



# The Sentinel Volume 1, 2015

The official newsletter of the Human & Social Development and Special Programmes of the SADC Parliamentary Forum.

## Towards SADC Model Law on child marriage

**Staff Writer**

The Secretary General of the SADC Parliamentary Forum, Dr Esau Chiviya, has proposed a road map towards developing a SADC Model Law on Child Marriage as stakeholders demand bold action to stop the practice in the region.

Delivering closing remarks at the end of a two-day Dialogue organised to explore ways of ending child marriage recently, Dr Chiviya proposed a six-step strategy towards a model law on child marriage which the SADC PF, AWEPA, Plan Netherlands and other partners have agreed to develop as a matter of urgency.

Below is the proposed road map, in his own words:



**NETWORKING:** SADC PF Secretary General Dr Esau Chiviya (center) chats with delegates at the Regional Dialogue on child marriage. - Pic: SADC PF

● See **Law** page 2



# Message from the Secretary General

**Dr Esau Chiviya**

Welcome to the first issue of *The Sentinel*, the newsletter of the Sexual Reproductive Health and Rights (SRHR) programme, which falls under the Human and Social Development and Special Programmes of the SADC Parliamentary Forum. As the name of this newsletter aptly denotes, this is a publication that will stand guard, watch, educate, inform, entertain and report about the work of the SRHR programme. One of the persistent concerns from some of our stakeholders has been that whereas over the years as the SADC PF we have implemented numerous high-impact programmes with the assistance of many development partners, we have not effectively communicated our achievements, challenges and aspirations to our many publics. This newsletter and other forms of communication that we are planning to use going forward are, therefore, produced in response to the concerns that our stakeholders have raised. In starting this newsletter we have embraced global best practice. All over the world, newsletters have become cost-effective mediums for building and maintaining contact with existing and prospective collaborating partners. As I congratulate the team that put together this exciting newsletter for a job well done, I wish to reiterate that the reward for good work is more work. I would like to see innovative strategies being put in place to ensure that this newsletter reaches as many readers as possible. In that regard, I learnt with excitement that plans were in place to distribute it electronically so that people can read it on many platforms including their cellphones and lap tops. That is how it should be! A lamp placed under a table does not shine far. I notice that a dedicated e-mail has been created for this newsletter so that our readers can reach us with comments, requests and suggestions with respect to how we can improve it. I wish to end by thanking Sweden and AWEPA for financially supporting the production of this newsletter. Enjoy reading.

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### The Sentinel

**Stories, design and layout: PRO (SRHR)**  
**Copytaster: Director of Programs & HIV and AIDS Policy Advisor**  
**Editor: Secretary General**  
**Contact us: sentinel@sadcpf.org**



● *LAW from front page*

**Step 1: Identification of Issues**

SADC PF will convene a Meeting of Experts to go into the detailed aspects of each issue area that is relevant to the Model Law areas on child marriages that the Model Law will have to address and incorporate. Following consultations SADC PF will send out invitations to experts and some of the affected children to participate in this meeting. This should be a two days meeting that will culminate in commissioning of studies.

**Step 2: Meeting of experts to**

**compile a Draft Model Law**

SADC PF will convene a meeting of experts to compile a Draft Model Law using information identified in the issue areas above. This should be a three to four days meeting.

**Step 3. Regional Workshop to Verify the Draft Model Law**

SADC PF will call for a Regional Workshop of stakeholders to verify the consistency and relevance to our situation of the Draft Model Law. The Regional Workshop will ensure that the issues dealt with in the Model Law are not contradicting each other and that the document flows nicely and is user-

friendly. This should be a two days' workshop.

**Step 4. Presentation of the polished Draft Model Law to SADC PF Committees**

SADC PF will convene a Meeting of its relevant Committees to formally present the Draft Model Law to the Committee Mem-bers for their input. The Committees include:

- (i) Human and Social Development and Special Pro-grammes Committee;
- (ii) Gender Equality, Women Advancement and youth De-velopment Committee;
- (iii) Democracy, Governance and Human Rights Committee; and
- (iv) Regional Women's Parliamentary Caucus (RWPC)

This should be a two days' meeting. The input of the Committee Members will be factored into the Draft Model Law document.

**Step 5: Presentation of the Draft Model Law to the SADC PF Plenary Assembly for Approval and Adoption**

After consideration by the SADC PF Committees, the Draft Model Law will be presented to SADC PF Plenary Assembly during one of its annual meeting for consideration, approval and adoption. Once adopted the Model Law Document will be distributed to Parliaments and other interested stake-

holders in the SADC countries.

**Step 6: Presentation of the Model Law Document to SADC for consideration to be transformed into a SADC Protocol on Child Marriage**

The SG of SADC PF will present the document to the Executive Secretary of SADC for the transformation process to commence. At each of the steps of the Road Map, SADC PF will invite relevant stakeholders for their input into the discussions and integrate capacity development programmes to contextualize the Model Law and share knowledge.

SADC PF will further work closely with cooperating partners for their technical and financial support. Without the support from our cooperating partners it will not be possible to achieve the steps outlined above.

The UN and the AU have something to say about Child Marriages in their Charters. The UN has even declared 2015 the Year of Women Empowerment. Some of the SADC Governments, e.g., Malawi, Zambia and Zimbabwe are working on reforming their outdated Marriage Laws with the aim of protect-ing the girl child from early marriages. We should take ad-vantage of this supportive environment to move fast on the development of the Model Law on Child Marriages.



**FOLLOWING:** Delegates pay attention during a presentation at the child marriage dialogue in Johannesburg, South Africa.

# Stakeholders meet to discuss child marriage

## Staff Writer

The SADC Parliamentary Forum (SADC PF) in collaboration with the Association of European Parliamentarians with Africa (AWEPA) convened a “SADC Regional Parliamentary Dialogue on Child Marriage Laws” from 3 to 4 February, 2015 in Johannesburg, South Africa.

