



Exploring factors that perpetuate child marriage and strategies to prevent them: A case study of Nyangu Village in Rufunsa District, Lusaka Province.

By

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Abstract

Child marriage remains a concern globally, more so in developing countries, including Zambia. The purpose of this study was to explore the factors that perpetuate child marriage and strategies to prevent them: A case study of Nyangu Village in Rufunsa District, Lusaka Province. The main objectives of the study included; to explore the existence of child marriages within Nyangu village of Rufunsa District, in Zambia; to identify unique factors that foster child marriages in families and communities in Nyangu village; to identify gaps that are in marriage laws in Zambia; and to determine strategies that can prevent child marriages in families and communities in Nyangu village. This research applied a qualitative approach. The study sample included a total of twenty three participants; sixteen under eighteen participants made up of fourteen girls and two boys; one Headwoman, One headmaster of the primary school of the community, and five parents made up of community leaders, two male and three female. Purposive sampling was used to determine the sample for the study. Data was collected using semi-structured interviews and a focus group discussions. Thematic analysis was used to analyse the data. The study revealed that child marriages existed in Nyangu village and were influenced by factors common and generational. These factors included poverty, lack of education, influence from parents and culture, gaps between the two legal systems, lack of developmental programs, and early pregnancy. The study recommended the government of Zambia harmonising the two national laws; the government of Zambia offer holistic resources support towards learners to support the free education policy; improving the lives of families in the village through the promotion of tourism in the village and surrounds, as it is located at the border of three countries and in close proximity to the Luangwa River and national parks; lastly, to improve reporting systems and implementation of the police service in the village.

Key words: Child marriage, education, early pregnancy, poverty, laws of Zambia.

1. Introduction

The marriage of children has been relatively common globally. Child marriage has been a global practice, although much highly seen in other parts of the world like South Asia and Africa (Syrett, 2016). UNICEF defines child marriage as a marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if they were married (Ministry of Education Statistical Bulletin, 2017). The Zambian law however has set the legal minimum age of marriage to be 21, according to chapter 50 of the Marriage Act even though a child from 16 years can marry if they have written consent from their legal guardian (Government of the Republic of Zambia, 2016). The UN also defines a child as anyone under the age of 18. According to the World Vision, 12 million girls as of 2020 were married before the age of 18 (World Vision, 2022). Child marriage has adverse effects on the victims, including emotional, intellectual, physical, and psychological issues on the girls. Recent statistics include Zambia in the top 15 countries in the world with a high prevalence of child marriage (UNICEF, 2021). Although UNICEF has recently reported a decrease in cases as compared to previous years, the decrease has been at a slow pace, especially in developing countries. It is also known that these marriages globally take place in different communities, religions, cultures, and ethnicities (UNICEF, 2021).

2. Statement of the problem

The prevalence of child marriage globally has not been eliminated. Even though much research has been conducted from region to region, the issues cut across diverse reasons, culture, ethnicity and to religion. The problem of child marriage is also community based. Nyangu Village is located beneath the Luangwa Bridge with a population of over 2000 people and shares the cultures of the three countries namely Zambia, Malawi and Mozambique. From the literature surveyed, it appears that statistics on child marriage in Luangwa specifically are not easily available, even though a casual observation on a visit to the villages in the area shows clearly that there are a number of child marriages. The lack of statistics creates a direct need for a study to be conducted in the area to establish the prevalence and the unique factors that either promote or perpetuate the problem. The aim of the study was to explore factors perpetuating child marriages and recommend mitigating strategies in Nyangu Village in Rufunsa District, Lusaka Province.

3. Research Objectives

1. To explore the existence of child marriages within Nyangu village of Rufunsa District, in Zambia,
2. To identify unique factors that foster child marriages in families and communities in Nyangu village,
3. To identify gaps that are in marriage laws in Zambia,
4. To determine strategies that can prevent child marriages in families and communities in Nyangu village.

4. Justification of the study

The findings in this study may help both traditional and government leaders in the three countries of Zambia, Malawi and Mozambique as Nyangu village is very strategically located.

5. Conceptual framework

The figure below illustrates the conceptual framework of the study.

