

NEAR EAST UNIVERSISTY
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
MASTER'S PROGRAM

MASTER'S THESIS

CHILDREN'S RIGHTS VIOLATION IN ZIMBABWE: EFFECTS OF CHILD
MARRIAGES (1980-2017).

DOROTHY THANDIWE CHINOZHO

NICOSIA
(AUGUST 2017)

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Thesis Defence

Child Rights Violation in Zimbabwe: Effects of Child Marriages (1980-2017)

We certify that the thesis is satisfactory for the award of the degree of Master of
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Abstract

Lots of efforts have been made to eliminate child marriages in Africa but there is little or no improvement in most of the countries. This research aims go deeper into the conditions in which child marriages favor most and try to find the best way they can be eliminated so as to get rid of child marriages and improve girl child's life. African countries will be discussed in general on the concerning issues especially those with the highest rates of child marriage and particular attention will be put on Zimbabwe as the case study. The researcher used a desk research on the topic and information was extracted from different reports of the most affected countries. Feminist theories are applied on the research so as to get a direction of the matter comes from and where it goes in terms of the previous researches on the issue of child marriage. According to the previous studies child marriages are more common to the girl child as compared to the opposite sex. However, this does not mean that boys are not affected, they are but the consequences are a bit less serious as compared to girls hence the need to focus more on girls. The motivation of this thesis comes from the high rates of child marriages that are found in most parts of Zimbabwe. The thesis gives that conclusion that in order to get rid of child marriages there must be an understanding of the breeding grounds of it then find ways to eliminate the cause before attacking the main problem. Solutions also should be provided according to what is actually on the ground and not basing from general knowledge because child marriages differ from region to region. More of the underlying factors and ways to eliminate them will be further discussed in the text.

KEY WORDS: Child marriages, Roots of Child Marriages, Child Rights, Human Rights Organizations, Zimbabwean Government

Öz

Afrika'da çocuk evliliklerinin önüne geçebilmek için birçok çaba sarfedilmekle birlikte çoğu ülkelerde ya hiç gelişme sağlanamamış ya da çok az bir ilerleme kaydedilmiştir. Bu araştırma genel olarak Afrika'da, özel olarak da Zimbabwe'de çocuk evliliklerinin en etkili şekilde nasıl giderilebileceğini ve kız çocuklarının yaşam şartlarının ne şekilde ve nasıl iyileştirilebileceğini incelemeyi amaçlamaktadır. Bunun için de bir yandan Feminist Teori gibi teorilerden yararlanılırken, diğer yandan da konuyla ilgili yayınlanan raporlardan ve yapılan araştırmalardan elde edilen verilerden hareketle çocuk evliliklerinin nedenleri ve sonuçları mercek altına alınmıştır. Yapılan araştırmalara göre, çocuk evlilikleri kız çocukları bakımından daha yaygın olmakla birlikte, erkek çocukları da çocuk evliliklerinin olumsuz sonuçlarından etkilenmektedirler. Bununla birlikte, çocuk evliliklerinin kız çocuklar bakımından daha ciddi ve olumsuz sonuçlar doğurduğu yapılan araştırmalar tarafından ortaya koyulmuştur.

Zimbabwe'nin çoğu bölgesinde yapılan yüksek oranlardaki çocuk evlilikleri, böyle bir tezin yazılmasını gerekli kılmıştır. Bu gereklilikten hareketle tezde konuyla ilgili bulgulara yer verildikten sonra, çocuk evliliklerinin nedenleri üzerinde durulmuş, ardından da bu evliliklerin nasıl giderilebileceği tartışılmıştır.

Anahtar Kelimeler: Çocuk evlilikleri, Afrika, Zimbabwe, insan hakları, çocuk hakları.

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Above all glory be to God who has taken me this far.

A Luta Continua, Vitoria Acerta!!!

DEDICATION

This is for the best mom ever (Felistus) and my beloved only brother Thabani Dudu.

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INTRODUCTION

This thesis was inspired by the experiences I grew up witnessing of the impacts of child marriages in the community I lived in. seeing my fellow schoolmates and classmates dropping out of school for marriages forced me to research more about child marriages and their causes and consequences though some of them I already know. All of my colleagues who were involved in child marriages in my community suffered a lot so this also inspired me to make a research on it hoping that the research may help in one way or the other. Child marriage as a complex and very broad issue needs a thorough research to avoid over generalization of the issue. This working definition of child marriage in this thesis is, any marriage where one or both spouses are under the age 18 (OHCHR, 1989/Convention on the Rights of the Child). The effects of child marriages are going to be looked at and there after the impact it has on children involved. With the situation as of May 2017 in Zimbabwe the government seems to be turning a blind eye to the issue of child marriages but it is one of child abuse and violation of human rights that hides behind the term culture. The abuse is not only physical but also psychological as the young bride is being isolated from those of her age and family and are supposed to drop out of school and stay home (United Nation Fund for Population Activities, 2006:14).

1. Aims and Research objectives

The thesis aims to attain knowledge on the major causes of child marriages in the general sense then look at Zimbabwe in particular. Zimbabwe is among the African countries that are suffering from the results of child marriages and its impacts are found in different spheres of development of the country. Child marriages are not only on human rights but also affecting social development. Hence, it is very crucial to have an in-depth understanding of child marriages so as to have a proper global and social development.

The core objective of this thesis is to gain knowledge of child marriages and how it exists, its impacts and ways to improve the living conditions of girls. The intention is first to get general knowledge then exemplify Zimbabwe as the case study. As mentioned above

child marriages will be defined as the marriage of one or both spouses under the age 18 hence, attention will be given to the young girls under that age. Taking into consideration of the causes, occurrence and effects of child marriages one may probably get the need to make change to the society. This research is there to clear all the misconceptions on child marriages and try to shed light on the reality of child marriages so as to work towards getting solutions to eliminate the problem.

2. Research Questions

1. What are the primary causes of child marriages?
2. How do child marriages impact on young girls?
3. In what ways can child marriage be combated and eliminated?

3. Hypothesis

The hypothesis of this study is based on the positive impact of international organizations on controlling child marriages. This postulates that, with the help of international organizations in Zimbabwe child marriages can be eliminated. Hence, the research focuses on how international organizations can help as well as the loop holes of these international organizations on the case of child marriage in Zimbabwe.

4. Research problem

I found it so important to research on child marriages due to the problems and outcomes it has on young girls, the people around them the society at large. Child marriages are as well affecting the international community as women's potentials are not entirely taken into consideration. Highest rates of child marriages are on girls and very rare cases are on boys hence the main focus is on girl child. This is due to traditional, cultural and religious practices that bring forth issues of gender inequalities. Therefore, this research focuses on the actions done so far in trying to end child marriages and evaluations are going to be made on why the programs are insufficient and probably if they are failing the way forward to the situation. Through this, I hope to find the necessary knowledge and understanding of the circumstance where child marriage favors and hopefully work to improve the living conditions of the young girls. The most important element of this study is to know the root causes of the problem in different areas and this helps in making programs applicable to the situation which may eradicate the problem successfully.

5. Method

This thesis focuses on child marriages in general then applications and examples are taken from African countries and particularly Zimbabwe. Data was collected from International organizations that have researched on child marriages before, statistics from different NGOs concerning children's rights, and for clarity of the research topic official institutions were used. Information from local and international newspapers pertaining the issue of child marriages was used. Also interviews on Facebook will be done to get clarity on the topic of discussion. For the interpretation of findings the hermeneutics circle will be used.

5.1 Ethical considerations

The present study as has been mentioned previously will be a desk research but in addition to that interviews will be conducted to probe for more information. When the interviews are carried out there are some ethical considerations that should be taken and in this case cultural and religious differences should be clearly understood. The two main religions in Zimbabwe are Islam and Christianity and most of religious examples will be draw from these main religions. Besides religion, there is also another issue of child marriages being sexually sensitive hence this should also be considered since some people may not be free to discuss such a topic.

5.2 Sampling strategy

The study is not going to be done in Zimbabwe hence this leads to the researcher taking the Confirming and Disconfirming sampling strategy. This strategy seeks both cases of expected and exception to what is expected. This helps in that the area in study is so diverse and this gives room to having the understanding from both sides. This strategy gives information that that add depth, richness and credibility and as well as that information that does not fit and are the source of rival interpretations. So, this entails that this strategy allows the researcher to get information that support the hypothesis and that goes against it and this is so function as the thesis will not be so obvious and general.

5.3 Data collection method

A qualitative approach is employed in this research study to obtain in-depth and sensitive information about child marriages. Qualitative research method is an ideal approach for exploring both individual and group perspectives towards a social problem. The gathering, interpretation and analysis of research data will greatly enhance the adaptability of the data (Creswell, 2009: 4). Inductive reasoning is the best method to use in trying to understand phenomena. Abduction offers the researcher room to elaborate on the outcomes of certain social experiences hence it should not be always factual. The researcher's intention is neither to test existing theory nor create a new one, hence abduction is going to be used (Danermark, et al 2002: 90-91). The researcher will make use of additional sources of information to fully answer the research questions.

5.3.1 Interviews

The present study is based mainly on secondary data, although interviews will be used to solicit for more relevant information. Unstructured interviews will be used because of their ability to probe for more information. Unlike closed questions that characterize structured interview guides, open ended questions allow the respondent to elaborate on their answers and leaves the researcher without doubt or subjective thought. The choice of this research tool will help in the elimination of researcher bias therefore making the study reliable and valid.

5.3.2 Desk research

The main reason for making this research a desk research is because of the geographical limitations the researcher has. The population that is involved with the issue of child marriages is so small in the area I am in the time of writing hence the use of secondary data. By definition desk research is the extraction of relevant information from other sources. Possibilities of Skype and Face-book interviews are also there but cannot be highly depended on but however, they shall be used to enhance clarity on the topic. This is of importance as descriptive information is got to support the research. This method was also used because of the limited time the researcher had, it is also less expensive and it has less activities that may take lots of time. But however, there are some weaknesses which are around this method of finding data and these include variation of definition, inaccuracy or bias in the sources and these areas will be taken care of to minimize the chances of getting inaccurate information. Due to the complexity of the phenomenon of child marriages carrying out a qualitative study

will be of benefit to gain more information of the study area. The greater understanding will come due to reading and comparing so many sources around this area. For a reliable and factual thesis, comparing data will be of great importance and it gives a reasonable conclusion. Choosing Zimbabwe as an example is due to the growing rates of child marriages and also the general experiences witnessed by the researcher will be used and the information is reliable and this helps in coming up with a valuable piece of writing. The availability of the information is another reason for choosing Zimbabwe as the case study.

5.3.3 Limitations of the method

Each method used in a research has its own advantages and disadvantages. However, there are some methods that have more limitations than others. For the method chosen the major limitation to be expected is the difficulty in finding adequate and valid documents on the research topic. Nevertheless, the qualitative method was chosen because of its ability to allow me to have in-depth understanding through reading around a lot of material.

6. Theoretical Framework

The researcher chose to focus on one theory that is the feminist theory. Child marriages deny the child the opportunity to be free and enjoy their childhood hence violating children's rights. Child marriages as a violation of children rights, comes with all forms of inhuman treatment. The violation of human rights and child abuse in particular affects both boy child and girl child. However, this paper will focus on the girl child because she is the one who is negatively affected by child marriages.

6.1 Feminist Theory

The feminist theory is going to highlight the interconnectivity of international human rights law and gender equality constitutions in fighting child marriages. The law has been made misrepresenting women, traditionally. Child marriage is traditional practice violates a number of human rights such as gender equality, the right to marry, right to education etc. A number of organisations such laws in trying to fight against human rights violations but with the rate in which child marriages increase it so surprising if the laws and policies are followed. Probably the blame may be put on the state that chooses not to be strict on the

policies put forward. It is also very important to take child marriages as grave public matter than private matter which can be dealt with families, this helps making it everyone's concern.

The importance of feminist perspective on this study is that it considers child marriage as a crime and also idea that child marriages are a result of the subordination of women. It is so controversial why there are penalties for statutory rape and a blind eye on the same act that is protected by the term marriage. The feminist theory in this research also questions the lack of gender neutrality in the law and also why women's experiences did not shape the law and law making. This theory tries to present the female experiences and make them known in the law. The failure of recognising female experiences and adding them to the law perpetuates gender discrimination and violence against women. A number of feminists on child marriages are discussed below.

Greer (1984: 10) tries to dig deep the reasons for marriage in a feminist point of view. It seems like marriages are done for wrong reasons so for Greer there are important reasons why people marry which are ignored by the society. Greer starts by mentioning the importance of the sphere of kinship that has always been the source of strength and protection of women. She mentions that the role of marriage is to link social groups, a respectable way of fertility, sexual behaviour, and reproduction of culture identity and these are the societal expectations of marriage of the traditional societies (ibid :10). In these societies women are associated with pregnancy management, child rising and childbed; these are the principal expression of the familial and societal network for women (ibid:19). These alone encouraged the unnecessary men hierarchies. In such traditional societies or even any society that defines a woman by the mothering functions is simply an index of oppression, Greer noted (ibid:25). However, Greer cries for restructuring of priorities that is to say child bearing, sterility, kin networks and fertility within marriage should be conjugal and not a must, if not the competition with men continues and the will lead to collusion and worst kind of cultural imperialism (ibid :25).

