

CHILD MARRIAGE IN ZAMBIA

Child marriage, the marriage of a person below the age of 18, deprives adolescent girls of their reproductive health rights and impinges upon their opportunity to realize their full potential and enjoy their human rights as established in various international treaties. Adolescent girls have a right to education, health, dignity, nondiscrimination, and quality of life. Protecting, promoting, and fulfilling these rights is necessary to ensure that adolescents grow into healthy, skilled, productive, independent, and responsible adults, and yet the prevalence of child marriage in Zambia stands in the way of ensuring these rights. To protect, promote, and fulfil the right of adolescent girls, there is a need to eradicate child marriage.

Prevalence of Child Marriage

In 2015, following the 2013–14 Zambia Demographic and Health Survey (ZDHS), the Population Council and UNFPA conducted a study to establish the areas where child marriage is most likely to occur in Zambia. Study methods included a literature review and a multivariate analysis using the 2013–14 ZDHS and data from the 2010 Census of Population and Housing. Findings reaffirm that child marriage is very high in Zambia. Although child marriage has declined by 25% from 41.6% to 31.4% among women aged 20–24 who report being married before they were 18 years old (see Figure 1), it is still among the highest in the world. According to the 2013–14 ZDHS, child marriage affects more girls than boys—

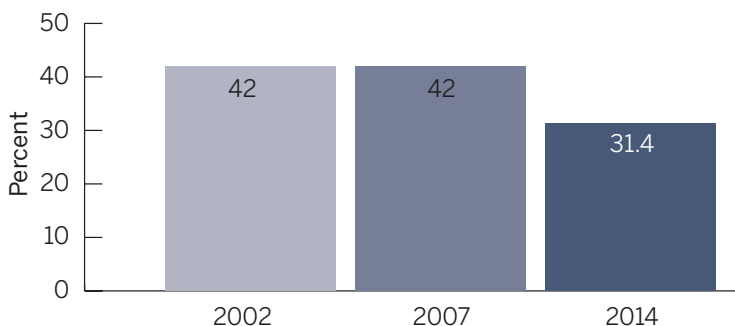


Child Marriage Affects More Girls than Boys

- Among 15–19-year-old adolescents, 16.5% of girls are married compared with 1% of boys.
- Among 20–24-year-olds who are already married, 31.4% of females were married before age 18 as compared with only 2.2% of males.

Protecting girls from child marriage is a national priority in protecting girls' rights and achieving progress in national development.

Figure 1. Percentage of 20–24-year-old females married by age 18



Although child marriage affects all girls, those with less education, living in rural areas, and in the lower wealth quintiles are more susceptible than those with higher education, living in urban areas, and in the higher wealth quintiles.

16.5% of 15–19-year-old females reported being currently married as compared with only 1% of males of the same age group. Similarly in the 20–24 age group, only 2.2% of males reported having married when they were younger than 18, as compared with 31.4% of females (CSO, MOH, and ICF International 2014).

Child Marriage Hotspots in Zambia

A child marriage hotspot is a district where child marriage is most likely to occur. Data analysis shows that child marriage is highest in Northern Province, Muchinga, and parts of the Copperbelt Provinces (see Figure 2). Specifically, the districts of Isoka and Chama in Muchinga Province, and Masaiti, Mpongwe, and Lufwanyama in the Copperbelt Province are hotspots with the highest likelihood of child marriage, ranging from the probability or likelihood of 0.158 to 0.170. They are followed by Kaputa and Chilubi districts in Northern Province and Mpika and Chinsali districts in Muchinga Province where the likelihood of child marriage is between 0.146 and 0.158. In these districts, an adolescent girl is most likely to marry before she is 18 years of age.

On the other hand, in the Western part of Zambia, girls are less likely to marry before age 18. Interestingly, however, Western Province has the highest rate of teenage pregnancy in the country at 41%. In the districts of Mongu, Lukulu, Senanga, Sesheke, and Shangombo, adolescent girls are less likely to be married before they reach age 18. It is essential to understand what is protective in these districts that prevents adolescents from early marriage.

Policy and Legal Context of Child Marriage in Zambia

There are two important elements to understanding child marriage: the definition of “child” and “marriage.”

Although Article 266 of the Zambian Constitution defines a child as a “a person who has attained, or is below, the age of eighteen years” and an adult as “a person who has attained, or is above, the age of nineteen years,” the terms “child” and “adult” are not always measured in numerical

Effects of Child Marriage

Perpetuates poverty: Child brides do not receive education and economic opportunities that help lift them and their families from poverty, hence child marriage perpetuates a vicious cycle of intergenerational poverty.

