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# Child marriages: Turning communities into change agents



Prisca Dube of ZLHR



Peggy Tavagadza in Marange

**M**ATSHOLOGWANE, INSIZA–To curb the growing problem of child marriages, human rights lawyers are reaching out to remote populations and turning community members into drivers of change.

For long, young girls were silent victims of the coronavirus pandemic as authorities devoted most of their energies trying to enforce measures aimed at slowing down the spread of the virus while ignoring the social and economic effects on vulnerable girls.

Shocking figures released in March by government showing that 4 959 girls fell pregnant between January and February alone shook the country and debate is raging on how best to deal with the scourge of child marriages that have increased due to the effects of the pandemic and associated national lockdowns.

For Zimbabwe Lawyers for Human Rights (ZLHR), engagement with grassroots communities is the answer. Well before the announcement

of the latest figures on teenage pregnancies, ZLHR had embarked on a campaign to reach remote, rural and farming populations that are often neglected despite being breeding grounds of child marriages and early pregnancies. Such engagements have taken the form of Mobile Legal Clinics, where ZLHR has partnered government ministries and independent bodies such as Zimbabwe Human Rights Commission (ZHRC) to reach and empower grassroots communities with information to confront the problem.

At one such gathering in Insiza, in Matabeleland South province, community members in the resettlement area of Matshologwane, who usually keep such matters a secret, opened up as it emerged that child marriages are happening in large numbers in the community, although people were reluctant to admit it at first because the church leadership was present in numbers. Women, who formed the majority of participants, were at first reluctant to speak as they felt they needed the permission of their husbands or other male elders.

However, as represented from ZLHR, ZHRC, the Registrar-General's Office and the Ministries of Women Affairs, Community, Small and Medium Enterprises and Ministry of Youth, Sport, Arts and Recreation shared more information, they began to warm up to the discussions on how best community members can play a role in changing attitudes about child marriages. “As ZLHR, we believe that Mobile Legal Clinics are the best model for organising trainings and imparting information to communities because they place an emphasis on the participation of those most affected in articulating problems and organising for change to address their own felt needs,” said ZLHR lawyer Prisca Dube.

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# Girls lives being sacrificed for “conformity” in Marange

**M**ARANGE-SOME parents in remote Marange are marrying off their young girls for reasons that include conforming with tradition or religion and desire to also receive dowry (lobola) Zimbabwe Lawyers for Human Rights (ZLHR) has been told by villagers.

The sad reality being perpetuated by a stagnant religious and traditional belief system has seen girls drop out of school at a very young age, married off to older men and caused them to forgo potentially prosperous lives outside the forced unions.

According to deliberations at the mobile legal clinics organised by ZLHR and Zimbabwe Human Rights Commission (ZHRC), poverty has also been playing a central role in this unfortunate cycle. Some parents are choosing to marry off their daughters with the hope they get a better life from their husbands after failing to offer that themselves.

“Given the poverty of some populations and the lack of schooling for girls, many parents give in to the pressure. When parents do not have enough money to raise their children or to ensure their schooling, marrying their children is often a tempting alternative,” said Peggy Tavagadza of ZLHR.

“Extreme poverty may drive some parents to marry off the girl child to relieve the burden of supporting a large family and allow the married daughter to have “a better life” with a husband who has the means to look after her. On top of the economic aspect, culture and religion also plays a decisive role. Parents send their daughters to be married as a result of wanting to conform to customs or out of necessity to receive the much-talked-about dowry,” said Tavagadza.

In traditional societies and some religious sects in Marange, people think it is permissible for elderly men to marry young girls. Young girls are frequently pledged or forced to marry, although both pledging in marriage and forced marriage are criminal offences.

ZLHR added that: “Parents are encouraged to marry their daughters off when they become pregnant prematurely.” Delegates at the meeting drawn from surrounding Torera, Taguta, Maponde, Chipiro, Dzoma, Chikuni and Nyamadzawo villages of Mafarikwa community in Manicaland province resolved to disseminate information on the illegality of marrying their daughters within other communities in the province.

