



# **CHILD MARRIAGE IN ZAMBIA : SITUATION ANALYSIS**

# **SITUATION ANALYSIS ON CHILD MARRIAGE IN ZAMBIA**

Submitted to:



and



**Zambia**

**Caritas Zambia and Save the Children  
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## ACRONYMS

AAZ	Accountability Advocates Zambia
ACRWC	Adopted the African Charter on the Rights and Welfare of the Child
AU	African Union
CAMFED	Campaign for Female Education
CEDAW	Convention on the Elimination of All Form of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSO	Central Statistical Office
DHS	Demographic and Health Survey
ECM	Ending Child Marriage
FGDs	Focus Group Discussions
FAWEZA	Forum for Africa Women Educationalists of Zambia
FMRWG	Forum on Marriage and the Rights of Women and Girls
GBV	Gender Based Violence
KIIs	Key Informant Interview questions
MDGs	Millennium Development Goals
NGOCC	Non-Governmental Organisation Coordinating Council
OAU	Organisation of African Unity
SCIZ	Save the Children International Zambia
SDGs	Sustainable Development Goals
SRHR	Sexual and Reproductive Health and Rights
SRHS	Sexual and Reproductive Health Services
WLSA	Women and Law in Southern Africa

## EXECUTIVE SUMMARY

Zambia has a dual legal system which embraces both statutory and customary law. One can therefore marry using any of the two legal systems. Under statutory law the Marriage Act specifies that if either party to a marriage is 21 years and above, or is a widow or widower, there is no need for parental consent other than the full consent of both parties. Where a party to a marriage is under the age of 21 to 16 years, consent of the parents or guardian is required. As relates to parties below the age of 16, Section 33(1), states that a marriage between persons either of whom is under the age of 16 years requires the consent of the Judge of the High Court". Under, customary law, marriage of a child is practiced as long as the children have reached puberty. This highly contributes to the high prevalence rate of child marriage.

Reports state that child marriage has declined by 25% from 41.6% to 31.4% among women aged 20–24 who reported being married before they were 18 years old. With this prevalence Zambia still ranks as one of the first 20 in prevalence rate in the world. The rate though varies from region to region. This is despite the fact that Anti Gender Based Violence Act clearly defines child marriage as a form of abuse.

The research seeks to assess the causes and effects of child marriage in the project area and also determine the roles that the various stakeholders are playing in the project area to fight the scourge. The study will help feed into the strategies that Caritas and Save the Children and indeed other stakeholders can employ in fighting the scourge in the project target areas and beyond. Conducting the research will further reveal if there are new trends causing the vice.

The main objective of the study was to assess the root causes, the effects of child marriage and inform on practicable actions and strategies that organisations can use to contribute to the National Strategy on Ending Child Marriages in Zambia 2016 – 2021.

The study used a mixed method cross sectional design that aims at collecting both quantitative and qualitative data at single contact with the target participant. The target population included traditional leaders, marriage initiators, people who got married before the age of 18, parents who married off their children, parents who resisted child marriage in the community, other community members and civil society organisations fighting child marriage.

The study was composed of desk review and field work. The desk review gathered previous studies on child marriage done by Local and international organizations. International reports on status of Child Marriages in Zambia, statistical reports of the central statistic reports, National laws, policies and strategies mitigating were also reviewed. The field work was conducted in three provinces of Zambia namely Central, Southern and Western provinces. The districts where the research was conducted from include; Mkushi and Ngabwe from Central, Nkeyema and Kalabo from Western, and Siavonga and Sinazongwe from Southern. To comprehensively attain the goal of the study, the study employed Focus Group Discussions (FGDs) Key Informant Interview questions (KIIs) and a general questionnaire to collect data.

The sample size was 190 participants.

The quantitative data collected from the six districts was used to generate statistical measures whilst the qualitative data was analyzed under different themes drawn from the study.

## 0.5 FIELD RESEARCH FINDINGS

The research from the legal framework perspective found that the Constitution of Zambia defines a child as a person who has attained or who is below the age of 18 years. However, the other provisions on child protection need to be aligned to be in tandem with the constitution as the supreme law, for instance, there is need to align the following provisions; the Education Act, the Anti GBV Act, the Marriage Act, Penal Code and many more. In addition, Zambia has signed and ratified International instruments which provide for the protection of children. These include the Convention on the Elimination of Discrimination against Women, Convention on the Rights of a Child, the African Charter on the Rights and Welfare of a Child, the African Women's Protocol, and many more. Zambia is however yet to fully domesticate these International instruments.

### 0.5.1 CAUSES OF CHILD MARRIAGES

The research found the following as being causes of child marriage:

#### Financial Constraints

1. All categories of participants stressed financial constraints as the major driver of child marriage. It was submitted that some children get frustrated when they are not being fully supported financially. One participant stated as follows:

“my parents cannot afford to buy me clothes and give me good food so it's better I get married or start prostitution for me to earn a living...ku upwa nangu kuya kumusebo nga abafyashi bale filwa ukukusunga”

2. Further submission given was that when parents fail to financially support their children they (parents) marry them off.
3. A situation where a young girl is orphaned and left with guardians who are unwilling or unable to support her due to financial constraints was also mentioned as a cause of child marriage.

#### Illiteracy

- It was submitted that illiterate parents who have no appreciation and value for education are more of culprit in marrying off their children when they reach puberty age with the hope of economic gain in return.
- On the other hand Illiteracy of children was also cited as a cause of child marriages as most children would only dream/vision of marriage instead of education, it was further added that most children in some rural communities lack role models and that their closest role models are their parents who are also illiterate.
- Some parents also, still believe that educating a girl is a waste of money and resources. It was submitted that value of education is not appreciated and as such, “Some parents even opt for their children to go fishing rather than school”.



## Peer Pressure

- All groups interviewed stated peer pressure as a cause of child marriage. One participant stated that others lie to their friends that they are enjoying marriage so that their friends envy them.
- Envy of the friends getting married causes the school going children to stop school and opt for marriage.
- On the other hand some interviewees exposed that technology like smart phones was another cause of child marriage as most peers with smartphones were in a habit of showing their peers pornographic materials, and as such, some of the children start practicing illicit sex and consequently end up in marriage.

## Traditional Practices

- The traditional practice such as Sikenge in Kalabo that forces children out of their real homes at puberty was found to be one of the causes of child marriage. This is because girls expose their rite of passage in public. This is compounded by the custom that when girls reach puberty they are ready for marriage.
- The practice of polygamy where a man is more recognized when he has more than one wife was found as a source of child marriage too as the practice entailed marrying a younger subsequent wife.

## Unwanted Pregnancies

- It was submitted that unwanted pregnancies are also a cause of child marriages as parents force their children to get married once they become pregnant.

“Girls are treated as prostitutes when they get pregnant before marriage so as soon as the parents learn that the girl is pregnant she is married off”

Asked whether Sexual and Reproductive Health Services (SRHS) are easily accessible, the responses from two districts were that they are easily accessible because of the recent introduction of mobile clinics. However some stated that the SRHS are not used due to some myth around them and some include; Fear that they will not be able to have children in future, Fear that the menstrual cycle would be disturbed, Fear that the person distributing the contraceptives may alert their parents/guardians in the community.

When asked about treatment of peers and teachers when the children go back to school after pregnancy or marriage, the response was that they are treated fairly and encouraged to complete school, however, they stated that they are referred to as bad girl examples and this makes some children to avoid and get discouraged from playing with them.

## Lack of Recreational Facilities

- Both teachers children submitted that lack of recreational facilities also contributes to child marriages in the communities “there’s nothing to do in the village” they stated.

## **Distance from Schools**

- It was submitted that some learners stop attending school because of the distance (schools are so far away). Some schools are as far as 60 – 70Km from the community whereas other children need to cross rivers from their homes to get to the schools. Ordinarily children below the age of 10 cannot walk such long distances and as such parents resort to avoid risks that may arise in between these distances with regards to the children by keeping the children home (for safe keeping).

## **0.5.2 EFFECTS OF CHILD MARRIAGE**

The research found the following as being effects of child marriages:

### **Pregnancy and Child Bearing Medical Complications**

Medical complications were cited by all groups as being an effect of child marriage. It was submitted that most young girls have difficult pregnancies, complications at delivery, and end up sickly, with mostly fistula or death of either the mother or the child or indeed both.

It was also stated that most of the children that are born from children suffer from various conditions which include malnutrition since the parents are not aware of how to take care of minors.

“For those who successfully deliver, some have ended up sleeping on the babies because they themselves are children who are still immature”

Some groups interviewed in Mkushi added caesarean section was another medical effect of child marriage and that children who get married early are more prone to contract sexually transmitted diseases as they cannot negotiate for safe sex. The following statement was also made;

“Children who are married are constantly being defiled”.

### **Financial Constraints**

Poverty specifically financial constraints were also cited as an effect by all interviewed. It was stated that the child couple would usually have no source of income leading to poverty. The couple would fail to take care of each other or their children.

It was further stated that most privileges are taken away from the children when they are involved in child marriage, with no proper education and as such this leads to lack of personal development.

### **Marriage Break Ups**

Marriage initiators stated that the divorce rate in child marriages is very high. Submissions were made that child marriages end in divorce because one or more parties may be too immature to handle the pressures that comes with marriages because the married children are unable to take care of the relationship demands, for instance the home and the children. The raising of children by children also traumatizes children.

### **High Level of School Dropouts**

A finding was made that child marriage affects education as children marry before they complete their education. The girls and boys who get married rarely go back to school to complete their education. It was cited that child marriages lead to high numbers of school dropouts which consequently leads to failure by the children to contribute to national development.

## **Lack of Child Care**

A finding was made that the Children brides fail to take care of children due to lack of resources or just neglect. It was further submitted that the lack of resources to take care of children also leads the children into prostitution.

Therefore, Child Marriage needs concerted efforts to be won. The effects are devastating at personal as well as national levels.

### **0.5.3 ROLES OTHER STAKEHOLDERS CAN PLAY IN ENDING CHILD MARRIAGE**

During the data collection process, participants highlighted various roles that should be played by various stakeholders in an effort to mitigate the causes and effects that were submitted to curb the scourge of child marriage. These are as follows:

#### **THE CHILD**

The children should appreciate the importance of education, effects of child marriage and expose themselves to more information on Sexual and Reproductive Health Rights and Services offered at health centres in their communities.

#### **THE FAMILY**

It was emphasized that parents should among other things send their children to school, support the children financially and emotionally, it was also further pointed out that family members should withdraw children who are married and dialogue with children on peer pressure and the effects of child marriage.

#### **THE COMMUNITIES**

The community should hold sensitization meetings on the dangers of child marriage, report child marriage cases and refer parents who cannot afford to pay school fees for their children to Ministry of Community Development and institutions like CAMFED, FAWEZA among others institutions so that they can be assisted with school fees.

#### **TRADITIONAL LEADERS**

Chiefs should work with headmen in barring the vice in chiefdoms by frequently holding meetings with the community members on the dangers of child marriage and introduce laws in writing and ensure they laws have penalties for parents who marry off children, advocate for the building of community schools in the villages and other empowerment projects.

#### **THE SCHOOLS**

Introduce clubs that teach about the dangers of child marriage and age appropriate sex education and revamp other clubs in schools to keep the pupils involved in extracurricular activities; use Parents and Teachers Association meetings to sensitize on the dangers of child marriage to the parents, report all cases of child marriage, advocate for free education and stop chasing those who cannot pay and encourage students who become pregnant to go back to school after delivery. Furthermore, schools should also provide counselling services to victims of child marriages to help them be able to focus on education.

## THE CHURCHES

Churches should talk about issues that affect young children like child marriage; form youth programs which will continue sensitizing children on dangers of child marriage with the church structures and also help the parents with school fees and rescue children who are in marriage.

## THE STATE

Align the other pieces of legislation to the constitution and domesticate ratified International instruments, enact laws that fully protect children from child marriage, fully fund schools so that there is free education up to grade twelve and promote income generating activities which would also benefit victims of child marriages and introduce recreational activities.

### 0.5.4 STRATEGIES ON ENDING CHILD MARRIAGE

Various strategies on ending child marriage are in place at national level and indeed by various organisations that are currently working on ending child marriage. It goes without saying that all stakeholders have to be involved in the fight against child marriage. As stated earlier the Convention on the Rights of a Child provides for child rights comprehensively. Child marriage on the other hand abrogates these rights. For as long as child marriage is entertained, the following rights are being abrogated; The right to education, the right to be protected from physical and mental violence, the right to be protected from sexual exploitation, the right to health, the right to rest and leisure, and to the right to participate freely in cultural life, the right to not be separated from parents against the child's will, the right to protection against all forms of exploitation/violence and abuse affecting any aspect of the child's welfare, the freedom of association and the right to eventual employment.

#### ***We therefore recommend the following from key stakeholders:***

- For cooperating partners to provide robust funding for ending child marriage programs in areas selected through baseline studies conducted.
- For National Governments to enact laws that are aligned to international instruments that relate to children and that fully protect children whether in school and out of school, to fully implement laws and policies that are in place and address all underlying causes of child marriage and among other things introducing free education and introducing programmes that empower families financially.
- For Non-Governmental Organisations to Monitor and hold government accountable for domestication of international instruments ratified and the implementation of laws and policies in place that relate to child marriage, including sensitization of communities on Sexual and Reproductive Health Services and Rights, on the importance of education and the effects of child marriages, this could be done using role models among other things, and also to come up with some interventions that helps to coordinate all efforts that make families resilient to ending child marriage.
- That Traditional leaders to document and include bylaws that prohibit child marriage and sensitise the villages on the dangers of child marriage whilst the churches adhere to Matthew 19:14 – “Let the little children come to me” and “Anyone who welcomes one of these little children in my name welcomes me.....” (MK 9:36) and use the opportunity to teach them against child marriage.
- That all programs by the line government ministries and departments, by the CSOs and by any meaningful citizen in authority include sensitisation of the communities on the dangers of child marriage and SRHR to protect all children from child marriage.
- That all communities, parents' guardians and children value education, and are aware of the dangers of child marriage and ensure that children go to school.

# CHAPTER ONE

## 1.0. INTRODUCTION

Child marriage is defined as a formal or any informal union between two or more persons under the age of 18 and this practice has continued affecting the children nationally, regionally and globally. This practice affects both girls and boys disproportionately with an estimated 700 million girls and women having been married before the age of 18 and a third of them were married before their 15th birthdays. Forcing a young girl into marriage generally means she will be separated from her family and friends and transferred to her husband like a piece of property. In an instant, she will be forced to become an adult who is expected to raise a family, rather than play and study like the child she is. Child brides are often made to leave school are more likely to experience domestic violence, and are at higher risk of dying from pregnancy and childbirth complications. Therefore, it is for this reason that Caritas Zambia with support from Save the Children International in Zambia conducted a study to clearly understand the causes and effect of child marriage in Zambia specifically in the six (6) project target areas (Mkushi, Ngabwe, Nkeyema, Kalobo, Siavonga and Sinazongwe) to clearly identify clearly advocacy strategies to employ in combating the scourge. Caritas is hopeful that this study will contribute to the National Strategy on Ending Child Marriages in Zambia 2016 – 2021.

The United Nations Convention on the Rights of the Child and the SADC Protocol on Gender and Development define a child as “a human being below the age of 18 years”. The Zambian Constitution goes further by defining a child as “child “being a person who has attained, or is below, the age of 18 years. Noting the vulnerability of this age group, Caritas Zambia and Save the Children International Zambia dedicate their time in finding ways of protecting the children. One of the identified ways is by protecting them against child marriage. In a quest to ensure that all children are protected against different forms of violence, abuse and exploitation, Caritas Zambia in partnership with Save the Children International Zambia are conducting the Ending Child Marriage study in a quest to contribute to the Ministry of Gender’s commissioned National Strategy on Ending Child Marriage 2016 – 2021. The study also informs on roles that various stakeholders can play and practical strategies that organisations can use to contribute to ending child marriages.

This Chapter introduces the study on the Situation of Child Marriage in Zambia by providing a background, and statement of the problem, the objectives and the limitations.

## 1.1 BACKGROUND

15 million girls are married in the world as children every year and 720 million who are living today were married before the age of 18 and one in three of the marriage was entered before 15 years<sup>1</sup>. Over the years Zambia has seen an increase of Child Marriages. Gillian et al (2015) that Zambia has one of the highest rates of female child marriage in Africa and indeed in the world, with a reported national prevalence of 42% and ranked 16th amongst countries with the highest rate of child marriage. The study found that the most common form of child marriage in Zambia is that between peers with girls ranging from the age of 12 to 18 and boys from 14 to 18 years of age and most of these marriages adhered to customary law practices. Child marriage affects girls disproportionately more than boys. The 2013-2014 Zambia Demographic and Health Survey found that child marriage was more common among girls than boys: 17% of girls aged 15 to 19 are married compared to only 1% of boys of the same age group. The practice disproportionately affected Zambian females as 42% of women aged 20 to 24 reports having married before the age of 18, compared to 4.2% of men”.

