



Zimbabwe
Gender
Commission

NATIONAL INQUIRY ON CHILD MARRIAGE, SEXUAL EXPLOITATION AND ABUSE OF YOUNG GIRLS

Including Girls with Disabilities



2022



**Spotlight
Initiative**
To eliminate violence
against women and girls

An initiative of the United Nations funded by the European Union





**National Inquiry on Child Marriage,
Sexual Exploitation
and Abuse of Young Girls
Including Girls with Disabilities**

2022

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Key Concepts

Adolescent

While there is no internationally agreed definition of adolescence, the UN defines an adolescent as a person aged 10-19. The complexities of defining adolescence relate to: the different rates at which young people reach physical and emotional maturity; wide variation in national laws setting minimum ages for 'adult' activities, such as voting, consuming alcohol, or getting married, and; the fact that many adolescents are engaged in 'adult' activities, such as working or caring for others, regardless of whether they have reached the legal threshold for adulthood.

Age of consent

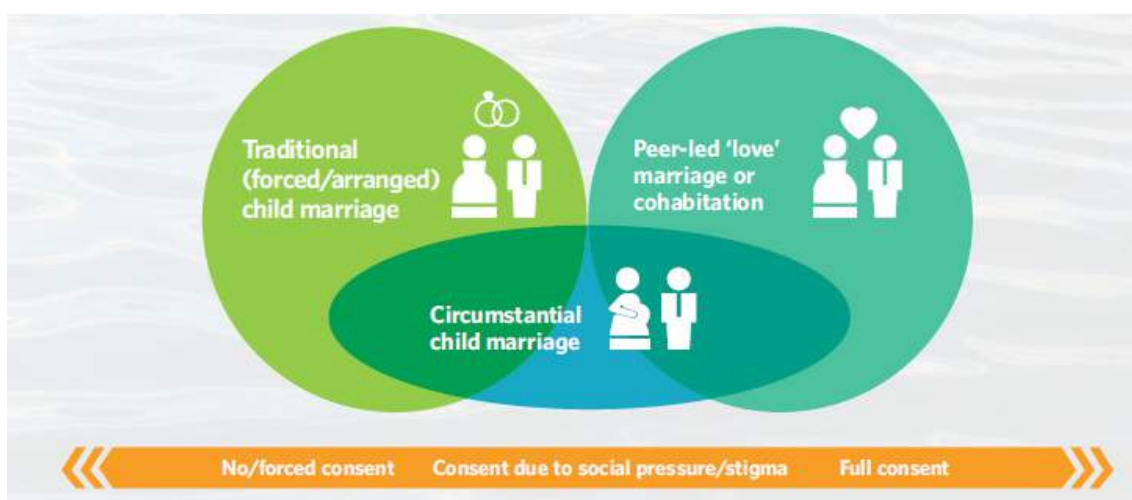
The age of consent is the age at which a young person is legally considered capable of consenting to sexual relations. This is based on the assumption that children need special protection from sexual abuse, and that there is a certain age under which children are incapable of giving their consent to sexual activity. In many countries, the age of consent and the minimum legal marriage age are different.

Attitude

The term 'attitudes' is used by UNICEF to encompass the broad domain of social norms, ethics, morals, values, rights, culture, tradition, spirituality and religion, and feelings about self and others.

Child marriage

Child marriage is any formal or customary marriage or informal union (registered or unregistered) where one or both spouses or partners are under the age of 18. The infographic below shows different types/forms of child marriage.



Source: UNFPA (2021)ⁱ

Child protection

Child protection refers to preventing and responding to violence, exploitation and abuse against children, including from harmful practices such as child marriage.

ⁱUNFPA (2021) *Diversity of types of child marriage and early union in Asia-Pacific*, UNFPA Thailand. Available on <https://www.aidsdatahub.org/sites/default/files/resource/unfpa-child-marriage-and-early-union-2021.pdf>

Culture

Culture refers to the ideas, customs, and social behaviour of a particular people or society. It has been called “the way of life for an entire society”. The inquiry sought to investigate some of the harmful cultural practices also propounded in section 3 of the Domestic Violence Act, to include forced virginity testing; or female genital mutilation; or pledging of women or girls for purposes of appeasing spirits; or forced marriage; or child marriage; or forced wife inheritance; or sexual intercourse between fathers-in-law and newly married daughters-in-law.

Domestic violence

Domestic violence is a pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partnerⁱⁱ. Section 3 of the Domestic Violence Act defines it as any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent and includes the following:

- (a) physical abuse;
- (b) sexual abuse;
- (c) emotional, verbal and psychological abuse;
- (d) economic abuse;
- (e) intimidation;
- (f) harassment;
- (g) stalking;
- (h) malicious damage to property;
- (i) forcible entry into the complainant’s residence where the parties do not share the same residence;
- (j) depriving the complainant of or hindering the complainant from access to or a reasonable share of the use of the facilities associated with the complainant’s place of residence;
- (k) the unreasonable disposal of household effects or other property in which the complainant has an interest;
- (l) abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women:
 - (i) forced virginity testing; or
 - (ii) female genital mutilation; or
 - (iii) pledging of women or girls for purposes of appeasing spirits; or
 - (iv) forced marriage; or
 - (v) child marriage; or
 - (vi) forced wife inheritance; or
 - (vii) sexual intercourse between fathers-in-law and newly married daughters-in-law;
- (m) abuse perpetrated on the complainant by virtue of complainant’s age, or complainant’s physical or mental incapacity;
- (n) abuse perpetrated on the complainant by virtue of complainant’s physical, mental or sensory disability, including a visual, hearing or speech functional disability;
- (o) abuse perpetrated on the complainant by virtue of complainant’s mental illness, arrested or incomplete development of the mind, psychopathic disorder or any other disorder or disability of the mind;

ⁱⁱUnited Nations

Early union

Early union refers to unregistered marriages, cohabitation, and 'de facto', informal, or 'social' unions which may be recognised by families and communities, but have no legal standing, where one or both partners is under the age of 18. Early unions are included in the definition of child marriage.

Pledging

Also known as the *kuzvarira* practice (among the Shona people), where a girl child can be married off at a tender age or before they are even born. The custom was widely practised before the colonial era when elders were able to accumulate young wives through pledging in exchange for grain during times of food shortages. Section 3(1)(i) of the Domestic Violence Act outlaws harmful cultural or even customary practices and norms that violate the rights of women, such as forced or child marriages and the system of child betrothal or the pledging of young women for avenging spirits.

Gender

Gender is a social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender-based roles and other attributes change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). This concept is also useful in analysing how commonly shared practices and norms legitimise discrepancies between sexes.

Gender-based violence

Gender-based violence refers to any act of violence or abuse that targets an individual or a group based on their gender. Gender-based violence can affect women and men, but is most often used to refer to violence affecting women and girls, as unequal gender relations and women's and girls' lower status in society puts them at far greater risk of violence than men and boys. The UN defines violence against women as 'gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.

UNWOMEN defines gender based violence as harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms.

Preference

In the context of this report, people's preferences (in this case, for or against child marriage) are categorised as 'conditional', i.e. based on social expectations (what they believe other people do and think, rather than what they themselves believe) and 'unconditional'. Unconditional preferences may be based on what someone thinks is best for them or for their child, or might be based on a 'moral rule' (i.e., that this course of action is the morally right thing to do).

School dropout

Drop out is withdrawal from an education or training programme before its completion. While compulsory education in Zimbabwe is up to the end of Form 4 (age 15), here, we refer to ‘school dropout’ as meaning a child/adolescent withdrawing from school before reaching the age of 18.

Social norm

In this report, a social norm is ‘a collective practice sustained by empirical and normative expectations and by preferences conditional on both these expectations’. The concept of the ‘social norm’ centres on the idea that people’s knowledge, attitudes, and preferences toward a collective practice (such as child marriage) are strongly influenced by what other people around them are doing, and by what they think other people think should be done.

Violence against Children

All forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.ⁱⁱⁱ

Neglect is a form of child abuse that involves deficient attention to a child’s basic needs. Abuse is often used to refer to physical and/or sexual maltreatment of a child. Harsh discipline often refers to violent or abusive parenting practices justified as disciplinary measures or tactics. Harsh discipline is sometimes referred to as corporal punishment.

Sexual Exploitation and Abuse

Sexual Exploitation and Abuse occurs when a position of power is used for sexual purposes against a beneficiary or vulnerable member of the community^{iv}. Sexual exploitation is “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”. Examples of behaviours that constitutes sexual exploitation include transactional sex (the exchange of money, employment, goods or services for sex, including sexual favours), solicitation for transactional sex, exploitative relationship, human trafficking, etc.^v

Sexual Abuse

Sexual Abuse refers to either actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.^{vi}

ⁱⁱⁱThe 2002 World Report on Violence and Health further expands on the definition of violence, noting that violence is ‘the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation’ Specific types of violence against children include neglect, abuse and harsh discipline

^{iv}World Health Organisation

^vThe list of these examples is based on the tables in the annexes to the United Nations Secretary General Report on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, UN Doc. A/70/729, 16 February 2016, and are defined in the UN Glossary on Sexual Exploitation and Abuse: Thematic Glossary of Current Terminology related to Sexual Exploitation and Abuse (SEA) in the Context of the United Bridging the Gap: Sexual Exploitation, Abuse and Harassment (SEAH) 20 Nations, 24 July 2017, available online at: https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

^{vi}World Health Organisation

Foreword

Child marriage and sexual exploitation and abuse (SEA) of young women, girls and young people with disabilities are major violations of children’s rights that need to be addressed urgently. Child marriage and sexual exploitation and abuse remain widespread in Zimbabwe. In the Sustainable Development Goals^{vii}, child marriage and SEA have been identified as harmful practices which the world should aim to eliminate by 2030. Serious cases of child marriages and sexual exploitation and abuse have been documented and published in both print and electronic media attracting national outrage yet the voice of the survivors has not been given prominence. In order to generate evidence based on the lived day to day life experiences of survivors of child marriages and SEA and amplify their voices, the Zimbabwe Gender Commission embarked on a Nationwide National Inquiry on Sexual Exploitation and Abuse of vulnerable and marginalised groups including young women and girls and young people with disabilities through Child Marriages in Zimbabwe. The National Inquiry Process, while prioritising capturing the voices of the survivors, extensively engaged stakeholders and members of the public mainly at a local level in order to have a holistic understanding of the problem as well as coming up with recommendations that promote holistic multisectoral interventions. Through this report as a nation we are able to give survivors a voice to be heard whilst engaging all stakeholders in enhancing our efforts towards fighting child marriages and SEA as we aim to attain the SDGs by 2030.

The findings of the report clearly highlight the need to address the factors behind child marriages and SEA, the identified hotspot areas at a local level, the challenges the survivors are experiencing in accessing legal and social services as well as outlining the important role played by the various stakeholders at both local and national level. More importantly the findings emphasise the importance of empowering the survivors holistically in all the aspects of their lives in order for them to be able to achieve their dreams in life.

I would like to thank all the stakeholders who participated in the National Inquiry process as well as the ZGC staff for their dedication and commitment. I would also like to thank UNDP and UN Women for their financial and technical support. Special appreciation to our consultants who supported us during the data gathering, analysis and compilation of this report.

Finally, I would like to express my appreciation and gratitude to my fellow Commissioners who tirelessly worked very hard through listening to survivors, attending public hearings and engaging with the various stakeholders nationwide whose input formed the basis of this report.



M.M. Mukahanana-Sangarwe
Chairperson: Zimbabwe Gender Commission

^{vii} Adopted by the General Assembly of the **United Nations in 2015**, the 17 “**Sustainable Development Goals**” (SDGs) are the layout to achieve a better and more sustainable world for all by 2030. These goals are a call for action to address a series of global challenges, such as: poverty, inequality, climate, environmental degradation, and justice. The SDGs are an expanded version of the eight Millennium Development Goals (MDGs), which guided global action to reduce extreme poverty as from 2000 to 2015. For the first time in history, the international community was able to define a global and comprehensive sustainable development agenda including **both social objectives** (built on the MDGs) and **environmental goals** (in continuation with the Rio Declaration of 1992 and subsequent COP summits).

Acknowledgements

The Zimbabwe Gender Commission (ZGC) acknowledges with thanks, strategic leadership provided by the Chairperson, Vice Chairperson and Commissioners from the conceptualization to the drafting of the national inquiry report.

Special thanks go to the survivors of child marriage and sexual exploitation and abuse who had the courage and time to share their experiences. We further extend our appreciation to all individuals and stakeholders who took their time and participated in the National Inquiry process through submission of written and oral evidence. The inquiry would not have been a success without their immense contribution.

We further register our utmost appreciation to the partners who made this National Inquiry possible; specifically;

- UNDP and UN Women for their financial and technical support throughout the national inquiry process
- The European Union for the financial and technical resources provided under the Spotlight Initiative programme
- The Ministry of Women Affairs, Community, Small and Medium Enterprises Development who mobilised survivors, provided technical and logistical support throughout the national inquiry process
- The Ministry of Local Government and Public Works who provided assistance in coordinating the Government structures at sub-national level
- The Ministry of Public Service, Labour and Social Welfare (Department of Social Development) for providing Social Workers who provided psychosocial support to survivors during the hearings
- Development partners and Civil Society Organisations who work day in and out to support the Government of Zimbabwe to eliminate child marriages
- Religious and Traditional leaders who took time to mobilise and share their valuable information during the National Inquiry and Investigation Process.

We also acknowledge and appreciate the role of the Consulting Team led by Maxim Murungweni, comprising other members namely; Pathias Paradzai Bongo, Barbra Nyangairi, Hellen Venganai, Nyasha Dick and Vimbai Ndonde who facilitated the drafting of data collection tools, national inquiry process, data compilation and drafting of the national inquiry report as well as producing a documentary for the process. We also appreciate the technical support provided by UNDP team, in particular, Mr Timothy Kambarami and Mr Gift Govere for their insightful contributions.