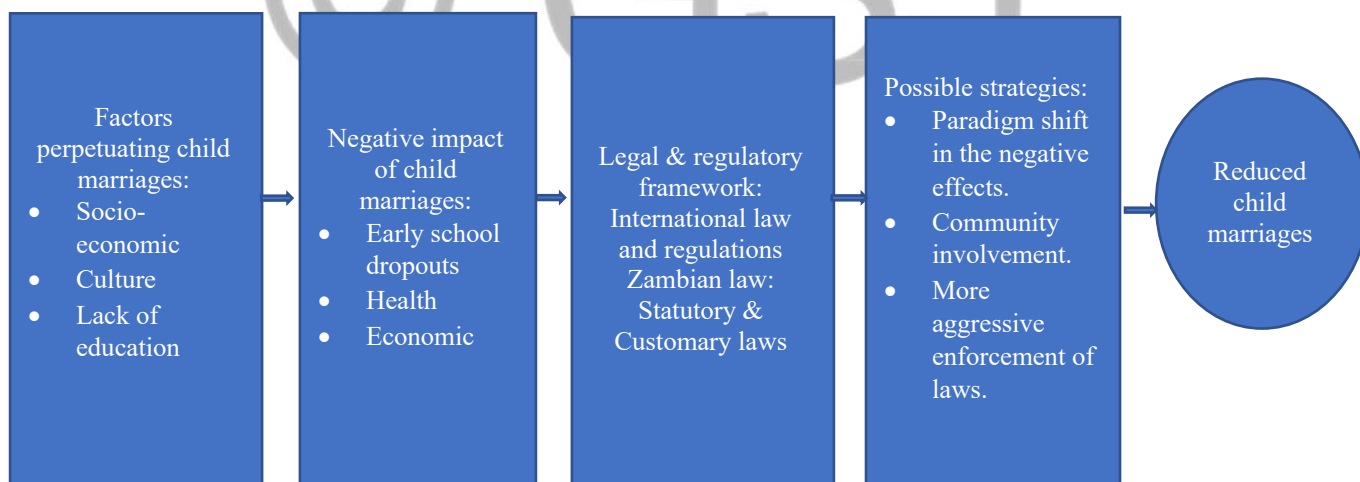


Figure 1: Conceptual framework. Source: Owners illustration based on the study

With reference to the figure above, the study explored causes of the child marriages in Nyangu village and assessed the impacts of the marriages on the children’s health, their education, and the economy of Zambia. In addition, the study sought to establish the current legal framework in Zambia and its impact on the marriages, including the contradiction in the age of marriage

between Statutory and Customary law. To address the factors, specific strategies relevant to the location are proposed. The conceptual framework depicts the relationship between the various variables mentioned which form the focus of the current study.

Given the knowledge around the factors perpetuating child marriage and the negative impacts outlined above, a strong international and local legal regulatory framework is necessary but perhaps a paradigm shift, more vigorous enforcement, and community involvement to enhance the reduction of child marriage, harmonising the Zambian dual legal systems, as well as the involvement of the government in supporting learners with school incentives, promoting tourism in the area for income generating, as a way of alleviating poverty, considering poverty being one of the major factors of the practice. It is believed that when these factors are mitigated with the strategies, a reduction of child marriages would be expected in the village.

6. Bronfenbrenner's Ecological Systems Theory

Bronfenbrenner's ecological systems theory (1979) was used to underpin this study on child marriages in Nyangu village. The model takes a social approach and observes the influences of environmental factors on a child's development. The theory asserts that a child develops at their level within different systems existing in a given society, and that these systems can interact with each other and influence the child's growth. Bronfenbrenner's theory further describes four systems within which children exist that would combine to have an impact on how they grow and develop. These include the microsystem, mesosystem, exosystem, and macrosystem. The factors that perpetuate child marriages may be addressed using the systems where communities, cultural, laws, or policies can mitigate the existing challenges.

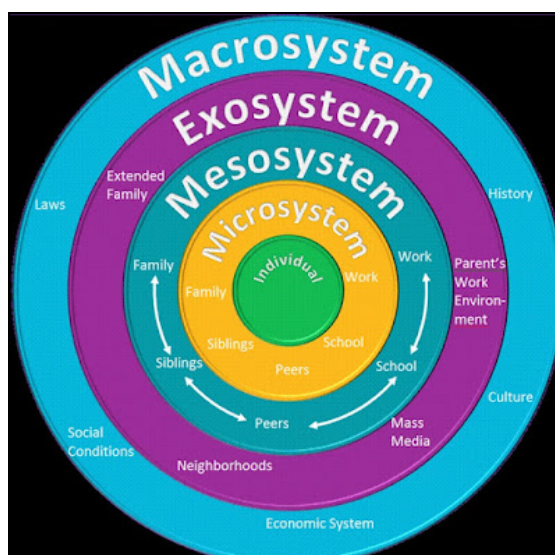


Figure 2. Bronfenbrenner's ecological system

Microsystem refers to structures such as family, school, or communities. Where a child's parents may influence their behavior or beliefs, the same would occur where the child would affect the behavior of the parents. (Berk, 2000), the microsystem is the layer closest to the child and contains the structures with which the child has direct contact. It encompasses the relationships and interactions a child has with her immediate surroundings. The mesosystem provides connections between structures of the child's microsystems (Berk, 2000), this can include the child's teacher and his parents or sports coach. The exosystem has the biggest social system where a child does not function directly. The structures in this layer impact the child's development by interacting with some structure in her microsystem. The macrosystem is the outermost layer in the child's environment. The effects of larger principles defined by the macrosystem have a cascading influence throughout the interactions of all other layers.