It is estimated that more than 700 million women all over the world were married before their 18th birthday. More than one in three (about 250 million) women all over the world entered into marriage union before the age of 15. Experts say this has far reaching

implications on their prospects of benefiting meaningfully from formal education but the consequences of child marriage go beyond the individual and include increased poverty and gender inequality in whole communities and countries.

The Southern African region has one of the highest numbers of child marriage. For instance more than 50% of girls in Mozambique and 40% of girls in Zambia marry before the age of 18. The causes are complex and interrelated. They range from social, cultural, religious and economic factors influence norms, values and behavior on individual, community and society level.

## Compelling evidence

Over the years medical experts have generated compelling evidence pointing to the detrimental effects of early marriages on the girl child.

They say girls or young women below the age of 25 that fall pregnant are more likely to experience pregnancy-related complications than women that fall pregnant at the of 25, widely considered the optimum age to fall pregnant. Those challenges include challenges to the expectant mother and the unborn child.

● See *Stakeholders* page 5



**TOGETHER AS ONE:** Stakeholders from different parts of the SADC Region pose for a group photograph at the start of a dialogue on child marriage which was held in Johannesburg, South Africa.



## ● Stakeholders from page 4

Once a girl or a young woman gets married, sex and possible pregnancy is a given. Experts say that pregnancy is probably the most physiologically upsetting processes to the pregnant individual. Once pregnant, a teenage-woman ceases to sit in her comfort zone. All she does is try to cope. Coping mechanisms themselves depend on other systems in the body.

The first coping mechanism is psychological. Before the age of 25 most women are not considered psychologically mature to be able to discern what they are going through. Observers say that this may be why there are so many difficulties associated with teenage pregnancy. Few married women in Africa can decide when or how often to fall pregnant. Many have no say.

Marriage also places other challenges on the young expectant teenager. Often this calls for a complete reorientation. Suddenly instead of thinking about herself, the newly-married young girl or woman has to think about her husband and his people. She worries about what her own parents and relatives will say about her conduct in the new home or family.

### Robbed childhood

Perhaps the saddest thing about child or early marriages is that some of the girls involved lose their childhood. Many of them grow up not knowing what adolescence is. Every child is entitled to experience adolescence. Once married, some girls can no longer socialize with her peers. They immediately take on responsibilities such as taking care of other people: in-laws, the sick or the elderly, when she is barely able to take care of herself.

The causes of child marriages are many but can be summed up in a single phrase: socioeconomic. All over the world a lot of cases of prolonged labor and other pregnancy-related problems are mostly found in young expectant-mothers. Experts say that pregnancy



**ASK ME:** A Zimbabwean young woman who was married as a teenager talks about the horrors of being a child bride.

brings about hormonal changes. It is well known that cases of morning sickness or hyperemesis gravidarum are more common in the young expectant-mothers.

Falling pregnant can be extremely devastating for a school going girl. No wonder, therefore, that some girls that find themselves in such situations end up committing suicide or opting for illegal abortion.

### Towards a model law

The SADC PF, which brings together 14 national Parliaments in the SADC Region has embarked on the development of a SADC Model Law on Child Marriages with a view to helping SADC countries combat child marriage. This would be a prototype that can be recommended as a guide in the countries of the region to regulate marriage especially with regard to the age of marriage.

Organisers of this Dialogue say Parliamentarians as custodians of democracy and human rights and as representatives of the voice of the people, including the girl child, have a central responsibility to enact legislation, pass budgets and

hold their governments to account. To successfully eliminate violence against women in general and specifically child marriage, political will and commitment are needed.

As a convener of national Parliaments of the SADC member states, SADC PF aims to create capacity for intervention of National Parliaments on issues relevant to the citizens of SADC.

The Forum embarked on the development of the model legislation on child marriage based on the recognition of the important role of the law in the context of child marriage and the central role parliamentarians play in the law-making process and ultimately policy and legislative oversight.

This Dialogue sought, *inter alia*, to highlight the high prevalence of child marriage in the SADC Region and its associated detrimental consequences with a view to galvanise National Parliaments to condemn and ultimately stop the practice. The Dialogue generated part of the body of evidence to strengthen the case for the envisaged Model Law.



# Official says MPs key to ending child marriages

Staff Writer

An official with a global partnership whose aim is to stop child marriage says the active involvement of Parliamentarians is key to ending the practice which has been roundly opposed as a gross violation of the rights of the world's girls.

Ms. Francoise Kpeglo Moudouthe, the Africa Regional Officer at *Girls Not Brides* made the remarks at the SADC Regional Parliamentary Dialogue on Child Marriage Laws held in February in Johannesburg, South Africa.

Moudouthe said given that parliaments were responsible for legislation, policy oversight and budget approval, they could play a crucial role in ending child marriage.

"Parliamentarians should exercise a leadership role in developing and amending legislation as needed, in formulating and supporting policies and in ensuring the implementation of these laws and policies in their countries," she said.

Additionally, she said, lawmakers could call on their governments to support the development of comprehensive national plans and strategies to end child marriage while raising awareness on the consequences of child marriage.

She said Parliamentarians were uniquely positioned to ensure that the legal frameworks in their countries established a minimum age of first marriage while ensuring that effective supporting policies were put in place to prevent child marriage.

Calling for urgent action, Moudouthe

warned that child marriage could affect more girls unless something was done to stop the phenomenon soon.

"Projections indicate that if we do nothing to accelerate progress, the number of child brides in sub-Saharan Africa is expected to double by 2050," she warned.

On an optimistic note, she noted that governments of countries in the SADC Region including Malawi, Mozambique and Zambia, were taking bold steps to stop child marriage.

"We need to build on that (momentum) to ensure that progress builds up," she said, adding that an envisaged SADC Model Law on Child Marriages that is being spearheaded by the SADC Parliamentary Forum and other partners was long overdue.

International and African Conventions on children's and women's rights define child marriage as a marriage or a union in which at least one party is a child, specifically aged below 18 years.