We also wish to appreciate the individuals and communities with whom we worked with in conducting the public hearings in the national inquiry.

ZGC also acknowledges with thanks its Secretariat who showed dedication and commitment throughout the whole National Inquiry process, particularly the Coordination and Editorial team comprising; Caroline Matizha, Tinashe Mazanhi, Lorraine Mbodza, Sandra Mudzengerere, Shimta Nembaware and Audrey Charamba.

Last but not least, the Commission extends its gratitude to the media for reporting violations of children's rights which informed the commencement of the national inquiry. The national inquiry was also widely covered in the 10 Provinces by various media houses which helped amplify the voices of survivors.

Acronyms

AWET	Apostolic Women Empowerment Trust
BEAM	Basic Education Assistance Module
CCW/s	Child Care Worker/s
CSOs	Civil Society Organisations
CSEC	Commercial Sexual Exploitation of Children
DSD	Department of Social Development
FACT	Family AIDS Caring Trust
KII	Key Informant Interview
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex
LRF	Legal Resource Foundation
MoPSLSW	Ministry of Public Service, Labour and Social Welfare
MWACSMED	Ministry of Women Affairs, Community Small and Medium Enterprises Development
NHRIs	National Human Rights Institutions
PWDs	Persons With Disabilities
SDGs	Sustainable Development Goals
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender Based Violence
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
VFU	Victim Friendly Unit
VFS	Victim Friendly System
ZGC	Zimbabwe Gender Commission
ZRP	Zimbabwe Republic Police

Executive Summary

Introduction

This report outlines the findings of the Zimbabwe Gender Commission National Inquiry on Sexual Exploitation and Abuse of Vulnerable and Marginalised Groups such as Young Women, Girls and Young people with Disabilities through Child marriages in Zimbabwe. The Inquiry was undertaken in a phased approach from May 2022 to August 2022 throughout the country's ten provinces covering 10 districts. The districts covered include Mutasa, Hurungwe, Epworth & Hopley, Shamva, Umzingwane, Mudzi, Chiredzi, Lower Gweru, Binga and Mzilikazi(Bulawayo). The inquiry interrogated the efficacy of access to justice and social protection mechanisms especially for young women, girls and young people with disabilities in the affected communities.

Sexual Exploitation and Abuse of Young Girls and Child Marriages (including those with disabilities) is indeed a systemic barrier prejudicial to gender equality, gender equity and gender mainstreaming as envisaged by the Zimbabwe Gender Commission Act. The negative effects of child marriages insofar as it curtails the development of young girls, expose them to health risks and SGBV cannot be overemphasized. The Commission was therefore duty bound to carry out full investigations into these matters. The conduct of such investigations affords the Commission an opportunity to identify a sector/social stratum which is severely affected by the identified barrier, notify the nation through a government gazette and advert, invite complainants and witnesses to make submissions. Thereafter the Commission summoned persons and institutions which it deemed fit to respond to the complaints. The respondents list also involved various duty bearers who are supposed to take a lead in rectifying the identified systemic issues.

Whilst the initial notice inviting complainants and witnesses was targeting issues surrounding harmful religious practices in the Apostolic Sects; the Commission became overwhelmed by submissions from various stakeholders indicating that the scourge has spread beyond that named sector; the main driver being vulnerabilities of young women, poverty, the Covid-19 pandemic and the measures put in place to combat its spread and inadequacy of SHSRs education. It was also noted in the preliminary investigation that girls with disabilities are silent victims and hence the need to not only target them but to mainstream disability in the inquiry as well.

Methodology

In order to have an evidence based report and gain a holistic understanding of the problem, the ZGC adopted a non-experimental research design making use of mixed, qualitative and quantitative methods. The qualitative data collection methods used include key informant interviews, desk review of literature/documents, closed hearings with survivors/storytelling, closed hearings with stakeholders, public hearings, video recording/documentary and story-telling with survivors and public hearing proceedings, case studies, written submissions by stakeholders/service providers, focus Group discussions (Nhanganga Model), media monitoring reports and geo spatial mapping of hotspots of child marriage at a local level using GIS (Maps). Quantitative data collection methods used include excel district statistical data collection tool and individual quantitative survivor questionnaire.

Total Reach

A total of 283 survivors of child marriages were interviewed, 66 closed hearings with survivors were conducted, 2395 community members attended public hearings, 24 closed



hearings with stakeholders were conducted, 99 key informant interviews were conducted. In addition, the following were also conducted 20 closed hearings with witnesses, 3 written submissions by individuals, 11 written and video submissions by stakeholders, 11 district case statistics collected and 72 video documentary interviews with survivors. These were conducted in all the country's ten provinces.

Summary of key findings

Nature of child marriages

The nature of girl child marriages varies in form including child-to-child, child-to-older man, polygamous or monogamous unions. In terms of geographical outlook, child marriages in Zimbabwe are higher (40%) in rural areas than in urban areas (21.3%). Mashonaland Central tops on the list of provinces with the highest number of cases of child marriages with at least 50% of the marriages involving minors.

Definition of a Child and Child Marriages

The inquiry established that there is no consensus on the definition of a child and child marriages especially within the various communities that were visited. Each community has its own understanding and definition of a child e.g. in Shamva they indicated that once a girl child starts the menstruation cycle they are now considered an adult and ready for marriage. The community's definition of a child is not based on the legal definition of a child.

Men view the girl child as a source of income e.g. they define a girl child as “Nhaka” meaning that they expect to gain monetary and material proceeds from the marriage of the girl child. This lack of consensus on the communities' definition of a child and child marriages is a cause of concern as it fuels child marriages as was noticed during the inquiry.

Key informants were well versed with the legal definition of a child and child marriages however, the dilemma they face is how they interpret and make use of this when performing their duties at work as well as when they are playing their social role within the community. For example, one key informant indicated that they knew that child marriages are not acceptable but when dealing with such cases within his family he then has to analyse the context as well as take a collective decision with other families which makes it difficult for him to stick to what the law says.

Estimating the average age of entry into child marriage

Fifty percent of the survivors interviewed indicated that they got married when they were between the ages of 14-17 years with the youngest survivor having been married at the age of 11 years. It was also noted that some survivors have no identity documents that corroborate their ages and contribute to the none prosecution of cases at the formal Courts.

Age Difference

The popular belief that there is a huge age difference between the survivors and their “husbands” was not supported by evidence gathered, the survivors interviewed indicated that they were/are married to men whose age range is between 19 to 24 years of age. Vast age differences between the survivor and “husband” were only noticed within the members of the Apostolic Sect due to the religious practice of “kuroteswa and kuzvarirwa”.

Prevalence of Child Marriages

Overall, though the exercise was not able to determine and quantify the prevalence rate, it was gathered that Child Marriages are happening and are a cause for concern within the research sites and specific wards are regarded as hotspots for child marriages for example wards 13,14,18 and 15 in Mudzi district. In Chiredzi district Wards 4 Majorata, and growth points in wards 7 Chilonga and Chikombedzi ward 11 and Gezani ward 13. -However, there is no consensus within the communities when it comes to describing child marriages as problem with some communities having accepted child marriages as a good option for their children whilst other communities are clear that child marriage is a violation of children's rights.

Duration of Marriage

Seventy-five percent of the marriages did not last more than two years due to various factors such as infidelity, domestic violence, ill-treatment by in-laws and husband as well as the desire by the survivor to start a new life such as going back to school. Majority of the survivors regretted having been married early and if given a choice they would not want to be back in such a situation.

Level of Education

Eighty percent of the survivors had completed their primary education but either dropped out immediately after their primary education or between form 1 and 4. lack of adequate monetary and material support from parents or guardians as most of the survivors were out of school at the time of the union because of lack of resources to pay school fees and this leads to child marriage being an option for financial gain for parents and guardians

Causes/drivers of child marriage and Sexual Exploitation and Abuse

The National Inquiry established various drivers/causes of child marriages and sexual exploitation. These include child poverty, lack of school fees, adolescent pregnancy resulting in children being forced to go stay with the person responsible for the pregnancy, peer and parental pressure, COVID-19 lockdowns, gaps in the legal system, and lack of parental supervision or poor parenting, negative religious practices and harmful cultural practices. Since the causes/drivers are multifaceted and interrelated, it is difficult to attribute child marriages and sexual exploitation and abuse to a single cause in any given context. Secondly, the Inquiry established that there are common and general causes/drivers of child marriages and child exploitation that were identified in all the country's ten provinces. However, the Inquiry also established that there are specific causes/drivers peculiar to certain geographical and social settings within each of the country's ten provinces. These geographical and social context specific causes/drivers include artisanal mining (gold panning), religious and cultural practices and beliefs, migration trends, etc.

Vulnerability of Children with Disability in Relation to Child Marriage &SEA

The national inquiry established that parents to children with disabilities are protective of their children especially those with albinism and mental disability therefore statistics for such cases were difficult to gather as they are hidden from the community. Six Survivors with disabilities were interviewed whilst more than twelve testified during closed hearings showing that they are highly vulnerable to SEA.

Challenges faced by stakeholders

Various stakeholders highlighted the following challenges;

Insufficient safe shelters/safe spaces for survivors, lack of resources such as transport, manpower and material needs negatively affecting investigation of

cases, lack of a clear law to arrest perpetrators of child marriage e.g. police resorting to arresting perpetrators under section 70 of the Criminal Code for having sex with someone under the age of 16 years, parents hiding child marriage cases thereby frustrating investigation of such cases by the law enforcement officers and judiciary, community members are scared to report perpetrators for fear of victimization and witchcraft, limited capacity with no presence of social workers at some districts, lack of deterrent sentences on perpetrators of child marriage, long distances to courts and lack of sign language interpreters.

Recommendations

The national inquiry came up with various recommendations for stakeholder consideration and implementation. The proposed recommendations are listed below.

Specific Recommendations to the Zimbabwe Gender Commission

Monitoring

- Monitor private and public institutions programmes and activities on adherence to compliance on child rights.

Information and Awareness Raising

- Enhance awareness raising at multiple-levels within the communities on child marriages, child rights and responsibilities including distribution of user-friendly IEC material on child marriages and SEA
- Conduct gender sensitization training to raise awareness amongst traditional and religious leaders on child marriages and SEA
- Establish all network toll free lines and open a call centre for easy access and reporting of cases by members of the public remotely
- Strategically utilise ZGC website and social media platforms for awareness raising, reporting and responding to cases on gender rights violations
- ZGC decentralisation in line with the devolution mantra to increase visibility, presence and reach out to the communities.

Partnerships

- Strengthen partnerships with Community Based Organizations to promote responsiveness on child marriages and SEA
- Establish a clear multi-stakeholder referral pathway system between ZGC, and relevant stakeholders
- Engage small scale miners' associations and support them to develop Codes of Conducts or Gender Policies that clearly spell out preventative and responsive measures to address GBV, child marriages and other related issues within the sector
- Engage the Apostolic Sect and other religious groups to support them in developing prevention and response mechanisms on ending child marriages.

Specific recommendations to Parliament of Zimbabwe

- Accelerate alignment of laws to the Constitution on children's rights and gender equality
- Advocate for minimum mandatory sentence on rape as a deterrent measure
- Adopt and implement the SADC Model Law on eradicating child marriage and protecting children already in marriage as the blueprint for managing child marriages

- Enact laws and establish code of conduct in hot spot sectors to address the sexual abuse and exploitation of children
- Monitor Government of Zimbabwe’s commitment to end child marriage by 2030 through implementation of the Sustainable Development Goals (SDGs).

Specific Recommendations to the Zimbabwe Republic Police

- Create a conducive and user-friendly environment within VFU to allay off fear amongst the public and promote reporting of cases on child marriages and SEA
- Establish and publish sexual offences and paedophile register of offenders as a deterrent measure
- Train personnel on sign language and interpretation as well as disability rights for effective management of PWDs cases on child marriages and SEA
- Strengthening VFU accessibility to all public members including PWDs
- Equipping the VFU with adequate resources to expeditiously carry out their mandate
- Community engagement explaining the role of the police in fighting and handling GBV cases
- Support witness protection programmes to strengthen reporting including instituting mechanisms to protect whistle-blowers.

Specific Recommendations to the Ministry of Primary and Secondary Education

- Scale up the enrolment of survivors into Second Chance Education Programme to widen its reach
- Promote Affordable Education for all in order to reach out to the most vulnerable and needy children
- Capacitate teachers and support staff within the education sector on how to handle pregnant girls and mothers in schools to reduce stigma and discrimination while ensuring safe spaces
- Strengthen psychosocial support services within the education sector working in liaison with the Ministry of Public Service, Labour and Social Welfare to support survivors of child marriage and sexual exploitation and abuse
- Decentralise psychiatric evaluation assessments to enable friendly access of the service by survivors
- Support the construction of Government schools in needy areas e.g. Hopley and resettlement areas in order to allow needy children to benefit from BEAM
- Implement provisions of the Education Amendment Act, 2020 section 14 (k) on the appointment of Sexual and Reproductive Health personnel in schools to help reduce child pregnancies, child marriages and other child rights violations.

Specific Recommendations to the Ministry of Public Service, Labour and Social Welfare

- Development of standardized context specific guidelines and model on the re-integration of survivors of child marriages and sexual exploitation and abuse to enable them to fit back into their environment
- Adequate financial and human resource support to the Department of Social Development to enable it to discharge its mandate effectively
- Establish more Safe shelters and safety nets from ward level to cater for vulnerable and needy children
- Strengthen the National Case Management System and capacitation of CCWs
- Support parents/guardians with positive parenting skills through capacity building and mentoring sessions for example promoting the balance between children’s rights and children’s responsibilities which according to the general public- has caused “parents to lose control of their children”

- Strengthen safeguarding mechanisms for PWDs and provide training on disability issues targeting first and second handlers as well as provision of focal persons on disability
- Domesticate the SADC Model Law and review of Acts such as Children’s Act in terms of guardianship
- Train traditional leaders on child rights, protection laws and policies to enable them to effectively deliver their mandate
- Strengthen the social support systems and come up with exit pathways for children willing to come out of child marriages.