Influences around children have an effect on child marriages. The impact of the ecological systems can be both positive and negative, if there are positive influences around a child and are centered on developing the child in the right direction, the impact on the child will be positive, if the child is surrounded by negative influences such as alcoholism, negative social norms, poverty, and more, the negative impact would be higher than what does not impact them.

7. Literature reviewed

According to UNICEF (2022), globally, the prevalence of child marriage among boys is just one sixth than among girls. The violation of the rights of children has been noted in the international community. This is evidenced through the ratification of the Convention on the Rights of the Child, CRC. Child marriage is still experienced with several effects in some situations towards girls. Progress in reducing child marriages has been slowing down in some countries, specifically among younger adolescents (UNFPA, 2012). Greene and Siddiqi (2021) show evidence of child marriage growth with little changes being made. With much work directed towards eliminating the practice globally, there still remains much to be done. Globally, the causes of child marriages have been found to include: geographic variety, religion, education, social class and so on (UNICEF, 2021). Many countries in the region have various factors that lead to the practice, some being due to sexual relations at a young age, unplanned pregnancies, school drop outs and poverty, as opposed to other areas like South Asia, Petroni et al (2017).

Chingono (2019) argues that although underage marriage is illegal and local organisations have been fighting against it as an economic transaction, the financial meltdown has worsened the situation in Africa. About one in every three girls in Zimbabwe is married before the age of 18, the legal age of consent. This and many other poverty related stories build a disturbing picture of the violations of the rights of children that have been going on. According to UNICEF (2021), the leading regions with early child marriage cases are sub-Saharan Africa and South Asia. Many measures have been put in place to counter the vice. Countries like Malawi have legally banned the practice, where a constitutional amendment was signed in 2017 to formally ban child marriages, Akwei (2017).

Psaki, Melnikas, Haque, Saul, Misunas, Patel, Ngo and Amin (2021) affirm that Zambia is one of the leading nation with child marriage cases in Africa, with approximately 42 percent national prevalence. Zambian Demographic and Health Survey statistics established that approximately 9% of all women between 25 and 49 years got married by 15 (UNICEF, 2021). On the other hand, only 1% of the men married below 15. The Zambian Ministry of Gender (2013) developed a 2016 -2021 national strategy on ending child marriage in Zambia. The strategy was aimed at accelerating national efforts to end child marriage by 2030 through the

provision of an operational framework that reflected the then current national and global trends and efforts (Luo, 2013).

A World Vision policy brief (2022) on ending child violence in Zambia asserts that child marriage is currently (2022) estimated at 29% in Zambia, a slight decrease from 31% reported in 2014. This reduction can be attributed to several implemented efforts by the Government and its partners, following the National strategy Campaign launch to end child marriage in 2013. Miti (2021) through a recent study observed that there are no policies or legal frameworks that are directly associated to child marriages, and any existing policies are not sufficient to address the concerns on the marriages and teenage pregnancies. So, even though child marriage is common in many countries of the world, the factors seem to be different in the various regional and country settings. Hence the need to study this phenomenon at a local level like Nyangu Village.

8. Methodology

The method adopted for this study was qualitative as this was deemed more suitable for the kind of study undertaken. The study was explorative in nature, as it used a qualitative method to collect data. The exploratory approach helped in understanding the existing problem and why it has not been eliminated, despite the efforts by various stakeholders. This approach also helped to gain new insights in the specific location that aided suggestions to help mitigate the problem. The mono case study was adopted and focussed on the selected geographical area of Nyangu village. The research approach adopted for this study was inductive as this would be more suited for the kind of study to be undertaken. According to Bhattacharjee (2017) and Serenje – Chipindi and Daka (2021), the goal of inductive research is to make conclusions based on patterns and concepts derived from the data being analysed. This approach is suited for this qualitative study as conclusions will be drawn from the data collected and analysed.

a) Study site and population

Nyangu Village was selected for this study as it is located in a spot vulnerable for children to be exploited into other activities other than remaining in school, early marriage being one such exploitative example. The Village is located under 10 Kilometres from the Great East Road

and in close proximity to Mozambique, Malawi and major cities (Chipata and Lusaka) in two provinces. The Great East Road is one of the busiest roads in Zambia and connects Zambia to Malawi and Mozambique, as well as highly populated towns. The road attracts track drivers who stop near Nyangu Village for refreshments and the fruit and fish market. These major features along the Nyangu Village have caused many children to drop out of school due to poverty that has led the children to selling along the Great East Road, alcoholism, prostitution early pregnancies and marriage.