*Girls Not Brides* reckons that due to a variety of causes that include widespread poverty, retrogressive traditional practices and gender inequalities, many children in southern Africa marry or enter into union before the age of 18 years.

Estimates indicate that all over the world, 15 million girls become child brides each year. In sub-Saharan Africa nearly half of women (40%) are married as children, making child marriage a serious social problem.

*Girls Not Brides* contends that apart from violating the rights of girls, child



Ms. Francoise Kpeglo Moudouthe

marriage can negatively affect the health of affected girls and jinx their chances of benefitting meaningfully from education. It can also stand between girls and economic prosperity, deepening poverty in the process.

Yet all is not lost. Targeted interventions to empower girls, mobilising communities to end child marriage and providing adequate health, education, justice and other services can emancipate the region's girls.

Still, there are hurdles. Many marriages in the region still take place outside the formal legal structure, making it difficult to monitor them. Compounding the situation is the dearth of robust, up-to-date birth registration mechanisms, while many victims of child marriage lack the capacity to turn to the courts for justice.





**PULLING NO PUNCHES:** The Honourable Dr. Jessie Kabwila, who chairs the Women's Caucus in Malawi and is a member of the Human and Social Development and Special Programmes at the SADC Parliamentary Forum (SADC PF).

# Relief as Malawi bans child marriage

Staff Writer

Malawian Parliamentarians have unanimously passed a bill outlawing child marriage, bringing relief in a country in which half of all girls were in danger of ending up as child brides.

Media reports recently said that the country's Parliament voted unanimously in favour of the Marriage, Divorce and Family Relations Bill.

State President Peter Mutharika was expected to sign the bill soon, which would, among other things, set the minimum age of first marriage at 18 years.

It was a great day for Malawi's Women's Parliamentary Caucus which vig-

orously advocated for the bill and another bill related to child trafficking.

The Honourable Dr. Jessie Kabwila, who chairs the Women's Caucus in Malawi and is a member of the Human and Social Development and Special Programmes at the SADC Parliamentary Forum (SADC PF), welcomed the bill but was quick to point out that laws alone would not end child marriage.

"This law is extremely crucial because child marriage is a big, big problem in our country," she was quoted as saying shortly after Parliament passed the bill.

At a recent SADC PF-led regional dialogue to stop child marriages, Kabwila spoke of the difficulties that had been experienced while advocating for the bill.

The Parliament of Malawi opened for business in early February and the bill was immediately circulated in preparation for debate.

Kabwila said the Malawi Parliamentary Women's Caucus held costly lobbying sessions to give fellow lawmakers a foretaste of the bill and the one related to child trafficking.

"We (knew) from past experience that for us to get a bill passed we needed to lobby like we had never lobbied before. That means a lot of dinners, a lot of talking and a lot of massaging of patriarchal egos left, right and centre."

● See *Relief* page 8



● *Relief from page 7*

She explained that during the lobbying sessions, discussions revolved around the constitution of Malawi, the country's Penal Code and the wording of the proposed Marriage, Divorce and Family Relations Bill.

"The wording is important because if it is too strongly worded it can attract opposition and if it is too watered down it can disempower those it seeks to protect," the forthright politician explained, adding: "language is where battles around power relations are fought."

Kabwila said many hurdles lay in the way to passing of the bill.

"The main hurdles were to do with marriage as an institution which is fraught with control of women."

She said a significant number of men in Malawi often go on what she termed "marriage shopping."

"They can get married to one woman and when they get bored (in the marriage) they marry another woman in a different way. This has made many children and women vulnerable."

The Marriage, Divorce and Family Relations Bill seeks to harmonise marriage so that people can be held accountable to who they marry and children that can come out of marriage.

"You can't stay with a woman for 10 years and expect her to go empty-handed if the union sours. The way we define marriage is important," she said then.

She did not anticipate the generality of Malawian men to take the bill lying down.

"Some men wouldn't be amused if they are going to be held accountable to four women and pay maintenance," she quipped to chuckles from the audience.

Kabwila said there was a mismatch between what the Constitution of Malawi stipulates and what the bill seeks to achieve.



**SPEAKING OUT:** *The Honourable Dr. Jessie Kabwila.*

Another hurdle was related to human capacity.

"When we meet our (counterparts) from other countries, it is amazing to look at the staff of Parliament that is at their disposal. For us in Parliament it is difficult. It is worse for the Women's Caucus," she said.

There has been a reduction of female representatives in the Malawi Parliament from 22 percent to 16 percent, with far-reaching implications, according to Kabwila.

"The 16 percent that is there are people whose capacity is very, very low. It is not because they are stupid. Anybody who has studied the history of women and western education knows that women are a group that has been excluded. Even when Africans were allowed to go to school women were allowed last."

Kabwila said the plight of African women is compounded by the fact that many of the world's religions appear to put a premium on illiteracy and associated subservience among women.

She said the Malawi Women's Caucus needed urgent capacity building.

"This is because a good number of fe-

male MPs are apologising for being in Parliament. They have become quieter. If they get paid they go straight to the men to thank them for allowing them to be in Parliament. Capacity needs to be built."

Nevertheless, Kabwila said she drew strength from strong political will to stop child marriage in Malawi, which saw MPs holding hands across political divides to confront the phenomenon.

Yet sticking points remained. The Commission that drafted the Marriage, Divorce and Family Relations Bill (2014) recommends the age of 18 for anyone to enter marriage.

However, the Malawi Constitution allows for marriage for those aged 15 to 18 if parents or guardians consent. The same constitution defines a child as anyone below the age of 16. Additionally, the Malawi Constitution states that the State shall "actively discourage marriage between persons where either of them is under the age of fifteen years."

This has infuriated activists who argue that the provision is not forceful.

Kabwila contends that allowing people aged 15 and 18 to marry, even with parental consent, is "retrogressive."





# Marriage below age 18 against UN conventions: Zim Senator

Staff Writer

Allowing people to marry under the age of 18 is against several United Nations conventions and the practice is outlawed in most countries, a Zimbabwean Senator has said.