They encouraged law enforcement agencies to also be vigilant in maintaining such laws in their areas while marriage officers were asked not to solemnise these unions.

## Marange proposes multi-pronged fight against Child Marriages

**M**ARANGE-Child marriages prevalent in remote Marange cannot be tackled by a single approach but require a multi-pronged approach, the Zimbabwe Lawyers for Human Rights (ZLHR) has learnt.

This came out during a Mobile Legal Clinic (MLC) outreach and training, conducted by ZLHR and Zimbabwe Human Rights Commission (ZHRC) in Marange recently.

Attended by councillors, village health workers, care givers, traditional leaders, religious leaders and villagers from Dhaisi, Mafarikwa, Seri, Pamhidzai, Nzvenga and Chaangira village, the training sought to come up with possible solutions to the scourge that bedevils this remote community.

Besides educating parents, religious and traditional leaders who sometimes base these marriages on faith and culture, ZLHR learnt there was need for girls to be mobilised and capacitated to determine how they want their future to pan out.

ZLHR noted traditional and religious leaders in these areas were the most important in terms of promoting change. A buy-in from them was a welcome development.

“Early and forced marriages are driven by multifaceted issues and challenges. The approach to ending it must likewise be multipronged. This means engaging all relevant sectors, including education, health, sexual and reproductive health and rights and economic empowerment or poverty reduction. Child protection and gender equality should provide the foundation for all interventions,” reads ZLHR’s report after the meeting.

“There is need to mobilise the children, especially girls, so that they have the capabilities to determine their own futures, especially choices about if, when and whom they marry,” ZLHR said.

“The programme must be evidence-based and child-centred. Multi-level approaches empower girls with the information, skills and services they need to be healthy, educated and safe, helping them make a successful transition to adulthood,” ZLHR’s report stated.

A mapping of the area indicated girls are dropping out of school and being married off at a very early age with cases of poverty, domestic violence on a steady rise.

ZLHR added: “Daughters are sometimes married off to reduce their



perceived economic burden and their bride price is used by families as a means of survival.”

“Girls from Zimbabwe’s poorest households are more likely to marry before the age of 18 than girls living in the richest households. Many dropout of school because their parents cannot afford to pay school fees, which in turn puts girls at a higher risk of being married off,” ZLHR said.

“Members of the indigenous apostolic church reportedly encourage girls as young as ten to marry much older men for “spiritual guidance. Men in this church are reportedly entitled to marry girls to shield them from pre-marital sex, with girls becoming second or third wives in polygamous marriages. If a girl engages in pre-marital sex, is seen with a boyfriend or returns home late, she is sometimes forced to marry to mitigate the shame. Some who fall pregnant choose to enter customary marriages because they are afraid their family will abuse them for dishonourable behaviour,” said ZLHR.

It has been noted that there is an inherent imbalance of power in these relationships, which is often linked to domestic violence.

In addition to the physical danger this presents to women and girls, violence can also have lasting psychological implications on girls’ and women’s mental health.

“Women married as children have, on average, lower levels of education than those who marry after the age of eighteen, trapping them in a cycle of poverty, vulnerability to domestic and sexual violence and poor health outcomes,” said ZLHR.

## Turning communities into change agents

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Mobile Legal Clinics have helped to enhance knowledge on constitutional provisions relating to children and improved appreciation of the ills of child marriages as well as creating a platform to discuss collective roles and responsibilities on ending child marriages in the community and the country as a whole.

Dube said there is need for constant engagement with communities as well as regular sharing of materials and literature on rights and responsibilities of children, the legal framework of Zimbabwe on protection of children, laws on child marriages and what communities must do to curb the scourge, economic, social and cultural rights awareness and how to hold duty bearers accountable.