Specific Recommendations to the Ministry of Justice, Legal and Parliamentary Affairs

- Strengthen provision of child and disability friendly courts as well as disability friendly desks in all districts
- Increase Survivor’s Access to SGBV services and justice by removing barriers especially for PWDs
- Provide adequate human and financial resources to the Legal Aid Directorate to be able to reach out to all needy clients who cannot afford to hire legal representation
- Enhance support to survivors and witnesses with logistical, material and shelter support when attending court cases
- Provide stiffer and deterrent penalties for perpetrators of child marriages and sexual exploitation and abuse
- Simplify laws and translate them into all the official languages including disability friendly format coupled with collective awareness campaigns at constituency level.

Specific Recommendations to the Ministry of Women Affairs, Community, Small and Medium Enterprise Development

- Strengthen its coordination role as the National Gender Machinery in addressing child marriages and SEA
- Establish a consolidated database register of all survivors of child marriages and sexual exploitation and abuse at district level
- Scale up livelihoods support to survivors of child marriages and sexual exploitation and abuse
- Review and implement the National Action Plan on ending Child Marriages and ensure availability of data
- Establish economic interventions to support families and scale up prevention measures aimed at empowering communities and the girl child. Continued capacity building of gatekeepers including traditional and religious leaders on child rights issues
- Support the implementation of interventions that build on positive cultural and traditional practices while addressing harmful practices that expose girls and young woman to child marriages and sexual exploitation and abuse
- Establish more Safe Shelters/houses and One Stop Centres for SGBV survivors.

Specific Recommendations to the Ministry of Health and Child Care

- Support the revival of youth centres to provide youth friendly SRHR Services for example Nyakuchena Youth Friendly Centre in Makaha, Mudzi District in Mashonaland East Province
- Timely and consistent release of Results Based Funding for health care to allow continued service provision
- Affordable and accessible provision of SRHR Services to girls and young women.



Specific Recommendations to Ministry of Youth, Sport Arts and Recreation

- Support recreational and sporting activities for young girls at community level e.g. the RMT Annual Girls Soccer Tournament that is held at grassroots level
- Strengthen entrepreneurial skills training to survivors of child marriages and SEA
- Support and strengthen child participation structures such as child led groups, Junior councillors and Parliamentarians, Child Led School Protection Committees etc.

Specific Recommendations to Civil Society Organisations and other Non-State Actors

- Collaborate with Government and other stakeholders in scaling up prevention and responsive interventions on ending child marriages and sexual exploitation and abuse
- Increase alternative means of household livelihoods and economic strengthening for vulnerable children involved in commercial sexual exploitation including their families. For instance, cash transfers and savings and loan programmes
- Conduct research to identify strategies on ending child marriages and SEA.

Specific Recommendations to Traditional Leaders (Chiefs Council)

- Adopt By-Laws on Ending Child Marriages and development of action plan
- Promote anti-child marriage action plans for all traditional leaders in their respective jurisdictions
- Strengthening the role of traditional leaders on ADR to support societal reintegration
- Capacitation of and knowledge sharing with traditional leaders on child marriages with a focus on the Primary and Community Courts Levels Resuscitate Zunde raMambo at community level to support survivors locally
- Support women in traditional leadership to mainstream gender balance
- Provision of supporting documents for birth certificates registration to survivors to break the cycle of sexual exploitation through age verification and access to education.

Specific Recommendations to Religious Leaders

- Mainstream gender equality in the religious sector to promote child rights issues
- Speak out against child marriages and SEA to foster attitudinal changes in communities
- Advocate for elimination of harmful practices that perpetuate child marriages and SEA.

Specific Recommendations to Media

- Promote investigative journalism and reporting of cases on child marriages and SEA
- Disseminate information and educate the public on the effects of child marriages and SEA
- Documentation of information child marriages and SEA to strengthen data availability.

Background

Child marriage, Sexual exploitation and abuse (SEA) of young women, girls and young people with disabilities is a national concern as they remain widespread in Zimbabwe with the prevalence rate of child marriage at 31% for girls and 4% for boys. Whilst the child marriage prevalence rate is known, the magnitude of the problem of Sexual Exploitation and Abuse of Children and young women in Zimbabwe cannot easily be quantified due to lack of adequate data and surveillance mechanisms. This means that the voice of survivors of child marriage and SEA has also been hidden.

Driven by the increased incidences of Child Marriages in particular the case of Anna Machaya, the Zimbabwe Gender Commission on 24 September 2021 gazetted a National Inquiry on Child Marriages and Sexual Exploitation and Abuse of Young girls including young people with disabilities with the view of ascertaining the extent, drivers, consequences and possible recommendations for addressing the problem. The inquiry interrogated the efficacy of access to justice and social protection mechanisms especially for young women, girls and young people with disabilities in the affected communities.

In order to develop an evidence-based report that includes a holistic understanding of the problem, the ZGC adopted a non-experimental research design making use of mixed, qualitative and quantitative methods. The qualitative data collection methods utilised key informant interviews, desk review of literature/documents, closed hearings with survivors/storytelling, closed hearings with stakeholders, public hearings, video recording/documentary and story-telling with survivors and public hearing proceedings, case studies, written submissions by stakeholders/service providers, focus Group discussions (Nhanganga Model), media monitoring reports and geo spatial mapping of hotspots of child marriage at a local level using GIS (Maps). Quantitative data collection methods used include excel district statistical data collection tool and individual quantitative survivor questionnaire.

The National Inquiry gathered evidence through the following data collection methods;

- Interviews
- Closed hearings
- Public Hearings
- Closed hearings
- Key informant interviews
- Closed hearings with witnesses,
- Written submissions by individuals,
- Video submissions by stakeholders,
- District case statistics collected and
- Video documentary interviews with survivors.

“Amplifying the voices of survivors of child marriages and sexual exploitation and abuse in Zimbabwe”

1. Introduction

“I am a young lady who is 23 years of age. I have two children who are four years and one year respectively. I was married when I was 17 years old. The reason for this was that I failed to get support for my upkeep and to pay my school fees. I got married in the hope that my husband would pay my school fees, but he did not. He is 39 years of age and instead we are into farming of small grains. The marriage has been quite difficult as there have been instances of assault especially when I ask for money to buy groceries and food. I would want to go back home but I do not think my husband will allow me to. I have never reported my husband to the police since it is not acceptable for a wife to report her husband to the police for beating her.”

Matabeleland North, Binga

1.1 Introduction

The Zimbabwe Gender Commission (ZGC) is one of the five Independent Commissions established in terms of Section 245 of the 2013 Amended Zimbabwean Constitution and operationalized through the Zimbabwe Gender Commission Act (Chapter 10:31). Section 246 of the Constitution and the Zimbabwe Gender Commission Act mandates the Commission *inter alia* to; monitor gender equality issues, conduct research, investigate gender related violations, and recommend changes to laws and practices. In pursuit of its functions and overall mandate of ensuring adherence to gender equality, the Commission is mandated to undertake investigations in accordance with Section 5 of the Zimbabwe Gender Commission Act (Chapter 10:31). The Commission also has the duty to handle complaints relating to violations of rights relating to gender such as the Sexual Exploitation and Abuse of Young Girls and Child Marriages which is recognized as a systemic barrier prejudicial to gender equality, gender equity and gender mainstreaming.

This report presents findings from the Zimbabwe Gender Commission National Inquiry on Sexual Exploitation and Abuse of vulnerable and marginalised groups including young women and girls and young people with disabilities through Child Marriages in Zimbabwe which was conducted from May to August 2022.

1.2 Justification of the National Inquiry

A national inquiry is an investigation into a systemic human rights problem in which the general public is invited to participate through providing evidence and written submissions, which has investigative and educational objectives and which results in a report with findings and recommendations. A national inquiry is a good means to address complex human rights situations.

Child Marriage is a gross violation of human rights, yet it remains a reality for many children in Zimbabwe including those with disabilities. The right to ‘free and full’ consent to a marriage is recognized in the Universal Declaration of Human Rights - with the recognition that consent cannot be ‘free and full’ when one of the parties involved is not sufficiently mature to make an informed decision about a life partner. Further, the Sustainable Development Goals in particular Goal 5 identifies child marriage as a harmful practice which the world should aim to eliminate by 2030.

Following the Anna Machaya case, the Commission conducted a preliminary inquiry on Child Marriages on the Johanne Marange Apostolic Sect. A multi-sectoral approach was used during the preliminary inquiry to gather pertinent information from targeted

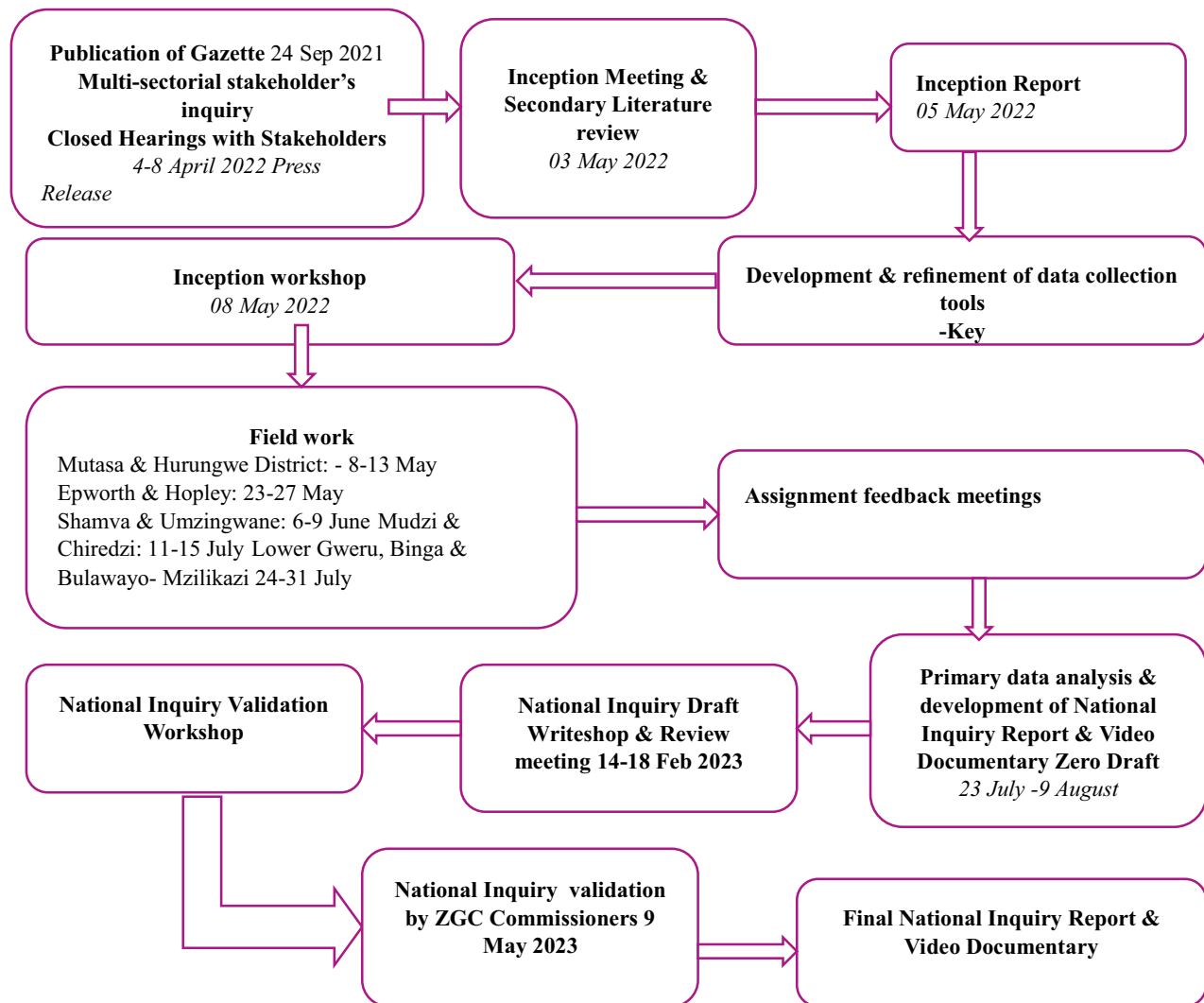
stakeholders and key informants such as Government Departments, Members of the Apostolic sect and ZRP-VFU. The findings of this preliminary inquiry revealed the rampant Sexual Exploitation and Abuse of Young Women and Girls (through child marriage in the Apostolic Sect and across Zimbabwean society. This triggered the Commission to publish a gazette giving notice of the Commission's intention to launch a nationwide investigation and public inquiry on Sexual Exploitation and Abuse of Young Girls (including those with disabilities) and Child Marriages with particular reference to the Apostolic Sect and inviting any victims and witnesses to come forward to the Commission and make reports on the cases of this nature. therefore, the National Inquiry sought to;

- ❖ Investigate and assess the lived experiences of Young women and Girls including those with disabilities, of Sexual Exploitation and Abuse and Child Marriages in the Apostolic Sect including the prevalence and nature of access to social protections and justice services
- ❖ Assess Government of Zimbabwe national policies, plans and practice to end child marriages
- ❖ Explore and improve awareness of the scope of rights of young women and girls (including those with disabilities) in Mashonaland Central, Mashonaland West, Midlands, Manicaland Province and Matabeleland in the national legal framework, Convention on the Rights of the Child (CRC) and UN Convention on the Rights of Persons with Disability (UNCRPD)
- ❖ To compile conclusive information as part of the record of the investigations into the Lived experience of accessing constitutional rights by women and girls with disability
- ❖ Induce/Effect legislative and policy reform on access to justice and social protection of women and girls with disabilities based on the lived realities of affected communities in Mashonaland West, Mashonaland Central, Manicaland, Matabeleland and Midlands Provinces and possibly throughout the country through the crafting of legally binding recommendations to be included in the national inquiry report.

