ways of the world. (Number 17, female, 40 years, ordinary member of community).*

*It is in our tradition that families of the bride receive dowry from the groom's family. This practice is so enticing to families and once their girl reaches a marriageable age they expect that lobola. (Number 19, male, 40 years, ordinary member of community).*

Parents expect to get lobola from the marriage of their daughters. Given the high level of poverty prevalence in the Rushinga District that stands at 81, 9 percent some families find marriage of their daughters as another alternative livelihood option (Zim Stat, 2015:79). Similarly, this view is corroborated by literature view points on how lobola transactions are fuelling the practice of child marriage.. UNICEF (2015) cites absolute poverty as the major factor in the proliferation of child marriage. The commoditisation of girls, especially among poor and within households put girls at the centre of survival strategies. Furthermore, Sibanda (2013) elaborates that poor families usually consider girls as an economic option in times of economic crisis to offset debts and as social capital to seal alliances.

### **6.3.2 Traditional Practices and Culture**

Traditional practices and beliefs are contributing factors to this practice of child marriage. People in the community who believe in such practices as *chiramu* (sexual dalliance with sister's husband), *kuzvarira* (betrothal of child before age) or *kuripa ngozi* (pledging of girls to appease avenging spirits) fuel this practice of child marriage.



Some responses are noted below:

*The other challenge is that the system like kuzvarira is prevalent. Due to the higher levels of poverty, families can consent to a man to provide basic needs for a girl while she is at her matrimonial house until she has reached puberty stage and claim the girl as wife. (Number 9, female, 35 years, NGO Officer).*

*I have seen in our community is the practice of kuzvarira (betrothal of child before age) where parents can betroth their daughter when she is still very young, when she starts to grow and develop around 10 years, the family of the man can claim her. (Number 10, female, 30 years, Teacher).*

*A culture like kuzvarira is common because of higher levels of poverty. The other issue under culture is chiramumu (Levite marriage) will take place, after the death of an aunt or sister where the young sister regardless of age can be pledged to marry the late aunt's husband. (Number 21, female, 45 years, married off as a child).*

*The practice of chiramumu, it is not unusual, for a sister's husband to play love games with a younger sister of the wife, consequently, such a practice will end up with the girl impregnated and married. (Number 12, male, 52 years, Village Head).*

It can be argued that traditional practices influence the practice as the community is receptive and accommodative to such undesirable norms that trigger child marriage. This is corroborated in the literature review that attributes such practices to socio- cultural norms. According to Bulla (2014), African traditional cultures accommodate the practice such as sexual 'games' whereby girls are exposed to sexual socialisation by elderly men through the custom of *chiramumu* (sexual dalliance). This practice involves fondling of a girl's buttocks, breasts and private parts without necessarily engaging in sexual intercourse. Such flirtation may lead to sexual intercourse that eventually causes pregnancy and when it happens, the perpetrator is left with no option except to marry the girl. Consequently, girls are exploited under the influence of cultural norms that are permissive to such practices as sexual dalliance. When the girl becomes pregnant she is forced to marry the perpetrator despite the fact that she will be under the age of 18 years (UNICEF, 2011).

Another participant said,

*The practice of chiramumu, it is not unusual, for a sister's husband to play love games with a younger sister of the wife, consequently, such a practice will end up with the girl impregnated and married (Number 7, male, 56 years, Chief).*

Traditional practices therefore influence the practice as the community is receptive and accommodative to such practices that trigger child marriage. This is corroborated with literature review that attributes child marriage to gender discrimination. Gender discrimination ensures that girls and women accept their domestic responsibilities and subordination and have little options who to marry and at what point in life to marry (Kambarami, 2006).

### **6.3. 3 Low prioritisation and valuing of Girls' education**

In Rushinga District, the value attached to education and especially for girls is low. Such a scenario triggers loss of significant role models in the community to motivate girls to remain in school. Consequently, most girls and families do not place any value in education and for the girls; marriage becomes an alternative as they will be motivated to start their own families. Such response is crucial as it corroborates with literature view whereby lack of critical role models in communities has been attributed to the practice of child marriage.

One factor that featured prominently during the discussion with community members is the lack of educational opportunities that causes the practice of child marriage as the girls will be idle at home.

One participant said,

*I got married because I was impregnated by this man when I was 15 years. I had no option except to elope to him despite the fact that he has a wife. What caused me to be in a relationship with this man was that I come from a very poor family. My parents were not able to fend for us and sending us to school as the total number of my siblings is 9 (Number 22, female, 21 years, married off as child).*

In the same vein, another participant said, “due to the fact that the girl will be at home and not going to school, she feels that the only option left for her is to marry.” (Number 7, male, 56 years, Chief). Consequently, for the girls who are out of school, they became vulnerable to child marriage as they will be sitting at home and they will find solace in marriage.

The findings are consistent with the arguments emerging in the reviewed literature that notes that educational deprivation as a cause of girls to get into marriage. Being out of school deprives girls the opportunity to get a career that would help them to lead a fruitful and rewarding life in the future. In addition a child marriage implies that girls' educational career is prevented as they are now expected to take care of their husbands, do household chores and look after the children (UNRTIW, 2005; UNICEF, 2012). In addition, child marriage have negative effect on the human development index because the girls are deprived the opportunity to become productive citizens in terms of the denial in skills development. This in most cases result in the girls falling in the vicious cycle of poverty (Otoo-Oyortey & Pobi, 2003).

### **6.3. 4 Religious Practices**

During the interviews, participants highlighted religion is a key factor that causes the practice of child marriage. Participants raised the issue of some churches being too permissive to the practice. One notable example is the apostolic sects that encourage girls to be married below the age of 18 years due to the fear that they might be defiled (Human Rights Watch (2015),). These sects discourage children from going to school, thereby creating a conducive environment for the girls to become child brides.

One participant opined that,

*Religion takes a centre stage especially among the apostolic sects; a man can claim a girl from the church. They use various tricks such as saying the girl has been found to be promiscuous, hence, the person who is accused to have defiled the girl is supposed to take her as a wife.(Number, 13, male, 45 years, NGO Staff member.)*

Such a viewpoint is crucial to understand the causes of the practice of child marriage in Rushinga District. The responses are crucial as they are consistent with viewpoints in the literature that acknowledge that child marriage practice is common in the Indigenous Apostolic Churches in Zimbabwe (Human Rights Watch, 2015). Consequently, the church doctrine dictates that girls between 12 and 16 should marry in order to prevent sexual relations outside marriage.

One reason that makes the practice persist in Rushinga District lies in religious beliefs. One of the dominant religions in Rushinga is the Apostolic Sect, which promotes child marriages, and some men in the churches prey on these young girls and marry them in the name of religion.

One participant said,

*The men from the apostolic sects marry young children. They have a practice of choosing the young girls and claim that they have been given in the spirit world to marry a particular girl (Number 18, female, 39 years ordinary member of community).*

In addition, one participant said,

*In this region we have the apostolic churches that support the marriage of girls at the age of 12 years. Men in the churches claim these girls when they are still young and they are allowed to have many wives. (Number 19, male, 40 years, ordinary member of community)*

It can be commented that religious doctrines make the practice permissible as the followers of the faith see no problems in marrying off girls. Looking closely at the influence of religion, the traditions in the faith breeds room for the practice of child marriage, hence, girls are vulnerable to marriage below the age of 18 years. Religion has a major influence on a community as it permeates beyond individual habits. It influences collective identity and attitudes of people towards the practice of child marriage in sects as it enforces the moral behaviours through negative and positive reinforcement.

### **6.3.5 Media and Technology**

Exposure to media such as internet and pornography is another factor that causes the proliferation of child marriage. With the advent of smart phones and movies, children are getting exposed to sexually explicit materials that trigger them to experiment and in the process; they become pregnant and eventually get married below the age of 18 years (Tremayne, 2015).

One participant said,

*These days the media is a key culprit, sometimes even when you listen to the radio, you can hear programmes that have sexual connotation and you have to switch it off because*

*of embarrassment, and sometimes you will be listening together with your children.(Number 16, male 55 years, teacher).*

It can be argued that exposure to pornographic materials is possible factor that causes children to experiment resulting in girls falling pregnant. As a result, some of the girls end up being married when they are children. Such views substantiate the viewpoints from literature that attribute media exposure as a cause of early sexual debut. Views from the participants corroborates with literature review that points out that due to consumerism, the media is blamed for educating teenagers about interpersonal relationships and stimulate them via erotic visual images and pornographic movies. Key implication drawn from this study is that children are in “a social space that is structurally determined by a range of social institutions, but at the same time children as subjects, are also structurally and culturally determined as social actors with specific social roles to play, as children” (James & James, 2004:12).

### **6.3.6 Enacting agency and Autonomy**

A theme that emerged is that children are not passive actors but they are actively involved in decisions to marry below the age of 18 years. Thus, the issue of agents on the part of the girls wanting to assert their freedom and rights to start their own families,

One participant said,

*The other cause of child marriage is the need to have your own home; it is tempting when you are not in it to wish to have your own house, where you make your own independent decisions.(Number 17, female, 40 years, ordinary member of the community)*

Some of the girls know what they want and they regard marriage as a way to start their own families and make decisions of their own. This also comes into effect given the value that is attached to marriage in the community. Such a response is supported in the literature whereby Montazeri, et al., (2016), in a case study of Iran, found out that girl’s marriage is regarded as a fulfilment of their societal expectations. Marriage is viewed as a means to assert independence and a transition to adulthood. At the same time, it can be commented that girls sometimes engage in transactional relationships motivated by the desire to get material things and support. Consequently, this may lead to pregnancies because the men may not use condoms, resulting in girls becoming pregnant (Pattman, 2011)

Participants highlighted the issue of lack of community role models. In the communities, there are very few girls who have made academically who can serve as good examples on the benefits of education. Thus, girls in the area are not motivated to stay in school as they only see those who have married as role models.

One participant said,

*This can be traced in a family system, for example, when a father and mother did not advance in their schooling, they may not see the value of educating their daughter, and instead, the daughter can bring money when she gets married. In addition, the current scenario in Zimbabwe, where teachers spent half their time not at work, complaining about poor remuneration, this makes the value of education meaningless and demotivating for the girls- marriage can be seen as rewarding than spending time at school and at the end of the day, those who are educated they have nothing to show as the sweet fruits of education.(Number 3, male, 50 years, Schools Inspector.*

In this light it can be commented that lack of role models in the lives of the girls in the community is a trigger factor in causing the proliferation of child marriages. This is worsened by lack of better livelihood options as the girls see marriage as an alternative to assert their autonomy and the belief that once one have a family of her own, the individual can make it possible to create better livelihood options with the support of husbands.

#### **6.3.7 Orphanhood status and vulnerabilities**

Orphanhood status also emerged as an important theme. In most cases as evidenced by participant's views, orphans are abused by guardians. The mistreatment of girls who are orphans sometimes causes the young girls to seek consolation from men who later take advantage of them. The orphaned girls end up being impregnated leaving them with no option except to get married.

One participant opined,

*I was just sitting at home because I was not going to school. I left school when I was doing grade 7, both my parents had died and was living with my aunt who mistreated me. When I met this older man in our village, I thought he will come to my rescue as he promised to marry me and he was a divorcee.(Number 23, female, 30 years, married off as a child).*

It can be observed that the ill-treatment that orphans are sometimes subjected to can result in the girls finding solace in men who may promise to look after them. It sometimes become a means to escape living conditions at home.