Feminist theory tries to give light on the issue of child marriages, it explain how marriages should be and how societies wrongly view marriage. However, there are some feminists who actually believe that there some women who objectify themselves and the rest of the society take them as examples. According to Levy (2006: 41) it is trendy for some women to present themselves in a manner where they sexualise themselves and take part in the entertainment industry that sexually objectifies them. In support of this view Wolf (2015: 15) states that

women work very hard to enhance themselves just to please men. The way other product are advertised is through female figures and some music videos are shot revealing women often portray almost exclusively in terms of sexuality (ibid 2006:41). It is well known that sexuality is central in both males and females but because of how women portray themselves and how the culture does it seems like it's just central on them. This then leads to the exclusion of other female identity and the erosion of gender equality takes place. According to Levy, the 'Raunch Culture' blocks the way for women to negotiate their sexuality because it is male oriented. She points out that with this culture females are commoditized for men's financial gain thus explaining the idea of child marriages.

Another view comes from the post-colonial theory on feminism. This tries to push back social, cultural and economic leftovers of the colonial era. This is a no to any unjust power structures, relationships and gender oppression. Nayar (2008) in Mohanty's work states that post-colonial feminism argues for social justice, emancipation of women and democracy in order to oppress oppressive structures of discrimination and exploitation. Mohanty (1991: 76) states that the idea of post-colonial feminism is to dismiss the view of the ordinary woman who restricts herself who is still bound in the colonial legacy where everything was powerfully patriarchal. Feminism invalidates social injustice, calls for gender equality and equal opportunity to let a woman as important and powerful as a man (Young, 2003). After noticing their oppositional stance they began to question their inferior status and asked their respected social position (Freedman, 2002). Also Tolan (2006), argues that the third world women suffered double colonisation whereby men reduced them to "other" and the white women also referred them as the "other to herself" again (Mohanty (1991: 79). Mohanty deconstructs all the portrayals of women which include ignorance, poverty stricken, illiterate, tradition bound, family oriented and victimised.

Simone de Beauvoir is one of the most influential feminist. She views pregnancies as oppression of women but she respects some women who find pride in that. She is against the idea of defining a woman in terms of motherhood. She believes that one is not born a woman but becomes one, it is the society that differentiates a woman and a man (McRobbie 2009:52). In her book *The Second Sex* (1949), De Beauvoir mentions that the definition of a man is never asked but of a woman that shows women are regarded as "the other". McRobbie (2009) then brings the point that all this is done so that women become depended on men and forever men have control over women (2009:52). She goes on to say that when young women are given a pivotal role in decision making and in the industry it then leaves the idea of

marriage not important as the women become independent from men and men longer become the bread winners (ibid :55). Also the cultural significance of marriage is reduced. Hence considering all these insights from the feminist their views are going to be used in light of the issue of child marriages.

7. Data Analysis

To increase the validity of the study it is important to analyze the results on gets. For this study hermeneutics analysis was employed. This helped in comparing data from different sources and getting pre-understanding of data (Connell 1987: 59). The importance of such type of analysis is that since this research is a desk research it is essential because the data becomes more structured and efficient. When employing the hermeneutics circle there is need to understand the fore structure of the data, this is done to efficiently gather facts. It is also of great importance how the data can be presented in this case since it is efficient to sum up the empirical data since it is a qualitative study (Patterson and Williams 2002: 38-40).

7.2 Reliability and validity

For a researcher to come up with a valid and reliable piece of work there is need of use of different sources and verify the sources if the correspond well with the area of study. For a reasonable thesis and sound conclusion it is essential to handle different points of views in the research area and also giving contradictory findings is essential (Creswell, 2009:191-192).

8. Confines of the study

As has been stated that this research is going to be a desk study, there are some limitations that the research is likely to have. Firstly, time may be a hindrance of the research and lack of enough sources around the research topic.. Information on child marriage is so much online but one should take precautions on the sources as some will be for political issues and some not scholarly. By so doing this helps the study to be as objective as possible and avoiding being too subjective. Also to maintain the reliability of the thesis one has to be critical and compare different sources they get. The other limitation is on the girls under the age of 18 as they the ones that are regarded as children affected by child marriages. However, this means the research becomes narrow and efficient.

9. Setting

The thesis has three chapters, beginning with the introduction where the topic is discussed. The first chapter discusses the research questions, the aims and objectives. The methodology highlights how the researcher collected the data and the method used to analyze the data gathered. Limitations, delimitations and ethical considerations are also discussed. The first chapter also contains the background of child marriage, where definitions of vague terms are given and possible causes of child marriages are discussed. In the second chapter the international organization that worked on reducing the prevalence of child marriage are discussed. The third chapter includes the implementations of the strategies used by the international organizations. Lastly, there is a conclusion that summarizes the whole thesis and a few recommendations are given.

CHAPTER ONE: Brief Overview of the Study

According to the previous researches most of child marriages are unregistered hence difficult to have exact statistics of the issue (International Planned Parenthood Federation. 2006: 11). Concerning some researches done before Sibanda, 2011:2 states that in every 3 seconds worldwide one girl below the age of 18 is married. The situation is more common in developing nations or those are countries which are poor such as some parts of Asia, North Africa and Latin America especially in Brazil. In these places children can be

married as early as the age of 15. Some European countries also have the practice such as Georgia and Turkey with 17% and 14% respectively. This shows that child marriages are done against the UN Conventions of Human Rights and mostly poor countries do not give attention to Human Rights. The major driving factors to these child marriages are tradition, religion and poverty. Sibanda, M (2011:2) notes that in 2008 about 8000 children below the age of 18 were involved in sex slaves and child marriages, in 2011 21% of the girls in Zimbabwe were married and by 2016 the percentage had risen to 31%. The situation is very common in rural areas because of the leadership of Chiefs who are the custodians of custom and traditions which allow child marriages. One then questions if tradition cannot be changed so that it does not affect human rights.

Instead of the young married girls to attain education as some other children do there are enshrined to the wifely duties that even give them unnecessary pressure. They even work at night and rarely have enough sleep for their age as they will be taking care of the babies. All that can be provided by such marriages is torture and all forms of child abuse (UNICEF 2014: 6). The conditions in which the young girls live in imprison them and threaten their lives and health. It is so pathetic that they suffer human rights violations at that tender age as well as not getting to enjoy their children's right due to these conditions their future is disturbed and a few have make it in life after these child marriages. It is of paramount importance to note

that child marriage is not only a harmful traditional practice but it is a crime, a form of child labour as well as a complete violation of girl's rights (UNICEF 2014: 6).

Also regarding child marriage as a crime it is in a way giving it an unnecessary authority that express the message that it is a rite of passage to everyone and in the girl's cases it just happens a bit too early and not an offense that completely destroyed their lives (UNFPA 2012: 10). Hence, it should be noted and understood that child marriage is an insupportable and inhumane thing that make millions of girls to suffer and have shattered dreams. According to Jenson and Thornton (2003: 10) the most ratified treaty in the world, the Convention on the Rights of the Child protects children's rights to education, health, leisure, rest, play etc and child marriage comes in to violate each and every right the treaty tries to fulfil and protect. The World Health Organisation has also studied that the girls who are involved in early marriages have more chances of contracting HIV from their older and more sexually experienced husbands. This is also due to the young girls' vaginal tissues that are not mature enough for sexual intercourse and even giving birth. Bruce (2007) and Peck (2015) state that UN agencies partnered with other organisations to fight against adolescents AIDS and ensure that they get access to information about HIV and these programmes were run in countries which include Zambia, Mozambique, India, Malawi, Nigeria and Zimbabwe. In trying to deliver the message on adolescents AIDS they mainstreamed the issue of child marriages vigorously

1.1 Definition of Child Marriages

This thesis focuses on child marriages which are also referred to early marriages or early family formation. This is however a subject which is so complex that it can be very vague to define hence can mean anything to anyone. Non-Governmental Organizations (NGOs) define a child as any individual below the age of 18. This is also built upon the UN's Convention on the Rights of the Child, Article 1, (OHCHR, 1989). On the other hand, it should be noted that the legal age for marriage also differs from country to country.

According to the Council of Europe's Resolution 1468 child marriage is defined as "the union of two persons at least one of whom is under 18 years of age. Correspondingly, the African Charter on the Rights and Welfare of the Child Article 21 (2) states that "child marriage and the engagement of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years."

UNFPA defines child marriage as any marriage in which one or both of the spouses are below the age of 18, but it recognizes that “social norms and customs may...dictate that once a girl is married, she be regarded as a woman, even though she may be barely 12 years old”(UNFPA, 2006:16). The practice of early marriage is in conflict with modernization and development in society as it seriously undermines a girl child’s opportunities in the future because of lack of education.

1.2 The Fuelling Agents of Child Marriages

There are a number of factors or causes of child marriages in different parts of the world but there are some factors that are so universal that they are found everywhere and in every child marriage. UNFPA has it that poverty and child marriage work together, which is where there is poverty child marriage, is likely to happen. It varies from place to place but generally girl child is often seen as a liability in most families where they are left with no option but just to find a husband for the girl. This happens usually when the girl is less than 18 years that is when it is believed that after this age they will be demanding more hence a burden to the family (UNFPA, 2006:18). The World Health Organization (WHO) also holds the same line arguing that poverty is one of the factors that drives to child marriage (WHO, 2013). Other factors that have been given are religion, tradition and culture and gender inequalities (World Bank, 2012: 102).

1.2.1 Religious Beliefs

It is very difficult to point out a specific religion that correlates with child marriage in the world but various popular religions for instance Christianity, Islam and African Traditional Religion may influence child marriages in different countries (ICRW, 2001:25). The report of UNFPA 2012 on ‘Marrying too Young’ states that religion has an influence on the predominance of child marriage (UNFPA, 2012: 18). For this reason religion remains as one of the main causes of child marriage. Since religion has much influence on people’s lives it then becomes so easy for people to live according to what they believe in than what they are taught.

1.2.2 Tradition and Culture

In most of the African cultures or any other culture child marriage is a very old tradition that is still practised even today. In Sub-Saharan Africa when a man is rich or is from a rich family they offer to give the poor family cattle or some kind of wealth in order to marry the girl. This is so tempting to the poor family as it is the only way they can use to enhance themselves. Traditionally virginity counts in marriage so the younger the girl the higher the chance of her being a virgin. This then points back to the issue of child marriages as the society looks forward to have virgins in marriages. In such societies where these traditions are men prefer virgins and non-virgins are likely to be left with no spouse. Traditionally in some societies menstruation marks the beginning of womanhood hence making the young girls vulnerable to marrying as young as they will be said to be ready for reproduction (UNICEF, 2001:6). In most cases the girl enters the marriage to please the family, this is so important for the family to keep relationship with the society and not breaking the social norms (UNFPA, 2006:19).

1.2.3 Poverty

African families are made up of quite a number of children, due to some traditional beliefs of marriage as the gateway of procreation. So in having so many children parents also take it as a way of investing so that as they grow old they have people who will look after them. In cases where they have girl children it is regarded as a big investment as they will benefit through child marriages as they get some wealth. Also the other reason why African parents have a large number of children is because of poverty (UNFPA, 2006:18) and inadequate health care (UNFPA, 2006:11) and that means more children are likely to die hence becomes essential to have more children. In cases where there are more girls in the family they are also taken as money making objects. In traditions associated with child marriages, the family is to benefit when the girl is married and the bride price is even more when the girl is young hence promoting the tradition of child marriages (UNFPA, 2006:18-19). Looking at a global level, child marriage is more common in poorer countries and regions and gets more concentrated in poorest households. For instance, it is very uncommon for a girl from a rich family to get married early. In Senegal a girl from a poor family is four times more likely to marry early than the one from a rich family. In strained situations, the parents do not have any other reasons to keep their daughters aside from letting them in early marriages (Malhotra, A 2010:3).

1.2.4 Child Marriages as a Way of Avoiding Shame to the Family

In African tradition and culture it is disgrace for a family to have unmarried daughters hence families opt for child marriages. The family can be excluded from their own community if their girl child chooses not to follow the social norms of getting married early as expected by the society. Also child marriage decreases the chances of the family to get into shame after their daughter get impregnated out of wedlock. To safeguard the sexuality of the girl child in the countryside, the girl is forced to stop going to school once they menstruate. In this point in time marriage becomes more important than any other educational things. The continuation of this child marriage trend is passed from one generation to the other and making it legitimate (UNFPA, 2006:19).

1.2.5. Child Marriages as a Way of Safeguarding Girl Children

Child marriages are done in the name of protecting the girl child but it does more harm than good. Due to the HIV and AIDS epidemic the number of child marriages has just increased in the name of protecting the girl child from some sexually transmitted infections which they may get through sexual misbehaviours they encounter as they grow. When the families let their children engage into the early marriages they will be making an attempt to avoid multiple sexual partners that expose them to some (STIs). In some situations the young girls are then forced to join the sex industry and become sex slaves. So given that scenario letting the girl marry at the tender age and get a spouse remains the best option. In these cases where sexual assaults are rife marrying a man with a higher status in the society is most favourable as they will safeguard the young girl. This then results in a positive impact of child marriage (UNFPA, 2006:20).