Speaking at a recent dialogue about child marriage, Senator Tambudzani Mohadi said although other countries turn a blind eye to child marriage, especially in poorer communities, Zimbabwe was with those that oppose the practice.

“Child marriage is now widely recognized as a violation of children’s rights. It is also a direct form of discrimination against the girl child, who, as a result of the practice, is often deprived of her basic rights to health, education, development, and equality,” the MP said.

She said despite the well-documented negative effects of child marriage, in some instances, tradition, religion, and poverty continued to fuel the practice. According to Senator Mohadi child marriage was common in Zimbabwe, where 21% of children (mostly girls) were reported to have been married before the age of 18.

“The question that arises is whether the ‘tradition’ of early marriages is something that society should perpetuate in view of the negative effects of the practice on the girl child as well as human rights standards that prohibit marriage under the age of 18. Should not tradition evolve and do away with aspects that are harmful to children and the girl child in particular?”

She revealed that in her country child marriages were prevalent among some sects which have approximately 1.2 million members in the country.

“Child marriage is also common in



*Senator Tambudzani Mohadi speaks during the dialogue against child marriages.*

secular groupings,” she said, adding that there was a need to reevaluate laws that govern marriages in Zimbabwe to see if they were effective. There was need, also, she said, to strengthen the enforcement of laws governing marriages in Zimbabwe.

“It may be that there is need for a multi-pronged approach to tackle the problem where litigation will only be one of the approaches, and where a large

advocacy campaign may be necessary to deal with attitudes and beliefs,” she opined.

## **Zimbabwean Law**

Senator Mohadi said the continued recognition of customary law alongside general law was problematic.

● See *Zim MP* page 10



● **Zim MP** from page 9

Her view was that the state had the responsibility of changing retrogressive customary practices that were not in consonance with human rights standards.

**Discriminatory laws**

According to Senator Mohadi the new Zimbabwe Constitution sets out in Section 78 the minimum marriageable age for everyone as 18.

“However the different pieces of legislation set the minimum marriageable age for girls at sixteen and eighteen for the boy child. This law is clearly discriminatory; why should it be permissible for a girl to be married at 16 when she is the one who is mostly at risk of the consequences of early marriage?”

She argued that setting the minimum age of marriage at 18 for the boy child exposes girls to manipulation.

She explained that Zimbabwe had two legal systems because the former British colonialists made general law the official law of the land but continued to recognize customary law in matters relating to the family, such as marriage and the administration of property.

“Whilst it appears that the legal framework to protect the girl child from child marriages in Zimbabwe exists, a problem lies in the Customary Marriages Act which does not provide a minimum marriageable age and has therefore been abused.”

She called for urgent steps to align all laws with the provisions of the new constitution.

**The curse of lobola**

Senator Mohadi argued that culture remained one of the obstacles to the enjoyment of children’s rights in Africa as communities did not always observe the relevant human rights instruments that protect children from harmful cultural practices.

“Some cultural practices such as the payment of lobola expose the girl child to other harmful cultural practices such as child marriage. Culture continues to

be the most dominant force. Culture evolves and is dynamic, but certain aspects of culture have largely failed to die away.”

She said in spite of arguments that paying lobola commodifies women, many men were still being required to pay lobola in Zimbabwe.

“The consequences of lobola are far more serious in relation to child marriages where a child may be (prevented) from leaving an abusive husband because he paid lobola. The perceived financial gains to be reaped from payment of lobola also encourage parents to marry off their children at an early age.”

**The role of Poverty**

She said poverty was one of the major reasons for early marriage because poor families sometimes regard a young girl to be an economic burden to the family. Going forward

According to Senator Mohadi, stopping child marriage requires all hands on deck.

“Traditional, political and religious leaders need to take a bold stance against child marriage and counter existing legal, cultural and religious justi-

fications for this destructive vice.”

With specific reference to Zimbabwe she said: “The country’s Marriage Act must be enforced, and the customary law which allows for marriage at age 16 must be adjusted to a minimum marriageable age of 18 years, in line with the Marriage Act. Above all, all these laws must be aligned to the dictates of the new constitution.”

Additionally, she said, young men and women, as well as parents and other members of the community, must take the lead in advocacy to promote girls’ rights and repel the practice of child marriage.

“They need to support girls to complete their schooling at secondary and tertiary level, and to take up gainful employment when they make the decision to become economically active. Additionally, girls and young women need comprehensive sexuality education, and access to family planning services to secure a healthy and well-planned future for them.”

She said the Zimbabwe National Chiefs’ Council had accepted to play a pivotal role in protecting the rights of the girl child by preventing child marriage.



*ALL EARS: Zimbabwean lawyer Tapiwanashe Kujinga at the Regional Dialogue.*





*Honourable Professor Nkandu Luo (centre) speaks about Zambia's fight against child marriage while other parliamentarians listen in.*

# MP says in Zambia child marriage is "an issue"

**Staff Writer**

**A** Zambian Parliamentarian has said that the Government of the Republic of Zambia has put child marriage at the center of analysis as it moves to stop the practice.

The Honourable Professor Nkandu Luo told participants in a two-day SADC Regional Dialogue on child marriage that Zambia had a child marriage prevalence of 42 percent, making it one of the worst affected countries in the SADC Region.

Prof Luo said over the years data had been gathered to enable the Government to fully appreciate the depth and breadth of the child marriage problem in the country and the need for some-

thing to be done about it.

"A quick analysis of data from our demographic health survey shows that child marriage in Zambia is a rural phenomenon. Analysis has also shown that about 42 percent of marriages in Zambia have a history of child marriage," she said, adding that it had been found, also, that child marriage typically happened between an adult male and a girl child or sometimes between two children.

She said a study to appreciate which provinces in Zambia had the greatest prevalence of child marriage had also been concluded.

"We found that the eastern part of Zambia had the highest incidence of child marriage of up to 60 percent

while the northern part of Zambia had the second highest incidence of up to 40 percent."