## Information on Children’s Rights new to us, Manama villagers tell ZLHR

**M**ANAMA-Zimbabwe Lawyers for Human Rights (ZLHR) might have to attend to villagers in Manama for a second time after they requested time to digest “new information” they had just received from the legal practitioners on children’s rights.

Villagers drawn from Humbane, Magaya, Bethel, Fumukwe and Mnyambezi villages of Manama community in Gwanda South, Matabeleland South, had underwent human rights training under ZLHR’s Mobile Legal Clinics.

A marked improvement in terms of understanding rights and responsibilities was realised with villagers grabbing simplified copies of the Constitution and more material on roles of the police and Zimbabwe Human Rights Commission (ZHRC).

After engaging the Manama community, village heads suggested a second session be planned where villagers would come with grievances they needed legal advice on, after interacting with the material and information shared by ZLHR.

“The traditional leaders availed an open invitation to ZLHR by saying most of the information was new and the community needed to digest it. The traditional leaders said that it was possible that the cases people were sitting on would be reviewed after a second bigger engagement,” said ZLHR.

The factsheet on the Right to Education, Duty of Police and ZHRC, a simplified Constitution and materials on COVID-19 were shared with an appetite for more displayed by villagers who vowed to seek more materials in Bulawayo.

ZLHR heard stories of undocumented children of school-going age who were failing to register and scary issues of rape perpetrators walking scot-free in the area due to little to no information on how to deal with them.

56 year-old Marvis Ndlovu, grandmother to a six-year old unregistered child who had been failing to get a birth certificate for her grandchild despite possessing a birth record was advised to visit Gwanda’s registry offices.

The mother of the six-year old child is based in South Africa and has not been in the country for the past five years.

Said ZLHR: “Communities’ lived realities have a way of adding true value to the work of ZLHR and honest engagements result in parties addressing the felt needs of the communities as the Manama suggestion of rights literacy materials is worth pursuing so that children have appropriate legal based information on child marriages, age of consent and where to report violations if there are any in the community.”

# Zim child marriages hot spot

## Girls more prone to abuse than boys

**H**ARARE-A case before the Constitutional Court challenging the legality of marriage laws has put the issue of child marriages under the spotlight.

Statistics show that the odds are heavily tilted against girls, who are often forced to marry at much younger ages than their male counterparts. Emmily Naphambo, an official with Plan International's southern Africa region, says her organisation, which fights to protect the rights of children worldwide, regards Zimbabwe as among the "hot spots" for child marriages.

"We have very high prevalence of child marriages - second from South Asia. As a region we are at 37 percent, but within that region we have hot spots with countries with much higher prevalence rates which are much higher than 37 percent. For example in Malawi, in Mozambique, in Zimbabwe, in Zambia, in all these countries the prevalence rates are pretty close to 50 percent; which is high. We are talking of for every 100 girls, 50 of them are already married by the time they are 18 years old."

Official government figures show that it is girls who often bear the brunt of child marriages. According to the 2014 Zimstat Multiple Indicator Cluster Survey report, five percent of women aged between 15 and 49 years were first married before the age of 15 years. Compare this with 0,3 percent for men in the same age group.

It doesn't end there. According to the same report, one in three women aged between 20 and 49 years were first married before attaining the age of 18 years. The figure is less than one in 20 for men in the same age group.

Nearly one marriage in every four (24.5 percent) includes a young woman aged between 15-19 years. For men it is 1.7 percent, according to the Zimstat report.

Human rights advocates agree that while marriage laws present a challenge, more needs to be done to protect social, economic, cultural and religious rights of the girl child to stem this disturbing pattern. "Child marriage has implications for the social development of child rights in terms of low levels of education, poor health and personal autonomy. A lack of education means that young wives lack knowledge about sexual relations, their bodies and reproduction, an issue exacerbated by the cultural silence surrounding the same," said human rights lawyer Tendai Biti, who is representing two victims of child marriage who are challenging marriage laws in



**A helping hand to the girl-child...**

Beatrice Savadye, the director of Real Open Opportunities for Transformation Support distributing sanitary wear to girls at Marikopo Secondary school in Seke in October last year

the Constitutional Court.