1.3 The Commonness of Child Marriages in Rural and Urban Areas

According to Johansson, (2015: 34) on daily bases girls under the age of 18 get married with the figure 39 000 and this is so disheartening to imagine. The WHO also states that the estimated numbers keep on increasing due to the population growth and poverty (WHO, 2013). Child marriages can be reported to be a nation's or global problem but there some parts which will be affected more than others. In African rural areas child marriages are more common than in urban areas. UNFPA has it that forty four per cent of the rural women of age

of 20 to 24 get into marriage before they reach adulthood, while only twenty two percent of their urban age mates come across child marriages (UNFPA, 2012: 34). This is due to some reasons that include poverty, lack of knowledge and lack of education. School drop outs are also very common in rural areas because of the distance they walk to school and this exposes young girls to child marriages since they will be unoccupied. The other issue is on lack of knowledge about the impacts of these early marriages to both parents and the girls. Some organisations formed to educate on these issues do not reach very remote areas hence leaving the people there disadvantaged. The issue of child marriage can only be overcome by educating people and giving them new information and besides that they continue with the old and very bad tradition.

1.4 Impacts of Child Marriage

There are a number of impacts that come along with child marriages. Some of these effects are taken for granted, people not knowing that they have long term effects on the children and the society at large. Six major impacts are going to be discussed below.

1.4.1. Domestic Violence

In child marriages it is always the case that the man is way older than the girl and this gives the husband total control over the wife. In this case the girl is more likely to lose influence and normally it leads to domestic violence (World Bank, 2014:102) and also the kind of violence the girl faces are so intense. At some point in time they can be even be beaten during pregnancy. The assaults are not only physical but also psychological. These come from the husband taking the girl as not understanding, forgetting that their interest and way of thinking is not the same the girl still need time to mature and understand things as the husband does. Child marriage also becomes very difficult as the girl lacks support from the family and she is left on her own and if it gets more miserable the girl ends up running away from the marriage and family (UNICEF, 2001:12) and end up living on streets or committing suicide.

1.4.2. Dearth of Education to a Girl Child

Child marriage can never in any way be justified as it is a child rights violation practice. To begin with, child marriage violates the child's right to education. This is so clear that once a child is in the marriage the chances of them going back to school are so rare. In cases where the family is poor and they find it too expensive to send their children to school, a girl is opted to drop out so that they give much attention to the boy. According to Davies, Postles

and Rosa 2013 when a girl reaches sexual maturity dropping out of school and marriage are the two solutions to the poor family. The reason behind this is to invest in the dowry and wedding expenses rather than extending education for the girl child who will later marry and leave the family to join a new family. Researchers have it that, women who have kept longer in school and further with education delay to marry, have children later and in most cases the children are healthy and fewer. In many countries primary education has become compulsory to every child so this has in a way bind the families to at least keep their daughters in school but the crossroad comes at secondary level where some continue (extend childhood), some join workforce and some are forced into forming a family (Davies et al 2013: 45). If the girl is encouraged to extend education at least up until 18 years child marriage is discouraged. Myers and Harvey (2011: 24) states that a few are allowed to take education further once they are married, if so they will not be able to balance personal development, housework, childbearing and childcare responsibilities so education becomes a failure. Lack of education then disadvantages the married child in that in most cases the uneducated and unaware girls are not as equipped to protect herself as the educated one. This is the right time to get protected with the family but since they are married the African culture has it that the girl's family has less power over her.

The report of UNICEF (2011), states that one of the most important factors of child marriage is due to lack of education and in most societies the girl child is affected. Child marriage has become a hindrance to better living conditions and completion of secondary school for young girls. When the girls are allowed to finish at least secondary school the risk of them getting into child marriages decreases and according to statistics when the girls are given proper education they are likely to marry late in life and bear few children (UNICEF, 2011:29). In most cases, families take girl's education for granted and they consider it unnecessary. This denial to education means that the girl cannot be professionally employed. The girl then because restricted to the household duties and taking care of the children which are the major duties of a bride and social norm in most of the societies (Mutya, 2011:352). A mother who lacks proper education does not see the value of her children going to school, which causes further complications in a negative cycle (UNFPA, 2012:13)..

According to the research done by United Nations Educational, Scientific and Cultural Organisation (UNESCO) the chances of educated women to die during child birth are very slim as compared to uneducated ones (2013:4). Statistically about 98,000 lives would be

saved if at least women complete the primary level and in Sub Saharan Africa maternal deaths would be reduced by 70 percent (ibid 2013:4). More so, not only maternal death would be reduced if the young women are educated but also child deaths and if women get up to secondary education child death will be cut by half (ibid 2013:5). This is in the sense that when mothers are educated they have the knowledge for balanced diets to avoid malnutrition on the babies and how to prevent other diseases that are common to children. In addition to this if girls are given higher levels of education it is more likely that salary gaps with men narrow and reduces dependency syndrome of girls on men. And also the chances of child marriages get low as well and enhance development in the society. Hence, education is the way for young girls and lack of it misleads them and calls for poverty and early deaths.

1.4.3 Child Marriages Violate the Right to Live and Protection

Child marriage also deprives the child the right to live and be protected with their parents. In most cases when children are taken away from their parents they suffer more abuse than when they have their families. The premature separation with the parents expose them to bad environment where the elderly people may take advantage to exploit them (Basiyenge 2011: 9). The marital status then forces the young girls to lose contact with their families and they are left with nowhere to get a shoulder to lean on hence they suffer in silence. Every child has the right to be protected from kidnapping and trafficking. It becomes better if the parents keep the children in school as they reduces the chances of trafficking and exploitative labour (ibid 2011:9). Also when a child enters the marriage they are put at the risk of being caught at the midpoint between the parental family and the receiving family. This is where the parental family hold legal responsibility for her but ceasing to fulfil its duties and the marital family not holding any legal responsibility and also sometimes not fulfilling their duties as well. Sexual abuse is the most common in child marriage; the young girls are forced into sexual intercourse even if they do not feel it. If they refuse different threats and harassments are given to them which later lead to psychological trauma.

1.4.4 Right to Health

Due to the premature age the young girls enter marriages with, there are so many complications and health risks they meet in pregnancy and childbirth. The health risks are also related to low level of education, social status and lack of access to health related

information and health services. According to previous researches on adolescent reproductive health the main causes of death among adolescent girls are pregnancy and childbirth (Sanyukta et al 2003). Also lack of access to timely and adequate maternity guidance and care increase the challenges of health complications of the young girls and some of the effects of these complications live with them for the rest of their lives. Child marriages also affect the child's mental health. It affects the girl psychologically; most of the studies that have been done state that there are many verbal abuses that are done to the little girl in marriage. The psychological health consequences are bad in the sense that in most cases they live with them each and every minute of their lives and these increase the rates of suicide. Many of the married girls regret the whole process of being married but since it was not their choice they did not have an option (Basiyenge 2011: 7). Also as an outsider of the new family the girl is most likely to be kept at the periphery of the emotional communication that complete the other blood related members of the family. These are some of the psychological trauma they live with. Every child has the right to be physically and emotionally healthy but to the married young girls that is just a dream.

1.4.5 Right to sense of belonging

Child marriage is rosy to the family that gets the dowry after they marry off their daughters. It is like selling the young girls and once they are sold they now belong to the buyer and the buyer has full authority what so ever. In most cases of child marriage, the young girls ends up deserted by the husband and even the marriage itself ends up deserted it does not last for a life time (Lewis 2009 :27). Once the girl leaves her family for marriage and joins the husband's family and they separate the girl end up belonging to no one and nowhere. It then becomes so difficult to for the abandoned girls to engage gainfully in a profession after the segregation from all the developmental and marketable skills. Exclusion mostly affects the young girls than their husbands. It is very rare for the abandoned young girls to remarry. In most cases they end up in prostitution as a way of taking care of their children (ibid 2009: 29).

1.4.6 Child Marriages Leads to Isolation, discrimination and abuse

From time immemorial girl children have been objects of abuse, violence, neglect and discrimination. In some situations a girl child opts for marriage only to free herself from

the exploitative and intolerably violent behaviours from her own home (Bunting 1999: 43). But however, this may be worse as the abuse continues probably from the violent or sex addicted husbands. Or in some cases any other family member may force her for sexual relationships. In addition to sexual abuse they also suffer verbal and emotional attacks. In addition to this the married young girl is also exposed to some pain through intimidation and brutality acts which include lack of socialisation, denied access to healthcare, corporal punishment and also food deprivation (ibid 1999: 45). On the contrary child marriage also symbolically and physically isolates the child from the system mandated to protect her. Also, a big blame is given to the parents of the young bride who normally advises their daughter to endure the pain and abuse from the husband's family privately since they believe that marriage has never been easy. The society also perceives them as adults and never bothers to interfere in their private family matters. Under such circumstances the imprisonment the marital home gives emotionally separates the young girl from her own family and childhood members and it becomes very difficult for them to find help (Clarks et al. 2009: 15). Again, marriage does not only fails to protect the young girl from sexual violence only but instead it repeatedly expose them to sexual brutality that later weakens the young bride's safety. Hence, child marriage socially exploits the young bride and exposes them to so many abuses.

1.6 The Millennium Development Goals and Child Marriage

The Millennium Development Goals (MDGs) can be directly linked to child marriage, since the matters pertaining to child marriage fits into several of the goals presented by the UN. The goals that were set by the UN as the Millennium Development Goals for 2015 are directly related to child marriage since the issue fits so well in several goals presented. Among the eight goals six of them fit perfectly and relate so well to child marriages. This is one international program that was run and helped in minimising the numbers of child marriage indirectly while they try to reach their goals. The MDGs targeted on the eradication of extreme poverty and hunger that is one of the main causes of child marriages hence this helping to eradicate child marriages as well. Another related goal the MDGs stated is the achievement of primary education for all mostly destructed by child marriage. It has also been mentioned that young girls end up getting married because of lack of education. When primary education is made universal it then allows the young girls to at least grow a little bit more before they get married. More so, the MDGs set to promote gender equality and empower women. In most cases when the young girl gets married they become disempowered and does not have anything to say in the decision making process in the

household. By this goal implemented it helps the girl to at least have a say and speak out her mind. This even applies to the right of refusing sex when she does not feel like having it.

In addition to this, the MDGs set a goal to decrease child mortality rate. An underage girl is likely to give birth premature or miscarry her child. Due to the young age of the girl most of them fail to carry the pregnancy, endure the labour pains and fail to deliver the child safely and this in most cases the child dies at birth. This is associated with goal 5 that calls for improvement in maternal health; not only is the girl's child prone to suffer due to having a young mother, but also the mother herself. The labour pains become so unbearable for the young mother and in some cases they end up cut to extend the cervical opening for the baby to come out. Lastly the most fitting goal of the MDGs is to fight HIV/AIDS, Malaria and other Diseases. The rise of HIV infections has been seen to be related with child marriages. STIs and particularly HIV are so much related with child marriages. When a young girl is married to an older husband chances are very high that they can get infected as the older spouse had probably had so many sexual relations before. In marriage, according to African culture the wife is not supposed to deny the man sex hence leaving the girl vulnerable to these STIs. In African societies information concerning sexual relations is not disclosed to girls and this increases the risk of infections due to lack of knowledge (UNFPA, 2012:11).

1.7. Advantages of Delaying Marriage

Benefits of entering marriage later in life gives room for girls to avoid all the possible discussed consequences. Mostly if marriage is delayed the girl child gets a chance to go further with education and they become independent (UNICEF, 2011:29). More schooling means better health and it also empowers females. Other advantages are that when females attain higher levels of education chances are that they will not have many children and this gives them an opportunity of getting into corporate world and thereby making them self-sufficient. This subsequently contributes to better living conditions and eradicating poverty in whole societies (World Bank, 2014). Literature has indicated that when marrying later in life, benefits are not only enjoyed by the first generation but are enjoyed by the next generations as well (ibid: 37). In sum, education to a girl child does not only benefit herself and immediate family but also the society at large.

Conclusively, this chapter has tackled child marriage in general understanding, common terms surrounding the issue, factors that fuel child marriage and the effects of child marriages. More detail will be presented in the following chapters and in chapter two

international organisations and NGOs that work towards children's are focused on in conjunction with the government of Zimbabwe. Treaties and charters that were signed and ratified by Zimbabwe to provide and protect child's rights are included in the discussion giving proper insight on the obligations Zimbabwe has on protecting the child and ending child marriages.