Interestingly for the researchers, the capital city, Lusaka, had the lowest prevalence of child marriage although it had high rates of teenage pregnancy. Expectations were that an on-going situational analysis would throw more light on the phenomenon.

Already the Government of Zambia has launched two programmes to address the problems of child marriage and teenage pregnancy.

Prof Luo explained that another key finding was that the problem of child marriage in Zambia was "multifaceted" and that it required a multisectoral response. ● See *Zambia* page 12



“No single group – whether Government or civil society – can address this problem. There are people who believed that the best response to HIV and AIDS was that of Government. As we address child marriage we should draw lessons from the mistakes that were made (in confronting HIV and AIDS) of thinking that there is one group that can go it alone.”

From research that was conducted in Zambia it was apparent that child marriage had the potential to jeopardise development. It was an economic issue, a reproductive health issue, a form of child labour and was associated with gender imbalances. Evidence had been generated, also, to show that child marriage had the potential to drive gender based violence and could be associated with cervical cancer.

With respect to the drivers of child marriage in Zambia, Prof Luo said that research had pointed to poverty and high illiteracy, an inconsistent definition of a child, dual legal systems and retrogressive cultural norms.

“If I am admitted into a hospital (in Zambia), I cease to be a child at the age of 14 years and I am transferred to an adult ward. If I want to get a driving licence, I cease to be a child at 16. If I want to vote, I cease to be a child at 18. Basically, we don’t have a definition of a child as a country,” the medical doctor-turned politician explained.

Turning to the dual legal system in Zambia, Prof Luo said the country was still using some laws inherited from her former colonial master, Britain. Zambia also had customary laws, creating “confusion in the way we do things.”

Extreme poverty in some parts of the country had made implementation of programmes to solve some problems “problematic.”

In 2012 Zambia formed a consortium of 10 Government Ministries to con-



**MALE FACTOR:** Trevor Davies (centre) of African Fathers Initiative follows proceedings during a regional dialogue against child marriage

front the child marriage problem. Other players have since been brought on board. They include civil society, the private sector, traditional leaders and other cooperating partners.

Prof Luo said what was particularly pleasing was the active involvement of the country’s major electricity supply and mining companies.

Mindful of the fact that in many African countries traditional leaders hold sway over rural folk, the Zambian Government had made traditional leaders key allies in the fight against child marriage.

“Forty traditional leaders have committed to eliminate child marriage in their chiefdoms. Chiefs are going round educating people about the dangers of child marriage.”

To support the efforts of the chiefs, civil society and other stakeholders, the Government of Zambia has since set up a national technical committee on child marriage. Zambia is now part of the continental campaign against child marriage backed by the African Union. Working with Canada, Zambia co-led the UN Resolution 68/148 on Child, Early and Force Marriages at the 69th

Session of the UN General Assembly.

Prof Luo revealed that plans to develop a national strategy to end child marriage in Zambia, as well as to put in place a robust media campaign were at an advanced stage.

“We have completed mapping of child marriage prevalence in Zambia and a situational analysis is underway. Our Ministry of Gender and Child Development has reviewed the National Gender Policy to ensure it takes issues of child marriage into account.”

A draft Marriage Bill had been drafted and was undergoing consultations before presentation to Parliament. The highlight of the proposed bill is setting 18 years as the age of marriage. There was a push to raise that age to 21. A children Code Bill that seeks to harmonise child related laws was also under consultations. Prof Luo said it was encouraging that other countries in the SADC Region were also working towards stopping child marriage.

“The more the merrier. We as Zambia support the need to develop a prototype law against child marriage for the SADC Region.”



# Lawyer demystifies model law

Staff Writer

A lawyer has elaborately defined a model law and explained how it can be developed and used as the SADC Parliamentary Forum (SADC PF) advocates for the development of a SADC Model Law on Child Marriage.

“Model legislation can be defined as a detailed set of standards on a particular issue that can be offered for adoption,” Ms. Nyasha Chingore (inset) told participants during a regional dialogue meant to craft solutions to the problem of child marriage.

Ms Chingore works for the Southern Africa Litigation Centre. She explained that, normally, a model law is adopted by a supranational organ and used as a template by national legislatures to ensure that laws are aligned to it.

She warned that model laws could be “dangerous” if they are bad because they can be adopted wholesale.

“When that happens and the model law is bad that can be problematic,” Ms Chingore said, citing the example of what happened in West and Central Africa with respect to the HIV law.

To avoid problems, she said it was important that those charged with developing a model law set “very good standards.”

## How a model law works

Ms. Chingore explained that a region can decide to come up with what is called a single text format of a model law on, for instance, child marriage, or one that includes a lot of things in it. However, national legislatures still have to decide what to do with the model law when it comes to domesticating it.

“They can domesticate it wholesale or in part.”

She said a model law was not a new thing, having been used in the United Nations the African Union and other

systems. She gave the example of the Model Law on Access to Information in Africa developed by the African Commission recently.

## Status of Model Law

On the status of a model law, Ms. Chingore explained that a model law falls into the category called ‘soft law’. This means that a model law is not binding on states. No one can litigate on the basis of the provisions of a model law. Ideally, member states should domesticate the model law into their own laws. Only then can it have the force of law within their jurisdictions.

“A model law is a model. No more, no less. However, it is also not one of those things we can take lightly. It is actually very useful. Even when it has not been domesticated, it can be used for advocacy purposes or as a standard that civil society can use to hold governments to account.”

## Unlike treaties etc. but...

While acknowledging that a model law was not the same as a treaty, resolution or declaration, Ms. Chingore said it had its silver lining.

“I think the very unique quality of a model law is its specificity. It can get very detailed and technical. Additionally, it is (normally) already drafted in the language of an Act of Parliament, which makes it very user friendly.”

According to Ms. Chingore the usefulness of a model law is in its promise to help provide solutions or to fill gaps.