"This clearly denies the girl child the ability to make and form decisions about sexual relations, planning a family, and her health. Further, early marriage results in a likely low level of education and life skills increasing vulnerability to abuse and poor health and therefore deepened poverty. There is no question that child marriages are largely as a result of economic, cultural and social issues. Indeed in Zimbabwe, it is well accepted that poverty is at the epicentre of causing early child marriages," he said.

One of the girls challenging the marriage laws at the Constitutional Court, Ruvimbo Tsopodzi, said her life was testimony of how child marriages bred a vicious cycle of poverty.

"Whilst I accept that my life has been a write off, I am seriously concerned about the life of my son. He has no prospects of success in life. His father is a drunkard and I am a poor, uneducated woman. It means that my son is going through the same cycle of poverty and hopelessness which is arresting me and which, as a matter of fact, also arrested my parents," said Tsopodzi.

# Student suspended for hugging, ZLHR to the rescue

**H**ARARE-In another classic example of authorities abusing lockdown restrictive regulations to clampdown on citizens' rights, a Harare Polytechnic College student Yolanda Musithu was recently suspended for hugging a colleague inside the campus premises.

According to a suspension letter, which was served to Musithu on 22 March by Harare Polytechnic authorities, she was seen by the college Principal Tafadzwa Mudondo hugging a fellow student Blessing Pasipanodya, conduct which the institution said was in violation of World Health Organisation, government of Zimbabwe and Harare Polytechnic regulations.

"You, Yolanda Musithu, a student at Harare Polytechnic doing National Diploma in Office Management violated WHO, government and Harare Polytechnic COVID-19 regulations. You were caught by the Principal on 22 March 2021 hugging Blessing Pasipanodya, an NC DDT student. This was in direct violation of WHO, government and institutional standing against COVID-19 regulations," reads part of Musithu's suspension letter.

"The institution conducted health education on COVID-19 through posters on notice boards and at entrances but you opted to ignore these regulations," further reads the letter.

But Zimbabwe Lawyers for Human Rights moved with speed to rescue Musithu by dispatching its lawyer Godfrey Mupanga who filed an urgent chamber application at Harare High Court seeking an order to compel Harare Polytechnic to allow Musithu access to the college, attend classes and be granted all rights and privileges enjoyed by all students for the National Diploma in Office Management.

In response to the filing of the urgent chamber application, authorities at the institution served Mupanga with a letter lifting Musithu's suspension. Musithu's urgent application had been set down for hearing before Justice Davison Foroma.

However, Mudondo in his letter said the institution had resolved to lift Musithu's suspension after consultations with Ministry of Higher and Tertiary Education. The move by Mudondo resulted in lawyers representing Musithu and Harare Polytechnic agreeing to a settlement and the withdrawal of the urgent chamber application.

Musithu is one of several female human rights defenders who in recent months have challenged Zimbabwean authorities on their flagrant use of COVID-19 regulations to suppress citizen's fundamental rights and freedoms.



# Communities getting skewed information on human rights – ZLHR



## ZLHR's Mobile Legal Clinics welcome in Zimbabwe's forgotten areas



**G**WANDA- Remote areas in Zimbabwe are getting skewed information on human rights, Zimbabwe Lawyers for Human Rights (ZLHR) has noted.

ZLHR made this realisation during its Mobile Legal Clinics (MLC) outreach in Matabeleland South and Marange recently where it engaged villagers from some of the country's far-flung areas.

The human rights organisation noted that rights information being presented to villagers was not balanced and the information did not attempt to explain the responsibilities on their part and that of government in their enjoyment.

"The rights information that most communities have been exposed to is skewed and not properly balanced as it does not speak much of the responsibilities that go with rights," said ZLHR.

"Issues of the inherent dignity of all, protection of others' rights while asserting ones' own rights should be explained as well as the role of duty-bearers in ensuring that communities fully enjoy their human rights.