CHAPTER TWO: INTERNATIONAL ORGANIZATIONS AND OBLIGATIONS OF ZIMBABWE IN CONTROLLING CHILD MARRIAGES AND PROTECTING CHILDREN'S RIGHTS

Vengesai (2014: 10) notes that after the Second World War a new era of international law and the adoption of the international human rights regime of the Universal Declaration of Human Rights (UDHR) came into place. The UDHR is considered as the very crucial declaration that gave the background of all the human rights and other specific conventions that address different rights interests (Njungwe 2008: 19). Following what Vengesai states on children's rights and justice, the International Covenant on Civil and Political Rights (ICCPR) of 1966 was the first international treaty that confined the prerequisite of child justice among states as another form of protecting children's rights (Vengesai 2014: 10). The Convention on the Rights of the Child (CRC) of 1989 was the direct treaty that also contributed much on the development of child right. It was the first international treaty that attended to children human rights specifically and set the norms and the standard of the children's treatment (ibid: 11).

When Zimbabwe got its independence from Britain in 1980 she signed and ratified regional and international treaties as a fulfilment of the responsibility to protect human rights which is a general rule in international law. Zimbabwe as an associate of the international community was obliged to accept the responsibility to act according to the international human rights law. The law is intended to safeguard and promote dignity of

individuals, health and lives (Higgins, 2000, 130) These treaties that were signed are supposed to be kept and Zimbabwe in any way should abide with the obligations of the treaties without fail. According to Zimbabwe Lawyers for Human Rights (ZLHR 2009: 7) under the article 27 of Vienna Convention on the Law of Treaties that reveal the customary international law, Zimbabwe is not in any way allowed to justify its failure to meet the obligations of the treaty by summoning its domestic law.

The Assembly of Heads of State of the then Organization of African Unity (OAU) and now African Union (AU) adopted the African Charter of Human and People's Rights (ACHPR) in 1981 and Zimbabwe then ratified it on 30 May 1986 (ZLHR 2009: 7). When the treaty of ACHPR was adopted, the states confirmed that they will by all means possible adhere to the obligations and principles as stated in the Charter. This complemented and enhanced the international human rights regime of the UN with reverence to the governance of children's rights. Similar to, Universal Declaration of Human Rights, ACHPR (Article 22) observes that everybody has the right to social, economic and cultural development and other corresponding rights to health, education, etc.

This chapter focuses on several organizations that bind Zimbabwe on protecting children's rights and preventing child marriages and the treaties that Zimbabwe signed and ratified. These treaties or charters that were signed come with obligations for Zimbabwe to abide with so these obligations will be discussed in relation to children's rights and child marriages. Since this study is in Africa, it is very important to take African Charter and other regional documents, treaties and regulations into consideration and discuss their say and point on children's rights and pertaining child marriages.

2.2 United Nations Organisations: United Nations Children's Fund (UNICEF)

In 1945, the UN Charter reiterated the importance of human rights and the equal rights are to be enjoyed by everyone without any distinction as to sex or what so ever. The Universal Declaration of Human Rights also gave respect and dignity of human rights and equal rights for both men and women. It also stated that these rights were not grounded on the issue of sex hence giving equal protection to everyone. Regardless of the idea that the declaration is not always effective in all countries still is morally influential and is regarded part of customary international law in all the major human rights covenants of UN provisions for equality of the sexes and enjoyment of human rights are provided (UNICEF 2006: 6).

From UN, UNICEF was born and it is an organization which is widely known for its help in the betterment of children. UNICEF is considered an ambassador of the UN as it is tasked by the General Assembly to promote the protection of children's rights, help meet their basic needs, and increase their chances to reach their full potential. Found in 1946 to provide emergency aid to children in the aftermath of the Second World War, UNICEF became a permanent member of the United Nations in 1953 and its consent was extended indefinitely. The key purpose of UNICEF is in expanding the access to education of children and to ensure that children meet their desired needs thus improving child survival (UNICEF 2005: 12). UNICEF also helps in drawing the global attention to the impact of war and conflict on children and helps in formulating international standards of behavior towards children. UNICEF started operating in Zimbabwe in 1982 and they work hand in hand with the government to make sure that their aims and goals on children's survival and rights are met (UNICEF CPAP 2006: 8). The government of Zimbabwe signed a Basic Cooperation Agreement (BCA) with UNICEF, Non- Governmental Organisations (NGOs), sister agencies of UN and the private sector to give as much assistance as possible to the children and women.

The obligations of the government are to fulfil its commitments with the provisions of BCA of August 1998. The government is obliged to accord to UNICEF and the officials of the organizations which work on behalf of UNICEF in providing services that are in favour of the children (UNICEF CPAP 2006: 10). The government will again be committed to give support to UNICEF's efforts in raising funds that are needed to meet up the additional financial necessities to the Country Programme.¹It is also the government's commitment to motivate potential donor governments to give support to UNICEF in implementing unfunded components of the programme. The government is also going to carry on organising local resources for children through budgetary distributions and support community based programmes that help in attaining the objective of the country programme (UNICEF 2006: 10).

UNICEF Country Programme 2012- 2015. *Basic Education and Gender Equality Country Programme*. To address the main problems of dropout and low grade 7 pass rates, planned interventions will contribute to improved learning outcomes by increasing availability of quality learning and teaching materials, qualified and motivated teachers, and adoption of the child-friendly schools model.

Following the roles of UNICEF it also addresses the effects of child marriages on young girls and their well-being. Child marriage is one of the forms of child abuse be it girl or boy. It has the most predominant form of sexual abuse and mistreatment of the girl as a child. It has produced so harmful consequences in it and these include separation from the family, early parenthood, lack of freedom to interact with other children of their age, and the opportunities of carrying on with education decreases. To the victims also child marriage results to commercial sexual exploitation and even domestic violence between the couple (UNICEF, 2006: 1). The young girls also are prone to contracting Sexually Transmitted Diseases (STIs) and premature pregnancy since they cannot abstain from sex or negotiate safe sex. According to UNICEF information sheet on Child marriage (2006: 1) globally 36 % of women between the ages of twenty and twenty four got married before they reached the age of 18. Also it stated that adolescents between the age of 15 and 19 who gave birth approximately amount to 14 million each year. These marriages are more common in Sub Saharan African and South Asia.

UNICEF also suggests that the role of the civil society institutions and the government is to put into place and enforce systems that stop and supresses this deadly practice from growing. Child marriages as stated in the first chapter are closely related with poverty and tradition and culture so the government should review the customary and civil law. According to (UNICEF 2006: 1) governments must set up 18 as the legal age for marriage for both boys and girls and make sure that it is implemented. Another issue that the UNICEF information sheet of 2006 noted was on how challenging it is to end child marriage because some parents understand the impact of child marriage but they cannot resist the economic hardships and societal pressures and traditions. Concentrating on attitude and customs that promote or condone the practice is important in changing the acceptable age for marriage. It is also very important to make open discussion about marriages since this is considered as a secluded matter in many cultures. Traditional beliefs about marriages can be discussed and explained through campaigns. In order to manage behavioural change, there should be put emphasis on observing human rights especially those of women that include equality, access to education and freedom from exploitation and discrimination (UNICEF 2006: 2).

It is very important for girls to get their chance to expand their knowledge and participation in empowerment skills. According to UNICEF (2006: 2) educated girls are less likely to

accept marriage at a young age. This may be achieved if there is an expansion on non-formal education, child friendly schools and cash enticements for parents and these may motivate both the parents and children to increase more time of education. Also families and the community have a very strong impact on ending child marriage. In communities, women's organisations require support so that they act as the mouth piece and advocators about child marriage. The change of life and dynamic of every cultural aspects must be discussed by the human rights base development and education programmes so that people see the change in societal norms and partialities associated to the practise of child marriage (UNICEF 2006: 2). It is of paramount importance to offer services on abuse, reproductive health and protection from HIV infection to young girls. There are some young girls who run away from marriages and parents who force them to get in unwanted early married they need support so that when news spread it may help the next person the UNICEF Information Sheet of (ibid: 2) reported.

In trying to contain the problem of child marriage, UNICEF is through the promotion of girl's education. According to the researches of UNICEF the chances of a girl who completes secondary education getting married early are lower than those with just primary education. As from 2006 UNICEF was the lead agency for the UN² girls' education initiative which worked to ensure that by 2015 every child in Zimbabwe and anywhere else in the world will be able to complete primary schooling. Also to be so particular, in Zimbabwe UNICEF has been backing up Girl Child Network a project that promotes the rights of young girls and work against women's rights violations such as child marriages and dowry. The project also helped the girl child get education and life skills that empower themselves.

2.2.2 The Convention on the Rights of the Child (CRC)

This is interesting to note that child marriage in particular was not directly cited in the 1989 Convention on the Rights of the Child (CRC) but the Convention contains the abolishment of harmful traditional practices towards children and those that deprive them the freedom to enjoy their rights in Article 24(3) hence, child marriage is included (UNPF 2005: 5). CRC also prohibits the states to permit or give validity to marriage of people below 18 years as they are regarded as children (Article 1). Hence, the CRC considers that the marriageable age for both sexes to be 18. This convention contains norms and standards for advancement and

² In Zimbabwe since 2006 the economy started depreciating hence more school dropout and poverty rates increased and the intervention of NGO to help the situation. Among the NGOs was the UNICEF

protection of children's rights and the member states are made accountable for any violation of the children's rights. The design of CRC is to work as a facilitator in developing and advancing both international and national norms on child rights. It took 10 years from 1979 to 1989 for the CRC to be drafted hence this document was carefully drafted (UNPF 2005: 6). Zimbabwe joined the Convention on the Rights of Children on 8 March 1990 and on 11 Sept 1990 it was ratified and that was the milestone of achieving and attaining the children's rights. CRC sees that children are to get their human rights as they are. Hence, CRC sees no any reason that should make the child get moved from their rights be it family, community or state all these should make sure that the child gets all the legal rights under international law.

There are several articles of CRC which give provision relating to child marriage and they will be highlighted. According to Zimbabwe Lawyers of Human Rights (ZLHR) 2009, article 1 of CRC states that a child is that individual under 18 years unless under the law applicable to the child, majority is attained earlier probably assuming that any marriage with a party below 18years is child marriage and is not advised and encouraged. Article 2 mentions the practice of freedom from discrimination on any grounds hence, dismissing the idea of some parents and cultures do not see any value in a girl child except marriage which leads them in forcing them into child marriage. In support to this, Article 3 mentions that in all issues relating to children the primary consideration will be given to the child. Lastly, articles 28, 29 and 34 mentions the right to education based on equal opportunity and the right to protection from all forms sexual abuse respectively.

In its closing remarks on early marriages, the CRC raised concerns over the pervasive practice of early marriage in certain ethnic and religious communities which are so particular with the norms and values of their religions. In addition, it postulated that once girls are married, they are not afforded the right to education. In viewing the issue of child marriage CRC concluded that the practice is a very serious way of child rights violation as many are ignored and some of them are mentioned above. The Committee further highlighted that the right to education is especially the one that the girl that enters into that early marriage is deprived. The Committee encouraged that all states should make it a point that they strengthen their implementation of existing legislation to avoid early marriages. Also, sensitization programmes should be developed and these should include religious leaders, children themselves and society at large (Islamic Human Rights Committee 2009: 9). Also, in addition to this, under the cases that child gets married very early the government should

make sure that the child continues to enjoy their rights as set by CRC including the right to education.

CRC Committee also observed that the health of the adolescents especially girls is neglected, for example, it mentioned that there is a very high percentage of early marriage which put them at risk of getting negative impacts on their health out of it. The committee reviewed the compatibility of the African customary laws with those of the value of CRC especially regarding child marriage (IHRC 2009: 9). In summary of CRC Committee links child marriages with the whole lot of child rights abuse. Regarding all the obligations and regulations stated in the CRC if they are well implemented and valued the possibility of ending and eliminating child marriages are high.

2.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

On 13 May 1991 Zimbabwe ratified the ICESCR and affirmed that she would abide with the international obligations to respect, fulfil and protect economic, social and cultural rights by complying with International Covenant on Economic, Social and Cultural Rights (ICESCR) (ZLHR, National Constitutional Assembly 2009:8). It is Zimbabwe's responsibility to safeguard that rights, duties and freedoms protected in the AU Charter are recognised (Amnesty International 2005: 26). Zimbabwe has an international responsibility of respecting, fulfilling and protecting economic, social and cultural rights under the ICESCR (International Human Rights Clinic 2009: 8). As stated on Article 2 of ICESCR that states shall 'assume to the steps, individually, and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view of achieving progressively the full realization of these rights (Chapman, 2002: 9). Zimbabwe is obliged to respect its people's rights as stated in the General Comments of the UNCESCR. A state is not allowed to hinder any of the citizen's rights be it directly or indirectly. An individual's effort in exercising and enjoyment of the rights shall not be disturbed in any way hence everyone shall be respected as they are. Zimbabwe's is again obliged to protect those rights of an individual to ensure that no one or any party come in people's way to hinder the exercise and enjoyment of the rights (ZLHR, NCA, IHRC 2009: 8). This obligation includes the need for some measures that will be taken in a case that an individual or party violates the rights to be implemented. These measures will make sure that there is prevention, investigation and punishment to the third parties that trespass such rights. Lastly, a state is

obliged to fulfil the promises of the stated rights. The state must support rights, facilitated access to and utilizations of resources so as to make sure there is awareness of rights and provide for those who cannot carter for themselves. This obligation is there to make progress in giving awareness to people's rights.