The population in this study thus being: educational, religious, and community leaders, including the Headwoman. Furthermore, testimonials helped gather life stories from children and adults to understand their perception of child marriages in the village. The unit of analysis was the individual persons that took part in the study.

b) Sample size

A sample of twenty three participants were selected to participate through interviews. The interviews were divided in three categories: interviewing of key individual participants of girls between 14 and 18 years, focus group discussions of a heterogeneous group, and interviewing individual community leaders who were selected purposively to participate in the study. The breakdown of participant characteristics was as follows: The twelve girls were made up of seven married, one divorced, two unmarried and without children; two unmarried but with children; According to Cresswell (2017), a sample size of between three and ten is suitable for a case study or ethnography. For the focus group, nine participants were selected to take part in the discussion. According to Bhattacharjee (2017), the saturation point will be reached when the focus group size is between 6 and 10 participants. Therefore, interview ii was a focus group with nine participants comprising of a community church leader, a health care facilitator, two under 18 unmarried boys, one over 18 married girl, one under 18 married girl, one under 18 unmarried girl, and two mothers; interview iii was conducted through individual sessions comprising of the village Headwoman and the headmaster of the only school in the village.

c) Data collection

Three methods were used to collect data for this study. Firstly, a desk literature search was conducted to gather data from administrative and other such reports as well as policy documents and relevant charters. Further, secondary data was collected from administrative

and legal sources to supplement the primary data collected. It was gleaned from census and population reports, law reports, marriage registration records, international legal frameworks such as the United Nation Conventions. Secondly, participants who formed the selected sample were interviewed using an interview guide that was developed specifically for the purpose. Follow up questions were asked as necessary. The interviews were audio recorded using a smart phone and transcribed into text, in preparation for analysis.

The third aspect involved organising a focus group discussion that responded to specific pre-determined questions. In both the interviews and focus group discussions, participants responded to questions read from the interview guide. The questions were open-ended which allowed participants to express themselves better. The focus group was conducted in order to help strengthen the reliability of the research results. It comprised participants from different background to help reduce bias. The focus group discussion within Nyangu village used to determine the different stakeholders and gatekeepers to child marriages. It explored various experiences and opinions about child marriages.

d) Research instruments

In order to ensure reliability and validity of information, the researcher used a semi-structured interview guide. The questions were open-ended in order to allow for the respondents to express themselves. The questions were based on and spoke to the research problem, the research objectives, and the research questions in order to ensure that the aim of the study was achieved. The interview guide was most suited for an inductive qualitative study as it allowed an in-depth interview and understanding of the phenomenon being researched. The study used semi-structured interviews at community level. The semi-structured questions enabled the researcher to ask follow-up questions and for clarification from respondents. It also allowed the researcher to explore the respondents' thoughts by delving deeply into what might have been sensitive issues to discuss.

e) Ethical consideration

The researcher strictly observed the acceptable norms of the environment throughout the study. Respondents were not coerced to participate in the research and they were assured that the data collected will be kept confidential, private and that their identities would be concealed. Respondents were also given full information about the research, as well as reasons they were

chosen to participate. On the other hand, respondents were assured that findings of the study would only be used for academic purposes. Respondents were also asked to sign informed consent forms before the interview was conducted. They were also assured that by taking part in the study, there was no risk whatsoever on the part of the respondents.

9. Results and discussions

The results after the findings from respondents are presented according to themes with respect to the research objectives.

a. Exploring the extent of child marriage in the community

The first objective sought to ascertain the extent of child marriage in the community. In response to this objective, respondents stated their knowledge of existing child marriages in Nyangu village and the surrounding villages. From the respondents under the age of eighteen, seven of the twelve individual participants indicated that they were married while four of them said they were not married. One participant indicated that she was divorced. The married participants had been married between one and three years.

It was established from the findings that all the participants indicated the normalcy of marriage before the age of eighteen, not only in Nyangu village, but in the surrounding villages as well. The age at which these girls were married ranged from thirteen to seventeen years. From the seven married girls, six were with men older than eighteen, and only one with a man under eighteen years. The age of the husbands ranged from seventeen to twenty-five years.

The response of the Headwoman also indicated that she was aware of about twenty young girls who are married in Nyangu Village. In addition, the headmaster at Luangwa Bridge School, indicated that he has seen several girls from the school leave to go and get married. This phenomenon also came out from the focus group discussion that indicated they were aware of girls younger than eighteen years who were married.

b. Unique factors that foster child marriages in Nyangu Village

The second research objective sought to establish the factors that influence the marriages in Nyangu village. It was clearly indicated that the major factors that foster child marriage in the village are those that Urie Bronfenbrenner describes as ecological systems that influence a

child's behaviour These systems explain how the social environments affect children's development. (Ettekal & Mahoney, 2017). In line with the theory of Bronfenbrenner's ecological systems used in this study, it implies that the factors are indeed associated with the various relationships built around the child's social environment. This suggests that any programs to stem the problem will need to consider these drivers of child marriages.

