

# Zimbabwe: Scourge of Child Marriage

Publisher	Human Rights Watch
Publication Date	25 November 2015
Cite as	Human Rights Watch, <i>Zimbabwe: Scourge of Child Marriage</i> , 25 November 2015, available at: <a href="http://www.refworld.org/docid/5656c1ff4.html">http://www.refworld.org/docid/5656c1ff4.html</a> [accessed 19 February 2016]
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Child marriage in Africa often ends a girl's education, exposes her to domestic violence and grave health risks from early childbearing and HIV, and traps her in poverty, Human Rights Watch said today. Zimbabwe's government should lead by example at the African Union Girls' Summit on Ending Child Marriage and pledge to set and enforce 18 as the minimum legal age for marriage.

The summit, in Lusaka, Zambia, on November 26 and 27, 2015, will highlight the devastating effects of child marriage in sub-Saharan Africa, where 40 percent of girls marry before 18, and seek to secure commitments from governments to end the practice. Zimbabwe's president, Robert Mugabe, is currently the African Union chairperson.

"The Zimbabwean government should show that it is serious about tackling the scourge of child marriage and raise the minimum age to 18," said Dewa Mavhinga, senior Africa researcher at Human Rights Watch. "The future of millions of African girls depends on African leaders taking action to end a devastating practice that robs girls of education and exposes them to abuse."

In a 2014 survey by Zimbabwe's National Statistics Agency, one in three women ages 20 to 49 surveyed reported that they married before age 18; an estimated 4 percent marry before age 15, the survey found. Since most child marriages are unregistered customary law unions, the survey is the best indicator of the scale of the problem in Zimbabwe.

Between October 13 and November 10, Human Rights Watch interviewed 35 women and girls who were child brides in six provinces - Matabeleland South, Masvingo, Midlands, Mashonaland East, Mashonaland Central, and Harare - as well as two dozen government officials, lawyers, experts, and religious and traditional leaders.

Zimbabwe has conflicting legal provisions on the minimum age for marriage. Zimbabwe's constitution does not expressly prohibit child marriage, and a number of laws effectively condone it. The gaps in the law, extreme poverty, poor access to education, and harmful religious beliefs and social norms fuel child marriage in Zimbabwe, Human Rights Watch found.

Child marriage is common in indigenous apostolic churches, charismatic evangelical groupings which mix Christian beliefs with traditional cultures and have approximately 1.2 million followers across the country. The Zimbabwe Council of Churches and the Apostolic Christian Council of Zimbabwe acknowledge that

the practice was more prevalent among apostolic followers than other religious groups. A midwife who is a member of the Johwane Masowe Shonhiwa apostolic church told Human Rights Watch that church doctrine requires girls to marry between ages 12 and 16 to prevent sexual relations outside marriage. "As soon as a girl reaches puberty, any man in the church can claim her for his wife," she said.

Archbishop Johannes Ndanga, president of the Apostolic Churches Council of Zimbabwe, a coalition of over 1,000 indigenous apostolic churches, told Human Rights Watch that "virginity testing" - which includes the insertion of fingers into the vagina - of girls as young as 12, was widely practiced in the apostolic churches. "If found to be virgins they would get marks on their foreheads," he said. "Older men in the church will then choose these 'fresh girls' to become their wives, often joining polygamous unions. If a man marries a woman who is not a virgin, she is required to find a virgin girl for her husband to marry as compensation." The World Health Organization has determined that virginity testing is a discredited and abusive practice with no scientific basis.

Human Rights Watch also documented discriminatory social norms that link a girl's perceived sexual "purity" to her family's honor. If a girl becomes pregnant, spends the night outside the family home, is seen with a boyfriend, or returns home late after seeing a boyfriend, her family may force her to marry for the sake of honor. In some cases girls who become pregnant or are sexually active decide to enter a customary marriage because they fear being rejected, beaten, or abused by relatives.

