

By laws on ending child marriages

*Mutare District, Manicaland
Province (Marange)*



christian
aid



Women and Law
in Southern Africa
Zimbabwe

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List of Acronyms

AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DDC	District Development Coordinator
FGM/C	Female genital mutilation or cutting
HIV	Human Immunodeficiency Virus
NAP	National Action Plan
PVO	Private Voluntary Organisation
RWC	Rights and Welfare of the Child
SADC	Southern African Development Community
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
WLSA	Women and Law in Southern African

About WLSA

Women and Law in Southern Africa – Zimbabwe

Women and Law in Southern African Research and Education Trust (WLSA) Zimbabwe started as a local Chapter of a sub-regional network in 1989. WLSA is now registered and operates as Private Voluntary Organisation (PVO) in Zimbabwe. The network member countries include Botswana, Lesotho, Malawi, Mozambique, Swaziland and Zambia. The purpose of the network is to contribute to sustained well-being of women and girl children through action-oriented research in the socio-legal field and advocating for women's rights. WLSA work incorporates action into research by questioning and challenging the law, instigating campaigns for changes in laws, policies and plans of action, educating women and girls about their rights, providing legal advice and gender sensitising communities and leadership.

Contextual background

The occurrence of child marriages is a challenge in Zimbabwe. The government of Zimbabwe developed a National Action Plan on Ending Child Marriage (2019-2021). The Plan is anchored by our Constitutional provisions for gender equality and protection of children's rights. It also contributes to operationalising the global commitments which Zimbabwe is a party. These include Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of Children in Africa and the SADC Protocol on Gender and Development study carried out by UNICEF¹ indicated that 34% of women in Zimbabwe aged between 20-24 years old were married or in union before they were eighteen years old. According to the 2012 census, 56 799 children aged 15-17 years were married, with a greater proportion for girls (12 percent) having been married than boys (0.9 percent). A very high proportion (92.7 percent) of the married children were girls, it is also worrying that 4 159 children aged 15-17 years had divorced/separated, whilst 456 were widowed. Mutare was identified in the NAP as one of the hotspots with high incidence of child marriages.

1 UNICEF, Ending Child Marriage: Progress and prospects, 2014

Project Background

The marriage of children has many negative consequences for girls including stunted physical intellectual and social development, vulnerability to a host of sexual and reproductive health challenges, particularly birth complications and obstetric fistula. The media reported case of deceased Anna Machaya a 15 year old who died during child birth is an example of this in Marange. Further, marriage puts girls at greater risk of gender- based violence. In addition to the health and social challenges, child marriage further disadvantages girls as they have less access to opportunities for economic empowerment. Girls who marry young are least likely to pursue tertiary/vocational education thus reducing their chances of pursuing professions/jobs that give them economic independence. This results in increased poverty among girls who marry young who then have to depend on their spouses, making them vulnerable to gender-based discrimination and violence.² WLSA with material support from Christian Aid carried out activities in Marange District in Mutare to contribute towards ending child marriage. Some of the activities included conducting district multisectoral training on ending child marriages court monitoring, mobile legal aid clinics. Male engagements dialogues, Intergenerational dialogues, Training of Community paralegals, Community led action protocol on ending child marriages.

In the past people in Marange would report child marriages and gender-based violence cases to the chief s court or village heads where the matters were resolved mostly through the informal justice system. The challenge was that the Chief did not have jurisdiction over such cases and in the process most cases were finalised unfairly. After community sensitisation by WLSA there was a spike in the cases now reported through the formal justice system.

Methodology

WLSA carried out interview, Male engagement dialogue, Intergenerational dialogues in trying to unlock and appreciate that Marange community beliefs, social – cultural norms and religious beliefs had a bearing on the key drivers of child marriages.