2. Methodology: National Inquiry Design

2.1 Methodological Approach

The National Inquiry investigated the impact of Child Marriages and Sexual Exploitation and Abuse of Young Women and Girls (including those with disabilities) in Zimbabwe. Figure 1 below shows the data collection process undertaken during the inquiry;



The Inquiry was guided by Section 6 of the Zimbabwe Gender Commission Act which affords the Commission to, amongst other things invite parties, present questions to any person it considers will assist and to summon persons to appear before it. It is also important to note that Section 6(2) states that the Commission is not bound by strict rules of evidence and may ascertain any relevant fact by any means it deems fit so long as it is not unfair or unjust to any party. The inquiry was therefore undertaken through a consultative process guided by the objectives of the National Inquiry.

Figure 2 shows the methodological approach used in the process of data collection and the number of samples taken for each method.

Mixed Methods

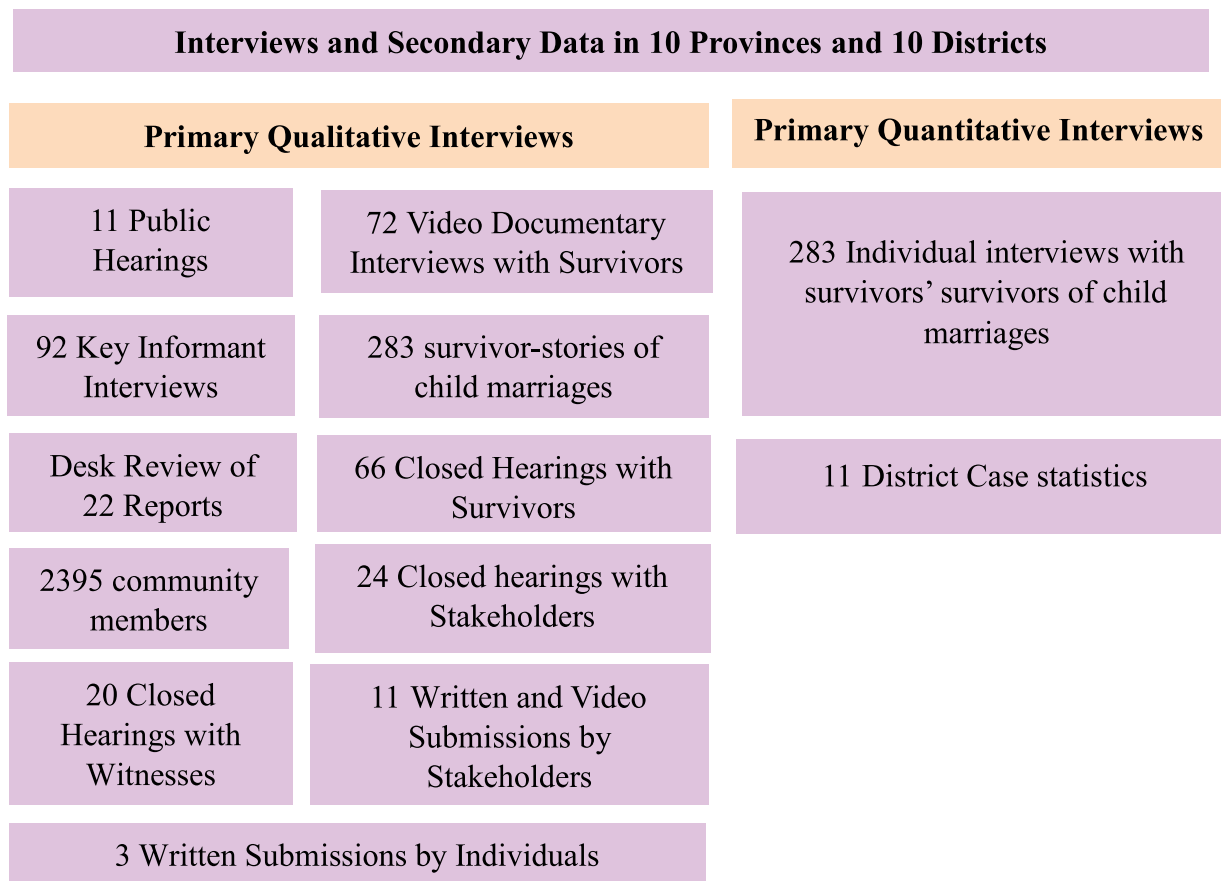


Figure 2: Methodological approach

The national inquiry adopted a non-experimental design making use of mixed, qualitative and quantitative methods.

2.1.1 Qualitative Approach

A qualitative approach was adopted to help the researchers uncover, describe and understand the phenomenon of child marriages and sexual exploitation and abuse. In this case, data on the experiences of survivors as well as the interventions being implemented, and challenges faced by professionals providing support to survivors was gathered.

Qualitative methodologies used include the following;

2.1.1.1 Key Informant Interviews

These targeted service providers and other stakeholders who are actively involved in handling cases of child marriages and sexual exploitation and abuse. The key informants are people who are knowledgeable about the inquiry setting and able to articulate their knowledge¹. These included representatives from the Government line ministries, traditional leaders, community childcare workers, vulnerable children's primary care givers, institutions taking care of children with disabilities and survivors of sexual abuse through child marriages. These were purposively selected from each province. This enabled the inquiry to gather first-hand information from the service providers which made it possible to come up with practical recommendations to address the problem. In total 92 Key informant Interviews were conducted.

¹PATTON, M.Q. 2002. Qualitative Research and Evaluation. London, Sage Publications.

2.1.1.2 Closed Hearings with Survivors/Story Telling

Survivors of child marriages and SEA were provided with an opportunity to tell their stories in closed, friendly and safe spaces with the Commissioners from the ZGC. This enabled the Commissioners to gain an in-depth understanding of the experiences of survivors of child marriages and sexual exploitation and abuse. The Closed hearings provided the Commissioners with primary data necessary for making evidence based and practical recommendations. The closed hearings were conducted in the presence of Social Workers from the Department of Social Development in the Ministry of Public Service, Labour and Social Welfare. This was to allow for psychosocial support to survivors considering the psychological effects of the Inquiry. A total of 66 survivors attended the closed hearings.

2.1.1.3 Closed Hearings with Stakeholders

These provided an opportunity for stakeholders providing services to survivors of child marriages and SEA to share their experiences, interventions, challenges and recommendations with the Commissioners in closed, friendly and safe spaces. These closed hearings were attended by 24 stakeholders.

2.1.1.4 Public Hearings

These involved bringing together various members from the communities, stakeholders, service providers, survivors and traditional leaders to interact directly with the Commissioners and ZGC team in an open dialogue. Due to the sensitivity of the issue, the public hearings were designed in such a way that the participants were split into groups of men, women, children/youths, traditional leaders who would discuss the issues separately. The group discussions were guided by a set of guiding questions which were used to stir discussions. After having discussed the issues separately, a feedback plenary session was then conducted with each group representative/rapporteur giving an explanation on the key issues discussed in their group. An opportunity was given to the various stakeholders/service providers to respond to the issues raised by the various groups. A total of 11 Public Hearings were conducted and attended by 2 470 participants.

2.1.1.5 Video recording/documentary and story-telling with Survivors and Public Hearing Proceedings

The National Inquiry process was visually documented through a dual process resulting in the production of two video documentaries. The First, focused on survivors and the telling of their stories in their own words and the second captured proceedings during public hearings. The video documentaries have the strength to visually communicate stories in a way that appeals to the people's emotions, as well as bring awareness to a wider audience about the state of sexual exploitation and abuse of vulnerable and marginalised groups such as young women and girls and young people with disabilities through Child Marriages in Zimbabwe. The video documentaries will act as a ZGC resource for advocacy against child marriage which can be shared to create dialogue and influence key decision making institutions such as the parliament.⁷² Video Documentary interviews were done with the survivors. Moreso, there were 283 survivors who were able to narrate their stories on child marriages citing the drivers, current status, challenges and proposed mitigation measures on these challenges like given an opportunity to acquire life skills.

2.1.1.6 Case Studies

These were gathered from various stakeholders and service providers involved in the fight against child marriages and SEA. These help provide solid evidence on the experiences, success stories, failures and areas that need improvement as well as provide a holistic view of the problem of child marriages and SEA.

2.1.1.7 Desktop Literature review

A review of primary and secondary sources of data was conducted. The documents reviewed included GBV management principles, , Protocol on the Multi Sectoral Management of Sexual and Gender Based Violence in Zimbabwe, Marriage Act, SADC Model Law on Ending Child Marriage, AU Campaign to End Child Marriage in Africa, Draft Inclusive Education Policy, Zimbabwe Gender Commission reports, situational reports from organisations such as Musasa, Deaf Zimbabwe Trust, Childline, Shamwari Yemwanasikana, Rozaria Memorial Trust, Education Act, Disability Policy, Zimbabwe Gender Commission multi-sectoral stakeholders' inquiry on Child Marriages in the Johanne Marange Apostolic Sect Report etc. There were 22 Desk reports that were reviewed.

2.1.1.8 Written submissions by stakeholders/service providers

The stakeholder's/service providers were given the opportunity to make written submissions with regards child marriages and SEA. These enabled the ZGC to acquire detailed information as well as statistics as per each organisation's areas of operation. A total of 11 written and video submissions were received from the various stakeholders as well as 3 submissions from individuals.

2.1.1.9 Focus Group Discussions (Nhangas Model)

These were conducted in some areas with survivors who are in community support groups based on the Nhangas Model² spearheaded by Rozaria Memorial Trust. These FGDs helped strengthen the relationships and bond amongst the survivors who continue to provide peer to peer support to each other in their locality.

2.1.1.10 Media Monitoring Reports

During the National Inquiry process, constant media monitoring on reportage/coverage of cases of child marriages and SEA was done in order to capture up to date cases as well as part of raising awareness and publicising the whole process. The links to the various media articles related to the national inquiry were collected and compiled into one document for easy reference and follow up.

2.1.1.11 Geo Spatial Mapping of Hotspots of child marriage at a local level using GIS (Maps)

The ZGC utilised localised geo spatial mapping of occurrence of incidences and areas identified as hotspots with regards child marriages and SEA. This was done at a District level. The graphic representation of the problem will make it easy to visualise, comprehend and target the areas where interventions will have the greatest impact. This will also help guide service providers to come up with area specific tailor-made interventions in addressing the problem.

2.1.2 Quantitative Approach

These approaches were meant to gather statistical data on the occurrence of cases of child marriages and SEA. These methodologies used include;

²In general terms, 'nhangas' is traditionally a girls' hut, where girls sleep and are also supposed to meet amongst themselves and with their aunts (usually their fathers' sisters), who give them counsel and guidance on being 'good' wives and mothers to their husbands and children respectively. For centuries, the Nhangas was traditionally used as an intergenerational space of women-mentorship in the Shona/Bantu culture; a space where girls could discuss various matters at the age of adulthood, from private topics including marital conduct, to broader topics of moral virtues (Gumbonzvanda, Gumbonzvanda and Burgess, 2021). Under the Nhangas Model, the concept has been expanded to include creation of a safe space (virtual and physical) for girls and women, and has become an effective tool in championing gender equality and to advocate against social practices which infringe on women and children's rights.

2.1.2.1 Excel district statistical data collection tool

This was useful in collecting data on the number of child marriage and SEA cases handled by service providers. This will assist in provide an indicative prevalence/occurrence of cases which will help in possible allocation of resources. The tool was administered in the 11 Districts.

2.1.2.2 Individual quantitative survivor questionnaire

This tool was administered to survivors mainly to gather demographic data such as age of survivors, age of entry into marriage, age of survivor's husband, spousal age difference, duration of marriage etc. This enabled the establishment of the relationship between these indicators with the broader causes of child marriages and SEA and experiences of survivors.

Proactive SGBV investigative techniques were used so to allow the participants to share sensitive and confidential information. The questions were guided by the Washington Group of questions and the Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming (UNFPA)³ and the Survivor centred approach. These questionnaires were administered to a total of 283 survivors of child marriages.

2.1.2.3 Videos/documentaries submitted by stakeholders

Stakeholders had the opportunity to submit video/documentaries on child marriages and SEA which they had produced during implementation of various project interventions. These were viewed and helped amplify the voices of survivors from different parts of the country.

2.2 Ethical Considerations

- ❖ **Informed Consent** was sought from all participants, participation was voluntary and non-discriminatory. Adults over the age of 18 years signed consent forms. Children under 18 years of age were made to sign Assent forms as well as having their parents/guardians sign consent forms on their behalf
- ❖ **Voluntary Participation** - Participation in the inquiry was entirely voluntary. Participants were given the option and freedom to discontinue the interview at any point should they so wish as was the case with some of the young women during closed hearings
- ❖ Permission to carry out the interviews was sought from the responsible Government Line Ministries such as Ministry of Women Affairs, Community, Small and Medium Enterprises (MWACSME), Ministry of Public Service, Labour and Social Welfare (MPSLSW) and District Development Coordinators offices at a local level.