<sup>1</sup>The secretary-general of SADC announced on 24th June, 2015 at Lusaka during the Southern Africa Development Community (SADC) Parliamentary Forum

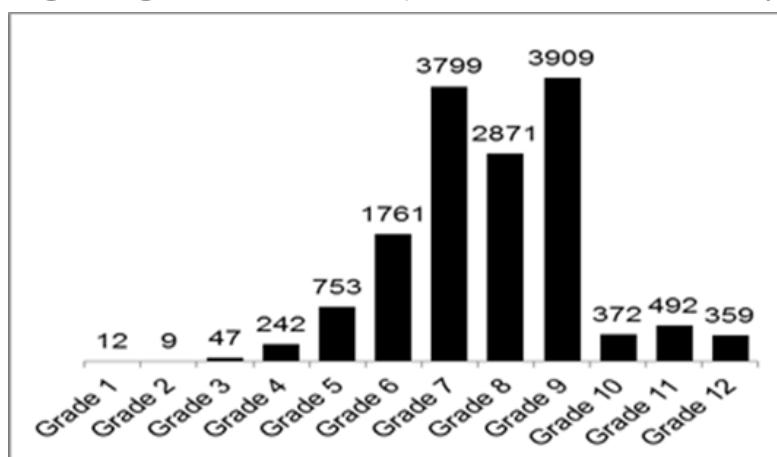
One of the reasons for Child marriages to be purported is because of unwanted pregnancies. For instance in 2017, there were about 10, 684 girls in primary school that got pregnant and in 2011 there were about 13,929 girls who got pregnant while in primary school. See table 1 below.

Table 1 Number of Pregnancies in High and Primary school :

YEAR	Primary School	High School	Total
2011	13, 929	1, 778	15, 707
2012	12, 753	2, 096	14, 849
2013	12, 500	2, 428	14, 928
2014	13,275	3,103	16,378
2015	13,277	3, 105	16, 382
2016	11,765	3,457	15, 222
2017	10,684	2,956	13,640

However the rate of pregnancies in high schools was between 1,778 and 2956 in 2011 and 2017. Over the years, the number of cases of pregnancies has reduced especially in primary schools while in high schools the numbers have increased. Population Council (2017) states that child marriage has declined by 25% from 41.6% to 31.4% among women aged 20–24 who reported being married before they were 18 years old, however it is still among the highest in the world. The rates of child marriage vary from one region to another, and are as high as 60% in the country’s Eastern Region, and as low as 28% in the capital of Lusaka. 31.4%, translates to 240 448 children married out of the estimated total of 775 639 between the age of 20 to 24<sup>2</sup>.

Table 2 Teenage Pregnancies in 2009 (source: Restless Development(2010))



With this prevalence rate, Zambia is still rated among the top twenty (20) in child marriage prevalence. The topmost on this list is Niger<sup>3</sup>. Niger has the highest rate of child marriage in the world. 3 in 4 girls marry before their 18th birthday. In some areas, the rates are even higher: in the region of Diffa, 89% of girls marry as children. Being an African country Niger has the highest prevalence of child marriage in Africa as well. The prevalence of child marriage<sup>4</sup> in Niger has been linked to poverty, an increase in social status for both girls and their parents after marriage and the fear of dishonor from pregnancy outside of marriage. for instance in Zambia girls get pregnant as early as grade one (1), see table two above.

<sup>2</sup> Trading Economics .com/Zambia/female population 4th September 2018

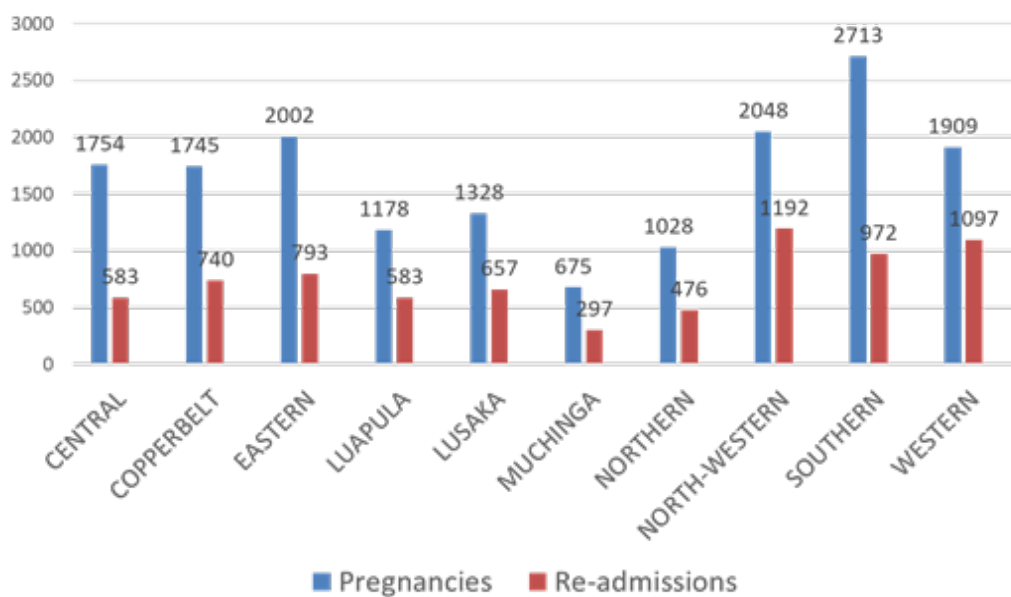
<sup>3</sup> <https://www.girlsnotbrides.org/child-marriage/niger/> 1std September 2018

<sup>4</sup> <https://www.girlsnotbrides.org/child-marriage/niger/> 1std September 2018

Child marriages in Zambia has also been linked to high numbers of school dropouts as most children who get married are unable to get back to school, in addition, most child marriages are due to teenage pregnancies which consequently leads to failure by the girl children to go back to school for readmission instead girls that fall pregnant end up in marriage due to a number of factors among them is discrimination and fear to be referred to as bad examples to other children in school.

See table 3 below for the child marriage pregnant prevalence rates versus the readmissions rates were for instance 2015 2,713 girls go pregnant and only 972 girls went back for readmissioned in school in southern province.

Table 3 Pregnancies Vs re-admission in Schools



## 1.2 IMPORTANCE OF THE STUDY

Stop child marriages in Zambia and protect all children against child marriages and build a healthy and productive nation for future development. Fifty million child marriages could be prevented by 2030 if all girls around the world finished secondary school, new analysis by Save the Children reveals. Therefore, this study aims at finding the causes and effects of child marriage in Zambia and also develops key advocacy messages targeting specific stakeholders in responding to the scourge. The study has also done a key mapping of key stockholders and determined the roles that they are playing in the fight against the scourge. The study will help feed into the strategies that Caritas Zambia and Save the Children International Zambia will employ in fighting the vice in the target areas and beyond. Conducting this research will further reveal if there are any new trend causing Child Marriages in the targeted areas and beyond. Therefore working Together to End Child Marriage is the only solution to the scourge, governments can end child marriage by accelerating coordinated action across education, health, protection and other sectors if Zambia \Zambia is to achieve the objectives of the national strategy on ending child marriage and also achieve the Sustainable Development Goals (SDGs) relating to child development and wellbeing. Further the Girls not Brides state that “Without ending child marriage, we won’t achieve eight of the 16 (17) Sustainable Development Goals as illustrated in the table below.

<sup>5</sup> [https://www.girlsnotbrides.org/wp-content/uploads/2017/06/Child-marriage-and-achieving-the-SDGs\\_DAC.pdf](https://www.girlsnotbrides.org/wp-content/uploads/2017/06/Child-marriage-and-achieving-the-SDGs_DAC.pdf)



Sustainable Development Goal	Link to Child Marriage
Goal 1- No poverty	Child marriage is linked to higher household poverty and perpetuates cycles of poverty across generations
Goal 2- Zero hunger	Child brides and their children are more likely to be mal-nourished
Goal 3 Good health and well-being	Child marriage leads to a range of harmful health consequences, including higher rates of maternal and infant mortality and morbidity
Goal 4- Quality education	Child marriage is a barrier to girls' education
Goal 5– Gender equality	Ending child marriage will help achieve gender equality and empower all women and girls
Goal 8 – Economic Growth	Women who marry as children are less likely to participate in the workforce, which undermines economic growth. Child marriage hinders progress towards ending modern forms of slavery and child exploitation
Goal 10– Reduce inequalities	Child marriage affects poor, rural and disadvantaged populations disproportionately, and creates cycles of poverty that reinforce inequality
Goal 16– Peace, justice and strong institutions	We will not end violence against children (target 16.2) without ending child

## 1.4 Objectives

### 1.4.1 MAIN OBJECTIVE

The main objective of the study is to assess the root causes, the effects of child marriage and inform on practical actions and strategies that organisations can use to contribute to the National Strategy on Ending Child Marriages in Zambia 2016 – 2021.

### 1.4.2 SPECIFIC OBJECTIVES

- To determine the roles of various stakeholders in the fight against child marriage;
- To establish the root causes of child marriage
- To assess the effects of child marriage

## 1.5 ETHICAL CONSIDERATIONS

Ethical considerations in studies involving human beings are always of paramount importance and as such the ethics approval for this study was obtained from ERES Converge, a Research Ethics Committee.



Further, a written informed consent was sought from the participants and each signed participant was made to understand that participation in the evaluation study was voluntary and that they were free to withdraw participation at any time, even after consent was granted, the consent form was both in English and local language as per requirement from the Ethics Committee. With regards to young persons below the age of 18 years, parental consent was obtained before interviewing them. Prior to, participants were informed of the study objectives and design and confidentiality was emphasised and strictly maintained by the study team. After providing all information, participants were given an opportunity to ask any questions.

Participant's privacy and confidentiality was strictly observed and all research-associated risks were minimised. In order to protect the privacy of the participants, all questionnaires were administered in a private setting and participants were not asked to reveal their names, real or pseudo. Further, all completed consent forms were stored in a locked space and each participant was given a copy of the completed consent form and information. The participants will never be revealed to or discussed with any third party.

# CHAPTER TWO

## 2.0 LITERATURE REVIEW

### 2.1. INTRODUCTION

This chapter discusses the prevalence, the causes, and effects of child marriage as per findings from the desk review. The chapter will further compare the child marriage prevalence based on different studies conducted by different institutions and it further to inform the field research that was done afterwards in the 6 project target districts of Zambia.

### 2.2. PREVALENCE OF CHILD MARRIAGE IN ZAMBIA

Niger has the highest rate of child marriage in the world where 3 in 4 girls marry before their 18th birthday. In some areas, the rates are even higher: in the region of Diffa, 89% of girls marry as children.<sup>6</sup>The prevalence of child marriage in Niger has been linked to poverty, an increase in social status for both girls and their parents after marriage and the fear of dishonor from pregnancy outside of marriage<sup>7</sup>.

A 2017 policy brief by the, Population Council, UNFPA, and Government of the Republic of Zambia on child marriage states that although child marriage has declined by 25% from 41.6% to 31.4% among women aged 20–24 who reported being married before they were 18 years old, it is still among the highest in the world. The rates of child marriage vary from one region to another, and are as high as 60% in the country's Eastern Region, and as low as 28% in the capital of Lusaka. 31.4%, translates to 240 448 children married out of the estimated total of 775 639 between the age of 20 to 24<sup>8</sup>.

On 1st October 2018, the Zambian Republican First Lady Esther Lungu, also stressed that currently statistics indicate that child marriage in Zambia is at 31% and It means that the girl who gets married is confined to the four walls of the household...”

Girls Not Brides<sup>9</sup> strongly argue that a lack of attention to child marriage undermined the achievement of six of the eight Millennium Development Goals (MDGs) between 2000 and 2015. It is also argued that child marriage is a core development and human rights issue, which hinders the achievement of many other development goals. The Sustainable Development Goals, which define global development priorities between now (2017) and 2030 include target 5.3, 'eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations'. It is further argued that half of the SDGs will not be achieved without significant progress on child marriage, including those related to poverty, health, education, nutrition, food security, economic growth and reduction of inequality, and other manifestations of gender inequality.

The major source of information on the extent of child marriage in the country is quantitative data contained in the 2007 Demographic and Health Survey (DHS) and 2010 Census. This data show that there has been little to no change in the national prevalence rate since 2002 and that the practice is most common in Eastern Province (60 per cent), followed by Luapula (50 per cent), Northern (48 per cent), North-Western (47 per cent), Central (46 per cent), Southern (38 per cent), Western (34 per cent), Copperbelt (32 per cent) and Lusaka (28 per cent).<sup>7</sup> These marked differences in prevalence by area of residence suggest that more information is needed on how the social, historic and economic reality in which children and families live influences or mitigates decisions related to child marriage<sup>10</sup>.

<sup>6</sup> <https://www.girlsnotbrides.org/child-marriage/niger/> 1st September 2018

<sup>7</sup> <https://www.girlsnotbrides.org/child-marriage/niger/> 1st September 2018

<sup>8</sup> Trading Economics .com/Zambia/female population 4th September 2018

<sup>9</sup> Girls Not Brides, How Ending Child Marriage is Critical to Achieve the Sustainable Development Goals. The Global Partnership to End Child Marriage, May 2017

<sup>10</sup> DHS Zambia 2007

On 1st October 2018 Chief Chamuka<sup>11</sup> said “I have taken note that child marriage incidence in the central province is 46% and this is not a good story to hear. We need to work extra hard to bring it to zero by 2020”.

On the other hand, in the Western part of Zambia, girls are less likely to marry before age 18. Interestingly, however, Western Province has the highest rate of teenage pregnancy in the country at 41%. In the districts of Mongu, Lukulu, Senanga, Sesheke, and Shangombo, adolescent girls are less likely to be married before they reach age 18. It is essential to understand what is protective in these districts that prevent adolescents from early marriage<sup>12</sup>.

### 2.3 CAUSES OF CHILD MARRIAGE

According to a study by Non-Governmental Organisation Coordinating Council (NGOCC)<sup>13</sup>, child marriage in Zambia is largely influenced by traditional practices and beliefs, and the low social status assigned to women and girls. Heinonen<sup>14</sup> defined customs and traditions as man-made doctrines, beliefs, practices, or stories that are passed from generation to generation, orally or by example. It has to be pointed out that customs surrounding marriage, including the desirable age and the way in which a spouse is selected, depend on a society’s view of the family, its role, structure, pattern of life and the individual and collective responsibilities of its members<sup>15</sup>.

#### **With regard to why particularly girls that are married off earlier than boys, Forum on Marriage and the Rights of Women and Girls (FMRWG)<sup>16</sup> argues that :**

“In general men tend to marry at a much older age than women or girls, and this is even reflected in some national laws where the legal minimum age for boys may be two or three years more than that of girls. Again, the national minimum age of marriage is often only applicable in statutory marriages and is hardly even enforced in religious or customary marriage. The notion of men as household heads means that most husbands are often financially better off and older than their brides. The age differences between spouses have serious consequences on the power dynamics between them, resulting in unequal partnerships in the marriage, social isolation, low-decision-making powers and coercion. It is common to find girl brides becoming widows at a very early age because of this age gap. In many communities, a young wife cannot inherit her husband’s property when he dies, because of discrimination, customs, gender biases and her low social status within the family. She may even be blamed for his death”

Zambia however does not have a law that has two separate marriage ages for girls and boys even though the practice is to have an older by/man marry a younger girl or woman.

Poverty and girls’ inadequate access to education are identified as a contributing factor to child marriage in Zambia. A multitude of issues created by early marriage are increasingly associated with poverty and illiteracy. Recent studies show that poverty and illiteracy are the main causes for early marriage and its continuance. Therefore, UNICEF argues that “globally, early marriage and early childbearing have been more or less abandoned by the wealthiest section of society, even in poor and highly traditional countries. Virtually, everywhere, poor women in rural areas tend to marry younger than those in urban areas and educational levels also play a critical role<sup>17</sup>”.

<sup>11</sup> Zambia Daily Mail, Chambo Nguni, Monday October 1, 2018

<sup>12</sup> Population Council, UNFPA, and Government of the Republic of Zambia. 2017. “Child Marriage in Zambia.” Lusaka, Zambia.