Deprives girls of an education: Child brides are likely to drop out of school, curtailing opportunities and realization of their full potential.

Creates health risks: Child marriage and teenage pregnancy expose girls to early childbearing and greater risks of life-long fertility with significantly higher maternal and infant morbidity and mortality.

Increases girls' vulnerability: Child brides are at risk of negative sexual and reproductive health outcomes, including early pregnancy, exposure to HIV and other STIs, and increased discrimination.

Puts girls at risk of violence: Child marriage puts girls at an increased risk of sexual, physical, and emotional gender-based violence.

values in Zambia (Mann, Quigley, and Fischer 2015). There are sociological and biological markers that determine the age of the person. Reaching puberty is one biological marker. Sociological markers include withdrawal from or failure to complete school; engagement in sexual relationships, full-time labour, or wage employment; and the development of capacity to care for one's self and others. This is the reason why initiation ceremonies for girls who begin menstruation (often between the ages of 9 and 13) include education on marriage, how to take care of a husband, and how to take care of a home as a mother.

The second element is the definition of marriage. In Zambia, there is no one single definition of marriage. Zambia practices a dual legal system—customary law and statutory law (Panos 2014; Nsemukila 2015). Hence there are two types of marriage—customary law marriage and statutory law marriage.

Customary law marriage: Each ethnic group has its own definition. However, a valid marriage must fulfill four conditions: (1) a person has to reach puberty and

undergo appropriate initiation ceremonies; (2) parental or guardian consent; (3) negotiations and payment of dowry (lobola); (4) performance of a specific selected ritual signifying marriage (e.g., wedding) (Mushota 2005). This has caused a conflict in law. Statutory law prohibits sexual intercourse with a person below the age of 16 and classifies it as an offence called “defilement” (Section 138 of the Penal Code), and yet recognition of customary law marriage allows it.

Statutory law marriage:

Marriage is regulated by the Marriage Act. To marry, one has to be at least 21 years of age. A person below 21 years needs parental consent to marry. However, the law does not specify the threshold below 21 years at which consent from parents is not acceptable. The law also allows a high-court judge to consent that a child below the age of 16 can be married.