Findings from the respondents included early pregnancy, poverty, lack of developmental programs, parents and cultural expectations, as well as a lack of education. From responses to the follow up questions, it appeared that the decision to marry before eighteen years old was made easily without much consideration of possible future consequences of marrying young.

c. Early pregnancy

This study reveals that early pregnancy was among the factors that influence child marriage in Nyangu village. It is believed in the village that when a child becomes pregnant, in order to avoid shame in the family, and create financial burdens on the family, it becomes logical and normal to marry the girls off to the man who may have impregnated her, provided he takes responsibility for the pregnancy and his family agrees. The findings are consistent with Mann, Quigley, and Fischer (2015) on using marriage to rectify a situation to avoid shame and dishonour to the family, when a girl is pregnant. The marriage decision unfortunately does not automatically consider the consequences of the wellbeing of the girl, and the child. Neither does it consider the impact of the child's education and future prospects once she is married off. This action assumes that the girl has suddenly matured enough to assume the role of a mother and wife just because she has fallen pregnant.

Bronfenbrenner's theory identifies four systems within which children exist that would combine to have an impact upon how they grow and develop. The terms microsystem, mesosystem, exosystem and macrosystem are used to describe different settings of influence specific to a child's development. The microsystem includes factors within the immediate environment of the child which interacts directly with the child and may have an impact on them. As participants in this study believed marriage was the natural solution to resolve early pregnancies in girls, this supposed strategy to the factor has been accepted and become custom, that a price is paid (known as damages, paid by the man to the family of the girl for damaging

her innocence and interrupting her life) to cover up the man contribution. Microsystems include impacts on a child that are associated with events in a home or people.

One of the respondents under eighteen years had this to say:

I had a boyfriend who made me pregnant, and I had no choice but to get married. I had just passed my grade seven exam and decided not to proceed with school but get married instead.

Some parents in the village have also supported the decision for marriage when a girl becomes pregnant. Another respondent on the issue of support from parents had this to say:

I was pregnant and my parents supported my decision to get married.

From the foregoing responses, it appears that marriage is taken as the only option out once a girl gets pregnant, regardless of the age or other factors such as the fact that the girl is school going. This is similar to findings by Mulenga and Daka (2022) and Mulenga – Hagane, Daka, and Mwelwa (2022). This fact emphasizes the need to address the questions surrounding the use of contraceptives as well as the possibility to have the girls return to school after giving birth where this occurs.

d. Poverty

Findings from this study show poverty as being one of the key factors of child marriage in Nyangu village. Not only does poverty influence child marriage, child-marriage also perpetuates poverty. While hoping to find solutions to the poverty levels in families, marriages, in fact, exacerbate poverty (Mulenga – Hagane and Daka, 2022). This goes on in cycles for generations. This finding ties in with Bronfenbrenner's macrosystem which identifies economic conditions being of influence on a child's development. A UNFPA (2017) policy brief on child marriage in Zambia highlights the intergenerational marriages being necessitated by various factors including poverty, where marrying off the child serves as a means for the girl to escape poverty.

From the seven participants who were married and under eighteen years old, only one was married to a boy under eighteen, the rest were married to men older than eighteen years, where

an adolescent girl is married to an older man (in some instances an adult twice her age). Mature participants from the focus group, the Head woman, and the headmaster all indicated the poverty level of residents in the village being high. Residents are unable to farm due to the unfavorable land for cultivating, making prospects of economic growth harder. The location would be ideal for fish farming, but as noted by the participants, fish farming requires good investment of resources, which are not available to residents.

Respondents had this to say:

I got married because we were poor and needed money to support the family. My family could not afford to send me to school. People in my village get married because of poverty. I dropped off school because of resources, I then fell pregnant but decided not to get married, now that schools are free, I intend to return to school in 2023.

Besides the under eighteen respondents, the Headwoman had this to say:

Children in the village get married due to poverty and most of them are double orphans staying with their grandparents.

When asked further if the children dropout of school due to challenges with resources, the Headwoman responded by stating the following:

When a child has issues at home, it affects their performance in school and the only logical thing to do when they have other options available is not pay attention to school, they dropout and get married.

According to the headmaster of the school in the village, he indicated both pregnancy and poverty as being factors in child marriages.

When the children dropout, it has been due to early pregnancies which then lead to marriage. This is because of poverty.

The headmaster and other respondents indicated that the community members were not farmers because of the ground being unsuitable for farming. The only business that's available is selling

fruits that are picked from the bush, or arts and crafts to the truckers who pass by between Zambia, Malawi, and Mozambique. Due to poverty, the girls are easily hooked by the truck drivers, left pregnant and poorer. Many become prostitutes and some find their solution in getting married.

e. Lack of social developmental activities

The findings of this study revealed that some children get married early due to a lack of creative activities. This was also the same with the study done in Chama District of Zambia by Mulenga and Daka (2022) where lack of creative activities led to most children involve themselves in sexual activities and later into early marriage. Children regularly sell fruits picked from nearby bushes, fish from the river, water or vegetables at the market to support their family small businesses. Their usual customers are commuters on one of the busiest roads in the country and connects with more than one country. In efforts to improve the economic status of their families, children are met by older drivers who utilise their trucks or the bushes to have consensual sexual relations with children. This behaviour leads to prostitution which, according to more than half the participants of the study mentioned, occurs in the village. The girls are paid a miniscule amount for sex. The consequences of these relations are pregnancies and marriage, besides the transmission of diseases from one sex partner to another. The marriages are not usually with the truck drivers, the girls are married off to men in the villages. The reverse side to this behaviour is parents marrying off their children with the aim of preventing children from promiscuity (Nour, 2006; Phiri, Musonda and Daka; 2020).