<sup>13</sup> NGOCC, Position on the Legal and Policy Framework on Child Marriages in Zambia. October, 2016

<sup>14</sup> Heinonen, Paula “Early, Forced Marriage and Abduction (efma) and their links to Custom/Tradition, FGM, Poverty, and HIV/AIDS”. Oxford: Oxford University: Center for Cross-Cultural Research on Women, 2002. Available at [www.fourliteracies.org/Word%20documents/EFMA%20SYNOPSIS.doc](http://www.fourliteracies.org/Word%20documents/EFMA%20SYNOPSIS.doc)

<sup>15</sup> UNICEF, Early Marriage: Child Spouses. Florence: International Research Center (IRC), Innocenti Digest, No.7, 2001

<sup>16</sup> Forum on Marriage and the Rights of Women and Girls (FMRWG) “Early Marriage and Poverty: Exploring Links for Policy and Program Development.” A Research Report by Naana Ott-Oyortey and Sonita Pobi, Produced by FMRWG in corroboration with International Planned Parenthood Federation (IPPF), 2003.

Another cause attributed to child marriage in Zambia is inadequate legal provisions that prohibit child marriages. The various laws relating to children and/or marriage in Zambia do not expressly prohibit the practice of child marriage in Zambia. This is more so that most child marriages are contracted under customary practices and law whereas the Marriage Act which invalidates any marriage between persons either of whom is below the age of 16 years only applies to statutory marriages. Where a law would apply to a customary marriage,<sup>18</sup> there is lack of enforcement which triggers the practice to alarming levels.

## 2.4 EFFECTS OF CHILD MARRIAGE

Hodzi<sup>19</sup> states that Child Marriages happen on a daily basis yet society has tended to turn a blind eye towards them because of cultural and religious reasons. These ‘marriages’ are a serious form of violence against girls and need to be stopped and called and seen for what they really are: pedophilia or sexual abuse. The author further argues that child and early marriage is viewed as a harmful traditional practice that robs girls of their education, their health and their future. Girls as young as ten and sometimes new born babies are married off to older men under the pretext that it is God’s will.

According to the Population Council, UNFPA and Government of the Republic of Zambia<sup>20</sup> child marriage, which is the marriage of a person below the age of 18 years, deprives adolescent girls of their reproductive health rights and impinges upon their opportunity to realise their full potential and enjoy their human rights as established in various international treaties.

Another study conducted by Population Council<sup>21</sup> found that child marriage in Zambia is widespread even though the legal age of marriage is 21 for both males and females. The study further found that customary law and practice discriminate against girls and women with respect to inheritance, property, and divorce rights.

Plan International<sup>22</sup> argues that the prevalence of child marriage in Zambia destabilizes the health, education, social and economic well-being and the general security of its citizens; and of girls and their families in particular. Action to end child marriage is urgently required by the international human rights commitments to which Zambia has subscribed, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The government has a duty to use practical and effective legal, policy and programmatic measures to stop early, child and forced marriage.

Young Women Christian Association World submits, in their Child Early and Forced Marriages fact sheet that Child Marriage has serious consequences for the health of girls, such as poorer pregnancy prognosis, higher risk of HIV infection, obstetric fistula, unsafe abortions, and a higher risk of suffering from domestic and sexual abuse than non-married girls or older married women.

*Walker*<sup>23</sup> states that child marriage has negative consequences in the life of boys and especially girls as the practice of child marriage has a harmful effect because studies found that girls who married before the age of 18 experience ‘early sexual debut’, give birth to more children and loose more children to neo-natal and childhood diseases.

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<sup>17</sup> UNICEF, Early Marriage: Child Spouses. Florence: International Research Center (IRC), Innocenti Digest, No.7, 2001

<sup>18</sup> For instance, the Education Act No. 23 of 2011 and the Gender Equity and Equality Act, No. 22 of 2015 apply to both statutory and customary marriages.

<sup>19</sup> Hodzi, C.R. Paedophilia not ‘Child Marriage’: A critical analysis of child marriages in the Apostolic Sects in Zimbabwe. (Unpublished master’s thesis). University of Zimbabwe, Harare, 2014

<sup>20</sup> Population Council, UNFPA, and Government of the Republic of Zambia. 2017. “Child Marriage in Zambia.” Lusaka, Zambia.

<sup>21</sup> Population Council, Child Marriage Briefing. New York, September, 2005

<sup>22</sup> Plan International, Ending Child Marriage in Zambia: Gaps And Opportunities In Legal And Regulatory Frameworks, 2016

<sup>23</sup> J.A. Walker, “Early Marriage in Africa – Trends, Harmful Effect and Interventions” African Journal of Reproductive Health, Vol. 16, 2012

According to Asrari<sup>23</sup> ending child marriage is crucial towards achieving girls' rights across the commonwealth as child marriage is a violation of human rights and undermines women and girls' equality and empowerment, perpetuates and reinforces negative social norms and curtails girls' opportunities. The author further argues that child marriage severely impacts the lives of girls it affects, bringing a premature end to girls' childhood and adolescence by imposing adult roles and responsibilities before she is physically, psychologically and emotionally prepared. Child brides are also often forced to give up their education, and are unable to build the skills, knowledge and qualifications they need to have the opportunity to shape their own futures. The author goes on to state that the practice of child marriage restricts girls' freedom and decision-making power; causes social isolation following girl's separation from their friends and family; leads to unwanted or coerced sexual intercourse, increased vulnerability to HIV/Aids and other sexually transmitted infections, and physical, emotional and sexual violence.

As Zambia is a signatory to the United Nations Convention on the Rights of a Child, child marriage can be summarized as abrogating the following child rights: the right to education, the right to be protected from physical and mental violence, the right to be protected from sexual exploitation, the right to health, the right to rest and leisure, and to participate freely in cultural life, the right to not be separated from parents against the child's will, the right to protection against all forms of exploitation affecting any aspect of the child's welfare, the freedom of association and the right to eventual employment. When Government does not put safeguards, they abrogate their duty to protect children.

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<sup>23</sup> Asrari L., *Preventing Child Marriage in the Commonwealth: the Role of Education*. London, Plan International UK and Royal Commonwealth Society, 2015.

## CHAPTER THREE

### 3.0 METHODOLOGY AND DATA COLLECTION

#### 3.1 METHODOLOGY

This chapter describes how the research was conducted. The chapter includes the study site, research design, target population, research instruments, sample size, sampling methodology and ethical consideration.

##### 3.1.1 STUDY SITE

The study collected data from three provinces of Zambia namely Central, Southern and Western. The districts where the data was collected from are; Mkushi and Ngabwe from Central Province, Nkeyema and Kalabo from Western Province, and Siavonga and Sinazongwe from Southern Province respectively. Justification for the study site is that Caritas Zambia and Save the Children International Zambia are working to end child marriage in the target areas by contributing to the National Strategy on Ending Child Marriage in Zambia -2016 to 2021. The six target districts share similar contexts. They are geographically located in rural Zambia where access to education, health care, water and nutritious food is limited. Poor accessibility to these essential social services is driven and reinforced by the high rate of poverty. Although corporal punishment was outlawed in Zambia in 1998, there are still numerous incidents of this violence against children being perpetuated. Children in these areas have no knowledge of any mechanisms or systems available that protect them from all forms of violence against them hence are exposed to all different forms of abuse and child marriage is among them.

##### 3.1.2 RESEARCH DESIGN

The study used a mixed method cross sectional study design that aims at collecting both quantitative and qualitative data at single contact with the target participants.

##### 3.1.3 RESEARCH INSTRUMENTS

The interviewer administered questionnaires which were used to collect both quantitative and qualitative data in the target districts.

##### 3.1.4 TARGET POPULATION

The target population included traditional leaders, marriage initiators, people who got married before the age of 18, parents who married off their children, parents who resisted child marriage in the community, other community members and civil society organisations fighting child marriage.

##### 3.1.5 SAMPLE SIZE

The sample size of the study was 180 which translate into 60 participants per district. The 180 participants included traditional leaders, marriage initiators, people who got married before the age of 18, parents who married off their children, parents who resisted child marriage in the community, other community members and civil society organisations fighting child marriage

### 3.1.6 DATA ANALYSIS

The quantitative data was used to generate statistical measures whilst the qualitative data was used to analyse data under different themes drawn from the specific objectives.

### 3.1.7 DESK REVIEW

Data was gathered from previous studies on child marriage conducted by international and national organisations. Reports reviewed included reports on the status of Child Marriages in Zambia, statistical reports, national laws, policies and strategies mitigating or encouraging child marriage.

### 3.1.8 PROCESS OF DATA COLLECTION

To comprehensively attain the goal of the study, the consultant employed Focus Group Discussions (FGDs) Key Informant Interview questions (KIIs) and a general questionnaire to collect data.

## 3.2 STUDY LIMITATION

Some children below 18 years who are married and their parents were both not willing to be interviewed. However, where the research team experienced that a, the snowball sampling was used - where those who agreed to be interviewed were asked to refer to or identify someone they knew. This made it easier to gain the trust of both children and the parents.

- The team was unable to collect data from some traditional leaders who wanted to be paid some remunerations.
- Some parents and children interviewed were not very willing to give out a lot of information to the research team despite having concerted to the interview, this posed a challenge to the team analyzing the data because the flow of some of the data provided was not consistent.

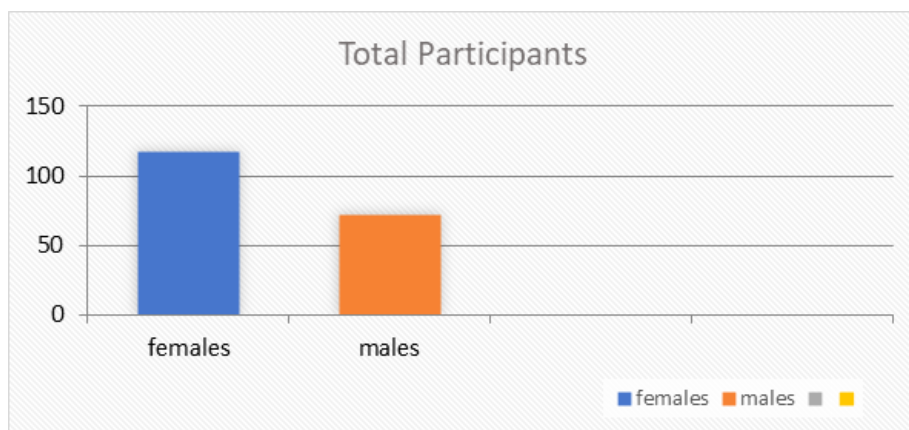
## 3.3 DATA COLLECTION (FIELD WORK)

In selecting the participants, the team used 5.1 sampling and the research team ensured that both sexes were equitably represented. Below is the representation of the participants:

Group	Total	Females	Males
Women Marriage Initiators	37	30	7
In school /out of school children	105	62	25
Traditional Leaders	11	0	11
Medical personnel	12	6	6
Teachers	26	10	16
Civic leaders	3	0	3
CSOs	7	6	1
Government	7	4	3

### 3.3.1 TOTAL NUMBER OF PARTICIPANTS

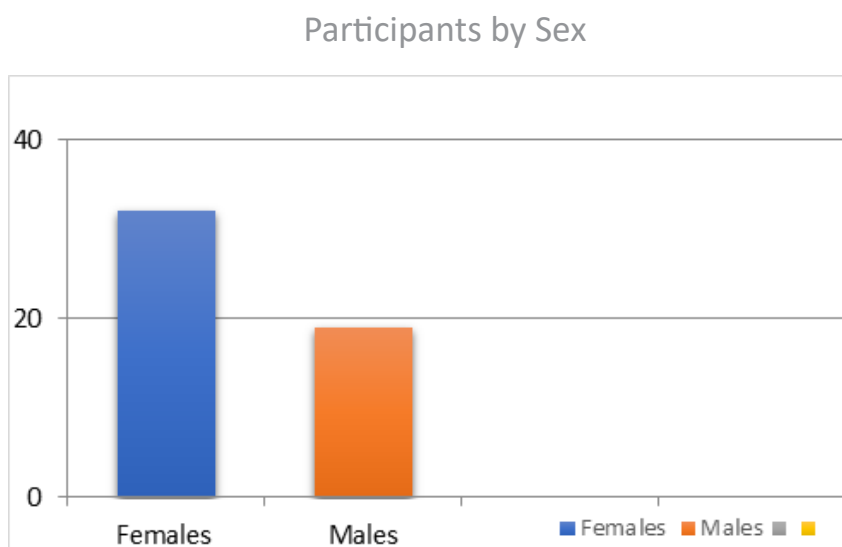
Data was collected from 6 districts in 3 provinces and these include; Ngabwe and Mkushi of Central province; Kalabo and Nkeyema of Western province and Sinazongwe and Siavonga of Southern province. The total number of people interviewed was 190 with 118 being females and 72 being male. This is depicted in the table shown below:



There was a fair representation of both sexes. The other data that was captured at district level was as follows:

### 3.3.2 NGABWE DISTRICT OF THE CENTRAL PROVINCE OF ZAMBIA

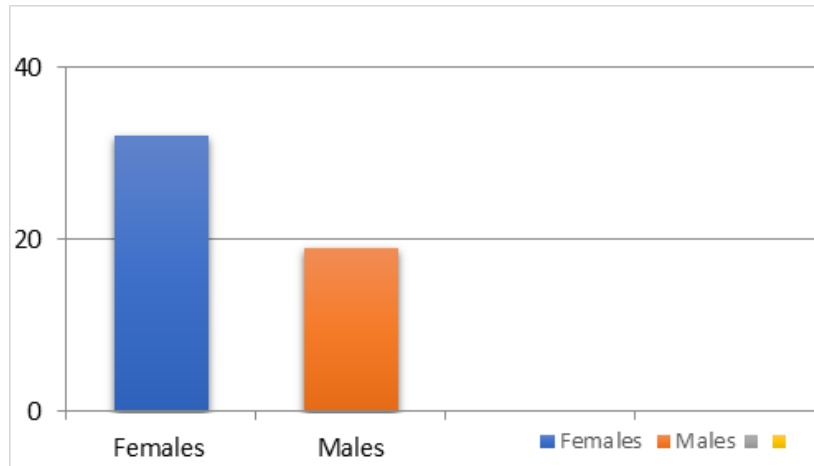
A total of 51 participants were interviewed in Ngabwe District. The number was composed of 32 females and 19 males which are depicted in the table below.



The age group of the participants involved in the study was divided in the following clusters: below 18, 18 to 21, 22 to 25, 26 to 35 and above 36. The following was the representation from the participants, 1 below 18, 27 between 18 and 21, 4 between 22 and 25, 11 between 26 and 35 and 7 above 36. The age groups were reasonably distributed to be able to obtain views from across ages, see the table below for the participants' age group.

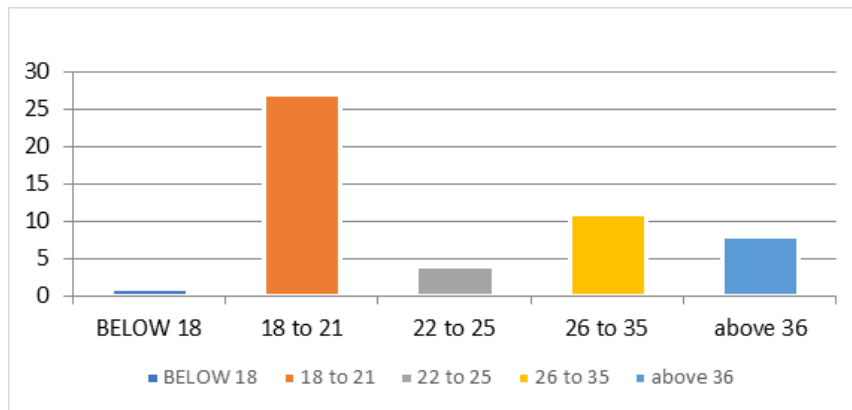


Participants by Sex



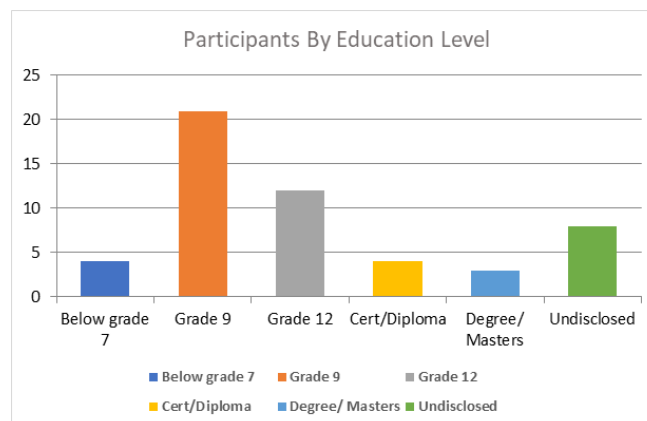
The age group of the participants involved in the study was divided in the following clusters: below 18, 18 to 21, 22 to 25, 26 to 35 and above 36. The following was the representation from the participants, 1 below 18, 27 between 18 and 21, 4 between 22 and 25, 11 between 26 and 35 and 7 above 36. The age groups were reasonably distributed to be able to obtain views from across ages, see the table below for the participants' age group.