Another participant said,

*After the death of my parents, I stayed with my uncle who used to abuse me both emotionally and physically. When I met my husband, he promised to take care of me and I eloped to him at the slightest opportunity. (Number 25, female, 25 years, married off as a child).*

These viewpoints can be corroborated in the literature review that points out to the dilemmas that orphans are subjected to after the death of their parents. According to Kapesa (2014), children without parents or adult guardians might end up involving themselves in illicit relationships for the purposes of financial assistance. Under such circumstances, girls are sexually abused by guardians and neighbours and in most cases; they become pregnant and are forced into marriage. World Vision (2013) further points out that in most parts of Africa, Orphaned and Vulnerable Children (OVC) turn out to transactional sex to obtain food and money to survive. Consequently, orphaned girls are vulnerable as they are left on their own to fend for their siblings. The girls fall prey to men who deceptively promise to look after them and their siblings.

The practice continues unabated at community level due to the influence of community gate keepers - mostly the elders who are custodians of tradition, hence, support marriage of girls. They look at the physical appearance and not chronological age and this becomes even worse for girls who are orphaned.

Participants said the following,

*I was moving around the community with a car with a picture of a child who is pregnant. Then we meet two elderly people and they asked about the picture and I said we are campaigning against child marriage. However, the elderly lady put it crudely in her response and said, aah, these girls are ripe and getting married later it's impossible and she was supported by the men she was walking around with saying they are ripe and they need to be harvested early (Number 20, male, 45 years, NGO Officer).*

*When we consider marriage age, we look at the appearance of the girl not biological age. When a girl is able to do household chores and has passed through initiation ceremony, she is ready for marriage. (Number 5, male, 46 years, ordinary member of community).*

It can be argued that there is a belief that once girls developed physically and are able to do some chores, they can be married. This has led the communities in Rushinga District to tolerate the practice of child marriage as normal.

One participant pointed out that,

*The other way culture causes the practice is that patriarchy influences this practice as a man wants to look for a younger wife who is not defiled. The only source for achieving that objective is to find a girl and the girl will be below 18 years. (Number 16, male, 55 years, Teacher).*

This view can be corroborated in the literature review that acknowledges that marriage in some communities is not viewed in terms of biological age lens but social lens. Gangoli & Chantler (2009) point out those marriages involving children are arranged by families and members of the communities. This is driven by the desire to preserve certain social and cultural values within these communities. In addition to that, Green, et al., (2001) suggest that culture of obedience characterise the manipulation of girls to ascend to the practice of child marriage. In communities where child marriage is rampant, young people have no freedom of expression and autonomy to question the decisions of the elders; especially fathers, mothers, uncles and aunts. This makes the girls more vulnerable and susceptible to child marriages.

### **6.3.8 Stigma, family honour and vulnerabilities**

The persistence and survival of the practice of child marriage emanates from the family system whereby families try to maintain some ties through marriages. Marriage of child becomes permissible in order to maintain family relations.

One participant said,

*Some people are aware of bad practice of child marriage. They will be trying to protect the man who will have impregnated the girl; they conceal the case, because they will be avoiding court cases. This is done to maintain social relationship. Once you make the man arrested, the problem will still remain with family of the girl to look after the baby. (Number 11, female, 40 years, Teacher).*



For some families, it is not an issue when a girl marries below the age of 18 years.

One participant notes,

*This can be traced in a family system, for example, when a father and mother did not advance in their schooling, they may not see the value of educating their daughter, instead the daughter can bring money when she gets married. (Number 14, female, 50, School Head).*

Such views can be validated in the literature review that points out that lack of proper reporting mechanism makes communities reluctant to report any child marriage cases. According to Human Rights Watch (2015) there is a gap in child protection system in Zimbabwe. This emanates from the family system that sometimes fail to recognise the importance of taking care of the children. For instance, girls who fall pregnant out of wedlock or seen with men and spend the night outside the family home are forced to elope to that men in order to maintain the family honour. In addition, some of the families see more incentives in having their daughters married than not being married as the families of the girls who marry off may receive lobola from the men.

This persistent practice of child marriage prevails in the community because members of the community promote this practice through clandestinely protecting perpetrators of this practice.

One participant opined,

*The community sometimes is very adamant, for example, they say if a child starts sexual activities, she should get married, thereby forcing the girl to get married. In addition to that, if you try to intervene on the issue you become a target of that community, they will demonstrate against you like playing drums at your work place (Number 8, 58 years, male, Schools Inspector).*

Thus, persistence of such a practice is rooted in the protection of family honour. Once a girl falls pregnant, she is regarded as an adult leading the family and community members to advocate for the girl's marriage. This is corroborated in the literature review that observes that the status of the families is based on the morality and behaviour of the women and girls over sexuality matters (Moghadam, 2004). Significantly, the honour of women and girls

depends on the purity of girls. Hence, once a girl falls pregnant, the family quickly disposes her to the man that defiled her resulting in child marriage.

People from the community are sometimes afraid of girl's parents, as they fear that if they whistle blow, they will be harassed by the girl's family members.

One participant said,

*My advice is that if the case is reported, those who come to investigate the case should not mention the names of the whistle blowers. This is done to manage relations in the community. (Number 5, male, 46 years, ordinary member of community).*

Against this backdrop, when some members in the community notice the illegality of the practice according to law, they are afraid to report the issue fearing retribution from the family members and even the community. In addition, a society can be tolerant to the practice because some families view marriage as a source of livelihood. As such, if someone criticises the practice, he or she can be regarded as a jealousy person, hence, this forces people in a community to become silent in questioning the practice fearing victimisation from the concerned family (Hanzi, 2006). One participant further points out that even at a school level, teachers are afraid to reprimand students because the parents will be in support of the behaviour of their daughter.

One participant said,

*When you reprimand a student that she is not supposed to flirt around with boys or men, sometimes we have cases of parents who come to school and scold the teachers for talking bad things about their daughters. Apparently, the parents will be supporting the behaviour of the child thinking that she will be married later. (Number 14, female, 50 years, School Head).*

The practice of child marriage carries on because families see more value in their child getting married and to start her own family. Such views are related to literature that in a milestone study, Montazeri, et al., (2016) point out that a family as a system is a cause of the proliferation of child marriage. The understanding is that the family as system has norms, roles and is embedded in intergenerational issues. In Iran, for example, marriage is an important milestone - marriage is regarded as a form of identity and consequently, many girls

marry below 18 years to fulfil the duty as permitted in the Iranian culture. In this context, some families place more value in the marriage of their daughters hence, any marriage regarded in high esteem. At the same there is little consideration of the entry point in the institution of marriage.

### **6.3.9 Transactional sex with older men and married men**

The culture of consumerism also needs consideration as a cause for the practice of child marriage. Young girls are lured into transactional relationships because of the desire to secure modern goodies and the wells to do. Men exploit this need and the girls end up being pregnant.

Participants said the following,

*The other factor is that girls being lured by adult males with promises of gifts because they come from poor backgrounds. These girls are lured to accept these gifts because they would want something trend and fashionable that time.(Number 20, male, 45 years, NGO officer).*

*Girls are vulnerable these days because they like to have new fashion, there is some competition of some sought among the girls as they look at who has a good phone and clothes, they end up hooking with men in the area to get money to buy such goodies, especially money from the gold panners known as makorokoza (someone who pans for minerals).(Number 12, male, 50 years, village head).*

The above views are corroborated in the literature review with regards to the culture of consumerism. Similarly, in a case study of South Africa, Pattman (2011) points out that young girls living in poor townships are driven by the desire for fashionable goods, hence, they engage in transactional sex that exposes them to pregnancies and HIV infections. The exposure to pregnancies is high because transactional relationships lead to pregnancies and child marriages. Hence, the desire for modern things has an effect in the way some of the girls expose themselves to risks such as pregnancies or STI in an effort to good goodies from men that often exploit them sexually.

### **6.3.10 Lack of awareness of laws that prohibit the practice of child marriage**

Provision of laws and awareness in the community about the practice of child marriage generated mixed responses from the community. Many participants were not aware of the constitutional provisions that prohibit the practice of child marriage.

Some participants had this to say,

*I am not aware of laws that prohibit marriage of anyone below the age of 18 years. In this area, it is a common practice and it is done according to our tradition and customs. A girl has little say in such circumstances. (Number 6, female, 32 years, ordinary member of the community).*

*There are no such laws that ban child marriage, in our community people marry as they wish and we have even cases of policemen at the post in the township who is married to girls from our villages. (Number 5, male, 46 years, ordinary member of the community).*

While other participants seemed to be aware, some of them ironically said that 16 years is the cut off age and yet the Constitution of Zimbabwe says 18 years. In addition to that, looking closely at the pattern of responses, most teachers and other professionals were aware but those at community level mostly expressed ignorance and those who did were just guising in terms of the age. One participant said, “mmmm, I have heard that marriage age has been reduced from 18 years to 16 years.”(Number 4, male, 50 years, school head). Such a response is an indication of the confusion on the constitutional age limit on marriage. Consequently, the level of unawareness at community level exacerbates the practice of child marriage and this has made the reporting on cases of child marriage impossible. Lack of awareness of the constitutional provisions that bars the practice of child marriage is a major blow in tackling the practice at community level. Therefore, it is imperative to make the constitutional provisions and awareness available in the community in order to curb the practice.

Cases of child marriage go unreported because a number of people in the community are incognisant that it is a criminal offence to facilitate the marriage of children under the age of 18 years.

One participant said,

*For me I did not know that it is a criminal offence when someone forces you to get married or getting married with an older man. I have come to know it now; I think many people are not aware that there is an age limit like 18 years to consent into marriage (Number 18, female, 39 years, and ordinary member of the community).*

Another participant noted that she was not aware of any such laws that prohibit the marriage of children below the age of 18 years.

The participant said,

*I am not very sure if there is a law but what I have heard is that if a girl is underage a man can be arrested. (Number 19, male, 40 years, ordinary member of the community).*

Child marriage appears to be a personal decision and family decision, thus, if a family decides and an individual decides to marry, no outsider has a say on that issue. This can be validated by one participant, a village head who said that,

*As long as the issue is not reported as a police case or rape, the case can be resolved quietly among the families. If a boy and a girl decide to get married after a pregnancy, there is no problem. (Number 12, male, 52 years, village head).*

Consequently, the issue of marriage is more of a family issue and is expected to be dealt with at family level. If there is any dispute, the family takes the case to the chief who in most cases deliberate on compensation in the form of a fine to cement the relationship. In addition, drawing from literature, Hanzi (2015) points out that failure by governments to enact and implement laws that provide standards which explicitly protect girls from exploitation has fuelled the practice of child marriage. In Zimbabwe, for example, Customary Law and Marriage Act have provisions that permit marriage below the age of 18 years (Nyamadzawo, 2015; Musiwa, 2018). Consequently, customary law allows families to settle cases of child marriage among themselves without any punitive measures in place to deter perpetrators from committing similar crimes in the future. It is important to note that child marriage is a result of poor marriage laws. While civil laws condemn marriage below 18 years, the customary law condones the practice by not stipulating any age limit.

#### 6.4 Traditional leaders' role in the practice of child marriage

The practice of child marriage is happening in communities of Rushinga District and traditional leaders are aware of the practice but to them, it is a normal practice as long as the case is not brought before their traditional courts. Where there is an altercation between the family and man who would have impregnated a girl and is refusing responsibility that is when the case is solved at the court. The man is fined and forced to pay damages.

Participants said that,

*If a man impregnates a girl and refuses responsibility, this is when the case comes to light and the culprit is brought for trial. Normally, the culprit is forced to pay damages in form of cattle. As long as the girl is saying she was not raped the case can be solved at chief's court. (Number 12, male, 52 years, Village Head).*

*As long as the issue is not reported as a police case or rape, the case can be resolved quietly among the families. If a boy and a girl decide to get married after a pregnancy, there is no problem. In most cases, the family of the girl is afraid that if it reports about the issue, the boy will dump their daughter who is pregnant. (Number 15, female, 44 years, village head).*

It can be commented that traditional leaders take a neutral stance in terms of dealing with the practice of child marriage. Their role is to deal with disputes as they are brought before their courts. In cases where the families in the communities solve the issue at family level, the chief's hands are tied. These particular responses are in tandem with literature that points out that the practice of child marriage is a social norm that is reinforced at community level and is supported by gate keepers such as chiefs. Wesley, Perkins & Allan (2005) note that social norms make children's rights violation acceptable and some of the social norms are anchored on gender discrimination that reinforces violence against girls, which will then result in under reporting of cases of child marriage as many cases remain hidden due to fear of stigma.