Considering that Zimbabwe observes the obligations of ICESCR, it then shows that child's rights are protected as well. The ICESCR gives some direct and indirect regulations on children's rights. Important reference is in Articles 10, 12 and 13 which directly mentions the regulations on children's rights. Article 10 notes that the family should give maximum protection and assistance to the children and also the family is accountable for the upkeep and education of the dependent children. Furthermore, Article 10 stipulates that distinctive measures of protection should be taken on behalf of the child without any discrimination that they should be protected from economic and social exploitation (item 3). Also the same article prohibits child labour. Article 12 notes the right of all to "enjoyment of the uppermost achievable standard of physical and mental health," to be fully realized by, among other measures, States Parties' providing "for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child" (item 2(a)). The ICESCR also calls for education for everyone (article 13(1)) and stipulates "primary education shall be compulsory and available free to all" (article 13(2a)). When children's rights are protected it then follows that child marriages are decreased and limited. Social rights of an individual cover that of marrying whoever they want and with the individual's consent and also leaves room for children not to get into marriages they do not want because of parent's decision or pressure. Also, the right to education for everyone helps in eliminating child marriages as children will have more of their time in school as they age before they marry. In this regard Zimbabwe's obligation of ICESCR helps in minimizing the cases of child marriages and abuse if they are well implemented.

2.2.4 The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR is more concerned with the blue or the so called first generation rights. This human rights instrument or treaty was signed and ratified in Zimbabwe on 13 May 1991 and it came to force on 13 August 1991 (Mude, 2014). Self-determination is the first issue it poses in article 1 which entails the full control of the country on their government and

statehood and on individual bases it is the full concern of one's life (Mude, 2014). In relation with the topic of this study the rights of children in this convention are discussed.

To begin with, the covenant in Article 23.2 eliminates the idea of marriages of the inappropriate ages that is to say child marriage according to the rights set by other conventions for instance UNICEF. Also that same marriage should not be entered without the full agreement of the parties. In this nature it points to the abolishment of child marriage in terms of age and consent since in most cases it is the decision of the parents to marry off their daughters. However, article 18 of the covenant raises commotion in the lives of the people as it seems to contradict the other human rights. This is in the sense that in other religions it is their belief and practice to marry young girls and this goes against the rights of the children to marry whom they want and when they are mature that is after the age of age of 18. However, it is the duty of the international organisations to make human rights and religion to be compatible. Privacy family life and protection of children are recognized by articles 17, 23 and 24 respectively. Article 24 of the ICCPR is specifically dedicated to children. It postulates that "every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State." It further prescribes that every child must be registered immediately after birth and have a name and that every child has the right to acquire a nationality. Hence, looking at the nature of the mentioned articles and regulations it is shown that child marriage is not in any way accepted, it is a human violation entity and it shows that children are so very important and their rights should be protected.

2.2.5 The Convention on the Elimination of all Forms of Discrimination against (CEDAW)

CEDAW was adopted by the General Assembly of the UN in 1979. CEDAW gives the state all the responsibility to ensure that the Bill of Rights of women is followed. As of May 2017, CEDAW is ratified by 185 countries. Zimbabwe also signed and ratified the treaty of the Convention on the Elimination of All forms of Discrimination (CEDAW) against women on June 12, 1991 (ZLHR 2009: 10). This was acceded so as to work on abolishing discrimination of women and protecting their rights. The spread of CEDAW came up as an idea of bringing up all the efforts of the women globally on having a single document where women's rights are. There are always some weaknesses but this gives the right to be heard that women's rights are human rights. CEDAW calls for the protection of women's rights

from the private to the public sphere of life. For instance, CEDAW seeks to employ women in the political sphere as their male counterparts. Also it gives the importance of women to ensure that social and cultural patterns are revised so as to avoid stereotyped roles and hierarchies between genders. In securing women's rights CEDAW gives the government the responsibility to ensure that they adopt enabling law that prohibits discrimination against women and to take serious measures to eliminated discrimination (Chapman 2002: 9).

CEDAW is structured into six parts and a few articles will be chosen to explain the ongoing topic. Part three of the document (Article 10-14) calls for the government to make commitments in eliminating discrimination in education, employment, health, economic, social and cultural life. Considering child marriage this comes in help of the deprived right the child gets when they get married. In most cases when a girl marries it then marks the end of their education life especially those under -age girls because they will not have a voice to call for education once married. Hence the state is obliged to eliminate the discrimination on women and ensure that that every child get their right to education. Also part four to five states that women should get equality with men before the law in exercise of legal rights, in the marriage and family law. For the causes of child marriage family also came as a factor that forces the child to get into these marriages. Sometimes the family is so poor that they find it so expensive and hard to raise a girl child so their only option is let them join the other family so that they get dowry from the marriage. CEDAW states that there should be equality on both male and female in the family hence entailing that a family cannot over rule the girls right if they do not want to marry they should let them be (UNICEF 2005: 13).

It is also very important to note that CEDAW in Article 2 (f) delineates that states should take appropriate measures to ensure that all the laws, customs and practices that discriminate women are dismantled and revised. These customs and practices include that of child marriage. Some parents force children to marriage while they are still under age arguing that it is their custom and cultural practice that is so significant to the family. Article 5 (a) also stresses the point on revision and correction of cultural customs and practices which promote any type of discrimination or stereotyped roles for men and women. Article 16 includes rights related to matrimony and to family relations, including the right to marry freely and to decide the number and timing of their children, to exercise their rights to administer property without interference. CEDAW obliges all state parties to act accordingly to eliminate discrimination against women in all matters relating to marriage and family.

Women and men have equal right to freely choose a spouse and to enter into marriage only with their full consent. By so doing it gives highest form of avoidance to child marriages.

All children have the right to education but they access it differently due to societal values towards girl's education. A study by Plan in the areas in which it works 10 districts out of Zimbabwe's 52 districts found trends which suggest that while school enrolment increase significantly around 2008 with the introduction of the multi-currency economy, girls' subsequently had higher dropout rates while boys' seem to drop out at a far slower rate from 2009-2011 (ibid: 13). The study found that schools reported on average 60% of girls who enrol for Form 1 do not sit for final secondary school exams, and 1% of respondents had never been to school. The top 4 causes cited by girls and their families for high drop-out rates were lack of school fees, early pregnancy, child marriage and long distances to school (ibid:13). The roots of these drop-outs lie in son preference in the face of economic insecurity, traditional and religious beliefs. Statistically, the number of girls who drop out of school due of marrying or pregnancy ranges from 13 at one school and 22 in another. This report shows that there is still a more to be done in Zimbabwe to eliminate all forms of discrimination and exploitation.

In addition, CEDAW has a committee that ensures the functionality of the Convention in the signatory states. The Committee summon up the obligation of the state party to implement the provisions and requirements of the Convention systematically. The Committee is also there to view the concerns and recommendations towards the Convention. The Committee obliges the state party to concentrate more on the implementation activities and report the actions done and the results achieved. The Committee is also more concerned on spreading the awareness of the Convention especially to women in rural areas who are not aware of their rights (The Committee of CEDAW 2012: 10). The Committee extols the progress made by the state party in education of girls and women since independence in 1980 and works on the control of the high school dropouts since 2006 when the economy of Zimbabwe started depreciating. The Committee also made a policy to enable pregnant girls to enrol in school after delivery and to eliminate all other barriers to girl child education. The Committee notes that lack of education is another barrier to enjoyment of human rights to women so when they get educated they stand for themselves to get their full human rights (ibid: 12).

The Committee of CEDAW has some reports on Zimbabwe concerning the issue of women and the adherence to the obligations and regulations of the Convention. Zimbabwe fails to

implement the goal of equality and this emanate from the society where there is high adherence of cultural practices which more often subordinates women (Committee of CEDAW 2012: 10). The state took measures to reform some gender stereotypes in school curriculum but in reality there is no much on the ground, women still have the primary responsibility of child bearing and child minding. In Zimbabwe the freedom of worship has been interpreted to allow discriminatory practices against women such as polygamy which continues to give women an unequal status in the society (ibid: 10). In Apostolic faith churches, polygamy and child marriages are done in the name of religion and the state has not been able to address this.

The Committee reports that the state party should enhance its conformity with Article 10 of the Convention to give awareness of the importance of education as a human right. The Committee recommends that in achieving the goal of educating women there are some cultural and traditional negative attitude towards women that should be eliminated these include early marriage, excessive domestic duty and strengthening the implementation of re-entry policies that allows women to return to school after pregnancy (ibid: 13) The Committee also recommends state parties to implement elimination of traditional stereotypes and structural barriers that might put off girls presence in science and mathematics subjects in high school and tertiary education. By so doing there are also chances that the goal to eliminate child marriage and promoting girl child education will be met.

2.3 Regional Organisations: African Union

2.3.1. African Youth Charter

The African Youth Charter was adopted by the heads of States in Africa Union on 2 July 2006 and it went into force on 8 August 2009. Zimbabwe signed and ratified the African Youth Charter on 16 March 2009. This regarded as the first International treaty on youth development and protection of the rights of the young people. It sets its definition of youth as people aged between 15 and 35 (Essayed 2009: 8) and however this does not give room for child marriages as the age set for development purposes. The Charter is guided by the vision, hopes and aspirations of the AU and inalienable rights afforded in other international organisations that include UDHR (1948), ICESCR (1976) and the ACHRPR (1986) hence the age set for marriage remains above 18. The Charter is also fully attached to the virtues and

values of African historical tradition and civilisation which has the foundation of the concept of human rights in Africa (ibid: 12). Again the Charter was formed as it is convinced that the life of Africa is mainly in the hand of the youth hence they should be given a chance. Also it is there to help and protect the rights of the child as outlined in CRC (1989) and ACRWC (1999) as it reiterates the rights in an African context and flavour. But however, it is controversial and contradicting whether the African Youth Charter is in support with the CRC because the two set different age limit of a child, hence the AYC exposing the young people to child marriage. It is also important to note that the AYC states the young people between the age of 15 and 35 as youth not children probably they remain safe on child marriages as they set their age of a minor as anyone below the age of 18. So, one may want to conclude that the definition of a youth and child differs according to the circumstances and setting. With all these in the Charter there are obligations set for states to work with so that the goals and aspirations are motivated and promoted.

The AU state parties are obliged to be acquainted to the rights, freedoms and duties pointed out in the Charter according to the Article 1(1). Necessary steps in accordance with the structure and provisions of the Charter should also be considered by the state parties. It is an obligation of the state to ensure that young people are not suffering from any form of discrimination, be it on the basis of status, activities, expressed opinions or beliefs. The youths should live freely without any fear of discrimination and should as well be protected such that they freely practice their own religion, culture and use their language of origin freely (Article 25a). States are also required to provide access to information and education and training to the youth to learn and know their rights and responsibilities as citizens (Article 13.2). Signatory states are obliged to ensure that it provides free and compulsory education at primary level to decrease rates of uneducated and illiterate youths according to the African Youth Charter, article 13.4. Also steps to reduce and minimise the indirect costs of education for secondary education and make it accessible by all possible means should be taken into action (ibid). It is also an obligation for Zimbabwe to encourage regular school attendance and also ensure that girls and young women who get impregnated or get married before completing their education should have the access of continuing with education (ibid). Closely in relation to child marriage the African Youth Charter states that signatory states should abolish harmful traditional practices on women's integrity and their dignity and in such cases child marriages are eliminated (Article 20.1a). A closer look at the obligations stated it shows that the Youth Charter calls for the state to do the best ensure that young

people get education and freedom to become whoever they want to be. In other words there is room for young girls to be protected from child marriages and get the chance to chase their dreams.

2.3.1.2. The African Charter of Human and People's Rights (ACHPR)

The Assembly of Heads of State and Government of the Organisation of African Union (OAU) took the guiding human rights document that is the African Charter of Human Rights which came in force in 1986 (IHRC 2009: 10). The Charter consists of fifty-three African countries. The African Charter completely prohibits child marriage that is marriage of a person under the age of 18. According to Article 11 (2) of the Charter, "child marriage and betrothal of girls and boys shall be prohibited and effective action including legislation shall be taken to specify the minimum age of marriage to be 18 years". There are no exceptions on this fixed minimum age be it culture, religion, local authority or parents or guardians of the children concerned. Zimbabwe signed the ACHPR on 20 February 1986 and ratified the charter on 30 May 1986 that is complying with the laws and obligations of the Charter.

The Charter articulates the right to health for everyone both physical and mental. Taking this into consideration helps in reducing child marriage if the community take into practice as child marriage put the young children's health at risk both physically and emotionally. When they are taken into marriage they are plucked out of their normal being to start practising adulthood at an inappropriate age (Bayisenge 2006:20). This is a life trauma to children as they skip their stages of development. They also become distant from their friends and family and this affects them psychologically. Again the young girls' health is at risk when giving birth since they are not fully mature so many complications are involved. Also at that young age they cannot deny sex or call for protection and this expose them to epidemic STIs. The Charter also points and stresses the minimum age of marriage and the consequences there after. Also the issue that it does not give any room for explanations or exemption of any case to engage in child marriage makes it very crucial. The signatory states are obliged to ensure elimination of all forms of discrimination against women and ensure that all their rights are protected and the rights of children are also observed as stipulated by in international declarations and conventions. This Charter indirectly addresses the issue of children as it gives the umbrella term 'every individual and persons'. The human rights are

given in general and not specific to any individuals hence children's rights are encompassed in those general human rights.