In most cases of child marriage Human Rights Watch documented, girls had no sex education before they became pregnant or married. The Health and Child Welfare Ministry found in a 2010 survey that young people, especially those ages 10 to 14, lacked basic knowledge of reproductive health. The government's national school curriculum does not include a comprehensive sex education program. Many Zimbabweans fear that providing young people with contraception contributes to promiscuity. Many indigenous apostolic churches actively discourage use of contraception.

The negative health consequences of adolescents' limited access to reproductive health information and services can be life-threatening. Early childbearing contributes to maternal mortality, and is a leading cause of death among girls ages 15 to 19 globally. Although the overall HIV infection rate has dropped in Zimbabwe, it remains high, at 15 percent, and Zimbabwe has the sixth-highest number of annual adolescent AIDS-related deaths in the world. According to UNAIDS, HIV prevalence is almost twice as high among women and girls ages 15 to 24 as among men and boys of the same age.

"Zimbabwe's government and religious leaders should recognize that comprehensive sex education and access to contraception are essential to preventing child marriage and protecting girls from HIV transmission and early childbearing," Mavhinga said. "Early childbearing can lead to death or serious injury, including obstetric fistula."

Some child brides Human Rights Watch interviewed had experienced violence such as beatings or verbal abuse from their in-laws or other relatives. Nearly all the child brides said their husbands had abandoned them, leaving them to care for children without financial support. Many described mental distress and suicidal feelings as a result of their situation.

Education can help protect against child marriage, but many girls said they dropped out of school because their families could not afford school costs. Nearly all the child brides Human Rights Watch interviewed were not able to continue their education after marriage, either because of their financial situation, their husband would not permit it, or they had to care for a baby. Many indigenous apostolic churches forbid girls to continue education after marriage. One church elder in the Johwane Marange apostolic church in Masvingo said: "Formal education is not important because the church will teach her the necessary skills to work with her hands and provide for her family. Skills like weaving baskets and mats to sell."

In October 2014, two former child brides asked the Constitutional Court to have child marriage be made a criminal offense and declared unconstitutional. They asked the court to declare 18 the minimum age for marriage and to have all marriage laws amended. The government opposed the claim on the grounds that the applicants had not been forced into child marriage, but had "simply opted to live in unregistered unions

when they were minors"; and since the Marriages Act permits girls to marry at 16 and boys at 18, "the differentiation arises from biological and psychological maturity levels for boys and girls."

In July, Zimbabwe became the eighth country to join the African Union campaign to end child marriage in Africa. In her keynote address, Zimbabwe's first lady, Grace Mugabe, called on the Justice Ministry to revise Zimbabwe's laws to set the minimum marriage age at 18, but her recommendation has not been carried out.

The government has yet to finalize and implement a national action plan on ending child marriage, as the African Union has requested. The action plan should set out the government's strategies, in partnership with key stakeholders - donors, community leaders, adolescents, and nongovernmental groups - to address child marriage in Zimbabwe.

"President Mugabe and his government should not ignore the suffering of hundreds of thousands of girls in Zimbabwe who are robbed of their futures through early marriage," Mavhinga said. "The government should drop its objection to the constitutional challenge, reform its laws, and ensure that the minimum age of 18 for marriage is applied across the country, including by religious denominations."

For further details, recommendations, and accounts by child brides, please see below.

### Child Marriage in Zimbabwe

Africa has 15 of the 20 countries in the world with the highest rates of child marriage. According to UNICEF, if the current trend continues, the number of child brides in Africa is expected to double by 2050.

Zimbabwe's National Statistics Agency in 2014 published the results of a survey called the Zimbabwe Multiple Indicator Cluster Survey, which found that 32.9 percent of women between 20 and 49 married before age 18. There has been no comprehensive national study, either by the Zimbabwean government or independent organizations, of the number of girls who drop out of school due to child marriage or of the other harmful effects they suffer.

The government has not produced an action plan to create and strengthen community-based child protection mechanisms with a particular focus on child marriage, including shelter facilities or other mechanism to support girls turned away by their husbands or their families. Local organizations such as the Musasa Project - a nongovernmental group working to protect girls' and women's rights - provide shelter for abused girls, but their facilities are not available countrywide.

