## PREVENTING AND ELIMINATING CHILD, EARLY AND FORCED MARRIAGE REPORT (ZAMBIA)

## BY THE ZAMBIA CHAPTER OF *GIRLS NOT BRIDES*

**Introduction**

Child, early and forced marriage is a gross human rights violation which puts girls at risk of violence and ill health, denies them the opportunity to fully contribute to their societies and keeps them locked in a state of poverty. However, in the past ten years child, early and forced marriage which is a global problem that impedes the development, wellbeing and life options of the victims, has emerged as one of the neglected human rights violations and only recently started to receive new attention.

**Prevalence in Zambia**

Zambia is among the countries with the highest prevalence of child marriages in the world. Despite the difficulties of getting reliable data, it is estimated that almost half of Zambian women are married at age 13 while the legal age of marriage is 21 years.

A UNFPA sub-analysis of the 2007 Zambia Demographic Health Survey (ZDHS) indicated that two out of five girls (about 42%) were married before their 18th birthday. This analysis also showed that girls living in poverty and in rural areas faced a higher risk of early marriages and most especially those without access to education.

**Impact of Child, early and forced marriage on human rights of women and girls and other affected groups in Zambia**

As indicated in the introduction victims of child, early and forced marriage experience gross human rights violations which puts them at the risk of violence and ill health, denies them the opportunity to fully contribute to their societies and keeps them locked in a cycle of poverty, as child, early and forced marriage impedes the development, wellbeing and life options of the victims. Most of these girls are driven into abusive relationships which end up in divorce due to emotional and physical abuse. Girls living poverty and in rural areas face a higher risk of child, early and forced marriages, and most especially those without access to education. Due to child, early and forced marriage every year the rights to education of many young girls is affected as they are taken out of school.

In addition sexually transmitted infections and even HIV/AIDS and complications of early motherhood affect the social wellbeing of girls who go through child, early and forced marriage and deny them the right to enjoy their childhood.

The 2013 MDG Progress report indicates early marriages as one of the triggers of maternal mortality. It is estimated that 38 mothers die each month due to complications relating to pregnancy and child birth in Zambia. These conditions are disproportionately pronounced among teen mothers. Thus, maternal mortality is still high and only declining at a very slow rate from 649 deaths/per 100,000 live births in 1997 to 483 (UNFPA 440) in 2010.

**Steps Being taken to address the issue in Zambia**

Civil Society in Zambia have been working together and have formed a national movement to end child marriage. The coalition of civil society organizations is part of the global movement of *Girls Not Brides*. On 12th April 2013 the Civil Society Organizations joined hands with government to launch a national campaign against child marriages, Zambia’s First Lady officiated at the launch which was held in Eastern Zambia which is the area with the highest incidences of child, early and forced marriage. The launch took place in Paramount Chief Mpezeni’s Chiefdom in a rural area. The First Lady launched a country wide campaign against child marriages with a call to end the scourge, which is robbing young people especially girls of an opportunity to excel in life.

Since the launch was done most of the chiefs have banned child, early and forced marriages in their chiefdoms, for example Chief Kabamba of the Lala people in Serenje made a statement to the effect that he expects all parents and guardians to prioritize education of the girl child in his chiefdom. “Early marriages are forbidden in our Chiefdom in order to enable our girls mature and go to school”. In addition the Southern Royal Foundation of Chiefs for the Southern Province pledged to support the country wide campaign against child marriages say that “Child marriages and defilement are rampant in Southern Province and we are therefore very happy that the First Lady has launched this campaign which we believe will help curb gender based violence. It is very important to encourage girls to go to school because once they are educated they will know that early marriages are not only a threat to their health but they may also become prone to gender based violence due to over dependence on men.”

On September 2nd 2013 Senior Chief Chiwala of the Lamba people of Masaiti District engaged the Police Victim Support Unit (VSU) of the Zambia Police Service to sensitize his people in the chiefdom on early marriages, after saying that he was concerned about the increasing number of early marriages in his chiefdom, “what I have discovered during the tour of my chiefdom is that most people lack awareness on things such as early marriages, gender based violence and defilement, so my appeal is for Government to move in and help our chiefdom in the fight against such vices”. The people in the chiefdom were sensitized that such vices were against the law and that those found wanting would be arrested so that they could face the wrath of the law.

On 21st November 2013 the Post Newspaper reported that Chief Singani of the Tonga people in Choma District had retrieved young girls aged 12 and 13 from marriages and surrendered their parents to the police for encouraging early marriages, “I took this decision to send a message to many of my people who are in the habit of treating their girls as a source of income. It is wrong and unlawful to marry off young girls. This must come to an end. This is a declaration in my chiefdom that no child will be forced into early marriage. No more early marriages and eloping in my chiefdom because I want all the girls to get the necessary education without any hindrance.