During data collection process traditional leaders mentioned that it is a family responsibility to take care of its children. The chief is there to help communities live in harmony and issues of marriage are cultural and it has been a practice dated back long time ago. From a traditional view point, anyone can marry and communities have their own interpretation of age of marriage. In this regard, traditional leaders are only there to resolve disputes, for

instance, only for cases when a man is refusing responsibility over a pregnancy or is refusing to pay lobola to the in laws.

One participant said,

*As long as the issue is not reported as a police case or rape, the case can be resolved quietly among the families. If a boy and a girl decide to get married after a pregnancy, there is no problem. In most cases, the family of the girl is afraid that if it reports about the issue, the boy will dump their daughter who is pregnant. (Number 12, male, 52 years, village head).*

The significance of the responses by the traditional leaders is an indication of the inherent gap in the legal system in Zimbabwe. This is because traditional chiefs are more inclined to customary laws. For instance, Musiwa (2016) and Nyamadzawo (2016) highlight that contradictions within the legal framework create a conducive environment for the practice of child marriage in Zimbabwe. Although the Zimbabwean Constitution explicitly prohibits child marriage, a number of laws have not been harmonised to uphold the marriageable age limit. This is worth noting as the Customary Marriage Act (1957) sets no age limit to marriage. Under the Customary Marriage Act, the parent or guardian makes a decision on the marriage of the child even below the age of 18 years. Hence, lack of clarity on marriageable age paves way to child marriage (Musiwa, 2016) In addition, traditional leaders find no problems in the sanctioning the practice of child marriage as they rely mainly in the implementation of customary law which is silent in terms of age limit. This is why one chief explicitly said,

*If a man after impregnates a girl and refuses responsibility, this is when the case comes to light and the culprit is brought for trial. Normally, the culprit is forced to pay damages in form of cattle. (Number 15, female, 44 years, village head).*

Thus, some traditional chiefs find no problems in sanctioning child marriage because marriage is viewed using a social lens rather than the legal lens that is anchored on the Constitutional provision that states that minimum age of marriage is 18 years in Zimbabwe. Consequently, the disharmony in laws that seek for the protection of children being married off below the age of 18 years need to be looked at closely to curb the practice. Nyamadzawo (2016) points out that Zimbabwean laws set different minimum age limit for marriage and this has led society to utilise traditional legal system that condones child marriage practices

## **6.5 Impact of the practice of child marriage on girls married off as children**

Child marriage practice is laden with a lot of challenges for the married girls. This section focuses on the effects of child marriage.

### **6.5.1 Gender based violence and abuse**

A theme that emerged is that child marriage is associated with fighting between the couples because of power dynamics in the family. Child marriage unions can be a hub of abuse as confirmed by participants who said,

*Again, because they are young, chances of making decisions in the family are limited due to power dynamics in the family, hence; they are prone to abuse as the person who marries them will be on top of the situation. (Number 4, male, 50 years, school head).*

*The problems are diverse, sometimes when you get married when you are young, you will not understand a lot of things such as household chores or even how to take care of a man's expectations. Failure to deliver in most cases lead to domestic violence as the man will be expecting you to act and deliver just like any other wife (Number 13, male, 45 years, NGO officer).*

The challenge of power dynamics is exacerbated by the lack of any meaningful livelihood options for the girl. The man is the head of the house and whatever he says goes without any challenge since he will be fending for the family.

One participant shared,

*The challenge has to do with power dynamics, in my case, when I got married; my husband was older than me by over 20 years. My husband is 53 years old and whatever he says it goes without challenge because I am supposed to give him respect even if I see that whatever is being said, it is very wrong. (Number 25, female, 25 years, married off as a child).*

Such marriages are characterised by a lot of fighting and abuse of the girls. This can be substantiated with literature review as ICRW (2012) underlines that in entering into marriage, many girls have little or no bargaining power with their spouses and in laws regarding their movement, belongings and even person. Girls are subjects of control, humiliation and



servitude. In a case study of South Asia, 80 percent of young wives have been subjected to marital rape by their husbands (UNICEF, 2012 and Human Rights Watch, 2015).

One other problem associated with child marriage is that girls are subjected to a cycle of abuse in polygamous relationships. The problems associated with polygamous relationships can be a big problem for victims of child marriage. The young wife is found vulnerable to the abuse and scorn by the first wife of the man.

One participant said,

*The other challenge is abuse from the wife of the husband, in my case, the first wife treated me like a slave and she was always using abusive language accusing me that I was a fool to date a married man who was almost the age of my father. (Number 21, female, 45 years, married off as a child).*

In a similar circumstance, another participant said,

*I married in a polygamous family where I was the fourth wife, the first wife used to bully and abuse me both physically and emotionally. She expected me to cook and wash the clothes for all the children (Number 25, female, 25 years, married off as a child).*

It can be observed that the level of psychological, emotional and physical abuse in polygamous relationship is huge, especially for the young girl. This can be corroborated with literature review that postulates that girls in polygamous relationship are exposed to competition with the other wives in a polygamous relationship and they are unable to cope with the pressure and taunting from the adult wives of the husband. They are exposed to a lot of psychological trauma as they are expected to play the role of a wife and yet, they will still be young and inexperienced to handle the married life style. Worse still, the young girls are bullied by the older wives who assign her the various tasks and treatment as a slave in the absence of the husband (UNICEF, 2003; Jonas 2006; Wadesango et al., 2015).

### **6.5.2 Unstable family and spousal relationships**

High levels of instability characterise child marriage unions. In some cases, the marriages will not last as the man will seek other women. Under such circumstances; it is the girl that

suffers as the husband will go away. In addition, the girl may be neglected by the husband that she ends up experiencing total isolation.

One participant said,

*These girls are impregnated and dumped; no one will look after her after being dumped by husband. No one will be helping the girl to look after the baby following neglect by the husband. (Number 21, female, married off a child).*

In line with the issue of abandonment by the husband, one respondent said,

*In my case, I am having problems with my husband, he went to Mozambique 6 months ago and he has not been communicating with me. I don't even know if he has decided to leave me with the kids. Worse still, when one is young like me, I am now 21 years old, and being a mother, with an estranged relationship, I sometimes cry at night why the Lord has led me into this trap. It pains me a lot. (Number 22, female, 21 years, married off as a child).*

Most of the men who marry girls end up taking advantage of the girl and they become monsters in the relationship as they become arrogant and violent.

One participant opined,

*He was very abusive; he used to beat me up whenever he came from the community beer hall claiming that I was not good enough to satisfy him in bed than his first wife. (Number 23, female, 30 years, married off a child).*

Consequently, it can be commented that child marriage exposes girls to a lot of challenges as they face the hurdle of circumventing the problems of violence and abandonment by their husbands. Such views can be substantiated by literature review that points out that child marriage practice has been blamed for causing problems in the lives of girls such as psychological, health problems and physical abuse perpetrated on the girls in such unions (UNICEF, 2001; Nour, 2004). According to ICRW (2007) child marriage unions have negative psychological and emotional impact on the girls. Married girls are sometimes isolated and powerless. Consequently, victims of child marriage are at risk of recurrent and lifetime psychiatric disorders such as immobility and trauma.

Child marriage unions are sometimes characterised by a lot cheating and infidelity. In the case of the girl, this can be due to the fact that the husband is very old. In some instances, the girl will seek affection from young men as the old men will fail to satisfy her physically and emotionally. One participant opined, “The other issue is that the girl if given a chance will cheat the man because the husband will be too old and it will lead to abuse and hurting in the relationship.” (Number 10, female, 30 years, teacher). The union is sometimes characterised by emotional abuse. This can be due to the abandonment by the husband as well as lack of support from the husband’s relatives.

One child bride said,

*I thought getting married was an escape from poverty; I come from a very poor family. I only later realised that I exposed myself to a burden of taking care of my husband and kids at the same time looking after his parents. There was a lot of hard labour involved. Sometimes I had challenges in understanding what my husband wanted and it could end up in a fight. He was very demanding both physically and emotionally to an extent that at one point I thought of running away. (Number 23, female, 30 years, married off as a child).*

Another participant said,

*I am 21 years old and my husband is 59 and he is always drunk and does not offer me any emotional support. I was forced by circumstances to seek comfort from my former boyfriend who is 28 years. (Number 22, female, 21 years, married off as a child).*

It can be commented that girls who marry older men may end up feeling lonely and this breed room for cheating and consequently, once the affair is discovered, the girl is divorced and publicly humiliated. This can be corroborated by literature review that acknowledges that child marriage unions are characterised by a turning point when the husband becomes violently abusive or would financially neglect the family and indulge in beer binges. Consequently, this may force the young wife to seek solace and affection from other men (RAU, 2016). RAU (2014) in a similar study in Goromonzi (Zimbabwe), reveals that child brides complained about lack of companionship resulting in infidelity in relationship.

### 6.5.3 Health impact

One of the challenges associated with the practice of child marriage is a health scare. In most cases, the girl can get infected with HIV and STIs. In a number of cases, the girls are married to older men who would have been sexually active and they might end up infecting the young inexperienced girls. This situation can be made worse when a girl is married under the culture of Levite marriage (*chimutsa mapfihwa*), that is being married to the husband of a late aunt or sister who might have died because of AIDS.

One participant said,

*In most cases where the practice of chimutsa mapfihwa is practiced; the girl's sister might have died of AIDS and the unfortunate situation is that the husband might know his status but may not divulge to the incoming young wife and she end up being infected with the HIV. (Number 11, female, 40 years, teacher).*

Worse still, the marriage can cause health challenges as the man might end up having extra marital affairs that lead to infecting the young wives with STIs. One participant (*Number 24, Female, 20 years, married off as a child*) further elaborated, "I started to experience series of STIs as the man was engaging into extra marital relations."

One participant said,

*When a girl becomes pregnant at a young age, she will face the problem in giving birth as her birth canal will be still immature to deliver a baby, she may end up dying giving birth. (Number 8, male, 58 years, Schools Inspector).*

These responses also correlated with the views of Kelly (2003:17) who upholds that child marriage exposes the young girls to HIV and STIs. A study in Kenya showed that married girls had a "50 percent higher chance of contracting HIV infection than unmarried girls. The risk was even higher in Zambia, at 59 percent. In Uganda, the prevalence rate for girls 18-19 years was higher, at 89 percent as compared to unmarried girls at 69 percent". Thus, child marriage causes health problems where a young girl is faced with the problem of obstructed labour during giving birth. Such a condition has both psychological and social consequences for the girl child and in Rushinga District where such cases of Vesico-vaginal fistulae are common.

#### **6.5.4 Lack of education**

One resultant effect of child marriage is higher illiteracy rate in the district. Many girls drop out of school after falling pregnant. The effect is that the girls are disempowered in terms of securing opportunities due to lack of education.

One participant said,

*The challenge is that it disempowers women in society. In Rushinga District, power dynamics are biased towards men, for example, at the District level, we are all men, we don't have a lady, if you go to the Women's Affairs Department, it's all men there and they say that its ' We Men's Affairs', there is no lady there (Number 13, male, 45 years, NGO officer).*

Child marriage suffocates the opportunities for the girls to get professional jobs. This is due to the fact that the girls would have dropped out of school before actual completion.