² 8 <http://www.girlsnotbrides.org/what-is-the-impact/>

1.0 Child Marriage

1.1 Definition of Child Marriage

Under international law, child marriage is defined as any legal or customary union involving a girl or boy below the age of 18. The general definition of child marriage in the Zimbabwean context is a formal marriage or an informal union in which at least one of the parties is a child, i.e. a person under the age of 18. This definition draws from various conventions, treaties, and international agreements, including the Convention on the Rights of the Child (CRC), Convention on the Elimination of All forms of Discrimination against Women (CEDAW), Universal Declaration of Human Rights and recent resolutions of the UN Human Rights Council on 2nd of July 2015.³ The United Nations (UN) Convention on the Rights of the Child defines marriage under age 18 as child marriage (UN 2000).⁴

1.2 The Problem

A study carried out by UNICEF,⁵ 34% of women in Zimbabwe aged between 20-24 years old were married or in union before they were eighteen years old. According to the 2012 census, 56 799 children aged 15-17 years⁶ were married, with a greater proportion for girls (12 percent) having been married than boys (0.9 percent). A very high proportion (92.7 percent) of the married children were girls, it is also worrying that 4 159 children aged 15-17 years had divorced/separated, whilst 456 were widowed. Rural areas had a higher proportion (7.6 percent) of married children, than urban areas (3.7 percent). The proportions of married children increased with age, with 17-year-olds accounting for the majority of married children.

3 <http://www.girlsnotbrides.org/human-rights-council-adopts-resolution-to-end-child-early-and-forced-marriage/>

4 International Centre for Research for Women (ICRW); Solutions to end Child Marriage; what the evidence shows-2011

5 (UNICEF) State of the World's Children, 2014

6 The 2012 Population Census only asked for marital status of those aged 15 years and above

1.3 Causes of child marriages in Marange district

- Gender inequality is the root cause of child marriage. The way girls and boys and women and men are treated in a society is not equal and often girls are not valued and are seen as a burden.
- Poverty: if a family is poor, marrying their daughter early is seen to lessen the burden on the family, on limited resources, and is one less person to feed.
- Child marriage is often seen as a part of a community's culture and tradition. In Marange the dominant religion – white garment sect - has been tolerant towards the practice. The religion allows for polygamous marriages, virginity testing of girls and those that have lost their virginity are given off in marriage. There is a fusion of religious and social norms. In particular, parents and guardians marrying off young girls in the same family with their aunts and sister “*mabhobho*”.
- Early, forced and child marriage is often thought to be a way of protecting girls against sexual abuse, sexual harassment, ‘illegal’ sexual activity, and sexual promiscuity.
- Insecurity and violence is also a cause, as families think getting daughters married early is a way of offering them safety.
- Weak legal systems for example the disharmony between the Constitution and Marriage laws has not been rectified since 2013 when the constitution was enacted.
- Implementation of the laws is also weak for example the implementation of the Domestic Violence Act which since its enactment in 2008 already criminalised Child marriage and yet there has not been any prosecution of cases.
- Limited education and economic options for girls is an important driver for families marrying off their daughters too young.
- Lack of awareness: communities, particularly young girls, are not aware of their rights or how to protect them.

- Early onset of puberty; when a girl starts to menstruate and blossom breasts she becomes a woman in the eyes of the community, she is expected and begins to be exposed to wifely duties including sexual intercourse. In most cases her first sexual experience is not consensual often through rape in the family and these cases are not reported. Marriage is seen as the next step towards giving her.
- Other traditional practices are often linked, particularly harmful practices against girls, such as female genital mutilation or cutting (FGM/C). This is considered a rite of passage to womanhood and to ensure the girl is seen as “clean”.

Although the practice of child marriage is rooted in tradition and culture, these are man-made practices that can be changed and updated. So there is hope for ensuring change and putting an end to these harmful, damaging practices on girls.

1.4 Negative effects of child marriages

- Child marriage is a violation of human rights. It deprives young girls of their basic rights to health, education, development and protection.
- These dynamics affect not only the girls themselves, but also their children and households, as well as communities and entire societies.
- Health: marrying early denies girls the right to a healthy life. They are often pressured into motherhood at a young age, which increases risk of death or injury during pregnancy and childbirth; vulnerability to a host of sexual and reproductive health challenges, particularly birth complications and obstetric fistula.
- It also increases risk of death and long-term health complications for new born children.