Participants by Age



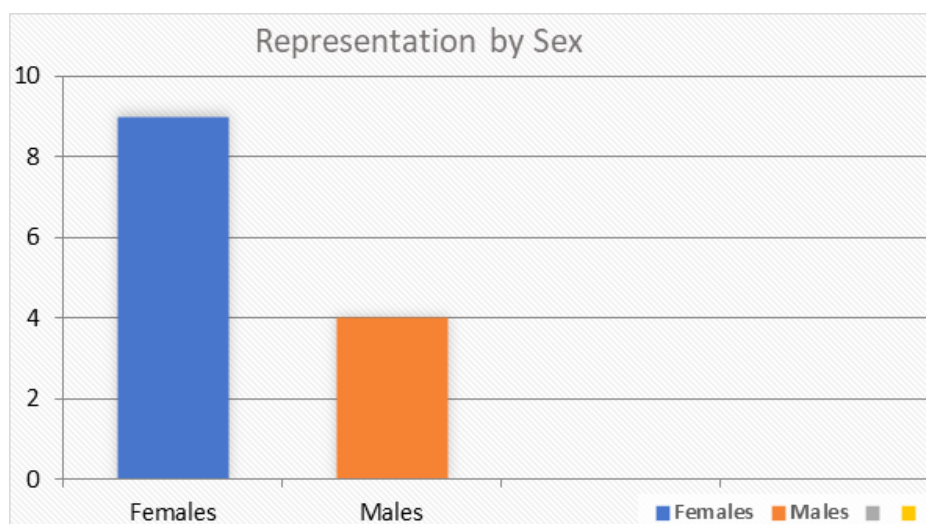
### PARTICIPANTS EDUCATION

The participants education level was divided in the following clusters: below grade 7, grade 7, grade 9, grade 12, certificate/ diploma and degree/ masters. The following was the representation from the participants, 1 below grade 7, 3 grade 7, 21 grade 9, 12 grade 12, 4 certificate/ diploma, 3 degree/ masters and 8 undisclosed. This data is depicted in the chart below. The professional qualifications were also well represented.



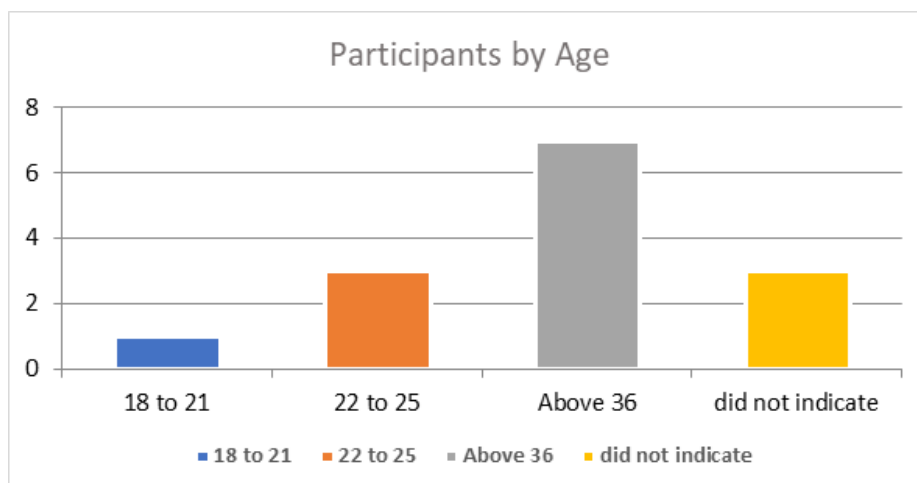
### 3.3.3 MKUSHI DISTRICT OF THE CENTRAL PROVINCE OF ZAMBIA

In Mkushi, 14 participants were seen and 9 were females and 5 males. These represented teachers, medical personnel, traditional leaders and NGOs. The pictorial presentation is as follows:



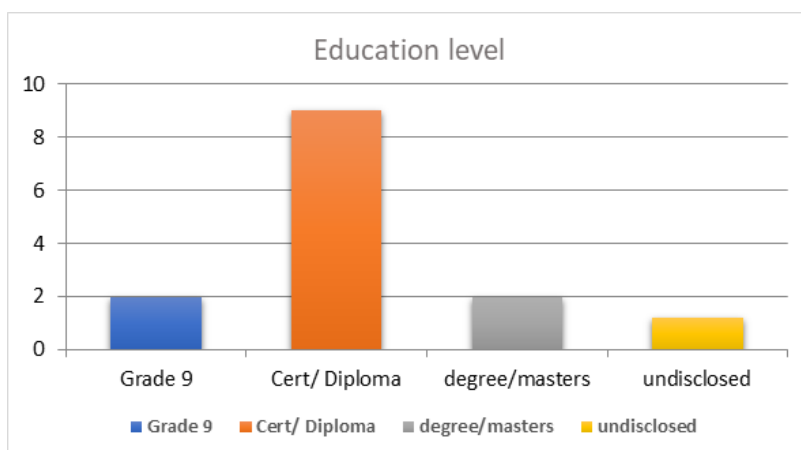
#### REPRESENTATION BY AGE

The age groups represented were 18 to 21 (1 participant) 22 to 25 (3 participants) and 36 and above (7 participants). 3 participants did not indicate their age range.



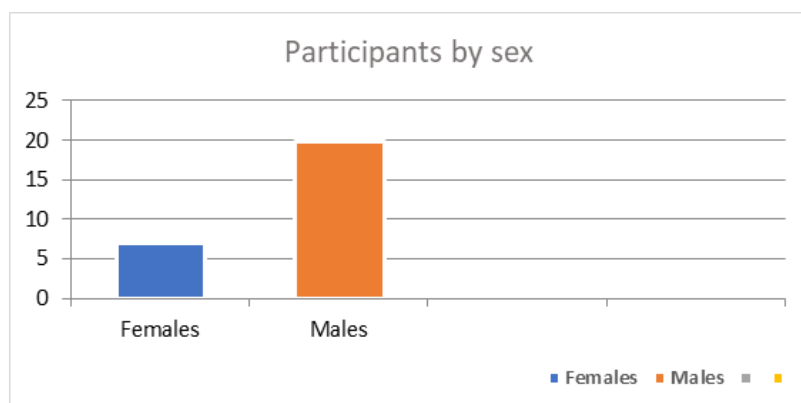
#### PARTICIPANTS EDUCATION

The participants education level, as per questionnaire, was divided in the following clusters: below grade 7, grade 7, grade 9, grade 12, certificate/ diploma and degree/ masters. The following was the representation from the participants, 2 grade 9, 9 certificate/ diploma, 2 degree/ masters and 1 undisclosed. This data is depicted in the chart below.



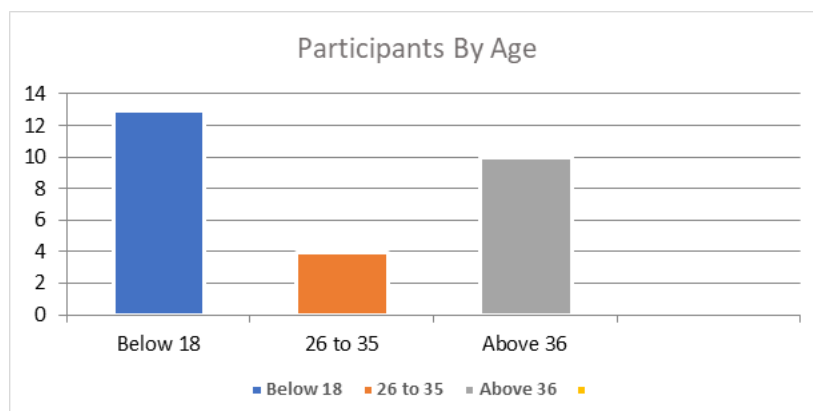
### 3.3.4 NKEYEMA DISTRICT OF THE WESTERN PROVINCE

A total of 27 participants were interviewed in Nkeyema District of the Western Province. The number was composed of 7 females and 20 males. This is depicted in the table below:



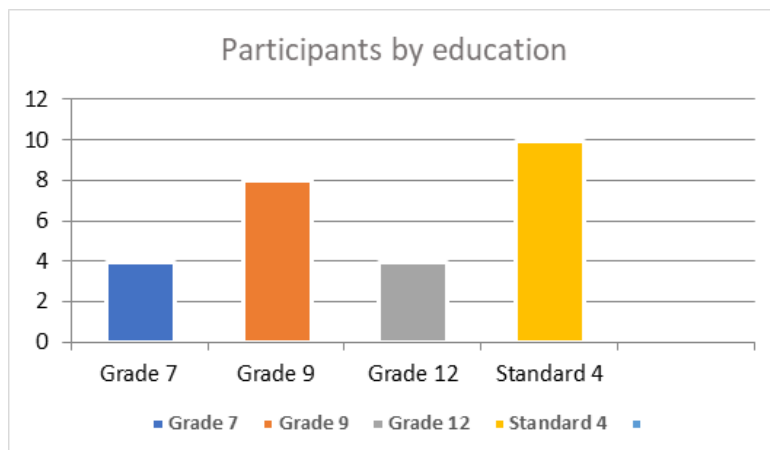
### PARTICIPANTS BY AGE

The age groups of the participants on the questionnaire were divided in the following clusters: below 18, 18 to 21, 22 to 25, 26 to 35 and above 36. The following was the representation from the participants, 13 below 18, 4 between 26 and 35 and 10 above 36. The age groups were reasonably distributed to be able to obtain views across ages:



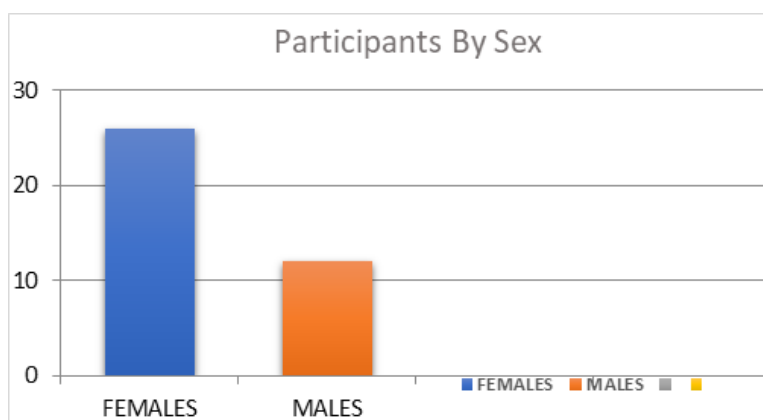
### PARTICIPANTS EDUCATION

The participants' education level was divided in the following clusters: below grade 7, grade 7, grade 9, grade 12, certificate/ diploma and degree/ masters. The following was the representation from the participants, 4 grade 7, 8 grade 9, 4 grade 12, 10 certificate/ diploma and 1 standard 4. This data is depicted in the chart below.

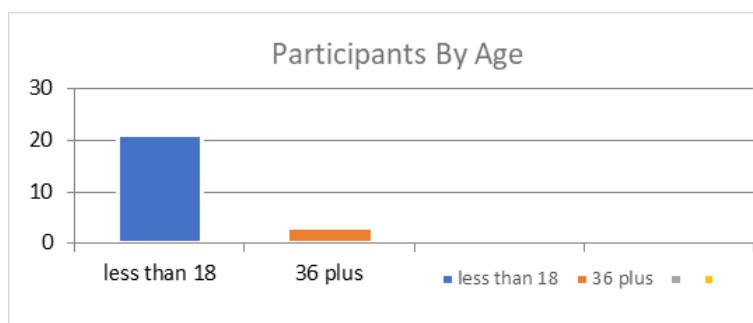


### 3.3.5 KALABO DISTRICT OF THE WESTERN PROVINCE

A total of 38 participants were interviewed in Kalabo district of the Western province. The number was composed of 26 females and 12 males. This is depicted in the table below:

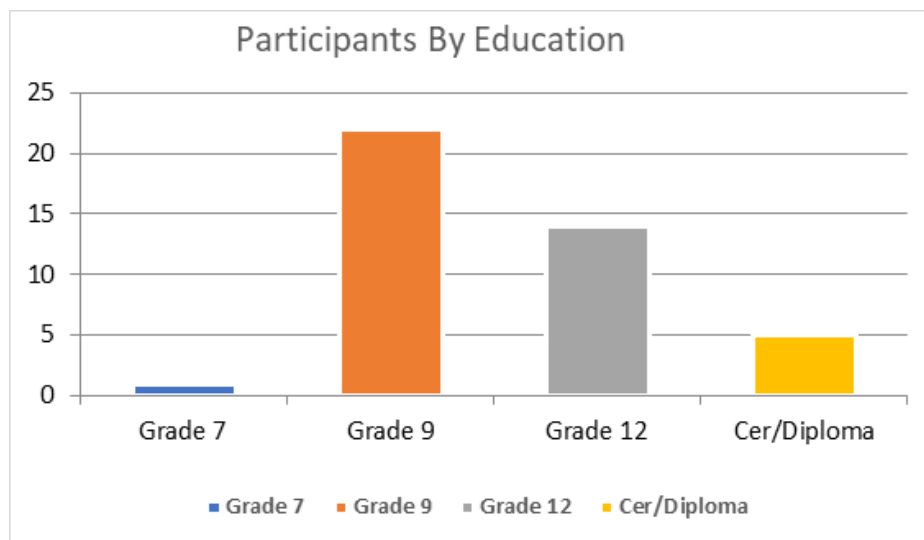


With regards to the age range in the Kalabo, those who were aged 36 plus representing 13% while those who were less than 18 years were a at 87% being the majority. See the table below for the age segregation.



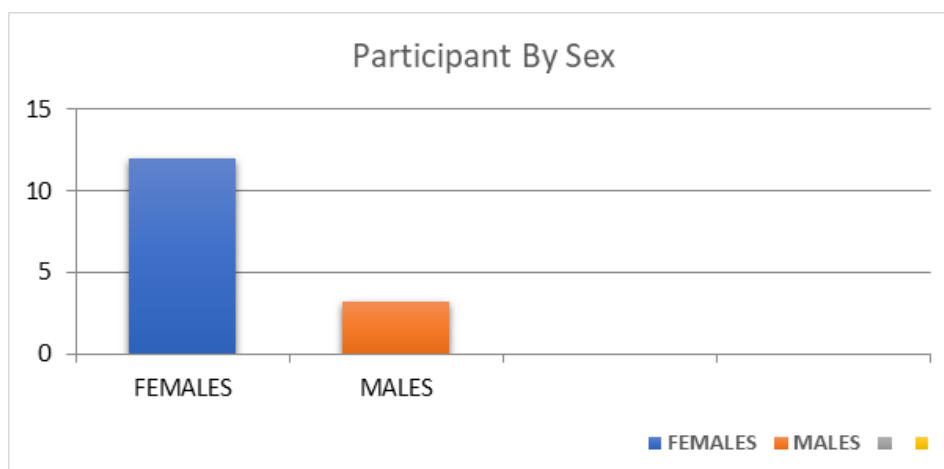
### PARTICIPANTS BY EDUCATION

Grade 7; 1, grade 9; 22, grade 12; 14 and certificate and diploma; 5 as illustrated in the table below:



### 3.3.6 SIAVONGA DISTRICT OF THE SOUTHERN PROVINCE OF ZAMBIA

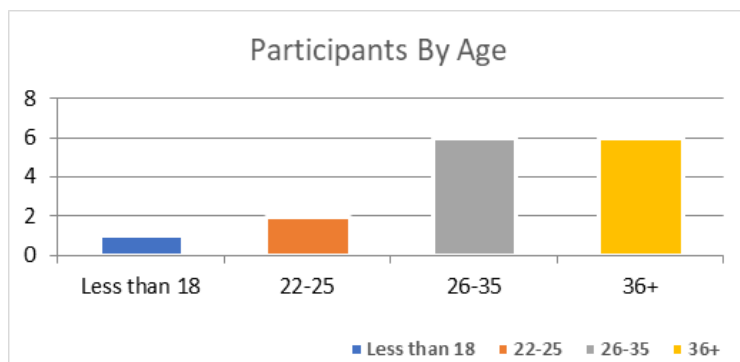
A total of 17 participants were interviewed in Siavonga district of the Southern province. The number was composed of 12 females and 5 males which is depicted in the table below



### PARTICIPANTS BY AGE

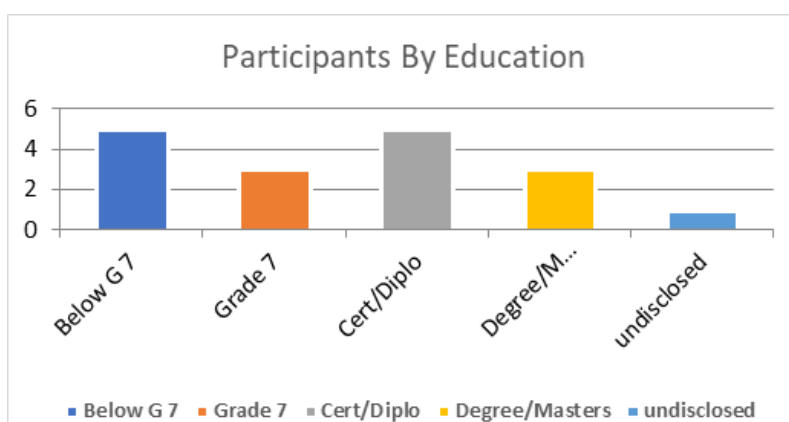
The age group of the participants involved in the study was divided in the following clusters: below 18, 18 to 21, 22 to 25, 26 to 35 and above 36. The following was the representation from the participants, 13 below 18, 4 between 26 and 35 and 10 above 36. The age groups were reasonably distributed to be able to obtain views from across ages,

The age groups represented by participants were less than 18(1 participant), 22 to 25 (2 participants), 26 to 35 (6 participants) and 36 and above (8 participants). Three did not indicate their age range, see the table below.