One participant opined,

*The marriage affected me much because I left school when I was doing form 3. If I reminisce the opportunities I lost due to this marriage, I regret because one of my friends at high school is now doing Nursing at Mt Darwin hospital. (Number 25, female, 25 years, married off as a child).*

Child marriage practices result in many girls dropping out of school increasing the illiteracy rate. Responses are coherent with literature review that acknowledges the negative consequences of child marriage in terms of the advancement of women in society.. According to United Nations International Research and Training Institute for the Advancement of Women (2005), child marriage has a devastating effect of causing girls to drop from school depriving them of the opportunity to get a career that would help them to lead a fruitful and rewarding career in the future. Child marriage implies that an educational career is deprived as the young wives are expected to take care of their husbands, doing household chores and looking after the children. Consequently, as highlighted by one participant quoted above, most professional positions in the district are occupied by men as exemplified by the Department of Women Affairs in the district where all the office bearers are men.

## **6.6 Intervention strategies to deal with the practice of child marriage**

Various suggestions that came out during the discussion with community members in Rushinga District to end the practice of child marriage. The interventions highlighted suggest that solutions should start at family, community and national level to curb the practice of child marriage that statistically stands at 50 percent in the district (Zimbabwe Multiple Indicator Cluster Survey report, 2014). The following paragraphs will capture interventions strategies suggested by respondents to deal with the problem of child marriage.

### **6.6.1 Provision of girls' education and opportunities**

One emerging intervention strategy suggested by participants is that girls should be kept in school. When the girls are in school, they will be protected against the ills of child marriage.

One participant said,

*My advice is that girls should go to school. Where we live, we have cases of girls who are getting married at a tender age. So, in my case, I counsel my child using the examples of those who married earlier.(Number 1, female, 35 years, ordinary member of the community).*

There is need to implement educational policies that encourage girls who fall pregnant to return to school after giving birth. Such policies will encourage girls to continue their education instead of eloping and become wives at a tender age. One such policy that needs to be effectively monitored and implemented in Zimbabwe is P35 Circular that encourages schools to absorb back in class any girl who would have fallen pregnant to return and continue with her education after giving birth.. The Education Act provisions stipulate that girls that fall pregnant are allowed to return back to school after giving birth and continue with their studies.

One participant alluded to this policy when he said,

*What we are doing we are trying to implement the Secretary's Circular number P35, even if the girl becomes pregnant she is encouraged to return back to school - reintegration into the school system. We are also encouraging girls to join non formal sector where they receive education to complete the cycle.(Number 3, male, 50 years, Schools Inspector).*

It can be commented that in most cases, girls who drop out of school are the most vulnerable to the practice of child marriage. Thus, intervention programmes should be targeted at vulnerable girls to be kept in school. Such initiative should come from the family, NGOs and even government level through the Ministry of Education in implementing its policies such as the P35 that provides for the accommodation of the girls who fall pregnant while at school to come back in school system after giving birth.

At school level where most of the children are dropping out, schools should implement Guiding and Counselling programmes that teach life skills to learners. Issues like abuse and reproductive health should be mainstreamed in the lessons. At the same time, it is imperative to take an active role to monitor early signs of girls who might be the vulnerable to the scourge of child marriage.

One participant said,

*We are encouraging students not to drop out of school, we are using the method called Early Warning System- we tract the child absenteeism in school and also tract behaviour in school, if the child is displaying weird behaviour, it may be an indicator of a possibility of a child to drop out of school. We have introduced adolescence sexual reproductive health clubs, the main reason is that children are getting married because they are not getting enough information about sexual health education.(Number 8, male, 58 years, Schools Inspector).*

Schools should provide clubs that help spearhead issues on awareness of child abuse. These clubs should be active in promoting children's rights and awareness campaigns should target girls by channelling awareness on the importance of staying at school and getting a course to promote a better livelihood. Again, the clubs should provide comprehensive sexuality education; that is complimentary to life skills. Children should know the benefits and disadvantages of having sex, and the risk factors associated with the activity. In such forums, discussions should be centred on what they should do to delay sexual debut.

One of the participants said,

*These clubs are in the schools. Basically we do these clubs after establishing the 72-hour Gender Response rooms- it is an atmosphere they will be discussing peer to peer. Sometimes these clubs are held with the guidance of the teacher. In addition to that, if they hear such cases they report the cases through various platforms. One example is*

*that we have the mukuru box (suggestion box). We also have the complaints desk; we also use child line and Victims Friendly Unit. Such mechanisms help us to report on any cases where we suspect love affairs of school children and those from the community that will ultimately cause the child to drop out of school. (Number 3, male, 50 years, Schools Inspector).*

It is important for the Ministry of Primary and Secondary Education to provide a curriculum that encompass guidance and life skills education that can be helpful to learners especially girls to understand their rights and awareness of the consequences of child marriage. Learners at school should be made aware of any protection services available in school, community and national level if their rights are being violated.

Keeping girls in school takes centre stage in the discussions as a mitigation measure to deal with the problems of child marriage. Participants highlighted the need to enforce the rights of children in terms of educational rights and accessibility. The law should be enforced effectively so that parents or guardians are taken to task when they fail to send their children to school.

One participant said,

*The other issue is that our laws are still very lenient as some parents can openly say they have money to send their children to school. These parents are supposed to work and generate money so that they can send their children to school. If they are serious they can look for work at the school, instead of getting money, the school will exempt the parent from paying fees. Most of the parents are not aware that it is a crime not to send their children to school. (Number 16, Male, 55 years, teacher).*

Furthermore, education should be made compulsory and no child should be removed from school due to non-payment of school fees.

One participant said,

*There is need for support of the girl child in school especially from BEAM and NGOs to help in keeping our girls in school. There is need for campaigns to educate communities on the value of delayed marriages. This should be done especially along the border areas where this practice is very rife (Number 10, Female, 30 years, teacher).*

Educational provision can be seen as an incentive to keep the girls from the trap of child marriage. These individual responses are supported in the literature review that advocates for



keeping girls in schools to avert the pitfall of child marriage. Nyamadzawo (2015:7) found that for “each additional year of delay in the age of marriage, a girl would benefit on average from 0.22 additional year of schooling and an increase in the probability of literacy of 5.6 percent”. Against this background, keeping girls in school is a positive way to curb the proliferation child marriage as the girls will be kept occupied productively. At the same time, education can help in providing skills to the girls that are helpful in the future careers they will undertake.

Government is implored to build more infrastructures to accommodate more children at secondary schools. In some wards in Rushinga district, secondary schools are far apart that some girls end up not going to school because of the distance.

One participant said,

*I also encourage the government to build a secondary school nearby. As I mentioned earlier own the nearest secondary school is about 8 km, hence, girls end up dropping from school as well as those who go, end up flirting with boys to and fro school resulting in early pregnancies.(Number 19, male, 40 years, ordinary member of the community).*

The above cited challenge can be noted in Mukosa area in Rushinga District where a secondary school building project was aborted due to traditional opinion leaders.

One participant said,

*There is a case at Mukosa, where a secondary school structure was put in place with the hope that children from Mukosa and Nyabawa can attend a school nearby. However, the chief, the custodian of the tradition, taking advice from the mhondoro (spirit medium) stopped further construction of a secondary school. Consequently, most girls from Mukosa area they don't go to secondary school because there is no school in the area and end up getting married.(Number 3, male, 50 years, Schools Inspector).*

Such views are crucial as they highlight the need to create an environment that is conducive to allow the girls to escape the jaws of child marriage. Looking closely at the participants' views and concerns, most children in particular, in some parts of the districts, especially near Mazoe River, are not going to school due to the distances they are supposed to cover to and

from school. Hence, non-availability of schools makes girls vulnerable as they are left redundant at home and eventually they may end up married below the age of 18 years.

There is a need to provide educational assistance to girls who married off as children. This assistance should be provided for girls who are still young and have the energy to go back to school or even to take up vocational courses. Providing them with academic or vocational education is helpful as this will promote their employability or they can start their own small businesses that can generate income for their families.

One participant said,

*I believe such girls should be allowed back to school. Given the experiences that I have gone through, I feel that if I am given an opportunity I still want to finish my secondary education and get a course so that I can look after my son. (Number 23, female, 30 years, married off as a child).*

Another respondent said,

*I also need capital to start a project that can raise me money to look after my siblings and my son Kupakwashe. I know I cannot go back to school, but if I can get a course in tailoring and machinery, I will start a business of making clothes to raise some money. (Number 25, female, 25 years, married off as a child).*

To curb the proliferation of child marriage, there is a need for the provision of education as an empowerment and intellectual development tool. Innocent Digest (2001) notes that there is need to ensure that parents keep their daughters in school and those who are already out of school, basic education should be provided in order to promote personal, wider social and economic opportunities that in turn lessens the bruises that come about due to marriage. It is imperative to note that in the cases where girls would have missed formal education, non-formal programmes can be helpful. One significant case study is one in Bangladesh; NGOs are working with in school and out of school girls through provision of life-oriented education as a compensation for loss of educational opportunities.

### **6.6.2 Upholding the rights of girls and women**

Suggestions that came out from the discussions during data collection to curb the proliferation of child marriage in Rushinga District are that child protection programming

should be very active in communities. Organisations such as the Social Welfare Department should work tirelessly to promote the rights of children.

One participant opined,

*There are there, for example, we have the social welfare department. The department goes into the community educating people on the importance of children rights. The social welfare is active in that aspect as it sends people to work in the communities. For children who are abused, the social welfare, will advise the families of the abusers and in some instances, it encourages the fostering of the child in the community if there are people willing to adopt the child who is being abused. (Number 11, female, 40 years, teacher).*

The roles of NGOs should be acknowledged in communities. NGOs should provide support to the government and the programs should complement government efforts. In communities ravaged with the practice of child marriage, NGOs should play a significant role in keeping the girls in school. In Rushinga District, there are NGOs like CAMPFED and Save the Children who are working in schools to promote girls' education. However, the challenge is that the targeted beneficiaries are few and those who are not in the programme are left vulnerable.

One participant said,

*Save the Children hold workshops that target the teachers and community members and promote quality leaning environment. CAMPFED which organizes child protection programmes and makes a follow-up of those girls that leave school. It gives provisions to girls like bicycles and trunks in order to lessen the burden of coming to school. However, most of the partners in schools target primary schools and in the district, we only have one partner, CAMPFED, which focuses on secondary schools where the practice is rampant. (Number 4, male, 50 years, school head).*

Thus, one participant noted that the support given by NGOs is a drop in the ocean. One case is that CAMPFED in the district is targeting few girls out of many.

One participant went further and said,

*The percentage they target is very small especially if we compare with the enrolment. For example, this current year, they were sponsoring 12 girls out of 381 girls. In terms of*

*percentage it is 3, it is just a drop in the ocean.(Number 14, female, 50 years, school head).*

The limitation to funding has derailed NGOs support for the girl child in schools. A Programme Officer of an NGO working in the area pointed out that,

*Our programme was covering all the 48 schools but it was cut short to 17 schools. This has been a result of resource constraints and the selection, we are looking at the disadvantaged and those in outskirts areas.(Number 20, male, 45 years, NGO officer).*

It can be argued that child protection mechanisms are imperative in curtailing the practice of child marriage. However, the current situation in Rushinga District and even at National level is found wanting as the social protection system in Zimbabwe has been bad since the year 2000 due to socio-economic meltdown (UNICEF, 2015). Looking closely even programmes established under the Zimbabwe National Orphan and Child Protection (ZNOCP) need to be active in cohort with its Basic Education Assistance Module (BEAM) programme through which school fees is provided for Orphan and Vulnerable Children (NPAOVC, 2004).

### **6.6.3 Provision of better livelihoods for the communities**

Discussion during data collection revealed that girls who married off as children need to be given some assistance. The assistance to be provided for these girls can take various forms. One of the assistances to be rendered is provision of social service assistance to these girls. These services include; provision of basic amenities and livelihood assistance. Most of these girls face the challenge of accessing food because the husbands might be abusive, hence, the girls might be abandoned.