- It increases girls' exposure to HIV/AIDS, as girls cannot negotiate safe sex practices. It increases their risk of physical, sexual and emotional violence. Girls who marry before age 18 are more likely to experience violence within marriage than girls who marry later, due to imbalanced power relationships.
- It denies girls the right to choose and make key decisions for themselves about their own lives. Child brides have little say about if, when and who they marry.
- Child marriage denies a girl the right to education. Getting married often results in a girl being removed from school. This affects her ability to learn the skills she needs to secure a job and have access to the same economic opportunities as boys. Without this, she will be unable to break the cycle of poverty and remain trapped.
- Child marriage further disadvantages girls as they have less access to opportunities for economic empowerment. Girls who marry young are least likely to pursue tertiary/vocational education thus reducing their chances of pursuing professions/jobs that give them economic independence. This results in increased poverty among girls who marry young who then have to depend on their spouses, making them vulnerable to gender-based discrimination and violence.⁷

⁷ <http://www.girlsnotbrides.org/what-is-the-impact>

2.0 Legal & Policy Framework

2.1 Regional & International Framework

Zimbabwe committed to regional and international instruments and policies that prohibit child marriage and advance the rights of children and gender equality.

An outline of international treaty law relevant in the protection of children from several forms of discrimination, abuse and violence including Child Marriages is given below.

2.1.1 Summary of children's rights

Law	Theme	Children rights
Children's rights	Age of a Child Any person below the age of 18 years.	CRC Article 1 African Charter on the RWC Article 2
	Non-discrimination of Children Children should not be discriminated on the basis of race, colour, sex, language, religion, disability and birth status.	CRC Article 2 African Charter on the RWC Article 4
	Equality of Rights of spouses and responsibilities over children Parties to a marriage shall enjoy the same rights during marriage, at separation and divorce irrespective of marital status over their children. This includes reciprocal rights upon dissolution of a marriage.	African Charter on the RWC Article 21 CEDAW Article 16 Protocol to the African charter on the rights and welfare of children
	Right to Identity A child has a right to a name from birth, to be registered immediately after birth and to acquire a nationality.	CRC Article 7 African Charter on the RWC Article 18 CEDAW Article 9

Law	Theme	Children rights
	<p>Best Interests of the Child Principle The best interest of the child must prevail and shall be given paramount consideration.</p>	<p>CRC Article 3 African Charter on the RWC Article 6 Protocol to the rights of Women in Africa</p>
	<p>Elimination of harmful cultural practices Including female genital mutilation, forced marriage and child marriage.</p>	<p>Article 5 Protocol to the Rights of Women in Africa Article 11 SADC Protocol on Gender and Development</p>

These include the following:

- The African Union Charter on the Rights and Welfare of the Child (Article 2 and For the purpose of this charter a child means every human being below the age of 18 years.
- The Protocol to the African Charter on the Rights of Women in Africa (Article 5 provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting.
- The Southern African Development Community (SADC) Model Law for the Eradication of Child Marriage and the Protection of Children in Marriage (Part IV 24:1 A person shall not solemnise, conduct, promote, direct or abet the solemnisation of a marriage which the person suspects or believes that one party is a child or both of the parties are children).
- The SADC Protocol on Gender and Development (Article 8 (a) no person under the age of 18 shall marry unless otherwise specified by law, which takes into account the best interest and welfare of the child (b) every marriage takes place with the free and full consent of both parties.

- The Africa Common Position on Ending Child Marriage (member states urged to promote the participation and role of men, particularly fathers, religious leaders and community leaders in promoting positive male role models who oppose child marriage and are knowledgeable about its harmful impacts).
- The United National Convention on the Rights of the Child (CRC) Article 1 says for the purpose of the present convention, a child means every human being below the age of 18 years).
- The United Nations Convention on the Elimination of all of forms of Discrimination (Article 16 countries must eliminate discrimination against women in marriage and family relations, countries must ensure that women have equal rights as men in their choice of whom to marry and whether to marry and any matters relating to the birth, adoption and raising of children. The marriage of a children has no legal effect and countries should take steps to set minimum age of marriage.

2.2 National Legislative and Policy Framework

- **The Constitution of Zimbabwe**
- **Marriage Section 26:** The State must take appropriate measures to ensure that-
 - a. no marriage is entered into without the free and full consent of the intending spouses.
 - b. children are not pledged in marriage.
- **Section 78. Marriage rights**
 1. Every person who has attained the age of eighteen years has the right to found a family.
- **Right to found a family**
 2. No person may be compelled to enter into marriage against their will.
- **Section 81 (1) (e)** provides that every child has a right to be protected from economic and sexual exploitation, from child labour, and form of maltreatment, neglect or any form of abuse.