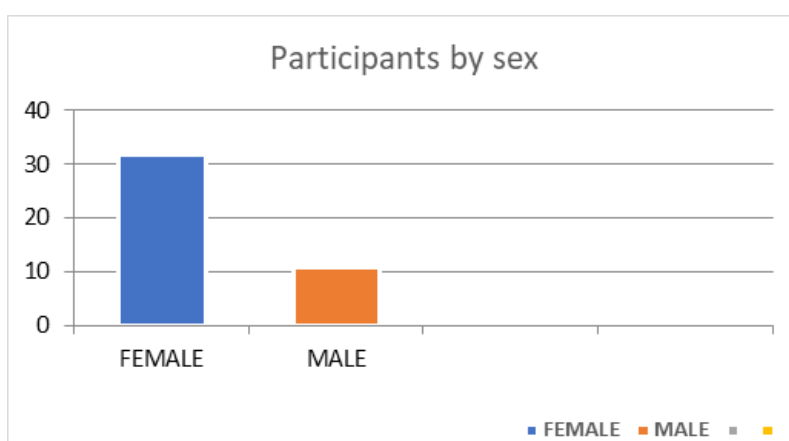
### PARTICIPANTS BY EDUCATION

The table below illustrates the participants' education backgrounds shown below.



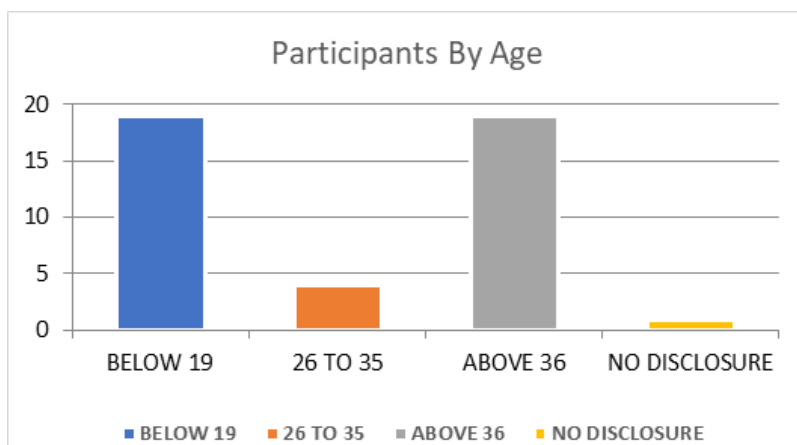
### 3.3.7 SINAZONGWE DISTRICT OF THE SOUTHERN PROVINCE OF ZAMBIA

Sinazongwe had a total of 43 participants with 32 females and 11 males as shown in the table below.



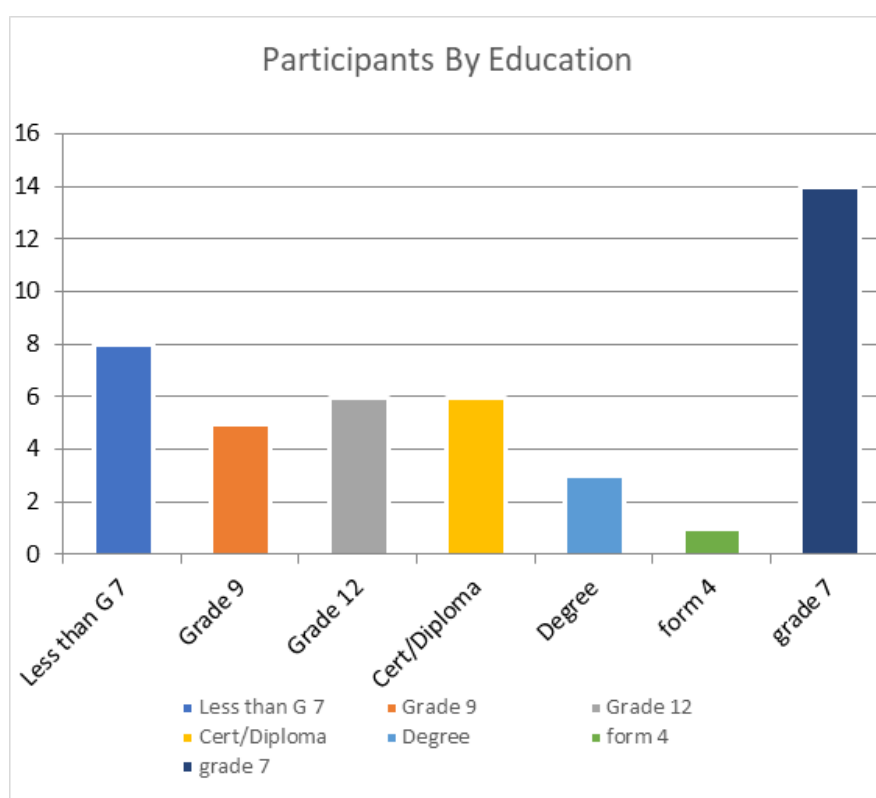
### PARTICIPANTS BY AGE

The participants in Sinazongwe were divided into the following age groups: Undisclosed 1, below 19-19 between 26 to 35-4 and 36 and above -19.



## PARTICIPANTS BY EDUCATION

The participants education representation was as follows: Less than grade 7 -8, Grade 7 -14, Grade 9- 5, Grade 12- 6, Diploma – 6, Degree -3, and form 4 -1



The participants were well represented by sex age education and indeed the clusters that they were falling under.

## CHAPTER FOUR

### 4.0 FINDINGS

#### 4.1.0 LEGAL FRAMEWORK

##### 4.1.1 INTERNATIONAL AND REGIONAL TREATIES

On the international scene, the United Nations Convention on the Rights of the Child<sup>23</sup> (CRC) signed by Zambia in 1990 and ratified in 1991, is one of the most widely ratified international human rights treaties. It covers civil, economic and social rights of children. This treaty is premised on the best interest of a child and as such child marriage having devastating consequences on a child does not represent the best interest of the child. The CRC provides in article 19 that ‘governments have the obligation to protect children from violence, abuse and negligence’; and in a Subsequent General Recommendation the CRC Committee has taken the step to be against the phenomenon of child marriage or marriage under the age of 18 years<sup>26</sup>. Paramount in the provisions of the CRC is the principle of “best interests of the child” in that in all actions concerning children, the best interests of the child must be the primary consideration. This principle encompasses key areas in the life of a child such as adequate care, safe physical surroundings, respect, continuity and stability, the need to take the needs of the child seriously and the creation of a sense of security for the child<sup>27</sup>.

The Universal Declaration of Human Rights (1948)<sup>28</sup> signed in 1981, in Article 1 affirms that all human beings are born equal, in terms of dignity, rights and the endowment of reason and conscience. Article 16 goes on to provide that any adult has the right to marry and start a family and marriage must be freely contracted and must have the full consent of both spouses<sup>29</sup>. It has to be pointed out that Article 16 is couched in a spirit of ending child marriage as it clearly indicates that both parties intending to marry must be above the age of 18 years and must give consent.

The Convention on the Elimination of Discrimination Against Women ratified by Zambia in 1985, provides that Marriage of a child shall have no legal effect and all necessary action including legislation shall be used to specify age of marriage and make registration of marriage compulsory.

The Organisation of African Unity (OAU), now the African Union (AU), adopted the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990<sup>30</sup> with Zambia signing in 1992. The charter recognizes the fact that the child requires particular care due to his or her physical and mental development. The best interests of the child shall be a primary consideration in all actions concerning.

The African Women’s Protocol<sup>31</sup> signed by Zambia in 2005 and ratified in 2006 is a homegrown instrument developed by Africans for African women which legitimizes the fight against gender oppression as an African struggle. Child marriage is considered as an oppression on girls as it undermines their full potential. The African Women’s Protocol in Article 17 empowers African women by giving them the right to live in a positive cultural context and to enhance participation in the determination of cultural policies by addressing the challenge that co-exists as a result of multiplicity in the law from customary and religious laws governing personal life to prevailing positive laws and constitutional guarantees.

<sup>23</sup> UN Doc. G.A Res. 44/25 annex 44 UN GAOR Supp. (No.49) at 167

<sup>26</sup> Joint General Recommendations/ general comment number 31 of the Committee on the Elimination of Discrimination against women and number 18 of the Committee on the Rights of children on harmful practices’ <http://www.ork.lu/index.php/bs/prava-deteka/ko>

<sup>27</sup> I. Sagel-Grande (ed.) In the Best Interests of the Child: Conflict Resolution for and by Children and Juveniles, Rozenberg Publishers, Amsterdam, 2001. p. 10

<sup>28</sup> G.A Res. 217 A (III), UN Doc. A/810 at 71 (1948)

<sup>29</sup> Stephen Muyakwa and Matrine Bbuku Chuulu, Zambia Country Report in Rosemary Semufumu Mukasa “The African Women’s Protocol: Harnessing a Potential Force for Positive Change” Oxfam GB, 2008.

<sup>30</sup> OAU Doc. CAB/LEG/24.9/49 (1990)

<sup>31</sup> Protocol to the African Charter on Human and People’s Rights on the Rights of Women, 11 July, 2003



The SADC Protocol on Gender and Development signed by Zambia in 2008 integrates and mainstreams gender issues into the SADC program. It also prescribes provides that “no person under the age of 18 shall marry unless otherwise specified by law which considers the best interests and welfare of the child and that every marriage takes place with the free and full consent of both parties;

## **4.2 NATIONAL LAW**

The laws of Zambia consist of the Constitution, laws enacted by Parliament, Statutory Instruments, Zambian customary law and the laws and statutes which apply or extend to Zambia as prescribed<sup>32</sup>. Zambia has a range of laws that relate to marriage which will be discussed below.

### **4.2.1 STATUTORY LAW**

#### **4.2.1.1 CONSTITUTION**

The Republican Constitution<sup>33</sup> is the Supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency. Due to the Constitutions supremacy, every other law enacted in Zambia by Parliament derives its validity and authority from the Constitution.

With the 2016 amendment to the Constitution, a child is now defined as a person who has attained, or is below, the age of 18 years<sup>34</sup>. Further, the Constitution in Article 8 provides for national values which among them include morality and ethics and human dignity, equity, social justice, equality and non-discrimination.

The weakness in the Constitution lies in the fact that Article 23 still allows discrimination in its proviso with respect to application of customary law. This has perpetuated the inequality and subsequent abuses in marriages.

#### **4.2.1.2 THE ANTI-GENDER BASED VIOLENCE ACT NO. 1 of 2011**

The Anti-Gender Based Violence Act<sup>35</sup> inter alia provides for the protection of victims of gender-based violence. In section 3 the Act provides that child marriage is a form of Abuse. Abuse “means conduct that harms or is likely to cause harm to the safety, health or wellbeing of a person; Abuse takes the form of physical, mental, social or economic abuse or behaviour or threat of any such act, omission or behaviour which results in death or is likely to result in the direct infliction of physical, sexual or mental injury to any person<sup>36</sup>. To this effect, child marriage is a grave form of abuse on children.

The Act defines a child as a person below the age of 16. This Act comes close to protecting a child from child marriage. It however does not have penalties and does not have a corresponding penalty in the Penal Code. The only remedies available in the Act are the Protection Order and the Occupational Order. A protection order is one that prohibits a perpetrator from committing any further acts of gender-based violence. On the other hand, an occupation order is one that orders the perpetrator to vacate the matrimonial house<sup>38</sup>.

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<sup>32</sup> Constitution of Zambia Chapter 1, Article 7

<sup>33</sup> Chapter 1 of the Laws of Zambia as read together with the Constitution of Zambia (Amendment) Act No. 2 of 2016

<sup>34</sup> Constitution of Zambia, Constitution of Zambia (Amendment) Act No. 2 of 2016, Article 266

<sup>35</sup> Act No. 1 of 2011

<sup>36</sup> Act N0. 1 of 2011 Section 3

<sup>37</sup> The Anti-Gender Based Violence Act, Section 10

<sup>38</sup> The Anti-Gender Based Violence Act, Section 20

### **4.2.1.3 GENDER EQUITY AND EQUALITY ACT NO 22 OF 2015**

The Gender Equity and Equality Act<sup>39</sup> was enacted to promote, gender equity and equality as a cross cutting issue in all spheres of life. Further, the Gender Equity and Equality Act<sup>40</sup>, provides in section 22(1)(a) and (b) respectively to the effect that a woman has power to decide and act on all matters relating to marriage and family life including but not limited to freely choose a spouse and to enter into or leave a marriage. In this Act, a woman is defined as a female person who is at least 18 years of age.

### **4.2.1.4 THE MARRIAGE ACT CHAPTER 50 OF THE LAWS OF ZAMBIA**

The Law governing marriages in Zambia is the Marriage Act<sup>41</sup>. In section 17, the Marriage Act provides to the effect that if either party to a marriage is 21 years and above, or is widow or widower, there is no need for consent. Full consent of both parties is all that is required. Where a party to a marriage is under the age of 21 to 16 years, consent of the parents or guardian is required. As relates to parties below the age of 16, Section 33(1), states that

“a marriage between persons either of whom is under the age of sixteen years shall be void provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, give his consent to the marriage”

The first weakness with this Act is that, the proviso in Section 33 leaves room for one to marry a child below the age of 16 provided the judge is satisfied that in the particular circumstances of the case it is not contrary to the public interest<sup>42</sup>. The other weakness relates to Section 17 which provides to the effect that a child below 21 can remarry without consent for as long as the child is a widow or widower. This entails that a child who was married at 12 (under customary law or having been allowed under Sec 33 of this Act) and widowed at 14 can marry under the Act without parental consent. These provisions need to be amended as they are bound to perpetuate child marriages in Zambia.

### **4.2.1.5 MATRIMONIAL CAUSES ACT No. 20 OF 2007**

The Matrimonial Causes Act<sup>43</sup> inter alia, makes provision for divorce and other matrimonial causes. In section 27(1) (a) (ii), the Act provides to the effect that any marriage between persons either of whom is under the age of sixteen (16) shall be void, meaning, it shall not be recognised. This is the position despite the fact that the Constitution is defining a child as one who is below or has attained the age of 18. This Act does not apply to customary law marriages.

### **4.2.1.6 THE EDUCATION ACT NUMBER 23 OF 2011**

The Education Act<sup>44</sup> inter alia provides that a child has a right to free basic education<sup>45</sup>. In section 17(1) the Act establishes mandatory duties of parents or guardians to enroll and ensure that children attend school. Further, Section 18 of the Act provides as follows:

18. (1) *Subject to the Constitution and any other written law, a learner who is a child shall not contract any form of marriage.*
- (2) *A person shall not-*
  - (a) marry or marry off a learner who is a child; or

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<sup>39</sup> Act No. 22 of 2015

<sup>40</sup> Act No. 22 of 2015

<sup>41</sup> Chapter 50 of the Laws of Zambia

<sup>42</sup> Marriage Act, Section 33(1)

<sup>43</sup> Act No. 20 of 2007

<sup>44</sup> No. 23 of 2011

<sup>45</sup> Education Act, section 15

- (b) prevent or stop a learner who is a child from attending school for the purpose of marrying or marrying off the learner who is a child.
- (3) A person who contravenes this section commits an offence and is liable, upon conviction, to imprisonment for a period of not less than fifteen years and may be liable to imprisonment for life.

With regards learners who fall pregnant while attending school, section 25(2) of the Act provides for their re-admission. It therefore states that “[A]learner who falls pregnant or impregnates a female learner while pursuing a course of study at an educational institution shall be re-admitted to the educational institution after delivery of the baby.”