According to Real Open Opportunities for Transformation Support (ROOTS), a nongovernmental organization campaigning to end child marriage in Zimbabwe, child marriage is most prevalent in poor traditional farming communities and in areas where illegal gold panning is the main source of income. Illegal gold panners have easy access to cash when they sell gold which enables them to lure vulnerable girls living in poverty.

Gaps in Zimbabwe's child protection system result in lack of protection for victims of child marriage and significant obstacles to girls seeking redress. For example, girls have limited information about their rights, often do not have the money to travel to where they can seek protection from the authorities, and when they do, the authorities often dismiss their concerns as "a family matter."

### Contradictory Laws

Zimbabwe has conflicting legal provisions on the minimum age for marriage. Zimbabwe's constitution does not expressly prohibit child marriage, and a number of laws effectively condone it.

Section 78 of the constitution says that anyone who has attained the age of 18 has the right to found a family and that no one should be compelled to marry against their will. The government has said, however, that section 78 does not set 18 as the minimum age for marriage, but simply confers a right on those above 18 to found a family.

Zimbabwe's Customary Marriages Act sets no minimum age for marriage, while the Marriage Act, which

governs monogamous marriages, states that girls under 16 cannot marry without the written consent of the justice minister.

The Criminal Law (Codification and Reform) Act makes it a criminal offense for anyone to promise a girl under 18 in marriage or to force a girl or woman to enter into a marriage against her will. It also makes it a criminal offense to use cultural or customary rites or practices to force a woman to marry. It provides that any adult man who has sexual relations with a willing child between ages 12 and 15 is guilty of statutory rape because children in this age group are considered too immature to make informed decisions about their sexual behavior, so the child's consent is no defense. However, the law says that if the person is married to a child under 16, having sexual relations with the spouse is not statutory rape.

Zimbabwe has ratified international conventions that oblige it to protect children against child sexual exploitation and abuse, including child marriage. These include the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the African Charter on the Rights and Welfare of the Child; and the African Charter on Human and Peoples' Rights. But unless the government revises domestic laws to incorporate the requirements under these treaties, Zimbabwe's courts have little power to enforce these international legal obligations.

#### Key Recommendations to the Government of Zimbabwe

##### To the President

Publicly support law reform to make 18 the minimum marriage age.

Finalize, in consultation with nongovernmental groups and affected communities, a comprehensive national action plan to end child marriage.

##### To the Ministries of Justice and of Women's Affairs, Gender and Community Development

Take necessary legislative steps to harmonize marriage laws to make 18 the minimum marriage age, and ensure that the laws require free and full consent of both spouses, requirements for proof of age before marriage licenses are issued, and imposes penalties on anyone who intimidates, threatens, or harms anyone who refuses to marry.

Provide regular training for police and prosecutors on their legal responsibilities to investigate and prosecute violence against women, including child marriage.

Withdraw opposition to the lawsuit by victims of child marriage before the constitutional court seeking the criminalization of child marriage and a ruling to set 18 as the minimum marriage age.

Facilitate the provision of shelters, legal services, and other support mechanisms to protect girls from child marriage and to support those currently in child marriage and those turned away by their families.

Initiate local and national awareness campaigns that provide information to parents, guardians, religious leaders, and community leaders about the harmful effects of child marriage, emphasizing the health risks of early pregnancy and HIV transmission and the benefits of girls' education.

Adapt and adopt best practices from other countries to empower girls, for example by providing girls with safe spaces, economic incentives and support to families in need, information about the harm of child marriage and about sexual and reproductive health, and life skills training.

Support and strengthen initiatives by local groups and the Apostolic Christian Council of Zimbabwe to combat child marriage.

##### Education Ministry

Develop retention strategies to help prevent child marriage and to keep married girls in school, such as providing incentives for families to keep girls in school, scholarships, expanded school feeding programs, adequate sanitation facilities, and life skills programs for married girls through targeted outreach and support programs, and evening or part-time formal schooling and vocational training opportunities.