- **The Criminal Law Codification and Reform Act Section 70:** Age of Consent in Zimbabwe is 16 years old. The age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 15 or younger in Zimbabwe are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape or the equivalent local law.
- **Zimbabwe statutory rape law is violated when an individual has consensual heterosexual or female homosexual sexual contact with a person under age 16.**
- **The children's Act[Chapter 5.06]** defines a child as “child” means a person under the age of sixteen years and includes an infant.
- **The Domestic Violence Act:** Section 3 of the act provides for child marriages as a form of domestic violence and the Act further prohibits abuses derived from the following cultural or customary rites or practices that discriminate against or degrade women (I) abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women (i) forced virginity testing; or (ii) female genital mutilation; or (iii) pledging of women or girls for purposes of appeasing spirits; or (iv) forced marriage; or (v) child marriage; or (vi) forced wife inheritance; or (vii) sexual intercourse between fathers-in-law and newly married daughters-in-law.
- **Marriages Bill:** Section 3 of the marriages bill prohibits child marriages, Section 3(1) states that No person under that age of eighteen years may contract a marriage or enter into an unregistered customary law marriage or civil partnership. Section 3 (2) Further clarify that “for the avoidance of any doubt, it is declared that child marriages are prohibited and under no circumstances shall any person contract, solemnise, promote, permit, allow or coerce or aid or abet the contracting. Section 3 (4) provides for fines not exceeding level 10 or imprisonment for a period not exceeding 5 years.
- **Child Justice Bill:** Repeals the definition of a child in the Children's Act and align itself to the Constitution by defining a “child” as any person under the age of eighteen years.

2.3 Policy

The government of Zimbabwe developed a National Action Plan on Ending Child Marriage (2019-2021). The Plan is anchored by our Constitutional provisions for gender equality and protection of children's rights. It also contributes to operationalising the global commitments which Zimbabwe is a party. These include Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of Children in Africa and the SADC Protocol on Gender and Development. The NAP takes cognisance of the Sustainable Development Goals particularly target 5.3 which is on elimination of all harmful practices, such as child, early and forced marriage and female genital mutilations. It is designed to put into action national child protection laws and policies that respond to child marriage to prevent girls at risk of getting into child marriage and protect those in child marriage. National Plan of Action on Ending Child Marriages.

Gender Policy

Zimbabwe has made significant strides in amending and enacting legislation on gender equality and has passed seventeen pieces of legislation to advance this objective in addition to the Constitutional and Gender Commission. The National Gender Policy 2013-2017 aims to eradicate gender discrimination and inequalities in all spheres of life and development. The policy has eight key priority areas: Gender, Constitutional and Legal Rights; Gender and Economic Empowerment; Gender, Politics and Decision Making; Gender and Health; Gender, Education and Training Gender-Based Violence; Gender, Environment and Climate Change Gender, Media and ICT. These are all key priority areas that address equal access of women to services, decision making positions, legal rights, access to economic resources, education and protection services. Public Sector Gender Policy put in place Gender Focal Points in each Ministry and parastatal (statutory) institution, and under the National Gender Policy of 2013, the Ministry of Women Affairs, Gender and Community Development has overall responsibility for promoting gender equality, in governance, education and training, employment, and health, as well as focusing on SGBV protection.

The National Strategy on Adolescent and Youth Sexual Reproductive Health Rights (Asrh) Strategy 2

The strategy acknowledges that adolescents and young people face reproductive challenges such as child marriages and teenage pregnancies which have contributed to high rates of unplanned pregnancies, early marriages and sexual transmissions such as HIV and AIDS.

3.0 Guiding principles & values anchoring this by law

- **Best Interest of the Child** are the paramount and overriding principles underlying the interpretation of these By-laws, their implementation, enforcement and monitoring.
- **Ending child marriage** is the core objective reinforced by the multi-pronged approaches adopted focused mostly on prevention measures.
- **Disability, inclusion and protection of most vulnerable children and their families**, is paramount as such persons face double discrimination and are at higher risk of exploitation and abuse.
- **Inter-disciplinary** measures addressing behaviors, services and poverty recognises the importance of taking measures that address the root causes of child marriage at individual, family and society levels.
- **Justice and enforcement** as essential for social cohesion and critical to fighting impunity and for societal collection sanctioning of deviant behaviours.
- **Equity and justice**, requiring us to work to ensure equal opportunity to everyone, irrespective of race, age, gender, sexual orientation, HIV status, colour, class, ethnicity, disability, location and religion.
- **Honesty and transparency**, being accountable at all levels for the effectiveness of our actions and open in our judgements and communications with others.
- **Solidarity** with the poor, powerless and excluded will be the only bias in our commitment to the fight against poverty.
- Prohibition of Child Marriage & Abuse of Culture.