This Act is very positive towards the fight against child marriage. Section 18 however only protects children who are in school and below the age 16 as a child under this Act is defined as a person below the age of 16.

#### **4.2.1.7 THE PENAL CODE CAP 87 OF THE LAWS OF ZAMBIA**

In terms of penal sanctions, the Penal Code<sup>46</sup> in section 138 criminalises sexual intercourse of any person below the age of 16. However, the provision is interpreted to mean that the intercourse must be unlawful, entailing that if the parties are lawfully married, then the defilement does not arise as marriage legalises sexual intercourse regardless of the fact that either of the parties is below the age of 16. In certain traditional practices, like the Tonga practice of ku tizya (eloping), section 135 of the Penal Code provides that any person who with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will. With regards children, some children are forced into marriages without their consent and such acts like the practice of ku tizya amount to a criminal offence.

#### **4.2.1.8 SUBORDINATE COURT ACT CAP 28 AND LOCAL COURT ACT CAP 29 OF THE LAWS OF ZAMBIA**

These Acts have provisions that state that only customary law that is not contrary to statutory law, rules of natural justice or equity should be applicable. This simply means that only customary law which is fair and not contrary to the Zambian laws should be recognised and used in the chiefdoms.

#### **4.2.2 CUSTOMARY LAW**

As is provided in Article 7 of the Constitution of Zambia, customary law is as much part of the law in Zambia as is statutory law. The only limitation provided for the validity of the recognition of customary law is that it becomes null and void if it is inconsistent with the provisions of the Constitution and indeed any other written law.

Further, the Courts in Zambia have recognised customary law as part of the laws of Zambia<sup>47</sup>. The most unfortunate part of this widely practiced law is that it allows for the marriage of young person’s especially for girls who are usually deemed ready for marriage once they attain puberty or have had their first menstruation. To this extent, it poses a challenge for law enforcement officers to prosecute defilement cases in Zambia as it happens that most of the cases take place under the umbrella of a traditionally contracted marriage.

<sup>46</sup> Chapter 87 of the Laws of Zambia

<sup>47</sup> Sithole v Sithole (1969) Z.R. 92 (HC)

It has been argued that customary law has a great impact on the lives of the majority of Africans in the area of personal law in regard to matters such as marriage, inheritance, and traditional authority<sup>48</sup>. In its application, customary law is often discriminatory in such areas as bride price, guardianship, inheritance, appointment to traditional offices, exercise of traditional authority, and age of majority.

The challenge posed by customary law in relation to the negative effects of a child marriage is that it views women as helpers to their kinsmen and does not see them as equals with men<sup>49</sup>. While traditionalists argue that, by promoting traditional values, customary law makes a positive contribution to the promotion of human rights, activists argue that certain customary law norms undermine the dignity of women and are used to justify treating women as second-class citizens<sup>50</sup>.

On the negative effects of customary law, the Honourable Justice Mumba Malila, SC, judge of the Supreme Court for Zambia states,

“that a number of human rights violations are perpetrated under the façade of observing custom and tradition. He goes on to say that defilement justified under traditional beliefs and customs, child labour, marrying off of underage children, marriage and cleansing practices, polygamy, ill treatment and dehumanisation of suspected witchcraft practitioners and failure to observe due process requirements by traditional authorities and courts that administer customary law, are but part of a long catalogue of customary law related human rights violations. More significantly in their everyday application, customary practices and norms are often discriminatory in such areas as marriage (consent to marry, payment of the bride price), guardianship, inheritance, appointment to traditional authority positions, exercise of traditional authority, etc. Customary society often tends to see women and girls as adjuncts to society rather than as equals. Discrimination of women and girls, therefore, tends to be the norm. Such discrimination is embedded in inequality, male domination, poverty, aggression, misogyny, and entrenched customs and myths<sup>51</sup>.

In concluding on the laws relating to child marriage, it has to be mentioned that there is need to align all the definitions of a child in our laws to the constitutional provision. This will avoid any ambiguity and will ensure that all children are protected, both in school and out of school. There will be need to expose as many people as possible to the provisions that are protecting children. There may be indeed to consider domesticating the SADC model law so that there is one defined marriage age which is in line with the international instruments as well as the constitution.

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<sup>48</sup> AFRONET, *The Dilemma of Local Courts in Zambia 1* (1998), <http://www.vanuatu.usp.ac.fillibrary/OnlinefUSD%200nly/Customary%20LawlDilemma.htm>

<sup>49</sup> Ndulo, Muna, “African Customary Law, Customs, and Women’s Rights” (2011). Cornell Law Faculty Publications. Paper 187.p.88 available at <http://scholarship.law.cornell.edu/facpub/187>.

<sup>50</sup> Ndulo, Muna, “African Customary Law, Customs, and Women’s Rights”

<sup>51</sup> Hon. Justice Mumba Malila SC, “Customary Law in the context of the amended Zambian Constitution from the point of view of the Bill of Rights” A Paper presented at the Annual Judicial Conference, 14th to 18th November, 2016. Accessed from <http://www.judiciaryzambia.com>

## CHAPTER FIVE

### 5.0. FINDINGS- FIELD VISITS

#### 5.1 INTRODUCTION

This chapter presents the findings of the study as it relates to the causes and effects of child marriage. These findings are discussed per province. The chapter goes further to discuss the roles that can be played by different stakeholders which includes; family, civil society, the community, traditional leaders, religious leaders and the government.

#### 5.2 CENTRAL PROVINCE

##### 5.2.1 AGE AT WHICH MOST CHILDREN GET MARRIED IN THE COMMUNITY.

When asked the age at which most girls and boys get married in the community. The responses ranged from 12 to 17 years which gave an average of 14 years old. When asked the age at which most boys get married in the community the responses were between 14 and 21 years which gave an average of 17 years old.

**The research team noted that the girls are still getting married at a very young age. Notable was the following:**

“In the past girls didn’t have the right to refuse marriage but now they can refuse”

Advocates for child marriage met stated that:

“If the girl children delays to get married, she can’t have children. Having children in older age can result in children with down syndrome”

Others stated that “It is better she starts having children early so that she has a longer period within which to have children”

DISCUSSION: The age stated for the girls is way below the recommended age in the international instruments signed and in some cases, assented to by Zambia. In all the international instruments discussed in the literature review, the recommended marriage age is 18 years and above. The age at which most children are getting married in these communities is below the Constitution definition age of a child, of one who has attained 18 years or below as most children were getting married before 18 years.

It was further notably seen advocates of child marriage were found in the target areas. This showed that child marriage is not just child drive, that even elderly people have been supporting and promoting the vice too.

##### 5.2.2 CAUSES OF CHILD MARRIAGE

There are thousands of child marriages globally and this section will particularly focus on findings based on the field study that was conducted in the 6 districts of the project target areas and these are discussed below :

### 5.2.2.1 Financial Constraints

Financial constraint was raised as one of the drivers of child marriage by all the groups that were interviewed. These were the teachers, traditional leaders, civil society organisations, community members, children in school and those out of school. It was found that some children get frustrated when they are not properly supported financially when in school. In addition, it was found out that some parents marry off their children to get money in return through dowry (lobola). A situation where a young girl is orphaned and left with guardians who are unwilling or unable to raise her due to financial constraints was also mentioned as a cause of child marriage.



**With regards to poverty causing child marriage, one participant commented as follows;**

‘It is hard for orphans to be raised by guardians who are poor, so some orphans have no option but to get married. I have a friend who got married last year because her parents are dead and that was the only option....getting married’

**Another participant stated as follows,**

“My parents cannot afford to buy for me clothes and give me good food so it’s better I get married or start prostitution for me to earn a living....kupwa fye nangu kuya kumusebo nga abafyashi bale filwa ukukusunga”

This rallies with submissions from NGOCC, Girls not Brides and indeed many other previous studies that have been conducted on ECM.

**DISCUSSION:** It is worth stressing that this research was conducted in rural areas. Survey results show that 54.4 percent of the population was living below the national poverty line at the time of the survey (76.6 percent in rural areas and 23.4 percent in urban areas<sup>52</sup>. It reveals why poverty was captured as a cause and effect.

### 5.2.2.2 Cultural and Traditional Practices

The traditional practice that forces children out of the matrimonial home at puberty was mentioned as one of the causes of child marriage. This is because they expose their rite of passage in public. In addition participants also pointed out was the bad traditional practice that exist especially in rural areas, where a man is more recognized when he has more than one wife. A man who is 30years old and married can only take a younger girl as second wife and thereby involving themselves in child marriage. Another point shared was that most parents/guardians in the target areas are uneducated and do not understand full value of education and therefore marry off their young children as soon as they reach puberty with hope of economic gain.

Some parents also, still believe that educating a girl is a waste of money. It was also stressed that some uneducated parents don’t see the need for their children to go to school and as such some participants appealed for more sensitization on the importance of school. Another issue shared was that some parents even preferred that their children go fishing rather than to school.

<sup>52</sup> [https://www.zamstats.gov.zm/phocadownload/Living\\_Conditions/2015%20Living%20Conditions%20Monitoring%20Survey%20Report.pdf](https://www.zamstats.gov.zm/phocadownload/Living_Conditions/2015%20Living%20Conditions%20Monitoring%20Survey%20Report.pdf)



**DISCUSSION :** An example of cultural practices that hinder children from attending schools and eventually makes children victims of child marriage one of them was a Lozi traditional called “Sikenge”.

“In this rite, the girls are normally secluded at the onset of their first menstruation and obedient girls normally participate willingly in the initiation rite, and stubborn ones are either tricked or forced into it with much pinching and whipping (Mundumuko, 1990; see also Munachonga’s chapter in this book). The initiate or novice is called a mwalyanjo. The initiate is given a kashambeli, a young girl, who acts not only as a mediator between the initiate and the outside world, but also as a chaperon for the initiate. The use of a chaperon is cardinal because a novice is considered a ghost and as such should not directly communicate with the outside world. On the 2nd day of her seclusion, she will not be expected to do any chores but to just keep entirely indoors (kufutama) until the next day, when she will be ritually oriented to household chores by making her touch places where many chores are usually carried out mwa lapa laba bashemi bahae (in the parents’ yard). The lessons are in the form of verbal instructions, demonstrations, and song and dance (Chama, 2006). These teachings include sex education as well as general teachings that are meant to make a girl a capable wife in the future, and these are sequentially presented to the novice<sup>53</sup>

### 5.2.2.3 Peer Pressure

It was found that due to peer pressure of seeing their friend married, young girls also find ways of getting married too. One participant stated that “others lie to their friends that they are enjoying marriage so that their friends envy them.”

It was further submitted that, when a child marries someone older, the friend begins to admire her clothes and the fact that she is choosing what to eat and this would make the friend admire and assume that she is enjoying life and in the end they also opted to get married in a quest to have the type of lifestyle they saw from married friends. Therefore, envy of the friends getting married causes them to stop school and opt for marriage, leading to high levels of child marriage.

It was further submitted that, the mature children who have had sexual relationships before and seem to be having good relationships are also envied by their peers. In an attempt to match up to their peers some get pregnant and end up being married off.

Ngabwe is a fishing area; it was found that boys drop out of school to go fishing so that they can have an income to take care of their girlfriends (peer to peer relationships). These are the boys who also pressure the girls into child marriages (peer to peer marriages).

Some submissions made by a few were that the exposure to pornography through peers has also led some children to decide to get married or caused them to impregnate or get impregnated which has in some cases led to marriage. It was submitted that some children are just uncontrollable and are so rude and arrogant to their elders due to peer pressures. They do not listen to their parents; thus they end up pregnant, and getting into marriage or end up as prostitutes

### 5.2.2.4 Long Distances Between Schools and Homes

It was submitted that some students stop school because the schools are so far away and, in some seasons, dangerous as a river has to be crossed. This makes parents resort to avoiding risks that may arise in between these distances with regards to the children. In avoiding these risks, families often pull out their girls or they drop out on their own and are subsequently much more likely to be married off.

<sup>53</sup> [https://link.springer.com/chapter/10.1007%2F978-94-6300-196-0\\_7](https://link.springer.com/chapter/10.1007%2F978-94-6300-196-0_7)

For instance, Mumbachala School is located about 60 – 70Km from the first school in Ngabwe District and a further 50km after crossing the Kafue river to get to Ngabwe School.

This being the case a child who is between these schools has a very long distance to travel.

“The lengthy footing of kids to school disorganizes their concentration in class. Some of them arrive at school sweaty, stressed and exhausted both physically and psychologically, which compromises their performance<sup>54</sup>,”

Ordinarily children below the age of 10 cannot walk such long distances in a day or further for the rest of school term. Parents therefore resort to avoiding risks that may arise in between these distances with regards to the children. Some parent also feel it is not safe for the children to start school early because of the distance. They resort to taking their children to school after the age of 10. Others however hold the view that it is waste of time for a child especially girls to start school between 9 and 12 an and therefore just keep them home until they marry.

The government and indeed any NGO that has capacity need to ensure that schools are close to the Community.

### **5.2.2.5 Unwanted Pregnancies**

Submissions were made that unwanted pregnancies are also a cause of child marriages as parents force their children to get married once they become pregnant.

“Girls are treated as prostitutes when they get pregnant before marriage so as soon as the parents learn that the girl is pregnant she is married off”

Asked whether sexual and reproductive health services are easily accessible, the response from those who answered was that they are easily accessible more so as there are mobile clinics. It was further learnt they are however not use them as much as they should as they various myths surrounding the use of contraceptives which include fear that they will never have children after taking the contraceptive, fear of bleeding to death, inconsistent menstruating cycle and fear of other medical condition.

When asked about treatment of peers and teachers when the children go back to school after pregnancy or marriage, the finding was that they are treated well and encouraged to complete school though they are referred to in bad girl examples and some children are discouraged from playing with them.

Teachers and children below 19 also submitted that lack of recreational facilities also contributes to child marriage. “there’s nothing to do in the village”. The recreation that they opt for, sometimes ends up leaving girls pregnant.

Alcohol consumption amongst children was also cited as a driver to child marriage. Explanation given was that indulgence in alcohol leads to the unwanted pregnancies which then lead to child marriage. It further did not help that there was Lack of positive role models in schools in rural areas.

**In addition to unwanted pregnancies, one male respondent expressed the following;** “I was forced to get married to take care of the woman I made pregnant”. Further inquiry on the issue revealed that the forcing of pregnant girls to get married to the responsible persons is there but it is not widespread as few parents are slowly recognizing the need to take back their children to school, however, a lot of sensitization need to be done so that more parents are aware of the re-entry policy and also the value of education.

<sup>54</sup> <https://www.newtimes.co.rw/section/read/201440,10/01/2018>



Asked about access to Sexual and Reproductive Health and Rights (SRHR), the response was that SRHS are readily available however, people fear the rumored side effects which are not well explained to people accessing these services, some children also fear to ask for SRHS making them more vulnerable to practicing unsafe sex.

#### **5.2.2.6 Unstable Marriages and Marriage Break Ups**

Some participants interviewed stated that young couples usually fail to maintain their families leading to marriage breaking up or separation or even divorce in cases where the two got marriage under the under the Act due to immaturity of the couples to handle the pressures that comes with marriage leaving the poor girl with no option but venture into another marriage with someone much older or venture into bad practices such as prostitution and stealing to try and provide for the young ones (the children).

#### **5.2.2.7 Illiteracy**

It was submitted that illiterate parents who do not appreciate the value of education are mostly the ones who are marrying off their children. It was further submitted that, most parents had no role models and hence do not have the value for education as most of them felt it was a waste of resources and as such the best alternative for such parents was to marry off their children to men who can take care of their children materially and financially.

### **5.2.3 EFFECTS OF CHILD MARRIAGE**

#### **5.2.3.1 Pregnancy and Child Bearing Medical Complications**

One of the common issues highlighted as a major effect of child marriage was child bearing complications as a due to the fact that pregnant girls were not strong enough to handle the pregnancy complications, and this was cited by all groups as being an effect to child marriage. It was further submitted that most young girls have difficult pregnancies, complications at delivery, and end up sickly, with mostly fistula, C section (Mkushi) or death of either the mother, the child or indeed both.

On another hand, It was submitted that children who get married early are more prone to contract sexually transmitted diseases as they cannot negotiate safe sex. Child marriage was also referred to as a form of abuse on the child, it was added that children who are married are constantly being defiled” It was also stated that most of the children that are born from children suffer from various conditions which include malnutrition since the parents are not aware of how to take care of minors. A participant went further and stated as follows:

“because of age some children have ended up sleeping on their babies because they themselves are children who are still immature”

#### **5.2.3.2 Financial Constraints**

Financial constraint was captured as a cause as well as an effect of child marriages. With regards to the effect financial constraint was captured as an effect where peers who have no means or financial resources marry each other. It was found that the couple would usually have no steady source of income leading to poverty. With no proper education and other social services, the couple is affected adversely for a long time.