“The next thing that gives it legitimacy is the authority behind it. The fact that the SADC PF is a regional body gives it the authority to develop a model law on child marriage. Legitimacy is also very important. To achieve this it is important that as many stakeholders as possible are party to the development of the envisaged model law,” she said, adding that a model law needs to be drafted by the right

people.

“It cannot be a document about emotions or passions. The content of a model law should be based on sound evidence. As many people as possible must be consulted lest the model law document loses legitimacy.”

She advised the SADC PF to select the drafters carefully and to consult widely. Equally important was the need to devise an implementation strategy.

Ms. Chingore said when or if developed, a SADC Model Law on Child Marriage could provide guidance, serve as a yardstick, promote a human rights approach in tackling child marriage and bring about commonality of approaches.

“A model law on child marriage can stimulate debate for advocacy,” she concluded.



# Call to go beyond the rhetoric of child marriage

Staff Writer

**A** call has been made to politicians and all other stakeholders that profess to care about the plight of the world's girls and young women to move beyond the rhetoric around child marriage to actually doing something to stop the phenomenon.

Ms Hendrica Okondo, Global Programme Manager in charge of Sexual Reproductive Health Rights and HIV at the World Young Women's Christian Association (YWCA), told participants at a Dialogue against child marriage that many child brides all over the world suffer and die quietly due to poor documentation.

Stressing that no action is insignificant in stopping child marriage, Ms. Okondo said sometimes a simple SMS sent to the right organisation at the right time can make a huge difference in the life of a potential or actual child bride.

She cited the example of a Masai child who was married off to a 70 year old at the age of 12 years.

"It was a very difficult experience for her because her mother had died. She was betrothed when she was much younger. At age of 12 she was sent off to this 70 year old man and by the age 17 she had six children and divorced because she couldn't do the things that Masai women are expected to do."

She said the girl was supposed to build her own house and she could not do so because her mother had died before teaching her to do so. She had also tried to go to a nearby school. Going to school was frowned upon in Masai culture and she was divorced as punishment. By then her husband was 79 years old. She left the Masai man's homestead with nothing but the ability to make beads.

"She had no birth certificate so she did



*Ms. Hendrica Okondo*

not exist, technically speaking. That made it difficult for her to get a passport or to open a bank account when an organisation tried to help her and make her recognised."

Ms. Okondo said the plight of the Masai child bride was typical of countless other young girls in Africa.

"Many young girls in Sub-Saharan Africa don't exist in government's statistics as their births are not registered. Their marriages are informal and not registered though blessed by religious and customary leaders and unlikely to be registered when they die due to complications of child birth."

Fortunately the Masai girl's plight caught the eye of the General Secre-

tary of the World YWCA, Nyaradzayi Gumbonzvanda, a Zimbabwean born activist who has made it her mission in life to free African girls from child marriage."

Gumbonzvanda is now a goodwill ambassador for child marriage by the African Union, a lofty but moneyless position. Nevertheless, with the support of organisations that include Plan International, she is now working towards the abolition of child marriage.

Ms. Okondo said ending child marriage is a complex process which calls for the active engagement of parents who – for many reasons – decide to marry off their children.

● See *Rhetoric* page 15



● *Rhetoric from page 14*

She said focus should be put, also, on the men who marry underage girls. Fathers need to be brought on board too because often mothers alone cannot take decisions not to marry off their children.

Ms. Okondo said her organisation was setting up safe spaces for young women.

“A young woman needs to know where to go for help. In Zambia we have done some work around creating safe space for children at the risk of being married off. We have made it possible for threatened girls to send SMS messages to influential people like teachers and many girls have been rescued this way. Technology can help. One small step like sending a SMS can bring a massive change in young women’s lives.”

Ms Okondo said although most SADC Member States have formal laws that set the minimum age of marriage at between 18 and 21 years, conflicting laws, which include customary and religious laws create loopholes, which allow parental consent to effectively reduce age to as low as 14.

“Even where legislation is in place, mechanisms for enforcing the law are lacking. Early marriages are frequent. Ensuring protection of children will require harmonising the laws with customs and educating communities on the rights of children and the inherent risks of early marriage and child rearing,” she said.

She said since its formation, the World YWCA had been at the forefront of advocating for women’s rights and empowerment, and was instrumental in the establishment of the UN’s primary vehicle for women’s rights accountability, the UN Commission on the Status of Women (CSW).

“The World YWCA mobilises communities to create safe spaces where young women can access information on their rights, discuss their challenges and deepen their knowledge and skills on leadership, human rights, particularly sexual reproductive rights and HIV. These spaces also enable them to work collectively as activists supporting each other, issuing alerts when their peers are violated or forced into unhealthy sexual relationships and early marriages.”

The UN recognizes child, early and

forced marriage as a serious human rights violation that threatens the achievement of nearly all the Millennium Development Goals (MDGs).

Ms Okondo said with discussions on the Post-2015 Development Agenda and the Sustainable Development Goals, which will replace the MDGs and the 20 year review of the Beijing Platform for Action set to commence, a unique opportunity to advocate for an end to child, early and forced marriage was available.

“At the African Union, the AU Agenda 2063 has been adopted and member states have committed to providing resources to ensure that women and youth who are the continent’s greatest assets benefit and contribute to the achievement of these aspirations. However, if the issue of child marriages is not addressed, progress will be hindered.”

She pledged her organisation’s readiness to collaborate with the SADC-PF and other partners “to sustain the advocacy for the reform and implementation of the marriage laws in the region and across the continent in order to protect young women and girls in Africa and ensuring their access to justice, health and education.”



**GUIDANCE:** Dialogue facilitator, Dr Margaret Nasha (standing) speaks at the regional dialogue on child marriage in South Africa.

# Pregnancy related complications, HIV killing scores in region

Staff Writer

**P**regnancy related complications and HIV remain the leading causes of death among girls aged 15-19 in sub-Saharan Africa, an official with the United Nations Population Fund (UNFPA), has said.