In line with the Zimbabwe Constitution, Amendment (No. 20), Act of 2013 and the other laws of Zimbabwe, child marriage is illegal and banned. No culture is above the constitution, and none can contradict it.

Any person who uses custom, tradition, or practice to justify commission of a crime, especially sexual abuse or child marriage is assumed guilty of the criminal offence according to the laws and is infringing on the values and expected moral conduct of this community.

4.0 Critical Actions

4.1 Specific Prevention measures

Ending Crimes, Practices/Myths that are harmful to rights and wellbeing of children especially girls.

Theme	Harmful Practices	
Response	<ol style="list-style-type: none"> <i>1. The following actions are prohibited by law and shall be treated as such. Any person found committing, aiding, supporting, participating in the commission of these offenses should be reported to the police for criminal prosecution.</i> <i>2. The traditional leaders can impose an additional penalty – a fine – beasts or equivalent in monetary value- as determined by paramount Chief from time to time.</i> 	
Prohibited offences as read with the Domestic Violence Act		Sanctions
<p>1. Incest ‘Makunakuna’ (Sexual relations between people classed as being too closely related to marry each other. Also: having sexual intercourse with a parent, child, sibling, or grandchild.) This is prohibited according to customary law.</p>		<p>The community has a role to report cases of incest. Chief and traditional leader adjudicating cases of incest must ensure counselling for the children involved.</p>
<p>2. Chiramu (The practise of uncles or brothers in law touching nieces and sisters in law in suggestive and often inappropriate ways)</p>		<p>This is banned. The cultural practise of chiramu is and recognising that it leaves many young girls at high risk of abuse and vulnerability to marriage, it perpetuates culture of accepting abuse as a social norm. It also removes the power of parents or guardians to protect minors or children from sexual abuse and exploitation.</p>

Prohibited offences as read with the Domestic Violence Act	Sanctions
<p>3. Chimutsa Mapfihwa (The practice of giving young woman or girl to a widow or to a sister or aunt's husband because of infertility)</p>	<p>This is banned as it promotes child abuse or forced marriage.</p> <p>It stigmatises the woman in cases of infertility.</p>
<p>4. Virginitv Testing (The practice of checking if a girl's hymen is still intact)</p>	<p>The Zimbabwe policy prohibits virginitv testing as a practice that is harmful to the body and dignity of the girl. This is prohibited.</p>
<p>5. Chibhobho (The practice of giving a child as a wife to their sister or aunt's husband in a polygamous marriage)</p>	<p>This is prohibited by law.</p>
<p>6. Kuripa Ngozi (The giving of a child in marriage as appeasement for an avenging spirit or settlement of inter- family disputes)</p>	<p>This is banned. Any appeasement of families for gross wrongs should done with cattle and other means.</p>
<p>7. Forced wife inheritance (The practice of inheriting a spouse upon the death of the husband/ wife)</p>	<p>This is prohibited for any young widow/widower, and for adults it is discouraged unless it is done with the consent of the 2 adults, and not as enforcement of culture.</p>
<p>8. Kurotswa (The practice in which a religious leader claims to have seen a young girl becoming his spouse in a spiritual dream)</p>	<p>Though this derives from religious practice it is prohibited.</p>

4.2 Breaking the culture of silence on abuse and violence

- Educate on the concept of child marriages to encourage them to speak up and report on any events or incidences.
- Parents, guardians or grandparents are encouraged to educate their children in an empowering way, about growing up, their bodies, dating, relationships, and sexual and reproductive health taking into account the age of the child.
- Parents should listen to their children and not blame the child for abuse.
- Every member of the community including parents, guardians and community members must report any cases or events that create risk of children to marriage or instances of such marriage, without fear and in a confidential way.
- Economic dependency, especially of mothers and girls, should not override duty to report violations happening to the child.