### 5.2.3.3 Unstable Marriages and Marriage Break Ups

It was found out that a good number of child marriages end in marriage break ups or separation or even divorce because one or both parties may be too immature to handle the marriage pressures. They are unable to take care of the relationship demands, the home and the children. The raising of babies by child parent/s traumatizes both the babies and the child parent(s). The inability to meet the relationship demands leads to the girls being abused in marriage and ultimately divorce.

### 5.2.3.4 High Levels of School Dropouts

Child marriage affects education as children marry before they complete their education. Children who get married rarely go back to school to finish their education as they may not be allowed by their spouses, parents, finances or other demands from the marriage. Due to School dropouts, there will be failure by the children to contribute to national development.

An inquiry into the treatment of those who return to school after having an unwanted pregnancy or getting married revealed that, they are well supported and receive a lot of encouragement from teachers. The peers welcome them while other peers mock them in the absence of the teachers. Where the peer mocking is not closely monitored, it will have a negative impact on the number of children who go back to school..

### 5.2.3.5 Inadequate Child Care

Child brides fail to take care of children due to lack of resources or just neglect. A submission was made that this may lead to street kids. It was further submitted that the lack of resources to take care of children also leads the children into prostitution.

#### **Stories On Child Marriage Noted Whilst In The Field**

- X, currently sixteen years old and in school refused to marry a man who had come from Kitwe to look for a bride. The mother did not support the proposal either citing her age as being too young and the fact that she wanted to finish her education.
- Y, currently seventeen years old and she was willing to get married when she received a marriage proposal from a young man in the same area. The mother was against the marriage despite the daughter's insistence because the mother wanted her daughter to complete school. The man has since married someone else and the girl is in 11th grade.
- "She was too young for marriage and education is more important" Z, currently nineteen and she wanted to get married when she was in grade 9 at the age of 16. The mother refused her to get married. She was so upset with the mother that she even stopped eating and she was threatening to kill herself. With time she understood her mother and later started appreciating the value of education and she is currently in grade 12.

## **5.3 WESTERN PROVINCE**

### **5.3.1 AGE AT WHICH MOST CHILDREN GET MARRIED**

When asked the age at which most children get married, the general responses were 12 to 18 in Nkeyema with an average being 15 and 12 to 25 in Kalabo with the average being 18.

### **5.3.2 CAUSES OF CHILD MARRIAGE**

#### **5.3.2.1 Financial Constraints**

- Parents marry off children as a way of fundraising  
“My family supported my marriage as there was no money for school”

Other submission related to poverty where as follows:

“Some parents are not poor but they just want to be richer through dowry (lobola)”

“Parents don’t care for their children while some children greedily seek more than what the parents can offer”

- Parents or guardian failing to afford school fees
- Child headed – the heads in child headed homes marry off their sibling or they themselves end up getting married to reduce the financial stress.
- Orphaned children who have no means (some end up as prostitutes).

#### **5.3.2.2 Bad Traditional Customs and Practices**

The practice that views children as ready for marriage as soon as they reach puberty is one of the major causes of child marriage. Traditional initiation ceremonies such as Mupaa and Sikenge were referred to as having negative components that aggravate child marriage.

#### **5.3.2.5 Illiteracy**

Lack of knowledge and understanding on the danger of child marriage on both the parents and the child was strongly pointed out by the participants interviewed. Another concern submitted under the same, was that parents and children not appreciating the value of education. Where this is not appreciated, Parents would not encourage the children to go to school or utilize the re-entry policy.

#### **5.3.2.6 Mistreatment by Guardians**

It was submitted that orphaned children were mostly victims of mistreatment by their guardians and as such most of such children would look at marriage as a safer place against guardians’ mistreatments thereby most of the orphaned children end up getting married due to mistreatments and lack of support from the guardians. It was further submitted that the mistreatment was mostly due to poverty issues by the guardians and in some cases it was just cruelty. Hence this pushed some children into child marriages in hope for a better life.

### **5.3.2.7 Peer Pressure**

It was submitted that Peer Pressure from colleagues who are in marriages made some children get into marriages. Children admiring those who are already married making the single feeling like they were missing out.

## **5.3.3 EFFECTS OF CHILD MARRIAGE**

### **5.3.3.1 Financial Constraints**

Financial constraints due to high levels of poverty in the communities especially in rural communities was submitted as a big effect as most parents were unable to take care of their children materially and financially. As a result failure to attend antenatal services because they cannot afford things that the baby needs

### **5.3.3.2 Unstable Marriages and Marriage Break Ups**

It was submitted that most child marriages were unstable due to violence mainly caused by immaturity. The immature ages of one or more parties contributes to conflicts some of which lead to divorce. Another issue submitted was the high levels of drunkenness due to stress and this was said to be common among young/underage/immature husbands.

### **5.3.3.3 Pregnancy and Child Bearing Medical Complications**

Girls have complications at delivery as most of them fail to give birth to a child naturally. This sometimes leads to death of a baby, the mother or both. Where there's safe delivery some children born in child marriages suffer from malnutrition as most mothers (teen moms) are too young to take care of another young one.

Child brides are also at high risk of contracting sexually transmitted diseases as they do not usually have the power to demand safe sex especially were the spouse is not a peer.

### **5.3.3.4 High Levels of School Dropout**

It was submitted that most children who get pregnant were unable to continue with education and even after their delivery due to a number of factors, most of them would still not return to schools as they were afraid of being referred to as bad examples of children by the school (teachers) and their fellow children (learners) which makes them uncomfortable and some peers would also mock them and normally some peers avoid playing with them as they are referred as bad influence.

On the contrary, it was submitted that some children who get pregnant and return to school were being supported by teachers and peers and mostly they are encouraged to continue with their education whilst discouraging them from further engaging in sexual activities.

### **5.3.3.5 Unwanted Pregnancy**

It was submitted that most children were victims of unwanted pregnancies due to fear of accessing the SRHS. The participants further stated that most children who got pregnant experienced complicated pregnancies and deliveries some of which result in death. It was also found that some families try to assist pregnant girls to get back into school. Those who are not assisted get married and end up working as maids/house helpers. Asked if contraceptives are readily available, the response was in the affirmative from 75% of the people asked whilst others were of the view that they are not so accessible.

### 5.3.3.6 Challenges in Raising Their Children (Parenting Challenges)

It was found out that mostly Child brides had challenges in raising or taking care of the babies because they are also still young and still needs care from their parents. Hence it was submitted that most of those children were stunted and complications leading to sicknesses and even death in some instances.

#### 5.3.4 Stories on Child Marriages

One girl child of 15years of age (name and other details withheld) of Kamakokwa school in Nkeyema district was retrieved from child marriage after the teachers engaged the parents and pupils on the importance of education and effects of child marriages. The girl is now back in school and her performance is on average compared to the way she was before she was married off. – This was as a result of the child safeguarding training and the child rights sessions activities that were conducted in the district which has resulted into teachers to more enlightened on child protection issues and being able follow up on different child abuse cases in the school/districts.

## 5.4 SOUTHERN PROVINCE

### 5.4.1 AGE AT WHICH MOST CHILDREN GET MARRIED IN THIS COMMUNITY

Asked on the common age group most children get married, the participants submitted that the common age group for marriage was 12 to 17 and the following comments were made:

“They think they are grown up and are cheated by boys sometimes parents”

“When girls reach grade 7 they feel like they are mature enough and it is at this stage that most of them become sexually active around that time (when in their 7th grade).

### 5.4.2 CAUSES OF CHILD MARRIAGE

#### 5.4.2.1 Financial Constraints

It was found out that financial constraints was one of the common factors leading most parents to marrying off their young girls in order for them to be able to take care of the rest of their family members. Parents marry off their children with hope that the man who is marrying their daughter has a better chance of providing for her than they can. Simultaneously, the girls also resort to getting married in order for them to find a better life and escape their poverty-stricken homes. Inability of parents to continue sponsoring children to go to school as a result of financial constraints was also cited a cause of child marriage.

One participant submitted that “Parents are very poor failing to feed their children”

The Inability of parents to continue sponsoring children to go to school as a result of financial constraints was cited as an example under this head.

### 5.4.2.2 Illiteracy

Other reasons stated included Lack of appreciation of education by the parents and the children, lack of positive role models in some communities and families and lack of knowledge on the effects of marrying off children.

### 5.4.2.3 Peer Pressure

Admiring those married. The girls stressed the point of how it was considered strange to be above 15 years and have no child or husband. In a group of girls out of school because of child marriages ranging from 18-20 years, 3 out of 5 mentioned peer pressure as the main reason for their getting married.

### 5.4.2.4 Bad Traditional Customs and Practices

It was submitted that some traditional practices which qualify a girl as being ready for marriage as soon as she comes of age. Initiation ceremonies can also be attributed to child marriages. They talked about how initiation ceremonies such as 'Nkolola' which teach young girls how to take care of men and how to have sex with men, seemed to be a reason that girls go out and experiment what they are taught.

Contrary to the above mentioned, marriage initiators and traditional leaders seem to believe that it is the **lack of these practices that have led girls to misbehaving and eventually getting pregnant and married.** The marriage initiators emphasized that the initiation ceremonies usually prepare a girl for marriage in the future but most importantly teach her how to respect men and take care of herself because she has become of age. In addition to that, the traditional leaders expressed their deep concern for the girls' futures seeing that they have lost their grip of tradition and cultural practices.

In addition, some participants also submitted that some orphans in search of freedom from their guardians- more so orphans being mistreated felt marriage was the answer to resolving their problems of other form of abuse they go through from their guardians.

- What was unique to the district were submissions that child marriage is caused by, girls revealing dressing which leads to the opposite sex getting attracted to them, the love of sex by the boys and the girls, children's exposure to pornography and the use of Sexual charms known as INSUNKO were also submitted.
- It was also found that defilement was also a source of child marriage. After defilement has occurred and when the parents or guardians become aware the perpetrator mostly opts to marry the victim for fear of being charged too much money or for fear of being reported to the police.
- Child headed homes seeking stability from a marriage was also cited as an example under this head.
- Distance from home and school was also submitted as one of the factors. Further, it was stated that some school only go up to grade seven especially in rural areas/deep villages.
- Unwanted pregnancy- "when children get pregnant early, parents choose to marry them off to avoid embarrassment" Unwanted pregnancies are still rampant despite contraceptives being accessible. It was submitted that parents are taking children for SRHS especially after giving birth. Obtaining contraceptives is however being shunned for fear of being termed immoral. It was submitted that sensitizations are however ongoing with a message that "contraceptives are available, the service is not only for prevention of diseases but also unwanted pregnancies" however, it was submitted that these needs to be intensified.

## **5.4.3 EFFECTS OF CHILD MARRIAGE**

### **5.4.3.1 Child Bearing Medical Complications**

It was submitted that child marriages had an effect on girls during delivery which result into the following: Difficulties when giving birth which leads to caesarean delivery (C-Section).

- Difficulties when giving birth which may results in fistula which may result in poor health of the girl mothers. The girl's bones are not strong enough to carry and have a baby.
- High Mortality rate for both the young mothers and the babies.
- High chances of having premature babies.
- Affects the health of the child as the girl is not mature enough to take care of the baby.
- Higher chances of contracting STIs as children cannot negotiate safe sex.
- Increased population due to children having children too early.
- Increased chances of getting diseases due to polygamous arrangements where a much older person marries them in a polygamous setup. "most of these marriages are young girls with elderly men".

### **5.4.3.2 Financial Constraints**

- Lack of income for the peer to peer couples and the children which perpetuates the cycle of poverty, leading to increased numbers of street children.
- Poor nutrition as a result of poverty.
- Lack of stable income to take care of their homes.

### **5.4.3.3 Illiteracy**

- Increased level of illiteracy as full potential of children is never attained.

### **5.4.3.4 Unstable and Marriage Break Up**

- Marriages are unstable which leads to separation or even divorce.

### **5.4.3.5 Gender Based Violence (GBV)**

- Immaturity to handle family issues which leads to gender based violence in young couples' homes which has an effect on their children as the children are also likely to grow up in the similar way.

### **5.4.3.6 Illiteracy**

- Children do not complete their education leading to high levels of illiteracy in the communities and also high levels of school dropout rates.
- Lack of development in communities was stated as a result of high illiteracy levels.

## **5.4.4 Child Marriage Stories**

5 girls who are currently married stated that 2 got married at 16 while the others got married at 17, 14 and 16 respectively. One got married due to peer pressure. Other 4 got married due to lack of sponsorship. They stated that as they were getting married, the expectation were as follows:



- They will receive sponsorship and financial gain from their husbands
- Cook their own food and be well fed
- Husband will buy them nice clothes
- Live in a better house
- Husband will give them what they want
- To have children

The married children interviewed further stated that all their expectations in marriage have not been realized as their spouses are not working.

The Married boy who was interviewed aged 18 stated that he married so that someone washes for him and prepares water for his bath, and that his expectation has been realized.

Asked about access to SRHR, the response from 50% of the participants was that they are available but too far whilst the other 50% said they are not available.

### **Story Encountered In Lusaka Whilst Testing The Tools**

My name is X, I am an 18 year old orphan. My parents died when I was 5 years old. After that I was raised by my grandmother's sister whom I refer to as my grandmother. My grandmother does not provide for our needs properly. There's no support at home. She would never buy cloths, groceries or pads. She says she has no money to waste. I therefore found a boyfriend who would then come in to buy things for me and my grandmother would not bother to ask where I got the money. My grandma is not poor she has a good job. She leaves no food and travels out and says we should fend for ourselves.

When in grade nine, at age 15, I was impregnated by, Y aged 28. We had meetings were Y was asked if he wanted to marry me. He opted to help with finances. If he was ready to marry me I was going to go because the situation at home was not conducive. Grandma kept saying: "I can't keep feeding you in your pregnant state. I don't want my house to be turned into a nursery"

After this meeting she chased me from the house as she was not pleased that Y was not ready to marry me. I left the house when I was 4 months pregnant. I started staying with my friends. My friends were renting in the market – in a room behind the market. I stayed with them until the pregnancy was 8 months and my friends were prostitutes. They would go out and come back with a K50 sometimes they would bring the men into the house. They were pressuring me to make money too. My friends were 20, 19 and 20. I refused as I was scared of having difficulties at delivery and I just did not know what to do or act as a prostitute. I told Y about my living conditions that's when he rented a room for me and started giving me upkeep. People from the church confronted my grandmother that is when she sent my uncle came to pick me up. By this time, I was 8 months pregnant. I went home but the environment was bad. Grandma kept complaining that she is unable to keep me. She still says she prefers to just stay with her kids. I later gave birth and I had no complications at delivery because someone gave me some roots to help with my delivery. After delivery I looked for a job at a restaurant. I was 16 at the time. I was being paid K350 per month. I discussed maintenance with Y for the child who insisted that he gets the child. He has since picked the child and is keeping the child very well. I opened an account using airtel money. I started selling freezits from the same restaurant. Month end I would buy groundnuts and diapers and take to my baby. Later I decided to look for a school place for myself. The headmaster asked who my sponsor will be. I asked my grandmother who said she couldn't pay for me. I asked uncle to pay for me. My grandmother was upset that I had called my uncle. I paid the first school fees from my savings as I had saved K950. I paid K500 and remained with a balance. My uncle picked up the payment though he is not consistent with the payments. Sometimes I'm really harassed by the school over school fees.



My grandmother just keeps saying “this girl will just disappoint the sponsor”

My school uniform, books and socks were also bought from my savings (balance). I could not afford proper shoes so I bought plastic shoes. My friend gave me two books. I asked a tailor to make a jersey for me. I then started selling freezits through a friend who was selling something else. After the sales I then paid for then finished paying for the school jersey. My grandmother has not been so good to me. She says to my sponsor, “I am the one who suffered for you not her. I should be chewing your money not her”

She sometimes gives food (my share) to the dogs when I am late. She is my relative I wonder why she treats me like this. When uncle sends money for my school there times when grandma would buy clothes for her daughter who is pregnant and not pay for my schools.

I receive a lot of peer pressure to join prostitution. I have been refusing. I want to finish school. “I don’t want my son to face the challenges I have been facing”. I have changed friends. I am at a different level now. They drink smoke and engage in prostitution. These are friends I met whilst I was pregnant. We are still in a relationship with the father to my son we have not split. The father to my baby is good. I am HIV positive. The baby is not and the father to my son is also not. We were tested together. I knew about my status when I was 3 months pregnant. Advice to other young girls is “whatever situation you are in should not discourage you, focus on what you want to attain. Despite what I’ve been through I look forward to completing school and having a good career. I am in grade 10 now.” Asked about availability of contraceptives her response was that sexual and reproductive health services are readily available and they are accessible to learners as well. The health personnel are very receptive they say it’s a good way of ensuring that one finishes their education’. We are reluctant to get them though because we are scared of cancer and I also fear that people will start talking about me, bleeding and obesity, fear for we have heard that those drugs are on trials “some say the same drugs are used to inject broiler chickens for them to grow big in a short period of time, but I am on Jadelle – a type of contraceptive.