One participant said,

*So government should come up with a programme to pay school fees for girls whose parents are not able to provide for them. I also say, government should give people hand-outs of food so that poor households can have access to food. (Number 6, female, 32 years, ordinary member of the community).*

It can be commented that child marriage exposes girls to much suffering and they face the problem of failure of securing better livelihood options. In a study by UNICEF (2012), girls

who marry as children are three times more likely to be divorced than those who marry later. Those who postpone marriage are in a better position as they are more likely to have been educated and are able to start income-generating ventures to support their livelihoods. Hence, it is imperative to provide support to these girls as a way to alleviate the suffering they experience.

One intervention strategy that came out from semi - structured interview discussions is that government should stop illegal gold mining activity in Rushinga district along the Mazoe River. This area has become a hot spot for girls being trapped and lured into transactional relationships, which in turn end up making these girls vulnerable.

One participant said,

*I think I need to mention that the government should stop the so called panning in all set ups because these are our hot spot areas in terms of child marriage. For example, along the Mazoe River, the gold panners entice young girls with money (Number 20, male, 45 years, NGO officer).*

Poor economic background of girls force them to engage in sexual relationships with men who are involved in panning.

One participant opined,

*Yes, the young girls because of their poor socioeconomic background, they are left with no option except to engage in sexual activities that expose them to pregnancies or child marriages (Number 14, female, 50 years, school head).*

Another participant said,

*These days in our area, there is a gold rush along the Mazoe River, I have seen a number of girls in our village going there and some end up pregnant and eloping. The men who are there have money from the sale of gold and they end up luring these innocent girls into relationships. So the government should stop the gold panning in that area which has done more harm than good because these men are taking advantage of children. (Number 2, male, 49 years, NGO Officer).*

Drawing from the opinions of the participants in the study, government should make an effort to provide alternative livelihood opportunities for the people in the District. Income generating projects should be provided and legal gold mining should be fostered in the area so that it can create more job opportunities for the communities around the place and reduce illegal activities in the area. If proper mining is done in the area, more jobs can be created to help many families in the area. This is mainly because of the poor rainfall patterns in the area that makes agricultural activities impossible as the district lies in the valley along the Zambezi escarpment.

Provision of social services was noted as an alternative livelihood essential to curb the practice of child marriage. Projects that are meant to empower communities are supposed to be well budgeted for. In most cases, these budgets should be gender-sensitive to allow girls and women to participate effectively so that they are able to generate an income and have a decent livelihood.

One participant said,

*There is need to campaign for gender sensitive budgets, every budget be at local council level, appreciating that boys and girls need to do projects, so that they spent much of their time generating income (Number 4, male, 50 years, school head).*

In light of the provision of alternative livelihoods, communities benefit much in curtailing the impact of child marriage, especially to women who would have been abandoned by their husbands and left with little or no economic survival strategies. Income-generating projects such as poultry and market gardening go a long way in mitigating the problems faced by girls who married off as children in the district.

#### **6.6.4 Harmonisation of laws that prohibit the practice of child marriage**

Another intervention strategy to deal with the proliferation of child marriage is harmonisation of laws in Zimbabwe. Most laws are contradictory where the Constitution says anyone below the age of 18 years is a child, yet the legal age to consent to sex is 16 years. Such a contradiction breeds cases of child abuse as the girls will be vulnerable to pregnancies as long as they are allowed by law to engage in sexual intercourse at the age of 16 years.

One participant noted the problem and the selective application of the law by saying,

*The other issue is that the age of consent is 16 years, it means that in Zimbabwe, if a man who is not a teacher gets involved with a girl who is 16 years it's not a crime, there is a contradiction in laws. It's only the teacher, who is a culprit; all other people can go unpunished. For example, a police man can marry a girl below 18 years even the president can engage in sexual encounter with a 16 years and still not committing a crime. The law should be universally applied that no sexual intercourse with a girl below 18 years. (Number 3, male, 50 years, Schools Inspector).*

Another participant opined,

*There is a contradiction in the laws of Zimbabwe, recently it was announced that the Constitution outlaws any marriage of anyone below the age of 18 years and yet the customary law is silent on age limit. Worse still, our parliamentarians are doing nothing during their sitting to harmonise the laws. (Number 2, male, 49 years, teacher).*

It can be argued that laws should be harmonised and all the laws should be aligned in line with the constitution. The literature review corroborates this, stating that having a constitution is not enough to fight the problem. There is need for government to develop and implement legislations that protect the rights of children against child marriage. There is need to harmonise the two conflicting marriage laws, that is the Marriage Act Chapter 5.11, and Customary Marriage Act (1957)) in line with the constitutional provisions of 2013 (Nyamadzawo, 2015; Plan International, 2015; Musiwa, 2018).

#### **6.6.5 Advocacy and empowerment of girls**

One the emerging remedy to curb the practice of child marriage is community engagement and advocacy to deal with the social cultural impetus that triggers the practice of child marriage. Advocacy and dialoguing with opinion leaders is central to curb the practice of child marriage. Engagement will yield positive results as traditional leaders can effectively monitor and implement the laws against child marriage instead of sweeping them under the carpet.

One participant said,

*There is need to have dialogue meetings with various groups such as traditional leaders, churches and ordinary members in the community. Our entry point is traditional*

*leadership such as chiefs; you will see that if a chief says no to something in the community, that thing cannot be done (Number 16, male, 55 years, teacher).*

Advocacy should be done through provision of Information Educational Communication (IEC) material that can help to provide the requisite information against the practice of child marriage.

One participant had this to say;

*It needs holistic approach whereby Women Affairs, Education and the District Administrator should play their part so that the word can be spread from all angles. What I propose is that information should be spread through talk shows, pamphlets, video screening to express the dangers of child marriage. They should know the advantages of keeping girls in school; yes some know but it requires more vigilance in cascading information. (Number 13, male, 45 years, NGO officer).*

Advocacy is central in raising awareness about a phenomenon as it is meant to educate the community about the consequences of a practice such as child marriage. Bulla Bulla (2014) points out that awareness and advocacy will help towards establishing child protection committees to curb the violation of children's rights at community level. These committees should include both men and women to act as watchdogs. One example in Zimbabwe is that of Mberengwa District, where Save the Children is training community members at ward level on issues of child rights. The organisation educates community members, traditional leaders and school authorities on child rights issues through an active Information Education and Communities (IEC) materials such as flyers, posters, pamphlets and brochures. The information dissemination is targeting harmful traditional practices that violate children's rights. These harmful traditional practices include appeasement of spirits, flirting with young girls by uncles and grandfathers and pledging of girls as a form of generating dowry.

Active campaigns on the rights of children, especially sexual abuse should be done in communities. These campaigns should target hot spots areas like Rushinga District where cases of the practice are rampant.

One participant said,



*Campaigns against the practice should start from grass root level, starting from primary school. I think if you talk to a child when she is still young, at primary school, they are aware of this issue. To deal with the problem there is need to establish projects that will keep the girls busy. In this area mostly girls drop out of school in form 3 and become maids which later make them in two to three months down the line, they get married. (Number 10, female, 30 years, teacher).*

In addition to campaigns on child rights, one participant opined,

*There is need to have multi sectorial approaches, for example, the perpetrators are parents who seems cherish the idea, especially those who have not tasted the fruits of education. How to approach the practice on child marriage is to ensure the buy in of the parents on the benefits of education. We also need to empower boys and girls that the priorities at their age are not to have family but to acquire skills so that they become leaders in the future. (Number 11, female, 40 years, teacher).*

Community engagement will yield positive results in stopping cases of child abuse. Essentially, raising awareness will help the communities know about the services available in dealing with child rights and also awareness of the constitutional provisions that outlaws the practice of child marriage. The level of unawareness by the community of the constitution is high and this can be summarised by a participant who said, “I am not aware of any law that prohibit marriage of children below the age of 18 years. I believe marriage is between two people who agreed to marry.”(Number 10, female, 30 years, teacher) Confirming the high level of obliviousness at community level of constitution in outlawing child marriage, a village head said, “I heard that marriageable age has been reduced from 18 years to 16 years.”(Number 12, male, 52 years, village head).The significance of the responses is related to the literature review that advocates for the advocacy and awareness campaigns to deal with the proliferation of child marriage. One significant example is that of Senegal where Tostan is spearheading community advocacy and awareness campaigns. Under this programme harmful traditional practices are being tackled and the response is good and encouraging( UNICEF,2011). Thus, the provision of child protection committees will help in reaching out to communities where the practice of child marriage is rampant and by involving members of communities, it will help in spearheading advocacy to stop the practice of child marriage.

In dealing with the phenomenon of child marriage practice, there is need to employ the Gender and Development (GAD) approaches in terms of community development. The GAD

approach is useful in that it encourages men and women to work together for the betterment of the community and also to tackle the practice of child marriage.

One participant said,

*There is need to use the GAD approach in dealing with programming and Gender Based Violence (GBV) in communities. Men should be involved in income generating projects like mukando (activity where people pull money together), a man cannot take money from it Willy nilly as he will respect the woman's contribution as a family investment. If the man is involved it will reduce GBV in homes. This will reduce conflict at home, for example, if there is peace at home, it will make the girl child wanting to stay at home because there is peace. Sometimes what pushes girls from home is the high level domestic violence at home (Number 20, male, 45 years, NGO officer).*

Participant (number 20) went further to acknowledge how the GAD approach has been used in Prevention of Parent to Child Transmission Campaign (PPCTC) programming in the district. Hence, likewise, the use of this GAD approach to monitor empowerment programmes is essential so that men can be active and it will reduce cases of GBV and promote peace at home, making it hospitable and in turn. Apparently, it will make keep girls at home in some way.

The participant further observed,

*Yes, men should not be left behind, in my research; I discovered the reason why the PPCT programme has been a success reducing the prevalence rate from 35 percent to 13 percent is that men have been actively involved in the programme. Like now, if you go to a clinic, you will see a husband and wife. Previously in Rushinga District, there was a belief that if a wife is tested the result of the wife resembles that of the husband, but now the use of GAD approach has made the community understands the concept of discordant partners in relation to HIV/AIDS. (Number 13, male, 45 years, NGO officer).*

Thus, involvement of men in spearheading campaigns against the practice is important as it will trigger men to understand the negative effects of the practice. An inclusive approach entails that men can understand how some patriarchal reinforcements such as cultural norms on masculinity, femininity and sexuality contribute to the practice of child marriage. In many settings, men are socialised to take the role of breadwinner, to be dominant and to be decision makers. In contrast, women are expected to do household chores and looking after children. The sexual constructions of men's masculinity results in the raping of women even in

marriage as men are socialised to be tough. Consequently, sexual, physical and emotional violence is an intergenerational phenomenon. This results in low value attached to women, other than their sexual reproduction and domestic roles. It accounts for male sexual entitlement to girls and young women and often results in commodifying of girls and women.

#### **6.6.6 Censorship of media and technology**

To deal with the challenges of child marriage, there is need to monitor the type of media children are exposed to. Some of the information being spewed on radio and television is too explicit in sexual innuendos.

Participant said that,

*There is need of censorship of programmes that have sexual innuendoes that exposes children to message that make them vulnerable to sexual debut as they might want to experiment. In addition, there is need to limit access of media to children as they are influenced by material they watch from the internet. (Number 16, male, 55 years, teacher).*

*These days the media is a key culprit, sometimes even you listen over the radio, you can hear programmes that have sexual connotation and you have to switch it off because of embarrassment. In some cases you will be together with your children. (Number 5, male, 46 years, ordinary member of community).*

It can be observed that exposure to pornographic materials is one factor that causes children to experiment, resulting in girls falling pregnant and consequently some of the girls ending up being married when they are young. Such views substantiate the viewpoints in the literature whereby media exposure has been attributed to cause children to early sexual debut. Views from literature review corroborates with the respondent's views that due to consumerism, the media is blamed for educating teenagers about interpersonal relationships and stimulate them via erotic visual images and pornographic movies (James & James, 2004). As a result, it is imperative to monitor what these children are watching and listening to. Parents and guardians should be proactive in monitoring even the use of smartphone applications such as WhatsApp, a social platform where a lot of pornographic material is being exchanged among the users of the platform.