4.3 Education and prevention of child marriage

- Every child in the Marange's chiefdom is expected to go to school.
- Every child in the Marange chiefdom should receive education on progressive cultural values, custom and norms, and especially on respect for women and girls.
- Every child in Marange to be educated on the concept of child marriages and the consequences associated to this to avoid ignorance.
- Every girl child who drops out of school as a result of pregnancy is encouraged and supported to go back to school without discrimination, and every school is expected to give preference to those girls in accordance with the Education Act.
- It is the duty of the village head to take necessary measures to monitor all marriages to ensure that no child in married in the area.

- Government to consult the traditional leaders to understand some former cultural practices that were adopted to avoid child marriages or reduce sexual urge of children.
- Schools together with the Ministry of Primary and Secondary Education should strictly follow up on children who drop out of school.
- Organisations should not promote sexual and reproductive health rights and distribute condoms or family planning methods to children in schools.
- Any form of labour that affects the child's rights to education amounts to child labour and it is therefore banned.
- No child below the age of 18 shall stay without a parent, reliable guardian or person in loco parent is for any purpose in the Chieftdom and this includes but is not limited to bush boarding.

4.4 Measures to reduce poverty and vulnerability for children

- To undertake girls club for economic empowerment "*mukando*" in order to improve livelihood in the area and not resort to marrying off their children as an option out of poverty, since the area is.
- To keep a village register for the purposes of tracking minors. This should be further strengthened by the Birth and Registry office in registering children.
- The Ministry of Primary and Secondary Education to strictly follow up on registration of children in schools every term.

4.5 Sexual exploitation, teenage pregnancy and child marriage

- All with responsibility of raising a child must promote culturally-sensitive and age appropriate sexual and reproductive health of boys and girls including through cultural safe spaces such taking herbs which reduce sexual urge.
- The fact that a child has impregnated or is pregnant should not compel the child to marriage.
- Traditional Leaders are requested to implement the Education Act policy on re-entry back to school for learners who experience pregnancy or marriage, and encourages families to provide all necessary social and emotional support including child care to the said learner.
- No child in Marange community should be married before the age of 18 years.
- There is no tolerance of abuse of children including sexual, physical and for purposes of labour. The chieftdom commits to the full adherence to the tenets of the Children's Act of Zimbabwe.

4.6 Promoting birth registration

- Parents have an obligation to register their child at birth. Parents who do not register their child by 6 weeks shall be liable to a fine.
- The village head and any other person who served as witness to circumstances around the birth of a child such as munyai, village health worker, community birth attendant or relatives have an obligation to provide information that assists in the registration of birth for a child. The Traditional Leaders can compel such a person to provide the information as required by law.

- No such persons as referred in 4.2 above is permitted to withhold information that assists in birth registration on any cultural grounds such as non-payment of lobola.
- The Registrar General's is requested to mount campaigns and offer periodic birth registration services at local level working with the traditional leaders and other relevant government institutions.
- Campaign for birth registration must prioritise birth and national ID registration for women, since the mother with no birth certificate can also not register the birth of her child.
- Each village head should ensure that every child living in the Marange chiefdom has a birth certificate.
- Monitoring of the birth registration of children shall be done by the village head in liaison with the community child care workers, village health workers, ward coordinators, schools, clinics and civil society organisations.

4.7 Protection of children who have experienced child marriage

- Every public facility in the chiefdom shall put in place measures that provide to a child (who is pregnant or has given birth) access to maternal health services including antenatal, postnatal and obstetric care.
- The legitimacy of the children is determined by the law. Any child born by parents in Chief Marange's area shall be accorded the full protection irrespective of the marital status of the parents.
- Traditional leaders to avail land for survivors of child marriage for their personal security and livelihood of their children in case the parents or relatives deny them land.
- Traditional leaders, especially village heads, are encouraged to take necessary steps which ensure that young people who experienced child marriage access Technical Vocational Educational Training programs in their communities.

- Government institutions and non-governmental organisations and structures working in the Marange chiefdoms are requested to prioritise economic empowerment for girls to counter poverty as a chief driver of child marriages.
- The law makers to work reconciling the conflicting laws of age of consent and the legal age of marriage as stipulated by the Constitution.

4.8 Handling of cases related to child marriage in traditional courts and mediation

This section reinforces the powers of traditional leaders as provided for by the Traditional Leaders Act and laws governing traditional courts. It also implements the tenets of the Marriage Bill of Zimbabwe.