Police clearance for the public hearings were also sought and received. The Zimbabwe Republic Police Victim Friendly Unit was present during the public hearings to provide security services

- ❖ **Do no harm principles**⁴ were adhered to

³The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming. UNFPA (2019). <https://www.unfpa.org/minimum-standards>

⁴The Do-No-Harm approach is the understanding of the impact of aid on existing conflict& its interactions within a particular context, with the goal to limit or prevent unintended negative effects

- ❖ **Safeguarding** – The teams made sure Child Protection⁵ and PSEA⁶ principles were adhered to by taking Individual and Collective responsibility to ensure all children are protected from deliberate or unintentional acts caused by staff, partners, volunteers, contractors (aka service providers) and visitors. A brief training on Child Safeguarding and PSEA was conducted for all the data collectors during the inception meeting
- ❖ **Sensitivity** – to child rights, gender, inclusion and cultural contexts
- ❖ **Openness** - of information given, to the highest possible degree to all involved parties
- ❖ **Confidentiality and data protection** measures were put in place to protect the identity of all participants and any other information that may put them or others at risk. These measures included not taking identifiable bio data from participants, anonymising data before sharing it with third parties⁷, taking photos that did not expose the participants (back view), voice distortions were done during video recording. Personal identification details were only permitted in locating the pre-selected child marriage survivors for the interviews and testifying in closed hearings.

2.3 Children and Young Peoples Participation

As part of the ethical considerations, the national inquiry and investigation was guided by the nine basic requirements for meaningful and ethical child participation⁸. These include;

1. Transparent and informative
2. Voluntary participation
3. Respectful
4. Relevant
5. Child friendly
6. Inclusive
7. Supported by training.

In addition to the above;

- ❖ Data collection methods were age, disability and gender sensitive
- ❖ Inquiry activities provided a safe, creative space where children felt that their thoughts and ideas are important
- ❖ Informed consent was sought throughout the process
- ❖ Refreshments and transport reimbursements were provided specifically for the children who participated
- ❖ Social workers from the local Department of Social Development- Ministry of Public Service, Labour and Social Welfare were present to provide psychosocial support to children and young women as a result of the sensitive issues discussed. The social workers made appropriate referrals and follow ups as needed on a case by case basis.

⁵UNICEF uses the term ‘child protection’ to refer to prevention and response to violence, exploitation and abuse of children in all contexts.

⁶The children, women, men and communities that UNICEF serves have the right to be treated with dignity and respect and to receive assistance without threat of exploitation and abuse;

⁷Include service providers, stakeholders and any other person who will read the report

⁸Save the Children, The Nine Basic Requirements for Meaningful and Ethical Children’s Participation, Save the Children, 2021

2.4 Gender Sensitivity

The data collection process followed the principles of inclusiveness, participation and ownership. In particular, young women and girls, including those with disabilities, directly and meaningfully participated in the data collection processes in line with the “nothing about us, without us”⁹ principle. Guidelines for gender sensitive data collection were also followed. These included paying attention to the composition of the field team, collecting gender-disaggregated data, examining how gender intersected with other forms of social difference, seeking appropriate approvals, scheduling data collection activities at appropriate times and places, seeking privacy, using appropriate language, and managing group dynamics. Gender Sensitivity during both closed and public hearings was also adhered to with participants being separated according to their gender and age to allow open discussions.

2.5 Young People with Disabilities

The national inquiry took a proactive approach to deliberately identify child survivors with disabilities. These were identified through various organisations for Persons with Disabilities (PWDs) working within the local communities.

2.6 COVID-19 Risk Management

The following measures were implemented in compliance with COVID-19 infection, prevention and control requirements;

- ❖ All participants were provided with face masks
- ❖ All participants sanitised their hands
- ❖ Observation of social distance of at least 1 metre from each other during the public inquiry
- ❖ Almost all data collection team members were vaccinated for COVID-19
- ❖ Observed social distance of at least 1 metre for FGD participants.

2.7 Inquiry Setting

The National inquiry was national in scope covering all the country’s ten provinces. In each province, a district was selected to host the main inquiry with Harare having 2 Districts covered.

⁹“Nothing about us without us” (Latin: Nihil de nobis, sine nobis) is a principle associated with the Disability Movement and is commonly utilised to communicate the idea that no policy should be decided by any representative without the full and direct participation of members of the group(s) affected by that policy.

2.7.1 Districts where provincial Inquiries were held

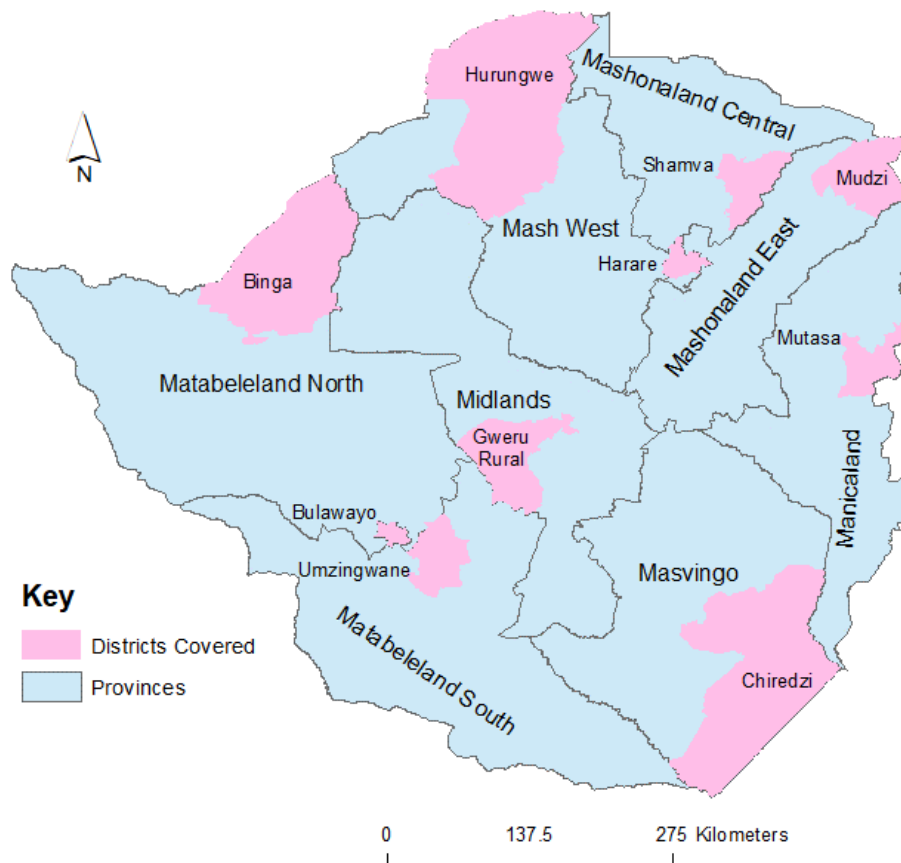


Figure 3: Districts that hosted the provincial inquiries

2.8 Study Population

2.8.1 Sampling Techniques

Purposive sampling¹⁰ to identify survivors of child marriages was done based on initial mapping/formative research as well as being informed by the Ministry of Women Affairs, Community, Small and Medium Enterprises Development (MWACSMED) and Local Non-Governmental Organisations working in the areas.

Respondent Driven Sampling (RDS), a modified form of snowball sampling which allows researchers to recruit hard to reach populations was used to identify other survivors of child marriages. This also assisted in highlighting the existing social support mechanisms within these communities for survivors of child marriages.

¹⁰This involves the researcher selecting individuals (participants) and sites intentionally in order to learn or understand the essential phenomenon (Creswell 2012).

3. Findings

3.1 Literature Review

3.1.1 Gender and Child Marriages

Child marriages remain widespread in Zimbabwe. Although accurate data on the true extent of child marriages in Zimbabwe is difficult to obtain, it is however estimated that as many as 31% of girls under the age of 18 are married, with 4% of these having married under 15 years of age¹¹. Mashonaland Central has the highest number of cases of child marriages, with indications that 50% of women aged between 20-49 years married before 18 years, while Bulawayo (14%)¹² has the lowest prevalence (Table 1). Child marriages in Zimbabwe are also higher (40%) in rural areas than in urban areas (21%)¹³.

Table 1: Provincial data on child marriage

Province	Proportion of women married before 18 years	Proportion of men married before 18 years
National	33%	4%
Mashonaland Central	50%	7%
Mashonaland West	42%	6%
Manicaland	36%	3%
Masvingo	35%	4%
Mashonaland East	38%	4%
Midlands	30%	3%
Matabeleland North	33%	6%
Matabeleland South	22%	2%
Harare	22%	3%
Bulawayo	14%	3%

Source: Zimstat MICS 2019¹⁴

Child marriage disproportionately affects girls. 4% of boys get married before reaching the age of 18 years¹⁵. Child Marriage & Sexual Exploitation and abuse negatively affects children with disabilities, migrant children, refugee children, and children living in child-headed households. The nature of girl child marriages vary in form including child-to-child, child-to-older man, polygamous or monogamous unions¹⁶. While child marriage unions can occur between boys and girls under 18 years, there is usually a wide age gap between married girls and their spouses. Existing data reflects that 20 % of young women

¹¹https://www.girlsnotbrides.org/documents/507/PLAN_18_policy_brief_zimbabwe_final.pdf

¹²Zimbabwe 2019 MICS Survey Findings Report | UNICEF Zimbabwe

¹³Zimbabwe Multiple Indicator Cluster Survey 2019

¹⁴Zimbabwe 2019 MICS Survey Findings Report | UNICEF Zimbabwe

¹⁵Zimbabwe 2019 MICS Survey Findings Report | UNICEF Zimbabwe

¹⁶Chenge, E. and Maunganidze, L., 2017. Patterns and circumstances of girl child marriages in Mount Darwin district in Zimbabwe. *International Journal of Law, Humanities and Social Science*, 1(4), pp.24-40.

aged 15-19 years who are married or in union have a spouse who is at least 10 years older.¹⁷ This age gap creates unequal gender power relations, which expos girls to higher incidences of physical and sexual abuse including marital rape¹⁸ by their spouses.

Several contextual factors perpetuate child marriage in Zimbabwe and the African region. Poverty is cited as one of the main reasons behind child marriage¹⁹. Girls from poorest households and are out of school are more than four times likely to be married before the age of 18²⁰. This is because many poor families regard marrying their daughter at an early age as a strategy for financial benefits and economic survival²¹. Prevailing harsh economic conditions and the effect of COVID-19 pandemic lockdowns have contributed to an increase in the prevalence of child marriage in Zimbabwe²². Between January and February 2021 alone, indicated that about 1800 girls entered into child marriage while approximately 5000 girls were impregnated during the same period²³. The lockdown measures instituted to control the COVID-19 pandemic, particularly the closure of schools, have exacerbated the existing vulnerabilities of young women and girls to sexual exploitation and child marriage. The lives of children and families have been adversely affected around the globe, with many programmes to end child marriage severely impacted.

Certain cultural traditions tend to promote and normalise child marriage. These harmful traditional practices include “*kuripira ngozi*”²⁴; “*kuzvarira*”²⁵; and “*kugara mapfiwa*” where a brother’s daughter replaces an aunt who fails to conceive children or dies²⁶. Initiation ceremonies such as *chinamwari*²⁷ and *nyau* or *zvigure*²⁸ culture are also said to perpetuate child marriage. This is because, once a girl has undergone initiation, the community no longer considers her a child and through the initiation process, the child will have been psychologically prepared for marriage which then makes her vulnerable to child marriage. The influence of religion has also been cited to fuel child marriage. Zimstat’s 2019 MICS found that the highest prevalence of child marriages, 51%, is among families whose heads identified their religion as “traditional”, followed by the apostolic sect (46%)²⁹, particularly the Johanne Marange sect³⁰. Protestants (who include Adventists, Anglicans, Baptists, Lutherans, Methodists and Presbyterians) have the lowest prevalence of child marriages (16%). Child marriage within religious institutions is embedded in the belief that marrying off a daughter who is a virgin brings honour and morality to the family. Once married, the girls are denied their right to education and access to health services.

¹⁷https://www.girlsnotbrides.org/documents/507/PLAN_18_policy_brief_zimbabwe_final.pdf

¹⁸Marital rape is defined as rape committed by a person to whom the victim is married to (Oxford Dictionary)

¹⁹Chinyoka, K., Depriving girls of their childhood: Causes and Consequences of Early Child marriages in Zimbabwe. Journal of Popular Education in Africa (JOPEA),

²⁰https://www.girlsnotbrides.org/documents/507/PLAN_18_policy_brief_zimbabwe_final.pdf

²¹Chenge, E. and Maunganidze, L., 2017. Patterns and circumstances of girl child marriages in Mount Darwin district in Zimbabwe. International Journal of Law, Humanities and Social Science, 1(4), pp.24-40.

²²https://www.wilpf.org/wp-content/uploads/2021/12/UPR_Zimbabwe_Jan-Feb-2022-Web.pdf

²³https://www.voanews.com/a/covid-19-pandemic_zimbabwe-reports-major-rise-teen-pregnancies-during-pandemic/6204648.html

²⁴This is when a girl is given as compensation for a serious crime committed by her family.

²⁵A practice where a girl is married off in return for financial support.

²⁶Chenge, E. and Maunganidze, L., 2017. Patterns and circumstances of girl child marriages in Mount Darwin district in Zimbabwe. International Journal of Law, Humanities and Social Science.

²⁷A cultural initiation school to prepare girls for marriage and sexual activity. It is usually practiced by the Chewa of Malawian descent.

²⁸A masked dance culture for the societies which stage this dance.

²⁹Zimbabwe 2019 MICS Survey Findings Report | UNICEF Zimbabwe

³⁰Chamisa, M.G., Makururu, S., Nyoni, T., Hapanyengwi, H.O. and Mutongi, C., 2019. Religious affiliation–child marriages nexus in Zimbabwe: A case of Marange. Journal of Economics and Finance (DRJ-JEF), 4(2), pp.38-44.