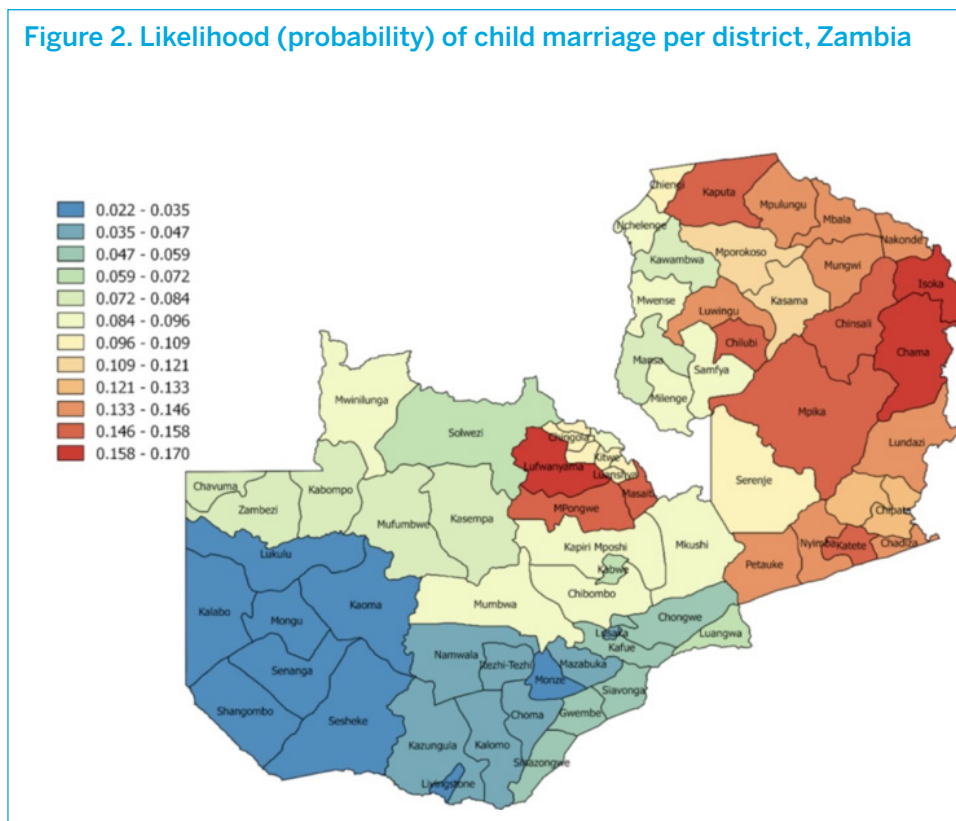
Types of child marriage

- Marriages among peer adolescents—starting at age 11 for girls and 14 for boys, usually with an age difference of about two to three years. Adolescents decide to marry each other on their own.
- Intergenerational marriages, where an adolescent girl is married to an older man (in some instances an adult twice her age). Intergenerational marriages may be necessitated by various factors including poverty, where marrying off the child serves as a means for the girl to escape poverty and be provided for, and the girl’s family may also benefit through the payment of lobola, whose value has been increasing over time.
- Marriage to rectify a situation to avoid shame and dishonor to the family (Mann, Quigley, and Fischer 2015) (e.g., teenage pregnancy leads to marriage as a way of avoiding family shame).

National Response

The Zambian government has instituted a national response to address child marriage by launching a multi-stakeholder anti-child-marriage campaign. Structures to fight child marriage have been put in place

Figure 2. Likelihood (probability) of child marriage per district, Zambia



including a civil society coalition against child marriage, a ten-member ministerial committee led by the Ministry of Gender, a draft policy on ending child marriage, and National Strategy on Ending Child Marriage for the period 2016–21. All of these efforts should be accelerated and effectively supported to reduce and eventually eradicate child marriage.

Recommendations

Harmonise statutory laws and customary laws on marriage

Although customary law is important because it is based on values and community systems on which people depend for their survival, there is a need to ensure that statutory law is harmonised with customary law, in order to eliminate elements of customary law that are discriminatory against girls and women. Article 7(d) of the Amended Constitution recognises customary law as long as it is consistent with the Constitution. To ensure that customary marriage law is consistent with the Constitution, there is a need to adopt the Southern African Development Community (SADC) Model Law to end child marriage, amend the Marriage Act, and adopt policy that clearly defines marriage and prohibits child marriage. The law should define marriage as a union between two consenting adults. The law should also review discriminatory practices relating to marriage, such as the payment of lobola, in order to ensure gender equality in marriage for adults.

Engage custodians of traditions and customs to reform marriage law customs

Customs and traditions can change when people who believe and practice them no longer respect them. The government and its stakeholders should accelerate public education programmes against child marriage, using a rights-based approach, highlighting the value of self-worth of adolescent girls who are entitled to human rights and deserve to be assisted in the transition to adulthood safely and without discrimination. This should be done through public media campaigns and community conversation that explains how important it is for adolescent girls to create a future of their own by ensuring that they stay in school, are not married off early, and are protected from gender-based violence and discrimination of any kind in the community.

Keep adolescent girls in school

There is global evidence suggesting that keeping girls in school reduces child marriage. The government and its stakeholders should explore various methods of keeping girls in school. This should include: reducing teenage pregnancy by ensuring that comprehensive sexuality education and linkages to quality reproductive health services are available and accessible to adolescents; creating incentives to keep girls in school, especially those from poor families (e.g., use social cash transfer as a conditional incentive for girls' education in poor families); and creating a conducive school environment for girls, ensuring effective menstrual sanitation facilities, privacy, and a bully-free environment.

Create “safe spaces” for girls

To address the underlying causes of child marriage, interventions are needed that enable girls to decrease their social, health, and economic vulnerabilities while concurrently expanding their opportunities. Examples of such interventions include programmes that work through the “safe spaces” model bringing girls together with mentors, particularly female mentors, to provide a combination of interventions such as: life-skills training that includes information on sexual and reproductive health, livelihoods-skills training, providing financial assets such as social cash transfers, and employment assistance.

Ensure multisectoral collaboration against child marriage

To address the underlying factors that lead to child marriage, there is a need to strengthen multisectoral collaboration to ensure coherence in programming aimed at eliminating the practice. Coordination must be at the highest level with authority to convene other relevant sectors and cooperating partners and mobilise them for common action.

Generate evidence for decision making

There is a need to ensure that programmes aimed at reducing child marriage are based on evidence. Government and its partners should ensure that there is sustained research for generating, analysing and using disaggregated data to guide decision making in policy and programmes aimed at ending child marriage in Zambia.

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