Ms. Maja Manzenski-Hansen said this when she gave an overview of the situation of Adolescent Sexual Reproductive Health Rights (ASRHR) in the sub-region and linkages between maternal mortality, early and unintended pregnancy, child marriage, HIV, sexual and gender-based violence.

She told delegates at a Regional Dialogue on Child Marriage recently that of the approximately 70 000 adolescents that die every year all over the world, one third of them are from sub-Saharan Africa.

“Fourteen percent (14%) of maternal deaths in Africa are the result of unsafe abortions. There are 5.5 million unsafe abortions in sub-Saharan Africa, including 2.52 million in East and Southern Africa. Women under the age of 25 account for 60 percent of these. Up to 70 percent of all women who receive treatment for complications of abortions are under 20 years old,” Ms. Hansen explained.

She said the risk of maternal death for mothers under the age of 18 in low and middle-income countries was double that of older women, with girls under 14 five times more likely to die from complications in pregnancy and childbirth.

With respect to maternal morbidity and obstetric fistulae, Ms Hansen said young adolescents were at higher risk, while early pregnancy put new-borns at risk of morbidity and mortality (sickness and death). East and Southern Africa (ESA) had the highest incidence of adolescents falling pregnant, with an average of 108.2 births per 1000 girls



*Ms. Maja Manzenski-Hansen*

aged 15-19 years.

“One in four women aged 20 to 24 report a birth before age 18 in ESA and in seven countries the proportion is even higher,” she said, adding that up to 9 of 10 pregnancies among adolescent girls took place within a union or marriage.

Turning to adolescent pregnancy in the SADC region, Ms Hansen said although there had been an overall decline in the majority of countries, there was concern over recent increases in some countries that include Angola, Democratic Republic of Congo, Lesotho, Namibia and Zimbabwe.

She said age, physical immaturity, complications of unsafe abortions, lack of access to routine and emergency obstetric care from skilled providers, HIV and AIDS were among drivers of maternal mortality and adolescent pregnancy. Other drivers included poverty, malnutrition, lack of education, child marriage, low status of girls and women, sexual violence and coercion, restricted access to contraception, under investment in

adolescent girls’ human capital and lack of age-appropriate sexuality education.

Access to contraception also remained a challenge, with most countries in sub-Saharan Africa failing to meet the needs for family planning or contraception among women and especially adolescent girls.

Ms. Hansen said child marriage was a global and regional challenge. Closer home to sub-Saharan Africa, of the 41 countries all over the world with a child marriage prevalence of more than 30 percent, 28 were in sub-Saharan Africa.

Compounding this problem was the fact that married girls were often under pressure to become pregnant immediately or soon after marriage notwithstanding their age and little knowledge about sex and or reproduction.

“Girls who are poor, have little or no education and live in rural areas are more likely to marry or enter into union before the age of 18,” Ms. Hansen said.

With respect to child marriage laws and policies, she said although 35 countries in Africa had adopted laws on the minimum legal age of marriage, many families and girls were unaware of these laws, while their implementation and enforcement remained “lax.” “In many countries there are also loop holes that impede protection.”

Calling for urgent action, Ms. Hansen said unless the prevailing trend in child marriage was halted and reversed, 150 million girls would be married in the next decade all over the world. “This translates into an average 15 million girls who will marry every year or one girl every second. In East and Southern Africa, the number (would) increase from at least seven million annually (as of) in 2010 to 7.4 million annually in 2020 and eight million annually in 2030,” she warned.

● See *Complications* page 17





# In Mauritius, strict laws keep child marriage in check - MP

Staff Writer

A Parliamentarian from Mauritius has said that child marriage is not a major social problem in his country, thanks to strict laws that regulate sex and marriage.

Speaking at the Regional Dialogue aimed at stopping child marriage, Hon. Veda Baloomoody said Mauritius had set the age of consent with regards to marriage at 18 years by law. He, however, said that “in special circumstances” a person could get married between the ages of 16 and 18 with the consent of both the parents.

“All marriages in Mauritius are registered. We have an office where, prior to the date of the wedding, it has to be published at least 15 days before it happens,” Hon Baloomoody said.

He said publication of impending weddings was done to inform all concerned parties and members of the public that a particular individual would be planning to get married. If either of the parties is already married, there would be objections which may lead to the calling off of the proposed union.

“Bigamy is a criminal offence in Mauritius and convicted offenders are sent to jail with no option of fines.”



*The Hon Veda Baloomoody speaks about Mauritius' child marriage situation.*

One may choose to get married at the civil status office or opt for a religious marriage, which is also registered. It is a criminal offence to have sex with someone aged below 16 years of age “even with his or her consent and the penalty is jail.”

However, people who had sex with people below 16 and their parents were often reluctant to report the sexual encounters to avoid being stigmatised or ostracised. Hon. Baloomoody told delegates that in Mauritius, education was

compulsory for everyone up to the age of 16.

“It is free and compulsory and sexual education is part of the curriculum in secondary schools.”

He said Mauritius had strong anti-domestic violence legislation and victims of domestic and gender based violence were encouraged to turn to the courts for redress. He stressed that child marriage was not a major problem in Mauritius “because the law is very strong.”

## ● *Complications from page 16*

She, however, acknowledged that eradicating child marriage would not be a stroll in the park and highlighted some of the hurdles that lay ahead. Stakeholders, she noted, would have to navigate through sometimes contradictory constitutional and customary laws in relation to child marriage. Laws and policies that regulate the age of consent for HIV testing, treatment and access to sexual and reproductive health services would need to be reviewed. Additionally, the enforcement of laws protect-

ing young girls from marriage, gender based violence and other harmful traditional practices would need strengthening.

On the financial front, Hansen said there would be need to provide resources to support the implementation of national adolescent reproductive health or related policies.