- Jurisdiction. These By-laws shall apply to all persons who are resident in Chief Marange's Chiefdom, including those from other districts. It also applies to those who are from another district and marry in Chief Marange's Chiefdom.
- Traditional Leaders are designated as Marriage Officers according to the Marriage bill that was recently passed and therefore have a duty to uphold the law and ensure that they will not solemnise the marriage of a minor nor of non-consenting partners.

4.9 Dealing with “Perpetrators” and Fighting Impunity

- The Village head is empowered, through the existing Act, to identify and report any cases in which a person in their village marries off or marries a child who is under 18 years of age to the headman, the police and the Department of Social Welfare.
- Each party man/woman who has sexual intercourse with a child below the age without the consent of the father of the child of 18 years shall be fined two (2) or three (3) beasts.

- Each party parent(s) or guardian(s) who marries off a girl below the age of 18 years shall be referred to the Police for prosecution purposes.
- Each person mediating a marriage involving a child below the age of 18 years shall be referred to the Police for prosecution purposes.
- Any father who has sexual intercourse with her daughter; “*makunakuna*” shall be fined 3 three (3) beast.
- Anyone who obstructs access to justice as defined in this By-law by acts of omission or commission shall be liable of any offence.
- This law also binds anyone from the Marange chiefdom who commits the offence stated herein in another chiefdom.

4.10 Handling of cases related to child marriage in traditional courts and mediation

Capacity Strengthening and Monitoring

- Victims of child marriages to be referred to relevant organisations implementing projects on child marriages in order to receive the necessary psychosocial support.
- The Women and Law Southern Africa trained paralegals to be the main focal point for monitoring cases of child marriage and child protection in the community.
- Every session “ye DARE ramambo” during the chief’s court must include child marriages awareness and information dissemination.
- Each village MUST have a village register. The village register should be updated and maintained regularly with inclusivity of young people living with disability by the village head and should be checked by the District Development Coordinator (DDC).

- Death notices should be extended to the traditional leaders for the purposes tracking the village registers and avoiding burying young girls who die whilst giving birth.
- Village heads to monitor all marriages in the area and ensure that all marriages are between majors and not minors.
- Chief Marange to monitor village heads and give periodic reports at appropriate forums at all levels on marriages in the community.
- The original version of the By-laws shall be in Shona with translation to other official languages including Braille.

4.11 Research and Documentation

- **Kutsukutira (The practice of rubbing herbs/breast milk on the boys' private parts and girls' breasts).**
- Reduced the sexual urge for boys and girls and this discouraged them from engaging in sexual intercourse activities whilst they are still minors.

5.0 Roles & Responsibilities

Actor	Duties and responsibilities
Traditional leaders	Custodians of the culture and customary practice at community level or gatekeepers.
DA	Coordinates development work in communities in the area.
Ministry of Education	Educate, nature and share information across all levels.
Police	Maintain Law and order, preventing crime and protecting the public.
Parents	Their role is to protect their children by teaching and instilling good societal norms and values for proper upbringing.
Paralegals	Identification and reporting of cases at community level as well as peer-peer information dissemination.
Teachers	Guide and impart knowledge on students.

6.0 Conclusion

The by- laws shall come into force at a date to be announced by the Chief, following consultations. These by laws are not meant to replace existing laws on child marriages but will complement and support existing laws.



Victim Friendly System Gender-Based Violence

TOLL FREE HELP LINES



National Gender Based Violence

Call Center

Don't be Silent !!!!

lets **END** Gender Based Violence

**National Gender-Based
Violence Call Center
575**



Adult Rape Clinic

08080472 ECONET ONLY



Childline Zimbabwe 116

0719116116 • 0732116116

WhatsApp ONLY



CONTACT
FAMILY COUNSELLING CENTRE

Contact Family Counselling Centre

08010186 • 08010187

NETONE ONLY

0719528158 • 0719528159

WhatsApp ONLY



Family AIDS Caring Trust

08080483 ECONET ONLY



Family Support Trust

08080501 ECONET ONLY



Justice for Children

08080521 • 08080520
08080507 ECONET ONLY



**Legal Resources
Foundation**

Legal Resources Foundation

08080402 ECONET ONLY



**Leonard Cheshire
Disability Zimbabwe**

08080522 ECONET ONLY



**Ministry of Primary and
Secondary Education 317**



MUSASA

Musasa

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**Zimbabwe Republic Police
Victim Friendly Unit**

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