2.3.1.3 African Charter on the Rights and Welfare of the Child (ACRWC)

Sheahan (2009:9) states that the African Charter on the Rights and Welfare of the Child is the only regional treaty which is on the rights of the children as well as the first treaty regionally that is an important instrument within the AU human rights system for child rights. Zimbabwe signed and ratified the Charter on 19 January 1995. Under the ACRWC there is a committee that implements and ensures that the rights of children are protected as they are laid and that is the African Committee of Experts on the Rights and Welfare of the Child. With this there are high chances that the Charter is becomes effective. The Children's Charter came into work because there was feeling that Africa had not been well represented when the CRC was drafted. A few countries meaningfully participated in the drafting process and these include Morocco, Algeria, Senegal and Egypt (Sheahan 2009: 10). The other reason is that the Charter is there to reflect the specifics of African children in an African context. Looking closely to the preamble of the charter it shows that it was drafted in a way that encompasses the African social and cultural values that include family, community and society not leaving out the historical background and values of African civilisation (ibid: 10).

According to the ACRWC in Article 2 a child means every human being below the age of 18 years hence directly discouraging child marriage as the CRC as they define a child with the same terms. In Article 11 the Children's Charter also states that every child has the right to an education, to develop his or her personality, talents and mental and physical abilities to their fullest potential hence no hindrance whatsoever, shall be an excuse to disturb a child to get the right to education. The right to education also include the preservation of the African tradition and culture, hence a kind of a threat to child marriage as it perpetuate the cases. Also it should be ensured that everyone gets the right to education and no discrimination of any form is done but special measures in respect of female, gifted and disadvantaged women should be taken so that they attain education. The ACRWC also states that children should be protected from all forms of sexual exploitation and sexual abuse in Article 27. This also directly discourages child marriage as it is a form of sexual exploitation.

Following that Zimbabwe has ratified the Charter, she is obliged to implement what the Charter says with no explicit distinction made between economic, social rights, civil and political rights and no limits should be given on the availability of resource for realisation of

rights (Sheahan 2009: 10). Signatory states like Zimbabwe are obliged to discourage all the custom, tradition, cultural and religious practices that are not in line with the rights and duties contained in the Charter. In any situation or environment of the child signatory states are obliged to make the best interest of the child the primary consideration thus implying that should take priority over others as stated in Article 7, (ibid 2009: 11). It also an obligation for Zimbabwe to ensure access to education for female, gifted and disadvantaged child and allow pregnant girls to finish up school. Lastly, signatories are obliged by the Charter to discourage harmful and cultural practices on children and these include child marriages as stated in Article 21 and Zimbabwe should explicitly set 18 as the minimum age for marriage and no any other negotiations Sheahan (2009) states.

With the formation of ACRWC there was also a need committee that would look and ensure that the organisation was well functioning and thus the formation of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). It was established within the AU to promote and protect the rights and welfare of the children as enshrined by the Charter. It is also the Committee's responsibility to collect and document information concerning the African problems in the field of the rights and welfare of the child, organise meetings and encourage implementations of ideas to protect the rights and make recommendations to the government when necessary (ACERWC 2015: 20). It is also the duty of the Committee to make and formulate principles and rules aiming to protect the rights and welfare of African Children. The Committee in the Annual Report of 2016 recommends that state parties should turn their eyes on the children living on streets and the refugee internally displaced children. It was observed that these children are viewed as nuisance to the society, they suffer abuse in all forms, they are vulnerable to substance use, have difficulties to attend school and also have healthy issues. The state also was recommended to ratify and domesticate the African Union Convention for the Protection and assistance of Internally-Displaced Persons in Africa to protect women and children. Hence considering the recommendations and obligations that were given by the Committee it gives hope that if they are well implemented and obliged to the signatory state will achieve favourable results.

2.3.1.4 The Protocol of the African Charter on Human and People's Rights and the Rights of Women in Africa (Maputo Protocol)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol, is there to emancipate women in al

spheres of life. These can be political, social, economic or cultural. The name itself shows that it was adopted by the AU as a protocol of ACHPR in Maputo, Mozambique. In 2003 a conference was hosted in a way to campaign and lobby the AU to adopt the protocol and it was successful and brought to international standards on 11 July, 2003. Zimbabwe then signed the protocol on 18 November 2003 and ratified it on 15 April, 2004. This came with some obligations that Zimbabwe should bind with.

Zimbabwe is obliged to ensure that women and men have equal rights and are regarded as equal partners in marriage. To ensure that this is practiced marriage shall only be entered by two willing and consented parties (Maputo Protocol 2003: 8). The Protocol of women also set the minimum age for marriage as 18 and the state is obliged to guard the young children below that age not to be involved in marriages as well as respecting them and their rights (Article 6a, 6b). If in any case that a child below the age is forced in a marriage the signatory states, like Zimbabwe, are obliged to take appropriate measures to save the victim (ibid: 8). More so, signatory states are obliged in Article 12a to eliminate all forms of discrimination against women in all spheres of life and should guarantee equal opportunity and access to education and training (ibid: 13). This can be achieved through by modifying the social and cultural patterns of conduct on both women and men. Removing the dividing line the society has set on the bases of sex and this can be done through the use of media, public education and so many other communication strategies. It is signatory states obligation to make sure that there are no syllabuses the perpetuate discrimination in schools and women should be protected from all forms of abuse that include sexual harassment as stated in Article 12b. If such a thing happens the states should provide free counselling and rehabilitation services to the victim (ibid 2003: 14). The other very important obligation the protocol gives signatory states is to promote the enrolment and retention of girls and any other institutions and the organizations of programs for women who leave school prematurely due to different circumstance that include child marriages or pregnancy. Looking at the obligations discussed it gives the insight that the Maputo Protocol is in fact very sensitive on the girl child. It has managed to explicitly consider all the chances that hinder the development and growth of a woman. If these obligations are implemented it is most probably that it will be end of child marriages in African.

2.3.2. The Southern African Development Community (SADC) Protocol on Gender and Development

SADC has its origins in the organization of Frontline States (Angola, Botswana, Mozambique, Tanzania, and Zambia), which sought the political liberation of the region from colonialism and minority white rule in the mid- to late 1970s (Forere and Stone 2009: 430). The group expanded in 1980 when Lesotho, Malawi, Swaziland, and newly independent Zimbabwe joined to form the Southern African Development Coordination Conference (SADCC), with the aim of reducing economic dependence on apartheid South Africa and promoting their own economic development through cooperation and integration. Membership of the organization increased to 14 with the accession of Namibia (1990), South Africa (1994), Mauritius (1995), Democratic Republic of Congo (1997), and Madagascar (2005). Seychelles, a member from 1997–2004, re-joined the group in August 2008. The aim of SADC is to promote peace, security, and economic integration in the region. Within the organisation there are different branches that were formed to look into different specific issue and thus the Protocol of Gender and Development (ibid: 431).

The Protocol on Gender and Development is the best in ranking of the organisations that are working towards gender equality in Southern Africa. It is described as ‘ground-breaking’ and most effective in achieving gender equality in the sub-region (Forere and Stone 2009: 438). The formation of the Protocol was to conceive and meet the need desires and aspiration of the women in Southern Africa. This was to narrow and deepen the aspirations to focus on the small population of people. The SADC Gender Protocol was also formed to fill in the gaps that were omitted by the African Women Protocol (ibid 2009: 438). Zimbabwe signed and ratified the Protocol of Gender and Development on 17 August 2008. Within the Protocol of Gender and Development there are obligations that states are supposed to bind with and these are to be discussed.

Signatory states including Zimbabwe, are obliged preserve and protects gender equality in its constitution to warrant effective gender equality without hindrances of any law that include religious or customary law (Forere and Stone 2009: 440). By so doing the state makes the protocol more effective and meaningful. It is also an obligation of signatory states are to note that harmful cultural and traditional practices are eliminated such that they do not negatively affect women’s fundamental rights which include right to life, health, dignity and education as stated in Article 20-25 of the Protocol. Forere and Stone 2009 also states that states that signed the Protocol are obliged to ensure that there is equal access to justice and

the minority status of women is abolished hence promoting equal legal status, on this note, a girl cannot drop out of school over the benefit of male counterpart as mentioned in Article 14. The SADC Gender Protocol also obliges state parties to certify that there are equal wages and benefits from equal jobs for both men and women and it is stated in Article 19.4. In doing so there are high chances that there will be an eradication of poverty hence leaving no room for child marriages.

2.4 International and Regional Community Response to the Issue of Child Marriages

It is well stated under the African Human Rights system and international law that the state is fasten to a three-fold obligation to protect, respect and fulfil the rights of the people (Sibanda 2011: 10). In protecting the human rights the state is supposed to ensure that no private persons or non-state members are there to violate other people's rights and the state has to take positive measures to ensure the human rights protection. The positive measures include the adoption of legislative and other measures that prohibit any person from violating any individual's rights. A good example is on the African regional human rights system that has a treaty that is strictly for children rights and their welfare that is the African Charter on the Rights and Welfare of the Child (ACRWC). Different treaties and conventions set obligations that state parties should implement so as to end problems or situations for that given time. Following is a discussion on the response of different international organisations and regional organisation on the problem of child marriages.

There are very few human rights instruments that are giving direct and explicit protection from child marriage though both the international and regional community took several steps in protecting the rights of children (International Centre for Missing and Exploited Children 2013: 20). Following this the successes of combating child marriage are a bit limited. The UDHR on Article 16(2) notes that marriages shall be enters with the free and full consent of the intending spouse but however, it fails to directly mention that children are an exception. The ICESCR gets closer to directly abolish child marriage where it states that there should be full consent to enter into marriage and goes on to mention that children and young people should be protected from social and cultural exploitation (ibid:20). But again this is not enough the Covenant again avoids an absolute exclusion on child marriage and thus goes without explicit protection for child brides.

An important Convention that stresses the abolishment of child marriage is the United Nations' Convention on Consent to Marriage and Registration of Marriages (UNCCMRM), but the only severe hindrance it has is the limited ratification, a few countries in Africa have ratified it as of May 2017. Hence, this leaves gaps in fully implementing projects that are against child marriages. The Convention on Article 2 prohibits child marriage that is marriage of children under the minimum age of marriage "except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses"(ibid: 21). Interestingly, Article 2 offers the signatory states good judgment on the minimum age of marriage but lacks the recommended age. It is so surprising that the mother board of children's rights that is, the CRC is silent on the subject of child marriage and chooses to address it indirectly. Article 36 of CRC calls for state parties to protect the child against any form of exploitation that is harmful to the welfare of the child but no specific mentioning of child marriage (ibid: 21). In juxtaposition with the Article I of CRC which defines a child as 'any person below the age of 18 unless under the law applicable to the child, majority is attained earlier', Article 36 becomes less important. Article 1 leaves room for state parties to set marriage age way below 18. The deferential treatment of the age of majority is lenient to state parties to precisely comply with Article 36 without taking steps to prevent early marriages. Again, child marriage is one other form of sexual exploitation of children. Article 34 of CRC provides the right to protection from all forms of sexual exploitation and sexual abuse but, child marriage is put together in the cultural and social necessity though it is a social license to sexual abuse and exploitation of a child. It is hence one of the most common forms of sanctioned sexual abuse of girls and young women.

However, in 2011 the Committee on the Rights of the Child revised the shortfalls in the CRC to protecting the children from other invasive forms of violence that include early and forced marriage (ibid: 22). The Committee released a General Comment No.13 in April 2011 that directly targeted and identified child marriage as a harmful practice that is equal to child prostitution that need the attention of the state. In this sense the Committee is given credit on the direct and explicit abolishment of child marriage as it is.

The other international document that is for the women issues, CEDAW, it is one of those few international documents that specifically condemns child marriage. It is stated that, 'betrothal and marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make

registration of marriages in an registry compulsory' (Article 16.2). As child marriage goes unregistered in most of the countries in the world, the obligatory requirement of marriage registration in Article 16(2) is a very crucial way in controlling and preventing child marriage. However, the effectiveness of the Article 16(2) is also questionable as it gives the state parties the room to set the minimum age of marriage and not it (CEDAW) setting the minimum age that is acceptable for marriage. This offers little protection to young girls since in most North African countries have very low minimum legal ages for marriage hence exploiting the children especially the girls. Hence, such states can disseminate the practice of child marriage while still meeting the provisions of CEDAW.

In the regional spheres ACRWC is the Charter that contains arguably the most explicit protection from child marriage. The age majority of ACRWC is set at 18 without giving any qualifications or allowance for alternative state definitions on Article 2. The Charter goes on to identify child marriage as a harmful social practice and betrothal of girls and boys is prohibited as stated on Article 21(2) and also that the minimum age of marriage to be 18. According to some studies done there is a correlation between girls' education level and age at marriage, the higher the education level the higher the marriage age. Hence, keeping children in school is one of the very best ways of delaying marriage and discouraging child marriage. In that as it may, the express identification of child marriage as a harmful practice that need solution gives a very crucial step in combating child marriage in the region.