## CHAPTER SIX

### 6.0 ROLES OF VARIOUS STAKEHOLDERS

Based on what was discussed in the districts, the following were agreed as roles various stakeholders need to play to contribute towards Ending Child Marriage in Zambia, specifically in the target districts:

#### 6.1 THE STATE

The state could help in fight against child marriage through the following interventions:

##### Legal framework

- Enforce the law which already exists that prohibit child marriage
- The state must simplify the laws for the public because most people do not understand laws and policies on child marriage
- Harmonize customary and statutory laws relating to child marriage
- Government should enact laws that protects all children from child marriage and clearly enact a law that regulates child marriage with definite marriage age over 18. Punish offenders of child marriage.

##### Education

- Provide bursaries for vulnerable children up to grade 12
- Put up stiff punishment to parents that deliberately fail to take their children to school.
- Introduce more schools in each district

##### Other Interventions the state needs to take up

- Increase Sensitization on youths and community on the dangers/effects of child marriage and Sexual and Reproductive Health and Rights
- Introduce more recreational facilities for the youths
- Work together with stakeholders like the chiefs and NGOs to ending the scourge
- Promote income generating activities which would also benefit victims of child marriage
- Come up with policies that protect victims of child marriage
- Reduce poverty by introducing some income generating activities in the communities

#### 6.2 THE TRADITIONAL LEADERS

- Involve all traditional structures including village committees, village headpersons among other in the fight against child marriage
- Engage the neighborhood watches to report all forms of child marriage to the traditional courts for action by the chief.
- Form committees and support groups whose task would be to hold meetings and sensitize the community on dangers of child marriage and importance of educating children and also conduct counselling to victims of child marriage.
- Introduce by-laws that barres child marriage and give stiff punishment to the perpetrators and By barring the vice in chiefdoms through the introduction of by- laws to punish parents who marry off children and by reporting those who marry off children who are learners to the police
- Introduce marriage certificates as a way of monitoring the marriage age for parties to the marriage

- Advocating for the building of community schools in the villages through the house of chiefs and other forums.
- Modernize some tradition practices by revisiting the initiation ceremony syllabus to ensure that it becomes age appropriate or merely change the period when the initiation ceremony takes place.

### 6.3 THE FAMILIES

- Provide financial support for their children and seek help from other organization that deal with school sponsorships if they are unable to do it by themselves, e.g. NGOs.
- Restricting their children from night movements and unsafe places like bars and night clubs.
- Families should fully stand together and dialogue with their children and educate them about effects of child marriages and also prevent the children from engaging into sexual relationships which may lead to unwanted pregnancies and eventually marriage.
- One of the participants stated as follows;

“If my parents refuse even if I want to get married the marriage won’t happen”

“Parents should discourage practice of building separate hats/ houses for children”

- Advise children on the importance of education and citing role models
- Encourage children who get pregnant to go back to school

Coming up in open and engage with other key actors like the police in curbing the scourge so that all child marriage perpetrators are dealt with according to law.

- Family members should retrieve children who are married and encourage them to go back to school.
- Introduce good family values and dialogue with children on the effects of child marriage
- Sensitizing fellow parents on importance of education
- Support children financially and emotionally by among other things giving them the basics in life
- By openly discussing SRHR with children thus exposing them to access to SRHR
- Avoid ill-treating the children
- Parents should encourage their children to attend church programs to be taught good morals
- 

### 6.4 THE COMMUNITY

- Sensitize each other on the dangers of child marriage through community meetings and radio programs. on the effect of child marriage.
- The people in the community should sensitize each other on the advantages of educating their children.
- Community members must report child marriage cases to relevant authorities
- Communities should introduce more recreational activities
- Come up with joint initiatives to make money like forming committees to apply for Community Development Fund to support their children financially.
- Revisit traditional practices like initiation ceremonies and ensuring that the content is age appropriate and these should be done during the holidays.

- Report those who deliberately refuse to take children to school to the police. This is in tandem with the Education Act section 17(1) which provides for mandatory duties of parents or guardians to enroll and ensure that children attend school. The appeal to have “every community member to become a watchdog of any form of child abuse and immediately report matters to relevant authorities” would go a long way in protecting the children where it is followed by all.

“If only community members become watchdogs of any form of child abuse and immediately report matters to relevant authorities, this vice would drastically reduce or come to an end”.

## 6.5 THE SCHOOLS

- Use Parents and Teachers Association meetings to sensitize pupils and parents on the dangers of child marriage. One participant stated as follows:
- Schools need to revamp school clubs and also introduce more recreational facilities like clubs and sports and find every opportunity to talk to the learners/students about the dangers of child marriage in these clubs.
- Schools should work with relevant institutions like social welfare to do needs assessments of children and exempt some learners/students who cannot afford paying school fees (this applies to those from grade 8 up to 12).
- Provide sexual reproductive health and rights education which is age appropriate targeting learners from grade 5.
- Provide counselling to learner/students who fall pregnant and also encourage them to return to school after delivery.

## 6.6 THE CHURCHES

- The church should preach more about the dangers of child marriage as they discourage members from indulging in child marriage. One participant stated as follows;

“The church should teach the youths on what the bible says on sex before marriage –that sex prohibited”

Another submission made was that:

“Church leaders should instil discipline to the children on behalf of the parents during youth church gathering because some children don’t respect their parents but they respect the church more”

Churches should also form youth clubs to discuss the dangers of child marriage and also provide counselling sessions for the youths especially the victims of child marriage.

- The church should work with relevant authorities (local CSOs, Traditional leaders etc) to identify vulnerable children in the church and beyond and help such children with school requirements.
- Ensure there’s close supervision of the children who attend church gatherings/meetings especially overnight prayer meetings.
- The church should work closely with the schools in campaigning against child marriage. This coordination would strengthen fight against child marriage noting that child marriage cannot be fought by one institution.

## STRATEGIES BEING EMPLOYED BY VARIOUS ORGANISATIONS

### 6.7. STRATEGIES ON ENDING CHILD MARRIAGE

- At national level, Zambia has developed a National Strategy on Ending Child Marriage. Amongst the strategies include Strengthening of multi-sectoral responses in order to reduce children's vulnerability to marriage; Facilitate the development and review of policies and legislation in order to ensure consistent interpretation and application of child-related interventions; Facilitate positive change in prevailing negative attitudes, behaviours, beliefs and practices in order to reduce the incidence of child marriage; Facilitate the provision of child-sensitive services in order to reduce children's vulnerability to child marriage; Effectively mobilise financial resources in order to enable implementation of programs aimed at reducing children's vulnerability to marriage. For this to work it calls for, active participation of all the relevant Ministries; approval, acceptance and ownership of the strategic plan by all stakeholders; continued political will by Government for sustained results; a coordinated approach among Government Ministries with other stakeholders; Allocation of adequate resources linked to the strategic plan; dedicated Staff; and harmonization of all appropriate legislation.
- Some interventions ready in place include: provision of adolescent and youth friendly services that are aligned to the national Reproductive Health Policy; provision of Comprehensive Sexuality Education package to provide adolescents with information about sexuality, risks and available services; the school Re entry policy to allow a young mother to go back to school; the Women Empowerment Fund, the Youth Fund, as well as resettlement schemes. Others include the multi-facility zones, agricultural support schemes and related interventions which may need to be strengthened as part of the strategic interventions for ending child marriage.

#### **Other strategies being employed by Non-governmental organisations include :**

- Establishment of a Network on Ending Child Marriage to collaborate efforts in the fight against child marriage where different organisations working to end child marriage are affiliated to. Their objectives are: To be strategic partner to government in efforts to end child marriage by lobbying and advocating for policies and legislation on child marriage; To work with boys and girls and empower them to know their rights and say no to child marriage; To coordinate programs and projects and share best practices among network members that aim at ending child marriage
- Caritas Zambia is using the church structures to campaign against child marriages through the development of a Child Protection Policy that helps to address issues of child marriages and other vices that affect children within and outside the church structure. Caritas Zambia also works with schools and communities with high levels of child marriages and pregnancies to help them establish Child Rights Clubs in schools and Community Child Protection Committees whose role is to be community watchdogs against all forms of child marriage and other forms of child abuse/violence and exploitation.
- Women and Law in Southern Africa is advocating for strengthening of the legal framework. To attain this WLSA is working closely with parliamentarian, the Ministry of Gender and Zambia Law Development Commission. WLSA is also working with the police to introduce a child marriage curriculum at the police so that all laws related to child marriage causes and effects and more are understood by law enforcement in training. Others being targeted through sensitization are the Alangizi, the traditional leaders, the judicial officers, police teachers and children in schools.

- Lifeline/Childline Zambia uses confidential toll free counselling as a strategy in ending child marriage. This is a platform which gives members of the communities, including victims themselves, to report about child marriage, at no cost at all and is accessible countrywide on all mobile operators. Telephone counselling act as a first point of contact in the child protection system from the time a call is made, this kick starts the process then referrals are made to the Police, other NGOs or Social welfare if need be.
- Families are Nations uses a “Door-to-Door” campaign to end child marriages in Central Province covering two chiefdoms namely Chief Nkole and Chief Mukonchi. A selected group of advocates is assigned to undertake weekly door-to-door visits to sensitize, create awareness and identify cases of child marriages within the catchment areas. They facilitate corrective interventions, which include verifying and officially reporting cases to relevant authorities. Follow up interventions include retrieving the children and placing them in safe spaces for provision of progressive actions, which may include counselling, legal and educational support depending on the cases.
- Plan international Zambia is working towards mobilising girls at risk of child marriage so that they have the capabilities to determine their own futures and make their own choices about if, when and whom they marry; transforming, through social movement-building, the gender norms and practices that drive child marriage; and facilitating an enabling legal and policy environment to protect girls from child marriage. Women and Law in Southern Africa is working with PLAN in facilitating an enabling legal environment.
- World Vision is implementing a campaign to end child marriages in Zambia dubbed “it takes Zambia to End Child Marriages”. This is being done through its various Programs which include Water and Sanitation, Farming Gods way (Livelihood), Maternal and Child Health and Nutrition, Child Protection and Sponsorship, and ZREAD. This is implemented in various communities targeting Children in and out of school of grades 1-4, adolescents 10-19, women of child bearing age, Pre and postnatal, traditional leadership, religious leadership, and women through saving groups. Audience specific messages and interpersonal communication materials and tools have been developed to ensure standardization in approach. Radio, and social media are used as modes of communication. They work closely with various government ministries.

***YWCA World through their 2016 fact sheet state the following interventions :***

- Piloting a best practice programme to ensure the health and well-being of girls in marriage and girls at risk of marriage These are community- led pilots to prevent and/or mitigate the harmful effects of child marriage on the health and wellbeing of married girls and those at risk of marriage.
- Fostering community engagement and education regarding the harmful effects of early and forced marriage: Having Families, communities and local and religious leaders understand the harmful effects of child marriage, support and advocate for interventions in women’s health, education, economic empowerment and life skills.
- Developing a tailored approach to reach married girls and increase their access to health and other services: this entails married girls and young women increased access to Sexual and Reproductive Health, to Maternal, Newborn and Child Health, psychosocial services and educational, legal, economic development opportunities.
- Advocating for legislation and enforcement of existing laws to protect girls from child marriage: Strengthen the capacity of women who have experienced child marriage, to advocate at all levels to enforce laws, and access appropriate health care services which protect married girls and girls at risk

- Malhotra et al. (2013) identified five types of strategies that can be used to prevent or delay early marriage: (1) Empowering girls with information, and support networks; (2) Educating and mobilizing parents and community members; (3) Enhancing the accessibility and quality of formal schooling for girls; (4) Offering economic support and incentives for girls and their families; and (5) Fostering an enabling legal and policy framework. A more recent review by Kalamar et al. (2016) suggests that interventions to promote education, including cash transfers, school vouchers, free school uniforms, reductions in school fees, teacher training, and life skills curricula, are among the most likely to help. In some cases, the interventions are mixed, but in many cases such interventions are found to reduce child marriage, or at least increase the age at first marriage
- Alliance for Accountability Advocates Zambia (AAAZ) advocates for elimination of child marriage through interaction with parents so that they can help the children learn how to read. Child marriage is discussed at these meetings. They emphasise that education is not just at school, it should continue at home.
- Other organisation are working at empowering the families in communities to make them more resilient
- Save the Children International Zambia is also collaborating with different organizations to comb the child marriage vice and other child abuse/violence and exploitation which children are subjected to in Zambia, among the organisations SCI is working with is Caritas Zambia where technical and financial support in contributing to the National strategy on ending child marriage 2016-2021 is provided. Further SCI is also using it's common approaches such as the positive parenting common approach to engage with parents and challenge social norms that contribute to child marriage.



# CHAPTER SEVEN

## 7.0 CONCLUSION AND RECOMMENDATIONS

### 7.1 CONCLUSION

The fact that the prevalence rate of child marriages has reduced by 25% is a very good indication that the situation in the country is slowly getting better. However, Zambia is still amongst the highest-ranking countries with high prevalence of child marriages. Therefore it should be the mandate of stakeholders to work harder to further reduce or end child marriage in Zambia. The research revealed that there are some common causes of child marriage which were uniform in the three provinces visited and these included financial constraints. The causes and effect are also very similar in the districts discussed and hence there is need for concerted efforts among all key stakeholder in curbing the scourge and this can only be achieved if the recommendations below are strictly put into consideration.

### 7.2 RECOMMENDATIONS

#### 7.2.1 National Government

- Strengthen The Law: Domestic international instruments relating to children so that the local laws fully protect children whether in school or out. Further align other legislation to provision of the Constitution on among other things, the definition of a child and ensure full implementation of laws and policies that are in place. This includes funding of the Anti GBV fund. Building of the shelters and appointment of the Gender Equity and Equality Commission.
- Address factors that aggravate child marriage by, punishing perpetrators who still enforce harmful traditional practices, alleviating poverty, constructing more schools, SRHR and services, and recreational facilities closer to the people country wide. This will also involve sensitizing the masses on dangers of child marriage, SRHR and addressing concerns and myths surrounding use of family planning
- Fund some CSOs so that the government monitors implementation

#### 7.2.2 Traditional Leaders

- Document and include by laws that prohibit child marriage
- Involve more villagers as agents on ending child marriage
- Lobby for more schools, SRHR and services and recreational facilities in the village.

#### 7.2.3 The Church

- Establish child friendly corners, youth friendly corner and many other platforms that can assist in discouraging child marriage among peers. Participants said churches must preach messages of reproductive health and consequences of child marriage



#### **7.2.4 Community**

- Sensitize each other on the effects of child marriage on the children and the society
- Report all cases of child marriage
- Coordinate with the traditional leaders or local Authority in advocating for more schools and recreational facilities in the area.

#### **7.2.5 Families**

- Support their children financially and value the children's education
- Report family members that are marrying off their children

#### **7.2.6 Children**

- The children should concentrate on their education and do a lot of peer to peer education on the dangers of child marriage. Children should also share information with each other on how to access and use SRHR and services to prevent unwanted pregnancies that leads to child marriages.

#### **7.2.7 Non-Governmental Organisation**

- Monitor and hold government accountable for domestication of the ratified international instruments and the implementation of laws and policies in place
- Sensitize communities on laws relating to ending child marriage, sexual and reproductive health rights and services, importance of education and the dangers of child marriage using among other things role models. This could be through coordinated effort of CSOs so that they leverage on each other's strengths.

#### **7.2.8 Cooperating Partners**

- With the prevalence of child marriage still being so high, multiple strategies are needed for the scourge to be done away with. There is need for cooperating partners to channel more funding to the fight against child marriage in Zambia.

# APPENDIX I

## ADVOCACY MESSAGES

### National Governments

- Enact laws that are aligned to international instruments that relate to children and that fully protect children whether in school or out and fully implement laws and policies that are in place
- Address child marriage scourge by alleviating poverty, bringing schools, SRHR and services, and recreational facilities closer to the people.

### Non-Governmental Organisation

- Monitor and hold government accountable for domestication of international instruments ratified and the implementation of laws and policies in place.
- Include sensitization of communities of sexual and reproductive health services and rights and, importance of education and the effects of child marriage using among other things role models.
- Coordinate all efforts to end child marriage.

### Traditional Leaders

- Document and include by laws that prohibit child marriage.

### Community

- Protect all children from child marriage. Treat every child as you would yours.

### Families

- Value the children's education and support the children financially.

### Children

- Focus of your education now. Seek SRHR and services if need be.

### Cooperating Partners/ Donors

- Provide robust funding for ending child marriage programs in areas selected by the civil society.

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