"Communities are eager to embrace human rights and balanced information that is not harmful. The information should be packaged so that communities understand rights as well as responsibilities."

Villagers drawn from Datata, Siliwe, Dambashokwe, Zhukwe East and West underwent extensive training and conscientising on the dangers of child marriage, community responsibilities to curb the scourge and laws protecting children.

Datata community is in Ward 2 of Gwanda North constituency in Matabeleland South province and is one of the communities that is deep in rural Gwanda where gold deposits have seen young men choosing artisanal mining over the "traditional" trek down south.

The money derived from these activities has not only given men economic power but exposed some poor young women to exploitation. That is what ZLHR attempted to address, adding onto the fight against abuse of the girl child in the area.

The organisation added: "There could be room for the old-styled ZLHR Frankly Speaking conversations to be held to tackle the child marriages problem where the parents and the youths dialogue, blame each other and then work on finding solutions to end the scourge."

Lifford Moyo (43), Zhukwe East village head, had his daughter raped by a neighbour, Mthokozisi Moyo who was arrested, given bail and disappeared. The youths of the area are now threatening instant justice for Moyo who has been seen in the area.

ZLHR suggested calling on the Gwanda Officer In Charge of Crime who promised to track down and arrest Moyo before he crosses to South Africa like most criminals in this part of the country.

**G**WANDA-Zimbabwe's rural areas have for years been shut out of national dialogue and policy matters that not only affect them on a daily basis but form the basis of their citizenship.

They have been forced to get "second-hand information" which is largely misinformation from opinion leaders who dilute it to serve their own interests. However, after productive sessions under Zimbabwe Lawyers for Human Rights (ZLHR), villagers say they now want first-hand information from experts.

This realisation, though sad, was made by ZLHR on their recent Mobile Legal Clinic (MLC) outreach in the usually untouched Matabeleland and Marange regions from cases of child marriages, child rights, rape, lack of basic knowledge of rights enshrined in the Constitution and what they are protected from.

The purpose of these MLCs was to raise awareness among community members against child marriages which are fast becoming normal under the tough economic conditions they have been subjected to. Besides raising awareness on children's constitutional rights, the MLCs are meant to create rapport between the Zimbabwe Human Rights Commission (ZHRC) and ZLHR, while assisting with legal consultation and legal aid.

ZLHR noted the information reaching these far-flung areas does not highlight responsibilities that come with certain rights enshrined in a Constitution they are yet to even grasp, almost eight years after its passing.

"The rights information that most communities have been exposed to is skewed and not properly balanced as it does not speak much of the responsibilities that go with rights," said ZLHR after an mobile legal clinic session in the Datata community of Gwanda, Matabeleland South.

Perpetrators are walking scot-free, rapists who take advantage of the information-gap not only terrorise villagers but continue with their lives despite disrupting others'. But for full days in different communities, ZLHR took time to educate them, giving free legal advice, assisting the many undocumented people and going as far as sharing contact details of those best placed to assist.

In Manama Matabeleland South, a predominantly Sotho community, villagers went through a robust child rights training, following a discussion on the matter which needed to be dealt with in the area. There is still need for more such trainings and constant visits by the MLC to ensure saturation of these lessons.

ZLHR added: "There is need to continually work with communities and make sure that commissions such as ZHRC are accessible to the people.

"Communities' lived realities have a way of adding true value to the work of ZLHR and honest engagements result in parties addressing the felt needs of the communities."

As the sessions continued, what was noted was the need to reduce incidences of child marriage by addressing the root causes, including gender discrimination and school retention. There is a need to support girls in marriages or at risk of child marriage and the promotion of child and youth-led initiatives.

The continued failure to document people as old as 70 years was also realised as an ill that needed to be corrected by government through putting in place comprehensive, effective and rights-based civil registration and vital statistics systems, including birth and marriage registration, that are consistent with human rights standards and principles.