Empower girls and boys with information and knowledge about their reproductive and sexual rights by introducing a comprehensive sexuality education curriculum.

#### Health Ministry

Ensure access to reproductive health information and services for adolescents.

#### Selected Accounts

Confidence S., 22:

I was 14 years-old when I got married to a 42-year-old man who had a wife already. My aunt who was looking after me said I should get married to the man because he was rich and would look after me. But he was very abusive; he did not allow me to leave the house to visit friends or go to the shops. He always suspected me of having younger boyfriends. I was in form 2 [in secondary school] and pregnant when he married me. I stopped going to school. At that time girls who fell pregnant were expelled from school.

After me he married two more wives. His other wives did not want me - they chased me away but when I tried to go back to my family my aunt and mother also turned me away saying they had already accepted lobola (bride price) from him. When I went back to him, his other wives would fight me. He used to beat me and shout at me. He refused to let me continue with school. After two years of marriage, life was so difficult for me that I tried to kill myself by drinking rat poison. I was in hospital for one week after which my family finally took me back. Child marriage ruined my life. Now I do not work and cannot find a job because I stopped going to school.

Abigail C., 15:

I fell pregnant last year when I was 14-years-old. I had stopped going to school that same year because my mother, who works as a maid earning US\$50 per month, could not afford to send me to school. I had an affair with an older man who had a wife. The woman who lives next door is the one who persuaded me to have an affair with this man. I received no sex education at all, and when I had sex with this man I fell pregnant. I went to live with his mother because he was staying with his first wife. In June I went to hospital and gave birth to a baby, who died within a few minutes of birth. The nurses told me my baby died. After that I went back to live with my mother. I wish to go back to school because I am still a child.

Rutendo C., 16:

I stopped going to school last year when in grade 7 because my parents did not have money to send me to school. One day after I had stopped going to school my grandfather saw me in the fields having sex with my boyfriend, who was 25-years-old. He went and told my parents to send me away to get married to my boyfriend. My parents did not want to send me away but he forced them saying, "You cannot keep a child who has been defiled; she has had sex and she must go." So I went and lived with him as his wife, we are still together and I am 8-months pregnant now.

Justine T., 38:

When I was 16 I met a young man who I talked to about my problems. He was very understanding. We had sex. I didn't know that I would get pregnant. But that's what happened. That's the reason why I stopped going to school. When you are pregnant, you are not allowed to continue with school [a policy that was later revised to allow pregnant girls to continue with school]. At home, they also don't want you there. They told me to go to and live with the person who made me pregnant.

At that time I didn't know anything about sex. Nobody gave me any sex education. If I knew about it I wouldn't have fallen pregnant...It was 1998. I was pregnant. My husband came home drunk and started shouting at me. I was angry and I shouted back at him, then he beat me up. I was very hurt and became angry. That's what caused me to do what I did. I poured paraffin all over my body and set myself on fire. Then I woke up in hospital. I am trapped in this situation. I am failing to find work to support myself and my family. My children have stopped going to school because we cannot afford to send them to school.

Agnes N., 19:

I got married when I was 16. One day I was late coming from school and my grandmother who looked after me saw me standing with my boyfriend when it was nearly getting dark, about 6 p.m. Later when I got home she told me to go back to my boyfriend and I did. I stopped going to school, but my husband who was at the same school continued and failed his exams. He stayed with his sister who was abusive to me, she wanted me to go back to my family; she blamed me for his failure in school.

Later I fell pregnant and his uncle tried to force me to abort but I refused. My husband neglected me. Sometimes I went without food, and tried to go back to my family but my grandmother would not take me back. Eventually she took me back; I gave birth at my grandmother's house. Life is difficult for me because am not working and the father of my child has never supported his son.

Rosemary M., 19:

I was 15 when I got married. I was pregnant at the time. I had already stopped school in grade 4 when both my parents died. My husband would beat me and he had many girlfriends and did not look after me. When I gave birth my baby died after four days. I got pregnant again but the baby died after four months. His mother chased me away saying she wanted grandchildren but my babies were dying. Whenever my husband beat me she would say, "Beat her some more! When she feels the pain she will leave."