“Efforts – and resources – to prevent adolescent pregnancy typically focus on girls aged 15-19, yet the girls with the greatest vulnerabilities, and who

face the greatest risk of complications and death from pregnancy and child-birth are 14 or younger,” she said. She encouraged stakeholders to reduce marriage before the age of 18, reduce HIV and early and unintended pregnancies, and increase the use of contraception.

Efforts should be made also to reduce sexual and gender based violence and harmful practices, reduce unsafe abortions while increasing the use of skilled antenatal, child-birth and postpartum care.



# Child Marriage dialogue marked “a turning point”

Staff Writer

The regional dialogue on child marriage which took place in Johannesburg, South Africa marked a turning point in that it had the potential to galvanise the energy and focus of various stakeholders as they increase the ante against child marriage.

This was the view of Mr. David McDonald, the Deputy Director for Plan International in East and Southern Africa. Speaking at the start of the dialogue, Mr. McDonald drew the attention of the delegates to beliefs and entrenched cultural practices that he said had deprived countless girls their childhood and the joy of reaching adulthood within a loving and protective environment.

He expressed optimism that the dialogue would lay a solid foundation for initiatives to end child marriage in Southern Africa.

Mr. McDonald said all over the world more than 700 million women were married before their 18th birthday with many more entering unions before the age of 15.

He said child marriage was a serious social problem in some SADC countries that include Mozambique, Zambia, Malawi and Zimbabwe.

Girls caught up in child marriage not only lose their childhood. They are also isolated and excluded from educational and employment opportunities.

“Child marriage condemns millions of girls to the all too familiar of related cycles of poverty and gender inequality,” he said, adding that the phenomenon could thwart the socio-economic

development of families, communities and countries.

He attributed rampant child marriage to a variety of causes, chief among them poverty, low educational attainment, early sexual debut the perceived low value of girls.

“It is not only the child brides themselves who suffer this, but their families, their communities and the countries themselves, whose development is held back by this arcane practice.”

He said his organisation was involved in an initiative that entails mobilising girls who are at risk of child marriage so that they know their rights and capability to determine their own future. The organisation works, also, towards setting up a legal and policy environment supportive of efforts to protect girls from child marriage.

“We regard child marriage as a gross violation of human rights irrespective of the context. We know that child marriage puts girls and women at a greater risk of sexual and gender based violence. We know that (it) severely curtails girls’ access to education, and exposes them to exploitation and violence – including rape and female genital mutilation and we know that (it) exposes children and young girls to reproductive health risks.”

He said his organization had launched a campaign dubbed ‘Because I am a Girl’ covering Malawi, Mozambique, Zambia and Zimbabwe.

“The primary objectives of this programme are to mobilise those girls who are at risk of child marriage so that they fully understand their rights and capabilities to determine their own futures. In particular, their choices around if,



Mr. David McDonald

when and who they marry.”

The initiative also seeks to facilitate and reinforce an enabling legal and policy environment which will protect girls from child marriage. He echoed the view that Parliamentarians could play a key role in ending child marriage by enacting appropriate legislation while holding their governments accountable.

“Let us act now to secure a better future for the girl child.”

He appealed to MPs to be catalysts for enacting laws that protect against child marriage and to ensure the successful and effective implementation and enforcement of new and existing child marriage laws, and to monitor, support, and strengthen existing mechanisms.

The South African Development Community Parliamentary Forum, the Association of European Parliamentarians with Africa (AWEPA) and Plan Netherlands organised the dialogue.



# Chairperson tells peers: aim to make a difference

Staff Writer

The Chairperson of the Human and Social Development and Special Programmes of the SADC Parliamentary Forum, Honorable Gertrude Imenda, has exhorted fellow Parliamentarians to act wisely and make a positive difference in whatever they do.

Hon Imenda, a Zambian Parliamentarian, made the call when she delivered closing remarks at the end of a two-day regional dialogue on child marriage. Invoking the immortal words of Mary Kay Ash, an American businesswoman and founder of a hugely successful cosmetics industry, Hon Imenda said:

“There are three types of people in this world: those who make things happen, those who watch things happen and those who wonder what happened. As if not to be outdone, Frederick L. Collins said: ‘There are two types of people. Those who come into a room and say, ‘Well, here I am’ and those who come in and say, ‘Ah, there you are!’” She said that Parliamentarians and other stakeholders had a glorious opportunity to stop child marriage and challenged them to be part of the people “who make things happen” lest history judged them harshly.

She warned that woe betide those who squandered the opportunity to make a difference in the lives of the region’s people, especially girls.

“On behalf of the SADC Parliamentary Forum, I thank all participants for attending this important and long overdue dialogue. From the highly interactive and informative engagement that we had here, I probably speak for many when I say that we are going back to our respective work stations and countries with a much better appreciation of the causes, prevalence and conse-



*Honorable Gertrude Imenda*

quences of child marriages in our region,” she said.

She thanked all presenters “for well-researched presentations relevant issues including on Sexual and Reproductive Health and Rights, HIV, Child Marriages experiences and insights. A big ‘Thank You’ to the Netherlands Government. Without its financial support this dialogue would not have been possible.”

Hon Imenda thanked, also, the Secretary General of the SADC PF, Dr Esau Chiviya, for his guidance and leadership which she said led to the success of the dialogue.

“I wish to express our deep sense of appreciation to the Facilitator Dr Margaret Nasha for ably facilitating this session. I would like to take this opportunity to extend my thanks to our friends in the media. We look forward

to well-written articles that will benefit those who could not attend this dialogue.”

She said that the dialogue was the beginning of a long and exciting process. “Let us remain in touch and work together. I am aware that implementing the things that we agreed and that we will agree on as we continue to work together will require resources. Nevertheless, I am convinced that if we rely of the trust and thrust of everyone involved, we can achieve a lot and, more importantly, make a huge difference in the lives of girls and young women.”

Stressing that everything that is worth doing is worth doing well, Hon Imenda said: “When our daughters, grand children and great grand children look us in the eyes and ask if we – when we could like now – acted in their best interests, I want us to be able to say ‘Yes, we did!’”



# CAMERA EYE