Other drivers of child marriage as reported by the Portfolio Committee on Women Affairs Gender and Community Development in 2016³¹ include: lenient sentences given to cases regarded as statutory rape or consensual sex with a minor³²; low level of awareness and poor understanding of child rights; provision of temporary dormitories at schools for students coming from faraway places from school; striptease in beer halls; general lack of recreational facilities and entertainment; drug abuse by children in communities; and high levels of unemployment.

The practice of child marriage has adverse health outcomes for girls because early pregnancies increase their risk of dying during pregnancy or childbirth. Consequently, child marriage increases girls' maternal morbidity and mortality rates; higher infant mortality among their children; diminished capacity to raise their children responsibly; increased likelihood of HIV infection due to limited decision making power on sexual and reproductive health issues; limited personal and economic autonomy; loss of educational opportunities; social isolation and restricted social mobility³³ due to limited employment opportunities.

Considering that poverty is a key driver of child marriage, efforts to combat this practice should prioritise poverty alleviation.

3.1.2 Sexual Exploitation and Abuse

The magnitude of the problem of Commercial Sexual Exploitation of Children in Zimbabwe cannot easily be quantified due to lack of adequate data and surveillance mechanisms³⁴. The fight against the commercial sexual exploitation of children (CSEC) in Zimbabwe has tended to focus on the need to enact and effectively implement laws, policies and programmes³⁵. While these interventions are important, negative norms and attitudes towards children who are victims of CSE continue to be embedded in the Zimbabwean society. In the Sustainable Development Goals, child marriage and sexual exploitation and abuse have been identified as harmful practices which the world should aim to eliminate by 2030³⁶. Below is a narrative from one of the survivors of Sexual Exploitation and Abuse captured during the Inquiry;

"My name is Chipu (pseudo name), I am 26 years old. I am a survivor of Sexual Exploitation and Abuse. I was sexually abused when i was 14 years old. This experience is still hard to grapple with and I was severely traumatised. As a compensation to this nasty experience, I resorted to transactional sex as a survival strategy and as a relief to my depressed mind".

3.1.3 Disasters, Climate Change and Child Marriages and SEA

In sub-Saharan Africa, research suggests drought is putting increased pressure on families to marry their daughters in return for a "bride price." Dowry and bride price

³¹https://www.veritaszim.net/sites/veritas_d/files/Portfolio%20Committee%20on%20Women%20Affairs%20Gender%20and%20Community%20Development%20on%20The%20High%20Prevalence%20of%20Child%20Marriages%20in%20Mashonaland%20Central%20Province.doc

³²Section 70 Criminal Law (Codification and Reform) Act

³³https://www.girlsnotbrides.org/documents/507/PLAN_18_policy_brief_zimbabwe_final.pdf

³⁴ZNCWC & ECPAT International (2017) Global Monitoring Status of Action Against Sexual Exploitation of Children in Zimbabwe, Country Status Report.

³⁵(Kaseke etal 2018); Challenges faced by professionals working in child sexual abuse multi-sectorial forums: a case of the victim-friendly system in Zimbabwe, http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S003780542018000400006&lng=en&nrm=iso&tlng=en

³⁶Zimbabwe National Statistics Agency (ZIMSTAT) and UNICEF (2019). Zimbabwe Multiple Indicator Cluster Survey 2019, Survey Findings Report. Harare, Zimbabwe: ZIMSTAT and UNICEF.

may be a lens through which the economic effects of environmental crises shape child marriage decisions³⁷. Uganda's National Adaptation Programme of Action (NAPA) notes that environmental crises leading to famine can increase child marriages as bride price incentivises families with few resources to encourage their daughters' marriage (GoU, 2007). Several further studies in sub-Saharan Africa have linked bride price practices with increases in child marriage after droughts or floods (Corno & Voena, 2016; MRGI, 2019; Corno et al., 2020; Camey, 2020), while in South Asia, dowry practices have been linked to reductions in child marriage after environmental crises³⁸. A 2016 report by Care found that in Mozambique, child marriage significantly increased with the onset of drought as families who lost livelihoods, land and homes were pushed to marry off their daughters as a source of income, or to reduce the number of mouths to feed. As long as climate disasters become more frequent and extreme, child marriage will persist (UNFPA).³⁹ Child marriage is often a family's coping mechanism in the face of instability. Families also use child marriage to reduce the number of children to feed, clothe, and educate.

A Feminist Participatory Action Research (FPAR) study conducted by Plan International in a number of communities in Zimbabwe and Zambia unravelled two of the most common impacts of climate change as school dropouts and the challenge of child, early and forced marriages.⁴⁰ Child marriage is a global phenomenon happening for many socioeconomic reasons, but in this particular case it is evident that the already existing global trend of child marriage is further exacerbated because of climate change⁴¹. In Zimbabwe for example, extreme drought is one of the most common phenomena inflicted by climate change. Climate change and natural disaster should be addressed by governments by ensuring the agencies responsible for addressing climate change and natural disasters participate in developing and implementing SDG Target 5.3 (which seeks to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation) through development of the national action plan to end child marriage by 2030. The plan should pay specific attention to how climate change and natural disasters (and other disasters such as conflict, displacement) can increase the risk of child marriage and includes steps to mitigate that risk.

3.1.4 Child marriages and young women and girls with disabilities

Few studies exist on child marriages that focus on children with disabilities. Centre for Development and Justice and the Deaf Zimbabwe Trust have carried out a study which sought to examine how children with disabilities are affected by child marriages. The findings established that child marriages affecting children with disabilities is an area given little attention in the child protection sector. Both studies revealed that disability enhances the likelihood of children with disabilities being forced into marriage as they are supposed to be thankful that someone wanted to marry them.⁴² The negative effects of child marriages are felt more deeply for girls with disabilities as they are vulnerable

³⁷UNFPA (2021) Child Marriage and Environmental Crises: An Evidence Brief, UNFPA, Johannesburg, SA.

³⁸(Corno et al., 2020; Trinh & Zhang, 2020). https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjdy-yhnPL5AhXBGewKHUSrDRIQFnoECAQQAQ&url=https%3A%2F%2Fesaro.unfpa.org%2Fsites%2Fdefault%2Ffiles%2Fpub-pdf%2Fchild_marriage_and_environmental_crises_an_evidence_brief_final.pdf&usg=AOvVaw1AwwV524tFEvsmejsafrRq

³⁹<https://www.friendsofunfpa.org/marriage-in-the-forecast-the-link-between-climate-change-and-child-marriage/>

⁴⁰Lucy Mazingi and Darlington Farai Muyumbwa (2021) *Adolescent Girls in the Climate Crisis: Voices from Zambia and Zimbabwe*, Plan International, September 2021.

⁴¹Nusrat Nayema (2022) Children Risk Early Marriage: Climate Change One of the Factors, available at: http://www.ipsnews.net/2019/12/children-risk-early-marriage-climate-change-one-factors/?utm_source=rss&utm_medium=rss&utm_campaign=children-risk-early-marriage-climate-change-one-factors

⁴²Deaf Zimbabwe Trust 2020. Child marriage experiences of women and girls with disabilities in Zimbabwe

to physical and emotional abuse. The studies further revealed that discrimination and exclusion from social protection and services create conditions for the marriage of children with disabilities. These two studies debunk the myth that children with disabilities are not affected by child marriages. Nonetheless, more research could offer more evidence based and informed inclusive programming and advocacy to end child marriage among girls with disabilities.

3.1.5 Legal and Policy Analysis on Child Marriages

There is need for stronger engagement at global, regional and national level in ending child marriage. Zimbabwe has taken a number of steps with regards to promulgation of laws and policies on ending child marriage. Some of the significant frameworks, laws and policies that guide Zimbabwe to address the challenge of child marriages include:

3.1.5.1 International Frameworks

3.1.5.1.1 Sustainable development goals (SDGs)

The SDGs set out global development priorities between 2015 and 2030. Goal 5 in particular speaks to gender equality and a fundamental part of it are targets to end the harmful practice of child marriage by 2030 as below:

Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

Target 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

According to an article by the Girls Not Brides⁴³, unless we make significant progress on ending child marriage, we will fall short on eight of the SDGs, including those related to: poverty, food security, health, education, gender equality, economic growth, and peace and justice. All these goals will not be fulfilled unless we ensure girls have the skills and opportunities to secure an education and a job so they can support themselves and their families to break the cycle of poverty as well as not leaving anyone behind.

3.1.5.1.2 United Nations Convention on the Rights of the Child

Zimbabwe is party to the UN CRC which calls upon State Parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. The Convention in Article 19(2) further states that such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

3.1.5.1.3 The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Zimbabwe ratified the Convention on the Elimination of all Forms of Discrimination against women (CEDAW) in 1991. Article 16(1) states that States Parties shall take all appropriate

⁴³Girls Not Brides. (2020). SDGs and Child Marriage. https://www.girlsnotbrides.org/documents/893/SDG-and-child-marriage_July-2020-update.pdf

measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent. Article 16(2): The betrothal and the 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 the registration of marriages in an official registry compulsory.

3.1.5.1.4 United Nations Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted in 2006. It is intended as a human rights instrument with an explicit, social development dimension as it adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms including protection from sexual exploitation in the form of child marriage. Article 23 on Respect for home and the family provides that States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- (a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized.

3.1.4.1.5 The Paris Principles

The Paris Principles have provided a benchmark, a set of minimum requirements, for National Human Rights Institutions (NHRIs). They continue to be the standard by which the structure, form and legal basis of an institution are assessed in determining whether the institution is to receive international recognition.

The Paris Principles do not make specific reference to national inquiries. Nonetheless the functions and powers enumerated in the Paris Principles are the functions and powers an NHRI requires to undertake a national inquiry. In fact, an NHRI performs many of its functions when undertaking a national inquiry and it is called on to exercise many of its powers.

3.1.5.2 Regional Frameworks

3.1.5.2.1 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child is a regional human rights treaty adopted in 1990 and which came into force in 1999. It sets out rights and defines principles for the status of children. The African Charter is a powerful tool to hold Governments accountable for ending child marriage as it defines the rights and responsibilities of a child and mandates protection of the girl child from harmful cultural practices such as child marriage as detailed below:

Article 21 (2): Child marriage and the 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 and make registration of all marriages in an official registry compulsory. The treaty then birthed the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established in 2001 where states parties to the Charter submit reports, which then documents information and assesses the situation of children. The reporting process keeps governments accountable to the commitments they have made within the African Charter, and is a great opportunity to raise better

measures to end child marriage. However, for Zimbabwe state party reporting is weak and not consistent as Zimbabwe only submitted its initial report that was due in 2003 in 2014 and no other report has been presented to the Committee for effective monitoring. This therefore means that obligations of the State are often overlooked or ignored leaving room for violation of rights particularly on child marriage.

3.1.5.2.2 Protocol to the African Charter on Human and People's Rights on the rights of women (Maputo Protocol)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (commonly known as the Maputo Protocol) was adopted in 2003 by the African Union to uphold equal rights for girls and women. It is one mechanism where state parties can also be monitored and be held accountable to ensuring women and girl's rights. The Protocol guarantees extensive rights to African women and girls and includes progressive provisions on harmful traditional practices such as child marriage and female genital mutilation (FGM).

Article 6 provides for State Parties to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that the minimum age of marriage for women shall be 18 years. The Maputo Protocol is used as a tool for cases where women's and girls' rights have been violated and has set precedence on cases such as access to justice for a survivor of sexual violence and forced marriage in Ethiopia or ensuring the minimum age of marriage is 18 in Tanzania for both boys and girls.⁴⁴ It is imperative therefore to hold duty bearers to account on commitments in line with section 34 of the Zimbabwean Constitution where it reads that the State must ensure that all international conventions, treaties and agreements to which Zimbabwe is a party are incorporated into domestic law.

3.1.5.2.3 Agenda 2063

This is Africa's blueprint and master plan for transforming Africa into the global powerhouse of the future. It is the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development and is a concrete manifestation of the Pan-African drive for unity, self-determination, freedom, progress and collective prosperity. One of the Agenda's Aspirations particularly aspiration 6 is an Africa Whose Development is people driven, relying on the potential offered by African People, especially its Women and Youth, and caring for Children. The goal is Full Gender Equality in All Spheres of Life Women and Girls Empowerment. The priority areas therefore are on Women and Girls Empowerment and on Violence & Discrimination against Women and Girls. However, there is inadequate tracking of the challenges and successes in advancing the aspirations, as well as lack of awareness in communities of the pinnacle document.

3.1.5.2.4 SADC Protocol on Gender and Development

The Protocol aims to provide for the empowerment of women, to eliminate discrimination and achieve gender equality by encouraging and harmonising the development and implementation of gender responsive legislation, policies and programmes and projects. For policy makers, researchers and students, this Protocol is a tool used to set realistic, measurable targets, time frames and indicators for achieving gender equality and equity, and monitor and evaluate the progress made. This includes pushing for the agenda on ending child marriage. Article 8 of the Protocol says that, no person under the age of

⁴⁴https://www.equalitynow.org/news_and_insights/9_ways_maputo_protocol/

18 shall marry” and Article 11 on the Girl and Boy Child states that they are protected from harmful cultural attitudes and practices and protected from all forms of violence including sexual abuse.

3.1.5.2.5 SADC Model Law on eradicating Child marriage and protecting children already in marriage.

The Southern African Development Community Model (SADC) Model Law on Child Marriage sets a pathway for governments to end child marriage. It shows leaders how to develop legislation, policies and programmes that will help them address the problem of child marriage in their country, and in doing so, free girls and women from harm.