One respondent under eighteen had this to say:

Children that sell vegetables and fruits on the Great East Road are promiscuous, they have sexual relations with truck drivers that drive by the road. The girls are very naughty and force themselves on the men for marriage, they are constantly looking for boyfriends because they have nothing else to do. The men are very old.

A parent from the focus group mentioned the following:

There are no activities and children get bored, the village has no community center.

The Headwoman had this to say:

Children have no social programs, they just sell at the market and are exposed to the truck drivers and men in the village.

f. Parental and cultural expectations

Participants from the study who are parents and over eighteen years old expressed their expectations of their own children in relation marriage before eighteen. Responses were divided. While others saw the practice of marrying off young girls as a violation of children's rights, there were others who supported the idea of parents being involved in facilitating the marriage, as a way of showing support to their children, especially where the decision to get married is left to the child. Cultural practices are of high importance to parents that support the tradition of having children married at an early age. Mann, Quigley, and Fischer (2015) and Phiri, Musonda and Daka (2020) suggest that initiation ceremonies involving preparations of children for marriage influence early marriages. These practices encourage young people to desire marriage early. One parent participant in the focus group revealed that the dowry price is much higher when a child is virgin as opposed to the lower dowry paid if the girl is be pregnant. Some parents aim to marry off their children early while the girl still remain a virgin in order to maximise on the dowry paid for a hand in marriage.

The cultural practices in Zambia are diverse. However, they have one thing in common with regards to child marriage, they are supported by the customary law of Zambia, which does not prohibit children under eighteen to be married. The only requirement is that the parents should consent to the marriage.

One respondent under eighteen years indicated that:

I am not married but from my friends and what I see around me, parents force children into marriages when they notice that their children are naughty. They assume it is better for the children to get married than having boyfriends.

Another respondent had this to say:

Parents take their children to marriage homes especially when the girl falls pregnant, even when the girls is in school and asks the parents to not get married, they are automatically forced into the marriage. Cultural ceremonies are performed, and families then agree, sometimes the man may not want to marry the girl, so they end up abusing and starving the girl even when she's pregnant”.

A community leader from the focus group added:

Parents support the children in marriages, they are an authority figure to their children and when they do not stop the children or when they propose marriage to the children, how can children say no when they look up to the parents.

g. Lack of education

Another factor that came out from the findings is the lack of education. The United Nation's sustainable development goal number four states that there should be inclusive and equitable quality education and promotion of lifelong learning opportunities for all, (UN, 2015). Education is essential for the development of a community and the nation at large. A lack of education attracts activities that may be detrimental to those mostly vulnerable, and is a strong factor that causes child marriage in Nyangu village. Education has burly negative connection with child marriage (Islam, Haque, and Hossain, 2016; Kamanga, Daka and Mkandawire, 2022; Wamunyima, Mkandawire and Daka, 2022).

The lack of education among parents and guardians as they may not fully appreciate the need for educating their children as a strategy to counter poverty. Findings from this study, among unmarried children, indicated the motivation to complete their education as being the desire not to repeat the lack of education experienced by their parents or families.

One respondent under eighteen years had this to say:

I was not in school and I have never been to school, it was logical to just get married. I did not go to school because of the distance between my house and the school being far. I could not walk that far daily, so I stayed home”.

This notion was supported by a one participant from the focus group who indicated the following:

Child marriage is due to lack of knowledge, when a child has not been to school or is not interested in school, they will lack knowledge of knowing that child marriage is wrong and has many bad consequences.

h. Existing gaps in marriage laws in Zambia

The third research question sought to establish the knowledge of participants of the existing laws in Zambia on child marriage. Zambia practices a dual legal system; statutory and customary law (Panos 2014), this entails having two definitions of marriage:

Statutory law on marriage (the marriage Act)

According to this law, marriage under sixteen years is made void.

Section 33. (1):

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

An extract of the Affidavit form 8, section 10, number 5 reads as follows:

That both myself and are above the age of sixteen years. Or That being below the age of sixteen years the consent to the marriage of a Judge of the High Court has been obtained in accordance with section 33 of the Marriage Act and is attached hereto marked "C".

Statutory law recognizes a person to be married if they are twenty-one years and above at the time of marrying.

Customary law on marriage

The laws of Zambia consist among others, customary law, which is consistent with the existing constitution of Zambia.

According to the Child Code Act, 2022, section 12, 176 (i), a child in need of care and protection is one who is likely to be subjected to child marriage or to customs and practices prejudicial to the child's life, education and health. In response to a child in marriage, the Act resorts to having a child removed and taken back to the family. The powers of the court include: Section 170 (g) if the child is subjected to child marriage, an order rendering the marriage void and requiring the child to undergo education in an educational institution and be placed in a place of safety or under care, having regard to the age of the child. The order referring to the child subjected to the marriage eliminates children that choose to be in the marriage returning the children to school would be ideal when support is given towards school requirements.