My brothers refused to take me back saying marriage was my choice so I must live with it. At that point I thought of drowning myself to end my suffering, but I then decided against it. He got another wife saying he did not want a childless wife. Later I gave birth to a baby girl who is now 7-months-old but he does not support me and his child. My sister looks after me and my child.

Munesu C., 16:

I am 16, I ran away from home to get married when I was 14 after I had sex with my boyfriend, who was 21. I was afraid my family would discover that I had had sex so I went to live with my boyfriend as his wife. I was in grade 7 at the time and stopped going to school. After about 7 months my husband and his three brothers began to complain that I was not getting pregnant. He never beat me but always complained that I was barren. I used to do a lot of hard work washing clothes, cleaning and cooking for my husband and his relatives. After two years of marriage he sent me away saying I am barren, and my mother took me back. My wish is to go back to school but my mother cannot afford to send me back to school.

Chamwa M., midwife in the Johwane Masowe Shonhiwa Apostolic faith church:

Our church doctrine is that girls must marry when they are between 12 and 16-years-old to make sure they do not sin by having sexual relations outside marriage. As soon as a girl reaches puberty, any man in the church can claim her for a wife. A man is allowed to have as many wives as he can manage, and as many children as he wants. All pregnant mothers give birth at home; going to hospital or using modern medicine is prohibited. Use of contraceptives or other family planning methods is also prohibited - only God can plan families and God's commandment was "Be fruitful and multiply."

We have prophets in our church who will know if anyone in the church disobeys the rules and goes to hospital to seek medication or uses contraceptives like pills or condoms. When a man says God has shown him in a dream that he should marry a certain girl, that girl cannot say no to the word of God. If she says no, God's curse will be upon her life; she may fail to find a husband for the rest of her life, or she could be barren for the rest of her life.

Archbishop Johannes Ndanga, president of the Apostolic Christian Council of Zimbabwe (ACCZ), a coalition of over 1,000 apostolic churches in the country. The coalition is campaigning to end child marriage. He said:

We are trying to change, and stop child marriage in our churches, but we face a lot of resistance from some churches who hold on to many beliefs that justify exploitation of girls. For example, virginity testing

and polygamy is widely practiced in our Apostolic faith churches - I too, before I got to know about human rights, I used to enforce virginity testing in the church that I lead. Girls as young as 12 years would be checked for virginity by church elders, and if found to be virgins they would get marks on their foreheads to show they are virgins. Older men in the church would then choose these "fresh girls" to become their wives, often joining polygamous unions. If a man marries a woman who is not a virgin, she is required to find a virgin girl for her husband to marry as compensation.

We are facing strong and sometimes violent resistance from some of our member churches who continue with harmful practices of child marriage and abuse. In May 2014, after we received reports of abuse of young girls at the church, we asked the police to help us shut down a member church... The church members resisted and used sticks to beat up nine police officers, journalists, and ACCZ officials.

Joshua M., elder in the Zion Apostolic Church:

We continue to allow a man to marry many wives in our church but now support the ACCZ campaign to end child marriage. The problem is that girls and women are not allowed to speak in church, and cannot question church doctrine, and this perpetuates their abuse and lack of rights. If a man stands up in church and says God showed him in a dream that he should marry a certain girl, then that is God's commandment which must be obeyed. Girls become afraid to disobey God. Our church has pledged to stop child marriage in our church.

Chief Chiveso, traditional leader from Mashonaland Central Province:

Traditional leaders in Mashonaland Central province have come together to campaign to end child marriage. In cases where young girls who are, say, 14 or 15-years-old, and get married in our communities, we summon the man to the traditional court and also refer the case to the police. We do not know how the police deal with such cases, but at the traditional court we sometimes ask the man to compensate the father of the girl child, and if the girl is not pregnant she goes back to school. We encourage pregnant girls to go back to school but sometimes it is not possible due to poverty.

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