It is designed to:

- Encourage the adoption of progressive marriage laws and the reform of outdated laws;
- Provide specific guidance to national legislators in Southern Africa on the content and provisions of effective child marriage laws that would be binding at the national level;
- Promote regional and country level harmonization of child marriage-related laws, laws on sexual offences; laws relating to gender equity and equality; penal laws; marriage laws; or divorce laws;
- Provide clear definitions of terms – such as ‘child’ and ‘child marriage’- to avoid ambiguity and enhance
- Reaffirm a human rights approach focused on the rights of women and children – to tackling the issue of child marriage in Southern Africa;
- Serve as a standard for national legislators and policy makers and promote accountability;
- Help put the issue of child marriage on the agenda and serve as a stimulus for debate as well as an entry point for advocacy; and
- Encourage data collection and in-depth research to guide design, implementation, monitoring and evaluation of programmes to ensure that they address the needs of the most vulnerable and at-risk groups of girls.

Zimbabwe has yet to domesticate the Model Law, but advocacy and lobbying around its utility continues and can be supported by the just passed Marriage Act of 2022.

3.1.5.3 Domestic Laws and Policies⁴⁵

3.1.5.3.1 Constitution of Zimbabwe

This is the supreme law of Zimbabwe passed in 2013. It provides for a number of provisions that ensure protection of women and girls. Section 26 (1) states that the State should take appropriate measures to ensure that no marriage is entered into without the free and full consent of the intended spouses. Section 26(2) requires the State to take measures to ensure that children are not pledged in marriage. Section 56 governs gender equality and non-discrimination, including that all persons are equal before the law and have the right to equal protection and benefit of the law, and that women and men have the right to equal treatment.

⁴⁵The core elements of legislation related to child marriage are the minimum age of marriage, and free individual and informed consent

Section 78 states that every person who has attained the age of eighteen years has the right to found a family. No person may be compelled to enter into marriage against their will. Section 81 states that every child, that is to say every boy and girl under the age of eighteen years, has the right to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse. Section 83 provides that the State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures among others, to protect them from all forms of exploitation and abuse. There is urgent need for alignment of laws to the Constitution as it is progressive in protecting women and girls and those with disabilities from abuse and violation.

3.1.5.3.2 The Children’s Act (Chapter 5:06)

The Children’s Act (Chapter 5:06) was adopted in 2001 in order to domesticate the various international standards in as far as the care and protection of children is concerned in Zimbabwe. It replaced the Children’s Protection and Adoption Act (Chapter 5:06). This Act’s foci include providing care and protection to all children in Zimbabwe and establishing of children’s court and registration of institutions for reception and custody of children. Therefore, the Children’s Act fulfils the aspirations of the UNCRC.⁴⁶ The Children’s Act defines a child as a person under the age of sixteen years. However, a Children’s Amendment Bill is in process and seeks to reconcile the discrepancies on age of majority among other things.

Since the passing into law of the Marriage Act that seeks to align the marriage laws to the Constitution there is now need to ensure that provisions of the Act are accessible and simplified after the alignment process for all to understand and appreciate including producing disability friendly formats.

3.1.5.3.3 The Domestic Violence Act

Zimbabwe enacted the Domestic Violence Act (Chapter 5:16) on 26 February 2007. The Act came into force on 25 October 2007. The Act addresses the following forms of violence: physical, emotional, sexual, economic and emotional abuse. The Act also provides for protection and relief to survivors of domestic violence. The Act further aims to protect women and criminalizes domestic violence and such acts as abuse derived from any cultural or customary rites or practices that discriminate or degrade women. Examples include virginity testing, female genital mutilation, pledging of women and girls for purposes of appeasing spirits, abduction, child marriages, forced marriages, and forced wife inheritance.

The Act provides that child marriage is a form of domestic violence fails to unpack who the perpetrator of child marriage is and what the charge and penalty should be as well as provision of services that the survivor might need especially if she is pregnant or has a disability. The Anti-Domestic Violence Council and counsellors are active on paper and usually unknown by survivors and their role. There is need for strengthened programmes that fight against harmful cultural practices perpetrated against women and girls as well as women and girls with disabilities. There is a need for engagement platforms for rights holders with the Council and Counsellors as a way of strengthening the referral pathway. Finally, personnel in the justice system to be trained on managing cases of child marriage from the Traditional Courts to the Magistrates Courts.

⁴⁶Bhaiseni, B. Zimbabwe Children’s Act alignment with international and domestic legal instruments: unravelling the gaps. AJSW, Volume 6 Number 1 2016.

3.1.5.3.4 Marriage Act (Chapter 5:11)

The old marriage law in sections 21 and 22 provided that no boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister. The Act also stated that the marriage of a minor shall not be solemnized without the consent in writing of the persons who are, at the time of the proposed marriage, the legal guardians. The Marriage Act did not however, permit a boy below the age of 18 years to contract a marriage.

3.1.5.3.5 Customary Marriages Act (Chapter 5:07)

This was an Act to provide for the solemnization of customary marriages, to regulate certain other incidents in connection with such marriages and to prevent the pledging of children. The Act, had no age limit for marriage and therefore was open for manipulation by current and future perpetrators of child marriage.

3.1.5.3.6 Marriage Act (5:17)

The new Marriages Act (Chapter 5:17) repealed and replaced the Marriages Act (Chapter 5:11) and Customary Marriages Act (Chapter 5:07). This law which came into operation on the 22nd of May 2022 will amongst other things, recognize the unregistered customary law unions as a marriage in certain instances and explicitly states 18 years is the age of all marriages entered into between a man and a woman. The new law further criminalizes marriage of children below the age of 18 years.

3.1.5.3.7 Criminal Law (Codification and Reform Act) (Chapter 9:23)

The Code brings together in one piece of legislation all major aspects of the Criminal law in Zimbabwe. Of interest on the issue of sexual exploitation and child marriage is Section 70 of the Act makes an inference that 16 years is the age of sexual consent where it states that it shall be a defence to a charge under subsection (1) for the accused person to satisfy the court that he or she had reasonable cause to believe that the young person concerned was of or over the age of 16 years at the time of the alleged crime.

The discrepancy between age of sexual consent being 16 and age of marriage being a cause for child marriage because of likelihood of early sexual activity resulting in pregnancy. Strengthened lobbying around raising the age of sexual consent can mitigate the challenges of teen pregnancies that contribute to child marriage. It is imperative further to capacity strengthen access to justice services provision such as resuscitating the Legal Aid Directorate to accommodate those with no resources to pursue their cases.

3.1.5.3.8 National Action Plan and Communication Strategy on Ending Child Marriage (2019- 2021)

The Zimbabwe National Action Plan and Communication Strategy on Ending Child Marriage (NAP) was developed in response to the African Union Campaign on Ending Child Marriage. The NAP also responds to the call in the African common position on the AU campaign to end child marriage in. This call requires member states to ‘Develop, elaborate, and implement national strategies and action plans, including putting in place mechanisms and institutions for the reinforcement, monitoring and reporting, along with financial and human resources, all aimed at ending child marriage⁴⁷. The National Action Plan’s implementation takes a multi-stakeholder approach in addressing child marriage in Zimbabwe. The NAP is premised upon 9 Outcomes as follows;

- i. A coordinated response to child marriage in Zimbabwe
- ii. Enhanced young people’s participation in ending child marriage

⁴⁷National Action Plan and Communication Strategies on Ending Child Marriages

- iii. Enhanced compliance with minimum age of marriage
- iv. Evidence based programming on Child Marriage
- v. Increased school retention and secondary education completion by girls
- vi. Reduced gender discrimination against girls
- vii. Reduced incidence of Child marriage
- viii. Improved support to girls in marriage and girls at risk of child marriage
- ix. Standardised messaging and communication on ending child marriage.

In addition, a number of strategies to address child marriage have been proposed in the National Action Plan.

3.1.5.3.9 National Disability policy

The Policy was developed in 2021 and seeks to address the marginalization and discrimination of Persons with Disabilities (PWDs), empower them to improve their own quality of life and enable them to contribute towards the national development agenda. It sets standards for the inclusion of PWDs in all facets of life, thereby serving as an overarching policy framework on disability across all sectors, including the public, private and development sectors. The policy provides that children with disabilities and children of parents with disabilities must be protected from all forms of abuse including maltreatment, neglect, child marriage, prostitution, child labour, violence and human trafficking.

3.1.5.3.1 National Development Strategy 1

The Government of Zimbabwe launched the 2021 – 2025 National Development Strategy 1 (NDS1) under the theme “Towards a Prosperous and Empowered Upper Middle-Income Society by 2030”. The 5-Year Medium Term Plan is aimed at realising ‘Vision 2030’ through prioritizing economic growth and stability, food and nutrition stability, governance, human capital development, housing delivery, health and well-being, and devolution among others.

Under the Social Protection Key Result Area, there is emphasis on improving Care and Protection of Vulnerable groups through introduction of children grants, as well as women and youth empowerment programmes.

3.2 Characteristics of Survivors of Child Marriages and SEA

3.2.1 Number of Participants Reached

A total of 283 survivors of child marriages and 2395 community members were reached through the National Inquiry and Investigation process. This information is shown in detail in the table 2 below.

Table 2: Number of Participants reached during the Inquiry (sex, age, disaggregation, disability)

	Key Informant interviews	Public hearings	Individual Interviews with Survivors	Closed Hearing with Survivors	Closed Hearings with Witnesses	Video Documentary Interviews	FGD with Survivors
Harare Metropolitan Epworth District	12 PWD(0) F(5) M(7)	203 F(132) M(71)	8 PWD(1) F(8) M(0)	5 PWD(0) F(5) M(0)	0	Two survivors of child marriage managed to share their stories on camera.	0
Hopley District	6 PWD(0) F(4) M(2)	153 F(98) M(55)	7 PWD(0) F(7) M(0)	4 PWD(0) F(4) M(0)	1 PWD(0) F(1) M(1)	Three survivors agreed to be recorded on camera. Most survivors were not willing to be recorded on camera due to the leaked video that dominated social media and raised outrage over exposing survivors	1 PWD(0) F(19) M(0)
Manicaland Mutasa District	12 PWD(0) F(9) M(3)	198 F(101) M(97)	21 PWD(0) F(21) M(0)	10 10 PWD (0) F (10) M (0)	2	14 survivors agreed to be recorded	0
Matabeleland South Umzingwane District	12 PWD(0) F(10) M(2)	247 F (190) M (55) PWD(2)	40 PWD(1) F(39) M (1)	6 PWD(0) F(6) M(0)	2 PWD(0) (F(2) M(0))	Three survivors agreed to be recorded	1 PWD(0) F(13) M(0) NB One FGD with male artisanal miners(16)
Mashonaland Central Shamva District	8 PWD(0) F(5) M(3)	245 F(166) M(79)	5 PWD(0) F(5) M(0)	4 PWD(0) F(4) M(0)	9	Three survivors agreed to be recorded	28 PWD(0) F(28) M(0)

	Key Informant interviews	Public hearings	Individual Interviews with Survivors	Closed Hearing with Survivors	Closed Hearings with Witnesses	Video Documentary Interviews	FGD with Survivors
Mashonaland West Hurungwe District	12 PWD(0) F(5) M(7)	135 F(77) M(58)	24 PWD(2) F(22) M(2)	8 PWD(0) F(8) M(0)	0	13 survivors agreed to be recorded at Alaska PWD(2) F(13) M(0)	75 PWD(0) F(75) M(0)
Bulawayo Metropolitan Mzilikazi District	6 PWD(1) F(3) M(3)	174 F(118) M(56)	38 PWD(16) F(37) M(1)	10 PWD(9) F(9) M(1)	0	Eight PWDs agreed to be recorded	0
Matabeleland North Binga District	9 PWD(0) F(6) M(3)	285 F(141) M(144)	44 PWD(1) F(44) M(0)	4 PWD(0) F(4) M(0)	1 PWD(0) F(1) M(0)	The team managed to capture stories of survivors and pictures	15 PWD(0) F(15) M(0)
Midlands Lower Gweru District	6 PWD(0) F(4) M(2)	305 F(201) M(104)	33 PWD(2) F(33) M(0)	4 PWD(1) F(4) M(0)	2 PWD(0) F(2) M(0)	Six survivors agreed to be recorded	0
Mashonaland East Mudzi District	8 PWD(0) F(4) M(4)	247 F(165) M(82) (4 Chiefs)	45 PWD(2) F(45) M(0)	4 PWD(0) F(4) M(0)	1 PWD(0) F(1) M(0)	Six survivors agreed to be recorded	0
Masvingo Chiredzi District	7 PWD(0) F(4) M(3)	203 F(129) M(74)	29 PWD(0) F(29) M(0)	7 PWD(0) F(7) M(0)	1 PWD(0) F(0) M(1)	Four Survivors agreed to be recorded	0

a) Midlands Province-Lower Gweru District Characteristics

Table 3: Mean(average) age of interviewed survivors of child marriages in Lower-Gweru (n=33)

	Mean	Median	Min	Max	SD	N
Age girl child	18.121	18	14.000	22	2.205	33
Age at entry into marriage	15.576	16	14.000	17	.936	33
Age of respondent's husband	23.182	22	17.000	35	4.05	33