It is normally known that children are the leaders of tomorrow or children are the future but one may argue that they are the present. The future lies on their development and health today and that determines how their future is like. In African community and in other cultures children is where parents put their future. In the traditional African societies children are to be supported and given their full potential, but on the contrary child marriage seem to point to a different direction that exposes the children's future misery and suffering. In the concluding observations of CEDAW Committee in 1996 it states that child marriage is one of the cultural practices that hamper implementation of children's rights. In Zimbabwe to be particular, child marriage a very harmful custom to children and the authorities dare not take adequate legislative, judicial or other measures to prevent the practice which violate rights of the young women.

The question *why the indulgence in sex with a 12 year old girl referred to statutory rape and yet when a girl the same age is married off to an older man the state is not equally horrified even though that girl will be exposed to 'marital rape'?*, gets one to wonder how the authorities operate. There is some confusion and legal contradiction on the institution of marriage since consensual sex with girls below a minimum age is considered as statutory rape, the same act with the similar aged girl goes unsanctioned by the protective covering of marriage. It is so clear that Zimbabwe is no longer in short of declarations and treaties that protect human rights, what is mournfully short is the realisation of those rights. The big challenge with Zimbabwe is to secure not just the respect and protection, but the fulfilment of the human rights. Until the human rights are fulfilled, they will forever remain oratory at its best.

In a nutshell, this chapter has discussed the international organisations that are working with Zimbabwe in trying to protect children's rights as well as eliminating child marriage. This is however, done through different means some directly and others indirect. It has been noted that when Zimbabwe signed and ratified the treaties and conventions there are some obligations she is supposed to work along with so as to uphold and keep the standards and norms of the organisations. When the obligations are met then there will be the need for implementation of what has been put on paper not to just have signatures and theoretical ideas, there is need for implementation of ideas. The following chapter will discuss the implementation of these ideas, their successes and their failures on the issue of child marriages.

3.3 The Government Stance towards Child Marriage

3.3.1. Zimbabwean Law

The presence of the practice of child marriage shows the negative attitude of the society towards women showing that their lives are in the hands of men from birth to old age. This is revealed by the idea that important decisions that include marriage, women's sexuality and choice of partner are controlled by other people. The main problem is on the continued

recognition of customary law alongside general law (Section 111B of the Zimbabwean Constitution). This is where it is stated that no international or regional law shall be effective in Zimbabwe unless it is incorporated into the law of Zimbabwe. It is the government's responsibility to change the customary practices that are harmful to people and that violate the human rights (Sibanda 2011: 9), though legal reform isn't always effective because people do not easily give up on customs and traditions but is useful at the same time. There are innovative ways that can be used to do away with the change of customs which include dialogue and awareness rising since culture, customs and traditions are never static in any society. Hence, human rights norms can have an impact in reinforcing aspects of culture and tradition that are positive to women and do away with those that undermine women and violate their human rights such as child marriages (ibid: 10).

Discrimination on the basis of gender is prohibited on Section 23 of the Constitution of Zimbabwe. Before the amendment of the Marriage Act 5:11 the minimum age of marriage for girls was 16 and 18 for boys. Already the law was discriminatory, why there was a difference on the minimum age where the girls in actual fact are more at risk than boys but their age limit is even lower. The law clearly protects the boy more than the girl as elaborated on Section 22(1) Marriage Act. The law exposes girls to manipulation due to the lower age that is set. Customary Marriages Act 21 does not provide the minimum age for both boys and girls and customary marriages are recognised and one wonders what happens if the child is married at 15 or 13 under the customary marriage. Also a young person is defined as someone under the age of 16 and minor under 12 and the Criminal Codification Act Section 70 criminalizes any sexual activity with anyone under the stated ages (Criminal Law (Codification and Reform) Act 2004 Chapter 9: 23). However, the reason why Zimbabwe has two legal systems is because the British government made the general law the official law of Zimbabwe and they continued to recognise customary law in matters do with the family, marriage and administration of property.

Looking at the legal framework to protect girl child in Zimbabwe it seems the protection exists but the problem only comes from the Customary marriage Act which does not provide minimum age of marriage and this has been abused (Sibanda 2011: 14). Women's movements in Zimbabwe have been made calling the government to harmonise the marriage laws in order to resolve the inconsistencies but however the government was unable to resolve them because of the official tolerance of cultural, societal and customary norms

that shape and govern the institution of marriage and family life (ibid: 15). Looking at what has been provided it seems the Zimbabwean government has the girl child protection but it is over ridden by the Customary Marriage Act in the constitution and that causes inconsistency of the law. However, there are some strategies that have been done in trying to get rid of child marriages and this shall be discussed in the section to follow.

3.4 Ways to hinder child marriages

3.4.1. Revision of the Law

In fighting against child marriages in Zimbabwe there some strategies that should be used and ensured that they are implemented. There should be women and children movements that are directed towards the practice of child marriage that is one of the traditional practices that constitute the most severe forms of child abuse. Litigations and constitutional making process should be ensured that they are in harmony and Customary Law does not contradict with any other law. The introduction of laws that rise the legal age of marriage to 18 as agreed in the ACRWC is also an important step in ending child marriages. Educating all stakeholders that include parents about the negative impacts of child marriage can have positive results and reform.

3.4.2. Legal Process

The reform of the law has the capacity to review local traditions and customs in light of the international standards. According to Articles 2(f) and 5(a) of CEDAW cultural constrains on gender hinder the achievement of women's equality and it is also the cultural practice that must give way (Sibanda 2011: 16). In addition to that it is the responsibility of the government to compensate victims of rights violations. If this norm is well implemented by women rights advocates and the state even private acts of discrimination and violence like child marriages will be reduced.

3.4.3 Domestic and Cross Cultural Dialogue

The international human rights framework has been put in place with clear guidelines to prevent child marriages, but they continue to occur. The only reason why this is

still occurring is that there are misleading agreement on the diversity of culture and contextual realities that condition people to behave and believe in a manner that end up disrespecting the rights of the child. Of course human cultures are different and they are characterised by their own internal diversity, tendency to change and mutual influence (ibid: 16). Through the process of culture transformation, the characters can be used to promote general agreement within and among cultures. Hence, it is possible to change harmful cultural or religious practice of child marriages.

Internal discourse can be used by non-governmental organisations to influence the adoption of alternative perspectives. NGOS can be viewed as outsiders but still they can influence culture by engaging their own internal discourse thereby participating in one culture to point to similar processed elsewhere in other cultures. NGOs can also be in support of the rights of children and women who are already in child marriages by encouraging them to challenge the fuelling of the status quo at the same time avoiding obvious interference as this may be a problem to internal actors. This is the best strategy to use in Apostolic Faith Church because it is a closed group that does not take kindly external interference especially those that question and challenge their beliefs. Within the sect there might be members who do not particularly encourage the practice and those can be used to challenge the prevailing perceptions on their own. NGOs can also organise cross cultural dialogue to exchange ideas that can also promote universality by showing the common moral and philosophies human culture has and strategies of internal discourse (Sibanda 2011: 17). By sharing ideas or experiences it mediates cultural and contextual differences and thereby give common standards that are best for the interests of the child. The best way to fight against child marriages is to target the roots in the consciousness of the relevant people and in Zimbabwe targeting the communities where the practice is still practised.

3.4.4 Advocacy

There is need for an advocacy campaign to end child marriages in Zimbabwe involving the different organisations working on children rights as well as the relevant government officials and the police force. The theme of the campaign should be to end child marriage in Zimbabwe by exposing that it is harmful to the wellbeing and health of the child. This strategy attempts to change the attitude and mindset of the nation. There is need for governments and international development agencies to appreciate the efforts that are put by the civil society in trying to end child marriage and give necessary support to them and

respond to the challenges caused by child marriages. According to Sibanda (2011: 18) the government of Zimbabwe and the AU should adopt a clear and definite position on child marriage and should also rectify gaps between religious, customary and civil marriage. However, above and beyond taking the liberal approach, an advocacy campaign is needed to effectively deal with the attitudes and beliefs of the people who practice child marriages for whatever reason.

3.5 Government Implementations to End Child Marriages

There are several obligations that bind the government which were set by the international and regional organisations. For these obligations to be in reality there is need for them to be implemented and become practised in the society. Several obligations to end child marriages have been discussed in chapter 2 and in this section the implementations are going to be discussed.

To begin with, the Constitutional Court finally outlawed child marriages by striking down Section 22(1) of the Marriage Act which for years had been allowed children less than 18 years to marry. This Amendment was done in 2013. This should be seen as very important success in the fight of child marriage and poverty. According to the report of UNICEF (2015) approximately 31% of the Zimbabwean girls married before the 18th birthday and this set Zimbabwe on the top four Southern African countries with highest rates of child marriages. The court declared that section 22(1) of Marriage Act (Chapter 5:11) to be unconstitutional and no male or female in Zimbabwe may enter marriage even the one raising out of religion or a religious rite before attaining the age of 18. The judgement of the court stated that Section 78(1) of the Constitution was enacted for the purpose of complying with the obligation Zimbabwe undertook under article 21(2) of the African Charter on the Rights and Welfare of the Child, specified by legislation 18 years as the minimum age for marriage and abolish child marriage. Section 81(1) of the constitution also states that the girl child remains a child regardless of her pregnancy status until she attains 18 and continues to have her full rights as a child. The court emphasized that the impregnated girl is entitled to the parents and schooling as well just like any other child, thus the obligation of the parent to care for and control the girl child does not end by her pregnancy.

In showing the commitment to the international obligations Zimbabwe submitted its initial report to the ACERWC that was reviewed in April 2015 at meeting of the Committee. Also Zimbabwe submitted its second periodic report to the CRC Committee which monitors the implementation of the UN CRC and the report was considered in January 2016 (Plan International 2016: 2). Zimbabwe took some legal steps in fighting against child marriages and it adopted a progressive Constitution which enshrines gender equality and which provides justifiable rights. The constitution was amended and a collection of children's rights were elaborated. Section 26(1) of the constitution requires the state to take appropriate measures to ensure that no marriage is entered into without free and full consent of the intended spouses. The constitution also requires the state to take measure to ensure that children are not pledged in marriage (Section 26.2). Section 56 governs gender equality and non- discrimination of women and men and all persons have the right to equal treatment. Thus child marriage is constitutionally not permissible as found in the constitutional court of Zimbabwe. Child marriage has also been included as a form of domestic violence by the Domestic Violence Act Parliament, in this regard anyone who forces a child in marriage will be charged as violated the rights of the child (ibid: 2). Marital rape also has been criminalised and in 2004, the legislation against human trafficking was adopted, by so doing reducing the chances of child marriages as well. All the above discussed amendments were the legal steps that Zimbabwe took in the process of ending child marriage.

Adding to the legal steps, Zimbabwe also took some policy steps to implement the strategies that can end child marriage. Gender Policy was put in force, the review of this policy was done in 2004 to see the strength and weaknesses and a second National Gender Policy 2013- 2017 was formulated and this targeted areas like gender constitutional and legal rights, gender education and training, and reduction of gender based violence (Ibid: 3). The government also created a Ministry of Gender and Child Development in 2012 that indicated high level political commitment to the advancement of the interests of women and children. In companies, ministries and government departments there are gender focal points that were created so as to fight against gender discrimination. The Minister of Local Government and Traditional Affairs also provided highest level of political leadership to women as a way of showing equality between women and men. Zimbabwe also launched the African Union campaign to end child marriage and traditional leaders were also approached to support the campaign (ibid: 5). NGOs and women's organisations were also vocal in condemning child marriages.

More so, there are other organisations that are helping the government to combat child marriage and these include Plan International, the Zimbabwe Ministry of Women Affairs and also Gender and Community Development. These are working with the Zimbabwe National Chiefs' Council which is working tirelessly and playing a pivotal role in protecting the rights of the girl child by preventing child marriage. This role of the chiefs is very important as it shows that the advocates of cultural heritage have noted with concern the increasing cases of child marriages in Zimbabwe (Pazvakavambwa 2015: 21). The Chiefs also noted that they would work together with traditional healer so that they enforce harsher community sanctions to perpetrators of child marriage. On the same note Plan Zimbabwe is implementing the 18 plus Ending Child Marriages project whose objectives are to increase support from community members and leaders to discourage child marriage, to empower girls who to better equipped to resist socioeconomic pressures that lead to child marriages and to ensure that the community members have increased knowledge on the realities of child marriages (ibid: 21). The Department of Child Sensitive Social Policies of the Women's University in Africa with the support of UNICEF Zimbabwe and the Ministry of Health and Child Care ran a Capacity Building Workshop on Child Rights for Parliamentarians of Zimbabwe in 2014 at Troutbeck Resort in Nyanga. The workshop was to help and build the parliamentarians to execute the legislative and oversight functions in a child sensitive manner (ibid: 22). This workshop also discussed the issue of child marriage in Zimbabwe and again in January 2015 the same group met for another workshop on child marriages and the criminalization of child marriages was left under discussion. Hence, with the efforts shown it gives hope that child marriages will be totally eradicated in Zimbabwe. All the listed efforts were put by Zimbabwe in trying to fight and combat child marriages in the country. These are the actual and real practices that the government did in the fight of child marriages.