### 6.6.7 Provision safety nets for OVC

There is need to help orphaned and vulnerable children, especially girls as they fail to make ends meet. These children find it difficult to fend for themselves; hence, the girls may end up engaging in transactional relationships.

Participants said that,

*In this area, many girls drop out of school as they believe that child headed families should be helped as these children become vulnerable, so the social welfare should provide for such children. We also have cases of child headed families and the young girls are abused by men with no recourse to justice. (Number 11, female, 40 years, teacher).*

*In most cases orphaned girls are left with siblings to look after if she is the oldest in the family. She will end up engaging in sexual activities with men to get some money to look after her siblings. As result, she can fall pregnant and get married at a tender age. (Number 17, female, 40 years ordinary member of the community).*

It can be commented that OVC especially girls drop out of school and they are left to fend for themselves. Such levels of vulnerability will trigger them to fall prey to men who promise to look after them.

This was summarised by one participant who was a child bride when she said,

*I was just sitting at home because I was not going to school. I left school when I was doing grade 7, both my parents had died and was leaving with my aunt who mistreated me. When I met this older man in our village, I thought he will come to my rescue as he promised to marry me and he was a divorcee. (Number 23, female, 30 years, married off as a child).*

The colossal level of vulnerability is corroborated with literature review. Kapesa's study in 2014 affirms that OVC are at risk of sexual abuse as they negotiate life challenges in the absence of a mother or father. This suggests a significant risk factor for the girl child, making them susceptible to child marriage as an economic survival strategy in the absence of parents who are supposed to provide for the children's livelihood. Hence, there is need for a

comprehensive social protection scheme at community and national level. Government should seriously implement the Zimbabwe National Orphan Care Policy (ZNOCP) of 1999 ZNOCP. This can be done through its programmes such as the BEAM, through which school fees is provided for Orphan and Vulnerable Children (OVC). Other programmes include the Cash for Transfer for Vulnerable Groups, Drought Relief and the Public Assistance Fund (NPAOVC, 2004). Recently, the government has been doing lip services in supporting such initiatives and this has left many OVC more helpless and consequently, girls have been left to the scourge of child marriage.

#### **6.6.8 Provision of Psychosocial Support services**

In order to lessen the challenges that were brought about by the burden imposed by child marriage, there is need to provide these girls with psycho-social support. Sometimes these girls are so overwhelmed by the burden they carry that they would need that assistance to manage the vicissitudes that are brought about by such marriages.

One participant said,

*There is a lot that needs to be done to help a girl who gets married as a child. If it was possible, such a girl needs counselling on how to look after a family and expectations of being a wife. The other issue includes education on how to look after the children, for me, when I gave birth to my first child, I did not know how to change the dippers and my child used to cry a lot at night and I used to cry a lot too. (Number 21, female, 45 years, married off as a child).*

Another participant acknowledged the burdensomeness of such marriage. The girl will be young and inexperienced to look after the new family and baby. The participant had this to say,

*So when a girl gives birth, the family should be supportive to look after the baby as the girl will suffer a lot of pain in taking care of the baby. There is need for the girl to go to church and receive help from the elderly women so that she can be in a position to look after her family. (Number 17, female, 40 years, ordinary member of the community).*

To reduce the effects of child marriage, compensation program should be provided to these girls who experience loss of adolescence and forced into sexual relations that have a psychological and emotional impact on girls. In most cases, girls are unhappy in imposed

unions as they end up being isolated. In some instances, girls who run away from husbands are often beaten and sent back by their maternal guardians. This results in trauma and distress that is endured in silence. Hence, there is need to provide shelter and families of the girls should be in a position to accept back their daughter instead of sending back the girl to the man who would have abused her.. One example of such an intervention that could be cascaded at a larger scale is the one provided by Musasa Project – provision of counselling support, temporary shelter and legal support to victims of abuse (Plan International, 2012; Musasa Project, 2014).

## 6.7 Summary

Responses from the semi-structured interviews were conducted according to the interview schedules. Some of the views and perceptions that came out from the interviews corroborated with related literature review of the practice of child marriage. The views and responses also validated the theoretical framework on how social cultural practices influence the practice of child marriage. The responses were significant in providing a clear understanding of the influence of social cultural impetus in the practice of child marriage in Rushinga District. These socio- cultural factors such as *kuzvarira*, *chiramu* and value attached to lobola appeared prominently as key drivers of the practice of child marriage.

Responses in line with the impact of child marriage substantiated related literature review on the consequences of child marriage to the effect that many girls have no bargaining power with their spouses and in laws in relation to choices, decisions and livelihood endeavours. Girls are subject to controls through violence, threats and humiliation (ICRW, 2012; UNICEF, 2014). In addition, responses brought about fundamental issues on the causes of child marriage in terms of socio- cultural issues in Rushinga District. A prominent cause highlighted is that of the culture of consumerism due to the influence of gold panning along the Mazoe River. This has led to many girls becoming vulnerable to gold panners who use money to hoodwink these girls into sexual activities that invariably leads to pregnancies and consequent early marriages.

Data generated from semi-structured interviews indicates significant need to address the socio- cultural factors in the district to curb the practice of child marriage. These factors include the value attached to lobola that has made the practice spiral as parents seek dowry

from marrying off daughters as a way of generating a livelihood. This is corroborated by literature review concerning the value attached to lobola (UNICEF Innocenti Research Centre, 2001).

It was evident from the view points of the participants that the practice of child marriage is rampant and it needs concerted effort from the families, community and government to stop this practice. It is worth noting that government should harmonise the laws in line with the constitution so that the inherent contradictions can be ratified. Accordingly, law enforcement and civic education on the problems of child marriage should be carried out at community level to raise awareness on the illegality of the practice of child marriage.

Responses also yielded additional information on the uniqueness of child marriage practice in Rushinga District because of its geographical location near the border with Mozambique. The people in the area practice transmigration agricultural activities, whereby parents during planting and harvesting times, cross into Mozambique and stay for months, leaving behind children without any parental guidance. Children who are left behind become vulnerable. In particular, girls are left to fend for themselves and are enticed by men into relationships as their parents would have gone to Mozambique. In addition, lack of value attached to education in general and in particular, for girls' education, breeds the practice of child marriage. Most of the girls do not go beyond grade 7 and they end up being married too early.

Child marriage practice is embedded in how communities attach value to marriage and the way they act upon challenges such as lack of basic needs in a family. The fact that some families take marrying off daughters below the age of 18 years as an alternative livelihood option indicates that in their cultural and traditional circles, the practice of child marriage is acceptable and a normative way of life.

## CHAPTER 7: CONCLUSION

### 7.1 Introduction

The chapter comprises of three sections, that is; the summary, recommendations and conclusion. The section of recommendations will outline the recommendations made to deal with the practice of child marriage. The summary section will focus on the main ideas generated in the study about the practice of child marriage. The section on conclusion will provide an overview of the main findings of the study generated from the discussions with participants and how the practice coincides or deviates from what has been alluded in literature review. In addition to that, the chapter will highlight on the limitations of the study and recommendations on future studies.

The main objective of the thesis was to **critically explore the entrenched social and cultural norms underpinning the causes of child marriage in Rushinga District**. Child marriage is increasingly becoming a problem in Zimbabwe with statistics from Mashonaland Central Province pegged at 50 percent. Despite previous campaigns against the practice, the phenomenon is still prevalent. This problem has negatively affected girls because a solution to the problem is yet to be found. In light of the identified problem, the study explored the social and cultural practices causing the proliferation of child marriage and what can be done to remedy the situation.

Rushinga is a district in Mashonaland Central (Zimbabwe) and it has a poverty prevalence of 81.9%. The district lies in the valley along the Zambezi escapement. This district is predominantly rural and most of the people in the area rely on agriculture as a source of livelihood. Purposive sampling was done in the selection of the wards where community members were asked to express their views about child marriage. Five wards were chosen for the research. Participants to take part in in depth-semi-structured interviews were selected from these wards. The 5 wards which were selected out of 29 wards in the district wards are as follows: ward 7,10,12,19 and 22. These wards have the highest poverty prevalence of 95 per cent, and this is where reported incidences of child marriage are rampant (Zim Stat, 2015). The research participants were chosen based on their knowledge and experiences of the phenomenon in the district.



All participants in this study were 18 years and older. In total, 25 participants participated in the face-to-face in-depth interviews during the study. The researcher recruited teachers and headmasters from the 6 schools within the 5 wards. In the selection of women who married off as girls, the researcher liaised with an NGO (working in the district on gender mainstreaming and child rights) to identify these women under their care in order to reduce any harm to these women. At the same time, the researcher interviewed ordinary men and women in the community. Semi - structured interviews with the community members allowed the researcher and participants to be co-constructors of meaning to the social reality of the phenomenon under study. The researcher also interviewed community leaders. The inclusion of community leaders was warranted because they articulated the problem from a cultural and social perspective as they are the custodians of the cultural and administrative issues in the community. In the same vein, the researcher interviewed staff members from an NGO operating in the area on gender and child protection programming. The staff members generated information from a key informant perspective based on their professional experience as they interact with the community on issues of gender and child rights.

Discussion with community members was meant to find out how the social and cultural factors influence the practice of child marriage. To establish some of these facts, the participants were asked to define what they understand the term childhood. They defined how they understood the term child marriage. Responses gave a clearer picture on how the community views the concept of childhood. Some people in the community understand childhood in terms of chronological age while others view it from a physical perspective. Thus, child marriage is ingrained in the way societies understand the concept of childhood. The onset of puberty is regarded as a transition from childhood to adulthood. Some girls may start to menstruate as early as 10 years and they are viewed as adults.

Participants were asked about the causes and the consequences of child marriage. A number of causes were highlighted. The main causes were identified as the traditional and cultural practices and high levels of poverty among many factors. In addition, the consequences highlighted were as diverse as to include exploitation and abuse of the girls, exposure to HIV/AIDS and poor livelihood options. In addition, the research proposed intervention strategies that can be implemented to curb the practice of child marriage.

The study is perceived to be significant as its findings can be used to find solutions to the proliferation of child marriage. The proposed remedies can help families, communities and government to combat the practice of child marriage. In addition, the study will help policy makers to spearhead implementation of laws that promote the welfare of children especially girls. The implications that can be drawn from the study in terms of law are that parliamentarians should be proactive to align the discord that characterise the laws in Zimbabwe that has created a gap in the justice delivery system. As an example, the Constitution says child marriage should not be entered by a person below 18 years. At the same time, Customary Marriage Act, is silent about age and anyone even below 18 years can still enter in marriage. Similarly, the Children's Act says a child is someone below 16 years meaning that anyone above 16 but below 18 years can still marry.

## **7.2 Concluding remarks**

The factors and consequences that characterise the practice of child marriage are diverse. These factors and consequences can be noted from the responses that were given by participants during the semi structured interviews.