Lastly, section 18 of the Children's code states that (2) A person shall not subject a child to— (a) child marriage; or (b) cultural rites, and religious or traditional practices, that are likely to negatively affect the child's life, health, social welfare, dignity, and physical or psychological development. While these Acts are impressively coded, enforcing the codes has not been effective and the Nyangu leaders made no reference to the existing code. This was because they were not aware of the code. They continue to experience children being married with no consequences to those involved in facilitating the cultural practice.

Responses of the participants showed a lack of understanding of the minimum age for marriage according to the laws of the country. However, one thing that stood out was the common understanding of the criminality of a child being married to a man over the age of eighteen.

The Zambian constitution defines a child as anyone under the age of eighteen. Under the Zambian law, it is illegal to marry a child. It is a punishable offence. However, customary law, which seemed to be understood by the participants as traditional law, supports the marriages of girls over sixteen, even if they are under eighteen, as long as parents or guardians have

consented to the marriage. The seven married participants were all married traditionally by having their bride price paid or families simply consenting to the marriage.

One of the five under eighteen respondents had this to say:

No bride price was paid for me, my family met and discussed my marriage which was a traditional discussion of elders. I have little knowledge of the Zambian law on marriages, but I think the age the government allows is eighteen, which I think is too young for someone.

Another one added:

When I was married before my divorce, no bride price was paid because I came into the marriage with another child, that reduced my worth of any price. Regarding the laws, my culture allows us to get married early, but I know it is a crime with the government to force a child to get married.

When asked if any of the child marriages were reported to the police, one respondent had this to say:

Some people report the marriages to the police and when the police try to help, children run back to the homes.

In response to the same questions, the Headwoman had this to say:

These marriages are done traditionally, some with and others without lobola. The age of marriage according to the government of Zambia is between nineteen and twenty-one.

The Headwoman also explained the following:

The police used to actively respond to reports, they have stopped. Since then, the marriages within the last ten years have increased in the village.

Similar sentiments were expressed in the focus group:

I do not know much about the laws on marriage and the differences between all of them.

The difference between the laws is not very clear, that's why children run into marriages.

The researcher further asked if the situation would be different if this information would be made known, one responded with the following:

If the government would inform children at an early age about the laws and if the laws were consistent, the children would know where the problems lie with the laws and the leaders, and what the consequences would be. I know it is illegal for a child to be married.

i. Proposed strategies to mitigate child marriage practices in Nyangu village

The fourth and final research question was on proposed strategies to help deter child marriages in Nyangu village. Identifying factors and proposing strategies to mitigate the challenges as raised by participants is effortless, implementation however is more complex as solutions to the issues in the study require additional resources and collaboration with organisations, the government and other influential leaders.

The following strategies were suggested by participants to help reduce factors that influence child marriages in Nyangu village.

i. Educating all community members

From the findings of the study, early pregnancy was mentioned as a factor that influences child marriage in Nyangu village. Most of the participants suggested sexual educational talks to be enhanced in schools, within the leadership of the village, health centers and churches. This was found to be workable from the research done in Chibombo District of Zambia by Sekelani, Mbozi and Daka (2021). The discussions would entail the impact of sexual relations being pregnancy, and diseases, which would result in school dropout and marriage. Open communication with children would improve a level of understanding regarding sex education. Older participants in the study were uncomfortable to openly discuss sex with children in their

homes, this is due to the belief of such discussions being taboo and should not be mentioned between parents and children.

One respondent had this to say:

Less pressure from home and other areas of life would help alleviate early marriages in children. For instance, when a girl is pregnant, there's no one to help with caring for the child financially, so girls are forced to get married. The government and families should ensure children are in school and that the children remain in school till the end.

An additional suggestion from a participant in the focus group:

Those willing to return to school should be encouraged to do so. This can be achieved through conversations with married girls, any adult, organisation or health centre that becomes aware of a girls wanting to go back to school should immediately take action with the right people.

ii. Developing a community center

Introducing activities other than school programs would divert the attention in the right direction for the children. Youth centers are part of a developing community and can be done through government public services, or welcoming non-governmental organisations to develop a center that would cater for youth programs, skills development programs for women and men, creative activities, platforms to share information on child marriage, as well as counselling to those needing it. Centers offering youth development programs are effective in reaching out to the masses, children become drawn through activities, whether good, or bad. Engaging children through this platform to also advocate to other children would enhance chances of child marriage reduction. Girls Not Brides spoke with over 100 youth activists aged 15 to 30 years from around the globe who are actively addressing child marriage in their communities. This survey was full of productive solutions and recommendations about how young people can be better engaged in ending child marriage. They urged more creativity in the way youth are trained, and they said they wanted sustained working relationships with

adults instead of one-off interactions through workshops or campaign events, but rather through community engagement and training the youth to teach others.