CONCLUSION

The context in which child marriages must be viewed is through force and coercion that involves emotional blackmail and pressure as well as the children lacking the capacity or choice of giving them their full consent. Therefore, it is always right to consider child marriage as a forced marriage since the presence of a valid consent is not there. When talking about the issues of child marriages, it is vital to take note that although these child marriages are not directly conducted by the state but rather the private individuals, it is the responsibility of the State to prevent them through the judicial organs like the private Act of contracting child marriages together with its executive or legislations. There are so many reasons that have been outlined leading to child marriages and these reasons have so much serious consequences that they carry on the girl child's rights and well-being. The few of the discussed causes of child marriages include poverty, religion, tradition and culture as well as power and keeping the family from disgrace. Following these causes are impacts that strongly affect the children and these include the violation of their right to education, isolation and discrimination, children lose their sense of belonging due to these marriages and also they experience domestic violence.

The international community did not remain silent on this issue hence the formation of some organisations that carter for children's rights and welfare. Internationally, there are organisations that include UNICEF, CRC, ICESR, ICCPR and CEDAW and these set some obligations that each state that signs and ratifies the conventions or treaties should abide to and this helps in protecting the child. More so, regionally there are other organisations that deal with the protection of the African children and their welfare the African way and these include the ACHPR, African Youth Charter and the ACRWC. All of the mentioned conventions and treaties were signed and ratified by Zimbabwe hence it foretells that there are some obligations that bind Zimbabwe in the protecting and maintaining the welfare of the child. Regardless of all the obligations, laws and treaties made in protecting the child, violation of children's rights also continue.

The response of the organisations mentioned before regarding child marriages were also discussed and programs and amendments of some laws were set in trying to protect the child and eliminate child marriages. Among the strategies that can be used to eliminate child marriages include amendment of the law, litigation and advocacy. Inevitable resistance

from the religious groups and custodians of culture believing in the practice is what the advocacy strategies will face. Nevertheless, changing people's views and attitudes takes a bit of some time and patience and as time progresses the results will become clear and the number of people continuing to perceive it as an important cultural practice will decrease. The Zimbabwean government has shown some consideration about child marriages and this has been made public and shows that it has understood the gravity of the situation in the country and causes and negative impacts on the lives of children and the country at large have been considered as well.

Considering the deadly practice of child marriages, Zimbabwe ran some campaigns that advocate for the protection of children and eliminating child marriage. The findings of this study also include the issue that child marriages are most common in rural areas especially in those families that are not economically stable. Also most of the children that end up in child marriages are those who drop out of school early and they are left with no other option but just marriage however, this is when the child is not forced in the marriage but mostly they are forced to drop off school and engage into marriage. The major reasons for such marriages have been found out as to eliminate poverty in the family. Again child marriages are common in rural areas because in most cases the law is well abide to in the cities and even the awareness campaigns are done in cities hence the knowledge of the effects of child marriages probably lack in rural areas and it leads to the serious violations of children's rights.

Internal discourse can be used by NGOs to influence the adoption of alternative perspectives. For example, in Zimbabwe it is the best strategy to use in Apostolic Faith Church because it is a closed group that does not take kindly external interference especially those that question and challenge their beliefs. Within the sect there might be members who do not particularly encourage the practice and those can be used to challenge the prevailing perceptions on their own. NGOs can also organise cross cultural dialogue to exchange ideas that can also promote universality by showing the common moral and philosophies human culture has and strategies of internal discourse (Sibanda 2011: 17). By sharing ideas or experiences it mediates cultural and contextual differences and thereby give common standards that are best for the interests of the child. The best way to fight against child

marriages is to target the roots in the consciousness of the relevant people and in Zimbabwe targeting the communities where the practice is still practised.

There is need for an advocacy campaign to end child marriages in Zimbabwe involving the different organisations working on children rights as well as the relevant government officials and the police force. The theme of the campaign should be to end child marriage in Zimbabwe by exposing that it is harmful to the wellbeing and health of the child. This strategy attempts to change the attitude and mind-set of the nation. There is need for governments and international development agencies to appreciate the efforts that are put by the civil society in trying to end child marriage and give necessary support to them and respond to the challenges caused by child marriages. On the other hand, Zimbabwe seem to be doing her best on protecting, keeping and fulfilling the children's rights through so many ways that have been already mentioned. With the information provided on this paper it seems as if there is hope for Zimbabwe in ending child marriages if the discussed strategies and recommendations are practised.

BIBLIOGRAPHY

ACERWC African Committee of Experts on the Rights and Welfare of the Child, (1990). African Charter on the Rights and Welfare of the Child (Online)<http://acerwc.org/wp-content/uploads/2011/04/ACRWCEN.pdf>

ACHPR (African Commission on Human and Peoples' Rights), (1987). African Charter on Human and Peoples' Rights [Online] <http://www.achpr.org/instruments/achpr/#a2> [Accessed 17-01-13]

ACHPR (African Commission on Human and Peoples' Rights), (2007). Ratification Table: African Charter on the Rights and Welfare of the Child [Online] <http://www.achpr.org/instruments/child/ratification/> [Accessed 17-01-13]

Basiyange Jeannette, "Early Marriage as a Barrier to Girl's education: A Development Challenge in Africa," Assistant Lecturer Department of Social Sciences, National University of Rwanda. <http://www.scribd.com/doc/37131480/Early-Marriage>

Boehmer, E.,(2006). *Colonial and Postcolonial Literature*. Oxford: Oxford University Press

Bunting, A.,(1999). "Particularity of Rights, Diversity of Contexts: Women, International Human Rights and the Case of Early Marriage," Doctoral Thesis, University of Toronto, Faculty of Law.

Clark S., Bruce J. and Dude A., (2004). "Protecting Young Women from HIV/AIDS: The Case Against Child and Adolescent in International Family Planning perspectives", vol.32.No 2.

Connell, Raewyn, (1987). *Gender and Power*. Polity Press, Cambridge, UK.

Creswell, John W., (2009). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. 3rd ed. Sage Publications.

Danermark, Berth, Ekström, Mats, Jakobsen, Liselotte and Karlsson, Jan., (2002). "Explaining Society. Critical Realism in the Social Sciences" [Online] Routledge, London, <http://site.ebrary.com.proxy.lnu.se/lib/linne/reader.action?docID=10096318> [Accessed 16-11-02]

ECOSOC (Economic and Social Council). "Millennium Development Goals and post2015 Development Agenda" [Online] <http://www.un.org/en/ecosoc/about/mdg.shtml> [Accessed 16-04-12]

Forere, M. & Stone,L., (2009). *The SADC protocol on Gender and Development: Duplication or Complimentarily of the African Union Protocol on Women's Rights?. African Human Rights Law Journal*, 9(2), 434-458.

- Freedman J, (2002). *Feminism*. New Delhi: Viva Books Pvt. Ltd
- Friedan, B., (2010). *The feminine mystique*. WW Norton & Company.
- Gandhi, L., (2005). *Postcolonial Theory: A critical introduction*. New Delhi: OUP.
- Greer, G., (1984). *Sex and destiny: The politics of human fertility*, London, Secker & Warburg.
- ICRW (International Centre for Research on Women), (2007). “New Insights on Preventing Child Marriage” [Online] <http://www.icrw.org/publications/new-insightspreventing-child-marriage> [Accessed 16-12-22]
- ICRW (2011), “Solutions to End Child Marriage. What the Evidence Shows” [Online] <http://www.icrw.org/files/publications/Solutions-to-End-Child-Marriage.pdf> [Accessed 17-03-30]
- ICRW, (2007), ‘New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs’, International Center for Research on Women, Report prepared for USAID. Washington. <http://www.icrw.org/docs/2007-new-insights-preventing-child-marriage.pdf>
- Ingrid Lewis, (2009). *Early marriage and education*, Newsletter No7 - Early marriage and education EENET.mht
- IPPF and UNFPA, (2006). ‘Ending Child Marriage: A Guide for Global Policy Action’, International Planned Parenthood Federation (IPPF), London.
- Levy, A., (2006). *Female Chauvinist Pigs: Women and The Rise of Raunch Culture*. Simon and Schuster.
- Malhotra, A., Warner, A., McGonagle, A., & Lee-Rife, S., (2011). *Solutions to end child marriage*. International Center for Research on Women, Washington, DC.
- Mapuva, L., (2015) *So Near and Yet so Far Away: Children’s Right to Education in Zimbabwe*. Law Democracy and Development, University of the Western Cape.
- McRobbie, A., (2009). *The Aftermath of Feminism: Gender, Culture and Social Change*. Sage.

Mohanty, C.T, Ann R, Lourdes T (1991). (Ed.) *Third World Women and the Politics of Feminism*. Bloomington: Indiana University Press

Mutyaba, Rita, (2011). “Early Marriage: A Violation of Girls’ Fundamental Human Rights in Africa” <http://eds.b.ebscohost.com.proxy.lnu.se/eds/pdfviewer/pdfviewer?sid=f3f05502-376e4841-a4c5-af55998e2f16%40sessionmgr113&vid=4&hid=122> [Accessed 16-12-11]

Nayar PK., (2008). *Postcolonial Literature: An Introduction*. Delhi: Pearson Longman.

OHCHR (Office of the High Commissioner for Human Rights), (1989). “Convention on the Rights of the Child” [Online] <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed 17-01-14]

Sanyukta, M. and Malhotra, G.A., (2003). *Too Young to Wed: The Lives, Rights, and Health of Young Married Girls*. International Center for Research on Women (ICRW). Washington, D.C.

Soylu,N Et al (2014). “Early-married and sexually abused girls differ” <http://www.sciencedirect.com.proxy.lnu.se/science/article/pii/S0145213414002129> [Accessed 16-10-16]

Tolan F., (2006). “*Feminisms*”. *Literary Theory and Criticism*. Ed. Patricia Waugh. New Delhi: Oxford University Press

U N., (2007), *The Millennium Development Goals*, Report 2007. New York.

UNICEF (2008), *Child Marriage and the Law* [Accessed 16-11-11]

UNICEF (United Nations Children’s Fund), (2013). “Child Marriages: 39,000 Every Day” [Online] http://www.unicef.org/media/media_68114.html [Accessed 17-04-23]

UNFPA (United Nations Population Fund), (2006). “Ending Child Marriage” [Online] <http://www.unfpa.org/sites/default/files/pubpdf/endchildmarriage.pdf> [Accessed 17-04-12]

UNFPA (United Nations Population Fund), (2012). “Marrying too young; End Child Marriage” <http://www.unfpa.org/sites/default/files/pubpdf/MarryingTooYoung.pdf> [Accessed 16-11-10]

UNFPA (United Nations Population Fund), (2014). “The Power of 1, 8 billion Adolescents, Youth, and the Transformation of the Future” [Online] http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report_FINALweb.pdf [Accessed 17-01-04]

U N., (2007), “The Millennium Development Goals,” Report 2007. New York. UNICEF (2008), Child Marriage and the Law [Accessed 16-11-11]

UNFPA (United Nations Population Fund), (2015). Chad: National Campaign to End Child Marriage Takes off [Online] [Accessed 17-04-23]

UNICEF (United Nations Children’s Fund), (2001). *Early Marriage, Child Spouses* [Online] Innocenti Research Centre, Italy <http://www.unicefirc.org/publications/pdf/digest7e.pdf> [Accessed 17-01-20]

UNICEF (United Nations Children’s Fund), (2011). “Adolescence: An Age of Opportunity” [Online] New York, USA. http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf [Accessed 16-12-22]

UNICEF (2014). “Database.” <http://data.unicef.org/education/literacy> [Accessed 17-03-28]

UNICEF, (2001). “Child Marriages Must Stop. New Report Says Millions of Children, Mostly Girls, Suffer from the Practice,” Piazza Annunziata, Florence, Italy

UNICEF, (2001). “Early Marriage: Child Spouses.” No 7. Florence, Italy: UNICEF Innocenti Research Centre,

United Nations Population Fund, UNFPA, (2006). “Marrying Too Young End Child Marriage,” New York.

World Bank, (2014). “Voice and Agency. Empowering Women and Girls for Shared Prosperity” http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf [Accessed 17-03-15]

World Bank, (2010). “Extreme Poverty Rates Continue to Fall” [Online] <http://data.worldbank.org/news/extreme-poverty-rates-continue-to-fall> [Accessed 17-03-14]

Young RJC, (2003). *Post Colonialism: A Very Short Introduction*. New York: Oxford University Press

Zimbabwe Youth Council, (2014). “Harmful Cultural and Social Practices Affecting Children: Our Collective Responsibility”.

ZIMSTAT (2015) “Multiple Indicator Cluster Survey (MICS) 2014”. Final Report,2015. www.zimstat.co.zw/sites/default/files/img/publications/Health/MICS2014/. Pdf [Accessed 5 April 2017]