### **7.2.1 Key factors contributing to the practice of child marriage**

There are various factors that have been identified that are contributing the proliferation of the practice of child marriage. Some of the factors are as follows:

#### ***7.2.1.1 Poverty and lack of better livelihood options***

Lack of better livelihoods options for the families in Rushinga District triggers the practice of child marriage. A family may look at their daughter as a source of wealth and this wealth can be generated through the payment of lobola. The value that is attached to lobola occupies a central role in decisions that leads to child marriage. The fact that families take marriage as a way of generating bride price makes some parents willing to exploit any chance that come their way when an opportunity presents itself to marry off their daughter. Thus, such a practice is in line with the determination of the social norms theory that looks at culture of poverty. Where the girl child is seen as a source of livelihood (Innocenti Digest (2001)). Hence, for example, the girl child is regarded as an economic asset that can be exchanged when the family is in need of support.

### ***7.2.1.2 Traditional practices and culture***

Traditional practices and beliefs are contributing factors to this practice. People in the community who believe in such practices as *chiramu*, *kuzvarira* or *kuripa ngozi* fuel this practice. Consequently, traditional practices influence the practice as the community is receptive and accommodative to such practices that trigger child marriage. This is corroborated with literature review that attributes such practices to socio- cultural norms. Some African traditional cultures accommodate the practice such as sexual ‘games’ whereby girls are exposed to sexual socialisation by elderly men through the custom of *chiramu* (*sexual dalliance*). This practice involves fondling of a girl’s buttocks, breast and private parts without necessarily engaging in sexual intercourse (Bhula, 2011). Such flirtation may lead to pregnancy and when it happens, the perpetrator is left with no option except to marry the girl. In addition, sexuality is entrenched in cultural norms that dictates and control the sexuality of women. Girls’ vulnerability is manifested through these practices such as sexual dalliance that may result in the impregnation of young girls by uncles in the community.

### ***7.2.1.3 Influence of religious practices***

During the interviews, many participants highlighted religion as a key factor that causes the practice of child marriage. Participants raised the issue of some churches that are too permissive to the practice, for example, the apostolic sects encourage girls to be married below the age of 18 years due to the fear that they might be defiled before marriage. These religious sects discourage children from going to school, thereby creating a conducive environment for the girls to become child brides. Furthermore, in such sects, girls have no rights and choices of a spouse to marry. The discretion to marry rests on the shoulders of church elders and parents, emphasis is on purity and mostly the girls in these sects marry around the age of 12 years to older men who are polygamous. This can be collaborated with social norms that trigger conformity by the members of a particular religious sect. As an example, if a girl is unmarried, it’s a shame. Hence, to control the girls, they must marry in order to maintain family honour. This forces some families to marry off their daughter in order to protect their daughters from being defiled outside wedlock (Islam, 2001).

#### ***7.2.1.4 Enacting agency and autonomy***

One contributing factor that was raised during semi structured interviews with community members in Rushinga district is that children are not passive actors but they are actively involved in decisions to marry at the age below 18 years. Thus, the issue of agents on the part of the girls in asserting their freedom and rights to start their own families was revealed. Some of the girls know what they want and they regard marriage as a way to start their own families and make decision of their own. This also comes into effect given the value that is attached to marriage in the community. Marriage is viewed as a means to assert independence and is an integral part of a transition childhood to adulthood. Participants in the study claimed that marriage brings more respect, peace, love and autonomy in decision making for the girls and such views are corroborated by literature review.

#### ***7.2.1.5 Family honour and vulnerabilities***

Perseverance of the practice of child marriage derives from the family as a system and in communities whereby families try to maintain some ties through marriages. As a result of the need to maintain family relations, even when a child below the age of 18 years falls pregnant, the families will just sweep it under the carpet without reporting the case to the chief or police. At the same time, this practice of child marriage can be maintained at community level whereby members of the community can promote this practice through clandestinely protecting perpetrators of this practice.

From the discussions with community members and reference from literature review, it can be concluded that child marriage practice is embedded in historical and cultural norms. Many people regard it as normative marriage practice. The issue lay in the rite of passage through initiations ceremonies and once a girl is able to do all chores, and developed physically, nothing can stop her to start her own family. In addition, the community in Rushinga places more importance in a family system. Hence, marriage is seen as an obligation and one is mandated to marry and age of entry does not matter much as long as the girl consents to that arrangement. Emphasis is on purity and the fear that a girl may end up getting pregnant out of wedlock, once a girl starts to engaging in sexual encounters she is supposed to marry. Hence, this can be collaborated by literature in terms of the influence of norms that determine the appropriate age that a girl should marry. For instance, social expectations pushes the girl into marriage as sometime there is fear that a girl if she is not married at a tender age, she might not find a husband( Oxfarm, 2016).

#### ***7.2.1.6 Disharmony between laws and enforcement***

Contradictions in laws of Zimbabwe breed the practice of child marriage. Despite the fact that the Constitution of Zimbabwe in 2013 outlawed the practice of child marriage of anyone below the age of 18 years, there are laws that are still running in conflict with its provision. The Marriage Act, for instance, stipulates that anyone who has attained 16 years can marry, while the Customary Marriage Law is silent on age, meaning that anyone can marry at any given time. Thus, as long as these laws that are in conflict with constitutional provision are not repelled by an Act of Parliament, perpetrators of the child abuse can still get away with murder.

The practice of child marriage is shrouded in lack of will on the part of law enforcement agencies. Abuses that characterise child marriages are left unattended despite the existence of the laws such as the Domestic Violence Act. Implementation of DVA, for example, has been found wanting because the police officers attending these cases are cited to have attitude toward the victims. The police officers are accused of soliciting for bribes from perpetrators to sweep the case under the carpet. In addition, the police officers are blamed for accusing the victim of being a problem for repeatedly reporting, and they show attitude by turning away victims, treating the matter as domestic issue, and in some instances, they play a mediatory role that worsens the situation. Hence, this discourages victims to make a follow up on reported cases. Thus, it is imperative to harmonise the civil and customary laws. This can only be achieved through observing the provisions of the Constitution that abhors the marriage of children (Musiiwa, 2018). If the Constitution becomes the supreme determinant of the laws of the country, perpetrators of the practice of child marriage are brought to justice and the practice is stopped as people will be fearing the dire consequences.

#### ***7.2.1.7 Culture of consumerism***

Another factor that has been attributed to the persistence of child marriage in the community is the culture of consumerism. Young girls are being lured into transactional relationships because of the desire to secure modern goodies and gifts. Men exploit this need and the girls end up being falling pregnant. With regards to such a view, it can be noted that the view coincides with what has been highlighted in the literature review in relation to the culture of consumerism. Similarly, exposure to pregnancies and HIV is high because the girls experience violence in transactional sex because the partners are much older than them, and

may not practice protected sex, hence, this may lead to pregnancies and child marriages. Thus, transactional sexual relationships lead to pregnancies and child marriages as the girls fall prey to men who take advantage of them. As such social norms on peer grouping and cultural reproduction perpetuates the habit of girls to engage in transactional relationships. These relationships result in the girls being impregnated and getting into marriage at a tender age below the age of 18 years (Stoebenau, et al, 2016).

#### **7.2.1.8 Traditional leaders and their influences**

The practice of child marriage is happening in communities of Rushinga District in full view of traditional leaders but to them, it is a normal practice as long as the case is not brought before their traditional courts. When there is an altercation between the family of the girl and the perpetrator of the crime that is when the case is brought and resolved at the traditional courts. The man might then be fined and forced to pay damages. Hence, social norms can make children's rights violation acceptable as some of the social norms are anchored on gender discrimination that reinforces violence against girls, which then results in under reporting of cases of child abuse as many cases remain hidden due to fear of stigma. In addition, some traditional chiefs find no problems in sanctioning child marriage because marriage is viewed using a social lens rather than the legal lens that is based on the Constitutional provision that states that minimum age of marriage to be 18 years in Zimbabwe.

### **7.2.2 Consequences of child marriage**

Child marriage practice is laden with a lot of challenges for the girls. Responses from the participants revealed and identified the consequences of child marriage.

#### **7.2.2.1 Gender based violence and abuse**

An emerging theme on the consequences of child marriage is that the marriages are associated with fighting. Consequently, such marriages are characterised by a lot of fighting and abuse of the girls. Girls are subjected to controls through violence, threats and humiliation. Girls are also sometimes confined to the house with domestic and child rearing duties.

Girls are disempowered in making decisions in their lives. Decisions that include family planning and livelihood projects are spearheaded by the husbands. This happens because of

power dynamics in the unions that favours the husbands who are in most cases older. In some instances, decisions in the family where a girl is in a polygamous relationship, these decisions are made by the first wife who can be exploitative and abusive. This has seen many child brides suffering from psychological, emotional and physical abuse. Consequently, the loss of decision making for the married girls become evident because the young wife will find it difficult to negotiate and make decisions in the household and this may result in the psychological and emotional distress (Turner, 2013).

#### ***7.2.2.2 Health impact***

Child marriage is associated with health problems. In most cases, the girl can get infected with HIV and STIs. In a number of cases, the girls are married to older men who would have been sexually active and they might end up infecting the young inexperienced girls. Thus, child marriage exposes the young girls to the risk of contracting HIV and other sexually transmitted diseases. In addition, child marriage causes health problems where a young girl is faced with the problem of obstructed labour during giving birth. This happens when the baby is too big for the orifice of the mother, hence, it results in vesico-vaginal fistulas damaging the lower genital tract, resulting in a false passage between the bladder and the vagina; causing incontinence of urine and sometimes of faeces. Consequently, the marriage may expose the girls to cervical cancer due to poor health care and as well if the husbands are involved in multiple sexual relationships (Clark, 2004).

#### ***7.2.2.3 Disempowerment of girls and women***

One resultant effect of child marriage is higher illiteracy rate in the district. Many girls drop out of school after falling pregnant. The effect is that the girls are disempowered in terms of securing opportunities due to lack of education. Child marriage practices result in many girls dropping out of school and this increases illiteracy rate in the district. This has led to many professional positions being occupied by men or women from other regions other than Rushinga District where one interesting observation is that officers who run the Women Affairs Department are all men.

### **7.3 Recommendations**

There are a number of recommendations that came out of the discussions to curb the proliferation of child marriage.

### **7.3.1 Provision of educational opportunities**

One of the important intervention strategies that participants in the study suggested is that girls should be kept in school. There is need to implement educational policies that encourage girls who fall pregnant to remain in school after giving birth. Such policies will encourage girls to continue with their education after falling pregnant instead of eloping and becoming young wives at a tender age. One such policy that needs to be effectively monitored and implemented in Zimbabwe is the P35 Circular that encourages schools to absorb back victims of child pregnancy.

Schools should provide clubs that are helpful in spearheading awareness on the causes and consequences of child marriage in particular. These clubs should be active in promoting the rights of children and awareness campaigns should target girls by channelling awareness on the importance of staying in school and getting a course to promote a better livelihood. In addition, the clubs should provide comprehensive sexuality education and life skills. Children should know the benefits and disadvantages of having sex as well as the risk factors associated with the activity. In such forums, discussions should be centred on what they should do to delay sexual debut.

### **7.3.2 Provision of better livelihood options**

One emerging theme from the discussions is that government should stop illegal gold mining activity in Rushinga district along the Mazoe River. This area has become a hot spot of girls being trapped and lured into transactional relationship which in turn end up making these girls vulnerable. Drawing from the opinions of the participants in the study, government should make an effort to provide alternative livelihood opportunities for the people in the District. Income generating projects should be provided and legal gold mining should be fostered in the area so that it can create more job opportunities for the communities around the place and reduce illegal activities in the area. If proper mining is done in the area, more jobs can be created and the government can be able to help many families in the area given the poor rainfall patterns in the area that makes agricultural activities impossible - the district lies in the valley along the Zambezi escarpment.