The Headwoman had this to say:

Setting up community centres would help give children something to do and occupy their free time with constructive activities. Also, the promotion of education in the community is needed. In addition the government can carry out more awareness campaigns together with the civil society in the community. The parents can educate the children and motivate them to remain in school. The community leaders can help identify and take the children in marriages back to school” She indicated that “I would like to bring more organisations in the community to fight child marriage”.

The Headmaster had similar comments. He had this to say:

The youth should be strategically made busy with activities that can help divert their attention to developmental programs. There is no source of entertainment in the village, once the girls get married, the rate of divorce is also high. We need activities to keep the children busy, perhaps vocational training to those that may have dropped out. In addition, the government can develop a youth college otherwise the children will keep running to prostitution and marriages.

iii. Harmonising the laws

In as much as traditional laws are important and enrich the Zambian culture, a child under either law is as important in any aspect. The rights of children do not discriminate by geographical location or race, it is inclusive of all children, meaning that national governments have the responsibility to protect all children in their respective States, including Zambia. The statutory law and customary law can be harmonized using one common goal, respecting the rights of children, and ensuring the well-being of the Zambian people. As customary law permits child marriages (Mulenga-Hagane and Daka, 2022), as long as parents or guardian

consent to the marriage, and statutory law allows marriage from adulthood, the allowance of the custom especially in rural areas gives complexities to eradicating the practice. There are more negative impacts to child marriage, some of which include health impacts, social impacts, or economic impacts. A child is defined as someone under the age of eighteen, according to the constitution of Zambia. Customary law is important as it is based on the values and systems of communities which people depend on for their survival, (UNFPA, 2017). It is also important to preserve the Zambian culture and its systems. This can entail preserving customs that are not discriminatory towards its people, especially girls who are vulnerable. Harmonising statutory and customary law will require identifying elements in the customary law that are deemed unlawful according to statutory law. The Zambia – UN partnership framework 2015 mentions that Zambia’s economy was marked by areas of progress alongside stubbornly high levels of inequalities such as child marriages, that bred vulnerabilities and setback human development. One participant suggested that there may not be one single solution to ending child marriage, but effective roadmaps that include influential policies and leaders that can enforce these changes in Nyangu village would begin from harmonised laws that govern the nation. Emphasis in re-orienting and configuring perceptions of customary law is necessary, the success of the laws lies in the re-orientation of people involved on the pathway to marriage (Mulenga-Hagane, and Daka, 2022).

This is what one respondent had to say:

It is a crime by the law of Zambia for a child to marry before they are eighteen years old, but our traditions allow us to get married. That is why people don't go to register at the Boma.

10. Conclusion and recommendations

The results obtained from all participants on factors that influence child marriage in Nyangu village showed that these factors can be avoided and the community would be willing to work towards ending child marriages in the village. From the strategies provided by the participants, it is of importance to note that ending child marriages in the village will require not only the commitment of the community, but more so the effective implementation of the policy makers and leaders to ensure that the SDGs and all ratified conventions relating to upholding the rights of children are followed through. The study revealed existing efforts by national authorities,

including previous national policies; offering free education; and more. These efforts are done in isolation of other factors that impede national strategies. The study shows that the community factors that influence child marriages in the village were as a result of poverty, cultural norms, gaps between national laws, and the lack of education and social activities. The practice of the child marriage has continued to threaten the well-being of children and their rights. This study proposed strategies to mitigate the mentioned factors, including; educating parents and children in the community against the practice, targeting the Headwoman to collaborate with other influential community leaders such as educators, the police, other traditional leaders, the provision of support towards the education of girls, enhancing the reporting system and encouraging authorities to take action against any forms of child defilements, identifying local and international organisations willing to work in the area to focus their programs on existing issues, and lastly, to remove girls from marriage homes and offer rehabilitation programs.

From the findings, the following recommendations can be made:

1. The government should take the responsibility of revisiting the two national laws (statutory and customary) to ensure these are aligned, as well as considering the commitments made towards promoting the rights of all children in the country.
2. Educators should offer programs in schools specifically targeting existing issues in the village. Issues of child marriage and the impact of it, these lessons need not be in school curriculums but can be extracurricular activities that respond to the needs of children.
3. The government should ensure to offer holistic solutions to existing policies. Offering free education for instance will improve the children's chances of remaining in school.
4. Collaboration with other stakeholders such as non-governmental and civil organisations should be explored in order to devise all rounded solutions to the child marriage problems in the village, bearing in mind the causes identified in this study.
5. Alternative ways of generating income and for families to sustain themselves need urgent attention if poverty is going to be reversed and for it to stop being a key factor in child marriages

in the village. Urgent interventions that will involve the community in determining solutions to poverty should be considered.

6. The Police station should be improved to motivate the staff in implementing their duties effectively. This can be done through further training and inclusion of reporting systems.

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