Apart from these initiatives by the chiefs, the Zambian government in 2011 passed a comprehensive law the Anti-Gender Based Violence Act which criminalizes the acts of child, early and forced marriage. The Government has also put in place institutions like the Victim Support Unit of the Zambia Police Service which focusses on cases of gender based violence as well as the Ministry of Gender which has put in place a Gender Policy that is being implemented to achieve gender equality and vices like child early and forced marriage are thought to be impediments to gender equality. Zambia has also signed and ratified international, regional and sub-regional conventions, treaties and protocols like the United Nations Convention on the Rights of the Child (CRC) whose guiding principle and spirit is the best interest of the child, and obligates states to protect children from such vices as child, early and forced marriage and to take positive action to promote their rights. Zambia also is party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which it has domesticated, the African Women’s Protocol on the Rights of Women and the SADC Protocol on Gender and Development. All these instruments require the government to put in measures to end child early and forced marriages.

The United Nations Development Programme (UNDP) working with other UN Agencies - UNFPA, UNICEF, ILO and IOM -, with financial support from the Governments of Sweden and the Republic of Ireland led the development of the United Nations Joint Programme on Gender Based Violence.

The programme is aimed at reducing GBV in Zambia through establishment of integrated and multisetoral mechanism for implementation of the GBV Act. The US$15 million programme will provide women experiencing GBV with increased access to timely and appropriate health services; an efficient justice delivery system; protection and support services. It is expected to end in December 2016 and will contribute directly and indirectly to the reduction in maternal mortality in Zambia.

Using chiefs has been the most effective way of reducing child marriages because when the chiefs are directly involved they make pronouncements that discourage people to get involved in child, early and forced marriages in their communities. Partnerships between civil society and government are also another effective way of combating the issue of child marriages.

For example on 21st December, 2012 we were invited to a meeting organized by the Ministry of Chiefs and Traditional Affairs at which all the concerned Ministries were represented e.g. Gender and Child Affairs, Health, Justice, Gracá Machel and Ford Foundations were also represented. The purpose of the meeting was to discuss the way forward in terms of long and short term plans for the campaign. Firstly it was agreed that the collaboration between policy and law makers in the name of Government and Parliamentarians with Civil Society organizations would determine the success of the campaign.

The legal minimum age for marriage for both women and men is 21 years. The challenges for effectively implementing the law are:

* Zambia has a plural legal system where statutory, and customary laws run parallel together with the traditional practices of the people.
* Most people prefer marrying under customary law where there is no minimum age for marriage.
* Most people live their lives according to their customary laws and traditional practices, especially in rural areas and even in urban areas.
* Registration of births for ages of girls to be known is not mandatory unless someone gives birth at a clinic or hospital. However a lot of children are born in homes by traditional birth attendants, and not mandated to register those births.
* Only statutory marriages are registered

**Impact of the Projects being undertaken by Civil Society and Government**

As a result of the projects being undertaken by government and civil society organizations to end child, early and forced marriages there are more reports to the victim support units of the Zambia Police Service and to the media. The chiefs in the country have taken the issue very seriously and are involved in activities to end child marriages in their chiefdoms. The civil society organizations are lobbying and advocating for a specific policy and law against child early and forced marriage. Affirmative action policies in the Education Ministry to encourage girls to remain in school like lower cut off entry points for girls, the re-entry policy after a girl who gets pregnant delivers are all helping to ensure girls stay in school. Scholarships for girls as well as boarding facilities.

**Challenges**

One of the major challenges is the lack of a specific policy and law on child, early and forced marriage which could go a long way in ensuring that it supports the activities that are currently being undertaken by civil society, government, traditional leaders and other stakeholders. Currently marriage can be contracted both under statutory and customary laws. There is no age limit for marriages under customary law, they are not registered and they are potentially polygamous. Due to high levels of poverty parents and guardians resort to marrying off their children for survival, this situation coupled with lack of knowledge about the law, not information about the fact that child, early and forced marriage is a crime leads to cases rising and increasing in spite of the measures that have been put in place.

One of the biggest challenge as well is that there is an upswing of child early and forced marriages especially in rural areas because parents and guardians are cashing in on the girl children to increase their agricultural productivity (Daily Mail February 18th 2012) “Girls as young as 13 and 15 are dragged into marriage by their parents in exchange for farm labour from their sons in-law. Other materialistic parents force children into premature marriages, at the expense of their education for the much coveted dowry.”

The other challenge is that so far there have been no studies in the county or Southern Africa to document the causes, number of cases, the strategies being implored to combat the scourge and the impact of the strategies being used.

Child headed families as a result of HIV/AIDS, also encourage child marriages due to the vulnerability of the girls in those families. The country has no social security mechanism for such families and the extended family system is almost nonexistent due to the high cost of living, most families are unlikely to take in any orphans.

A recent Violence Against Women (VAW) Baseline study piloted in four Districts of Zambia, Kitwe, Mansa, Kasama and Mazabuka by the SADC Protocol Alliance, shows that out of the six countries where the VAW Baseline study has been conducted Zambia has the highest lifetime prevalence with 89% of women in the four Districts having experienced some form of gender based violence and 72% of men admitting to perpetrating some form of violence.

Gender Based Violence is one of the most common, yet unacknowledged and serious human rights violation perpetrated with impunity not just in Zambia but in the rest of the SADC region. In addition reliable and comprehensive quantitative data on GBV is difficult to obtain. Police statistics are highly contested because of under reporting of GBV and inadequate data collection.

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