### **7.3.3 Harmonisation of laws**



Harmonisation of laws in Zimbabwe is important to consider in order to deal with the proliferation of child marriage. Most laws are contradictory. One notable example is that the Constitution says anyone below the age of 18 is a child, while the Children's Act says the legal age to consent to sex is 16 years. Such a contradiction breeds cases of child abuse as the girls will be vulnerable to pregnancies as long as they are allowed by law to engage in sexual intercourse at the age of 16 years. There is need for government to develop and implement legislations that protect the rights of children against child marriage. There is need to harmonise the two conflicting marriage laws, that is Marriage Act and Customary Marriage Act with the Constitution of 2013 in order to make the practice of child marriage a criminal offence. Mutyaba (2011) posits that legislations that are contrary to the Constitution such the Customary Marriage Act must be nullified to ensure that the marriageable age should be 18 years and above.

#### **7.3.4 Promotion of Adolescent Sexual Reproductive Health programme**

There is need for the government to spearhead the initiatives of Adolescent Sexual Reproductive Health programme intensively. This programme if it is implemented well in the rural areas, it will help in the empowering the adolescents about their sexual reproductive health rights. The programme can also help in dispelling myths and taboos about sexuality issues that creates barriers to the adolescents to make informed decisions in terms of protecting themselves against unwanted pregnancies and STIs. In this regard, government should provide resources such as pregnancy test kits, IEC material, gloves, and even medicines. In addition, Youth Friendly Centres should provide private and confidential services. For instance, Youth Friendly Centres are supposed to provide space to treat adolescents in private – not walking through the clinic or queues to receive treatment.

The Amnesty International (2018) points out that Zimbabwe's demographic health indicates that 40 per cent of girls are sexually active before their 18th birthday, and yet indications on the ground illustrates that girls are isolated from accessing sexual reproductive services. In a study by Amnesty International, girls who are not married demonstrated ignorance on protection against pregnancies and STIs. Consequently, this makes the girls vulnerable to child marriages when they fell pregnant. Furthermore, an Amnesty International (2018) report notes that taboos on sexuality create barriers for adolescent girls to access services. Girls who fall pregnant become objects of ridicule in the communities and forced into marriage. In some instances, their health is at risk as they delay to seek ante- natal services. In

addition, parents, teachers and community leaders have strong reservation to allow adolescents to access sexual reproductive health services before marriage fearing that they will condone sexual activity which is against cultural and religious values in Africa.

### **7.3.5 Advocacy and awareness campaigns**

Engagement and advocacy strategies are important to deal with the social cultural impetus that triggers the practice of child marriage. Advocacy and dialoguing with opinion leaders is central to curb the practice of child marriage. Engagement will yield positive results as traditional leaders like chiefs can effectively monitor and implement the laws against child marriage, instead of sweeping them under the carpet. Thus, advocacy is central in raising awareness about a phenomenon as it is meant to educate the community about the consequences of a practice such as child marriage. Thus, taking a leaf from Uganda, where young girls are exposed to a youth clubs for socialisation, financial literacy training and life skills drills. In addition, there is need to undertake look and learn visits for the youths to countries like Malawi where the Girls empowerment Network is spearheading the campaigns against those harmful traditional practices such as child marriage and the organisation has managed to rescue girls who were forced into marriage (Centre for Human Rights, 2018).

### **7.4 Contribution to Knowledge**

The main focus of the research was to explore the social and cultural context of Rushinga District in relation to the proliferation of child marriage. The research work described and made an analysis of the causes and consequences of the practice of child marriage. The study is unique in that in the case of Zimbabwe, literature to date tends to focus on generic causes and educational outcomes of child marriage with little attention to the social and cultural factors triggering the proliferation of the practice. In addition to that, a careful analysis of literature revealed that little attention and recognition has been given to understand the social and cultural factors in Rushinga District, despite the highest prevalence of 50 percent as indicated by the Women Parliamentary report (2016). Thus, a clear understanding of the problem of child marriage was essential to bridge the knowledge gap on the proliferation of the practice of child marriage in Rushinga District. The study is unique as it explores the social and cultural context of communities in dealing with the problem of child marriage. It is time to question how social and cultural practices fuel the practice and to add another dimension in the interpretation of the causes and consequences of child marriage.

### **7. 5 Suggestion for further research**

Despite the usefulness of using qualitative research method in the study, the sample size of 25 participants chosen for this research might be too small to generally apply the results. The limitation in this context is that a small sample size is not always a typical of larger population demography, regardless of some similarities with the individuals involved in this case study in Rushinga District. In addition, findings in qualitative research are not tested to demonstrate data validity. To address such a limitation in study of this nature, further research should be undertaken and extended to a wider population to understand their perspectives on practice of child marriage. This entails that a supplement research with a bigger quantitative sample should be undertaken so that a more accurate picture can be drawn on the practice of child marriage.

To determine the agents on the part of children in relation with the practice of child marriage, it is imperative in future studies to involve adolescents to understand what will be going on in their world. Inclusion of the adolescents is important in future research of this magnitude as this will help to understand their perspectives, attitudes and feelings about the practice as they are the vulnerable group of the scourge.

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## **Appendixes**

### **Appendix A: Interview schedule for women who married off as Girls**

#### **Introduction**

Hello, my name is Jonathan Mrewa, a PhD student at University of Kwazulu Natal. I am doing a study for my research project titled: The Proliferation of Child Marriage in Rushinga District (Mashonaland Central Province).

#### **Questions**

1. How do you define the term child marriage?
2. Why do girls continue to marry below 18 years? How are the social norms on child marriage enforced?
3. Are there specific people/groups who actively work towards maintaining the practice of child marriage in the community? Who are these people? How does their opinion carry weight and why are they influential?
4. If a girl's parents want her to get married before the age of 18 and she refuses, what happens?
5. How does the practice of child marriage affect girls?
6. In your opinion, what can be done to end the practice of child marriage?
7. What form of assistance should be provided to girls/women married below the age of 18?
8. How do you think your life has been affected by this type of marriage arrangement?
9. What are some of the challenges that you have experienced so far in this marriage?
10. Why do cases of child marriage go unreported?
11. What should be done to end the practice of child marriage in your community?
12. Is the assistance given and support you are receiving adequate or should other forms of assistance be provided? Tell me about that.

## **Appendix B: Interview schedule for teachers and Heads of schools**

### **Interview information**

Stakeholder name	
Organization	
Title/position	
Duration for the current position	
Interview date, time	

### **Introduction**

Hello, my name is Jonathan Mrewa, a PhD student at University of Kwazulu Natal. I am doing a study for my research project titled: The Proliferation of Child Marriage in Rushinga District (Mashonaland Central).

### **Questions**

1. What is your definition child marriage?
2. What are the drivers of child marriage in your community?
3. How does the practice of child marriage affect the girl child?
4. At your school, are there any cases of girls who have dropped out of school to be married?
5. Are there any intervention programs in your school or district to help girls to remain school?
6. Are there specific people who resist girl's education beyond primary level? Who are these people? Why do their opinion carry weight and influence in your district?
7. Are there specific groups in the district working to keep girls in school? Who are these people? How are their views communicated to the communities they operate? Does their views carry weight and why?
8. In your opinion, what should be done to stop the practice of child marriage?
9. What are your recommendations to deal with the problem of child marriage

## **Appendix C: In-depth interview guide for traditional leaders**

### **Introduction**

Hello, my name is Jonathan Mrewa, a PhD student at University of Kwazulu Natal. I am doing a study for my research project titled: The Proliferation of Child Marriage in Rushinga (Mashonaland Central).

### **Questions**

1. What is your understanding of the term child marriage?
2. What do you think is a good age for girls to be married? Why? How about boys? Why?
3. What are the causes of child marriage in your community?
4. Do you know what the legal age for marriage is for boys/girls? What do you think about this?
5. What sort of norms and practices are there in this community around child marriage and other marriage practices?
6. How does the practice of child marriage affect the girl child?
7. Are there some ideas/customs/attitudes that promote or discourage marriage below 18 years or later? Have these ideas/attitudes changed over time? Why? In what way?
8. In your opinion, are there any benefits that are derived from children marrying below the age of 18?
9. What is the community's attitude towards the practice of child marriage?
10. If a child is to be married before the age of 18, would you allow it and what are your reasons for this decision?
11. Are there any reported cases of child marriage in your area? In addition, how have you been handling the cases?
12. Do you know what the legal age of marriage is for girls/boys? What do you think about it?
13. What are your recommendations to stop the practice of child marriage in your area?

## Appendix D: Approval letter from Ministry of Education

*All communications should be addressed to  
"The Secretary for Primary and Secondary  
Education  
Telephone: 732006  
Telegraphic address : "EDUCATION"  
Fax: 794505*



**Reference:** C/426/Mash  
Central  
Ministry of Primary and  
Secondary Education  
P.O Box CY 121  
Causeway  
**HARARE**

20 August 2018

Mrerwa Jonathan  
Hse No. 3478  
Glen View 4  
Harare

**Re: PERMISSION TO CARRY OUT RESEARCH IN MASHONALAND CENTRAL PROVINCE: RUSHINGA DISTRICT: MAKUNI, CHIMHANDA, MARRY MOUNT, CHOMUTUKUTU, MUPFURUDZI AND CHIDEMBO SECONDARY SCHOOLS.**

Reference is made to your application to carry out research at the above mentioned schools in Mashonaland Central Province on the research titled:

**"THE PROLIFERATION OF CHILD MARRIAGES IN RUSHINGA DISTRICT (MASHONALAND CENTRAL PROVINCE), ZIMBABWE."**

Permission is hereby granted. However, you are required to liaise with the Provincial Education Director Mashonaland Central Province, who is responsible for the schools which you want to involve in your research. You should ensure that your research work does not disrupt the normal operations of the schools. Where students are involved, parental consent is required.

You are also required to provide a copy of your final report to the Secretary for Primary and Secondary Education.

[REDACTED]  
P. Muzawazi  
Acting Secretary for Primary and Secondary Education  
For: **SECRETARY FOR PRIMARY AND SECONDARY EDUCATION**  
cc: PED – Mashonaland Central Province [REDACTED]

## Appendix E: Ethical clearance Approval



26 July 2019

Mr Jonathan Mrewa 217052683  
School of Social Sciences  
Pietermaritzburg Campus

Dear Mr Mrewa

Protocol reference number: HSS/1539/018D

Project title: Proliferation of child marriage in Rushinga District (Mashonaland Central Province), Zimbabwe

### Approval Notification – Full Committee Reviewed Protocol

With regards to your responses received on 12 November 2018 and 18 June 2019 to our letter of 17 October 2018, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. **PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 1 year from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



.....  
Dr Rosemary Sibanda (Chair)

/ms

cc Supervisor: Dr S Rama  
cc Academic Leader Research: Prof Maheshvari Naidu  
cc School Administrator: Ms Nancy Mudau

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Humanities & Social Sciences Research Ethics Committee  
Professor Shenuka Singh (Chair)/Dr Ronicka Mudaly (Deputy Chair)  
Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

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Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



Founding Campuses: Edgewood Howard College Medical School Pietermaritzburg Westville

## Appendix F: Approval letter from NGO



Save the Children  
221 Fife Avenue,  
Harare.  
P. O. Box 4689, Harare  
Zimbabwe

07/06/2018

Jonah Mrewa  
House no 3478  
Glen View 4  
Harare

Dear Jonah,

**Ref: Request for Key Informant Interview on Overview on Child Marriage in Mashonaland Central Province-Rushinga District (November 2018- November 2019)**

Save the Children acknowledges your request to interview one of our organisation's representatives, in their capacity as a Key Informants in your PhD research on Child Marriages in Rushinga District. Indeed we have an office in that District and have been working on child Marriage.

Your request has been approved by the Country Programme Manager Mrs Yvonne Arunga. You will be able to talk to either, Stephen Masawi, Gloria Nyahuma or Sophie Hamandishe. Do let us know when the time comes, so that we also prepare and ensure the nominated people are present at the office to discuss with you.

Thank you

For and on behalf of Save the Children

Sophie Hamandishe

Advisor Communications and Advocacy