Source: Primary Data

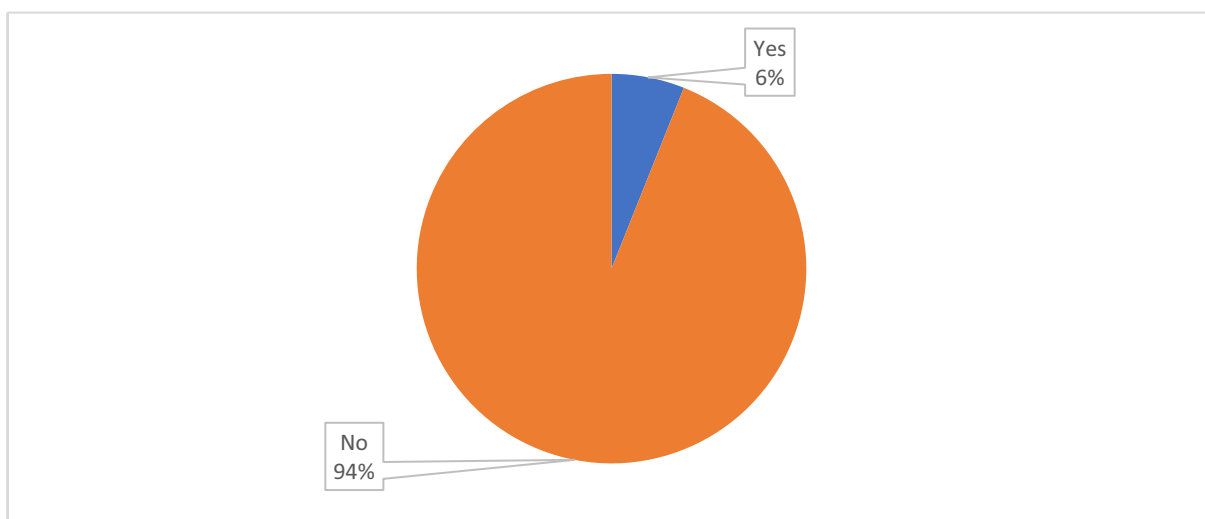


Figure 4: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Lower-Gweru (n=33)

Source: Primary Data

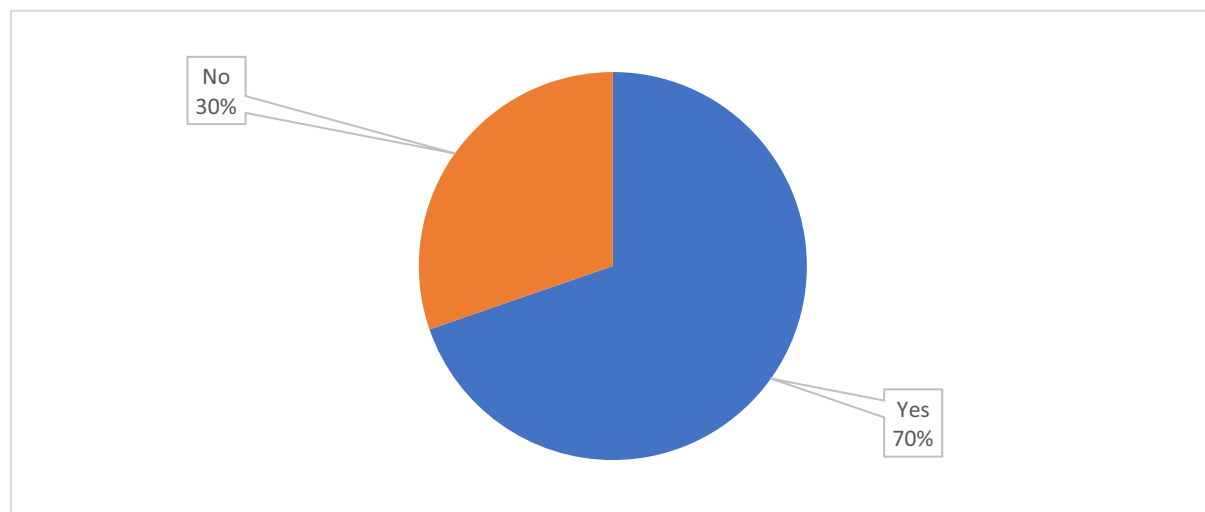


Figure 5: Proportions of interviewed girls who are still married in Lower-Gweru (n=33)

Source: Primary Data

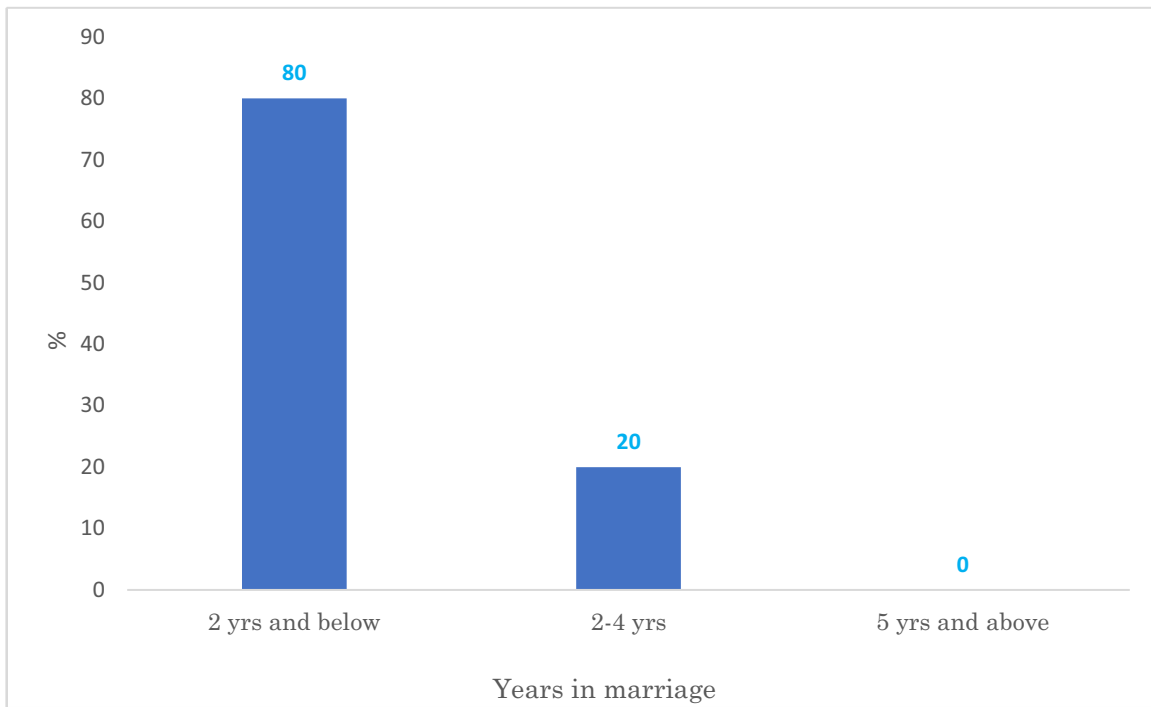


Figure 6: Proportion of girl child by number of years in marriage (Lower-Gweru (n=33))

Source: Primary Data

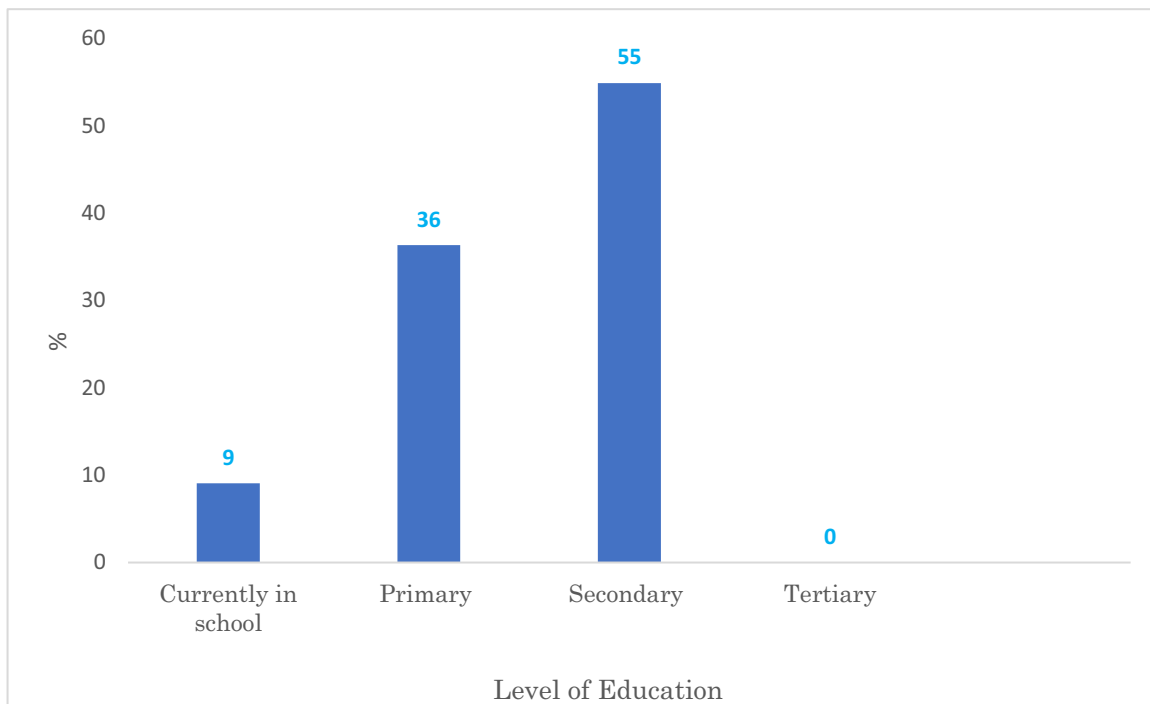


Figure 7: Respondent's level of education - Lower-Gweru (n=33)

Source: Primary Data

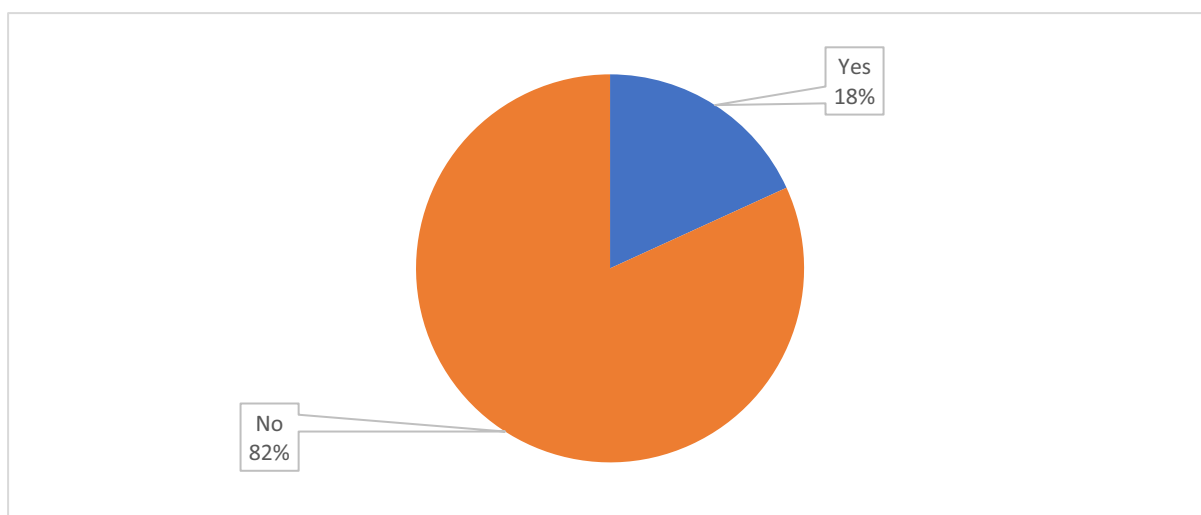


Figure 8: Proportion of those who want to go back to school in Lower-Gweru (n=33)

Source: Primary Data

b) Matabeleland North: Binga District Characteristics

Table 4: Mean age of interviewed survivors of child marriages in Binga District (n=41)

	Mean	Median	Min	Max	SD	N
Age girl child	19.854	18	16.000	31	3.461	41
Age at entry into marriage	16.049	16	15.000	17	.669	41
Age of respondent's husband	25.098	24	17.000	39	5.558	41

Source: Primary Data

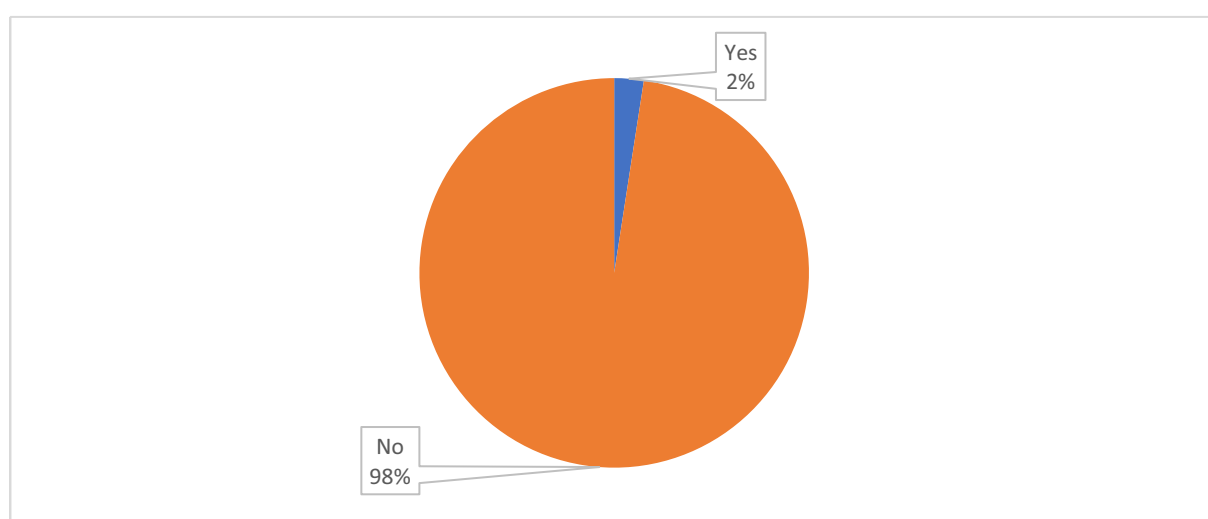


Figure 9: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Binga District (n=41)

Source: Primary Data

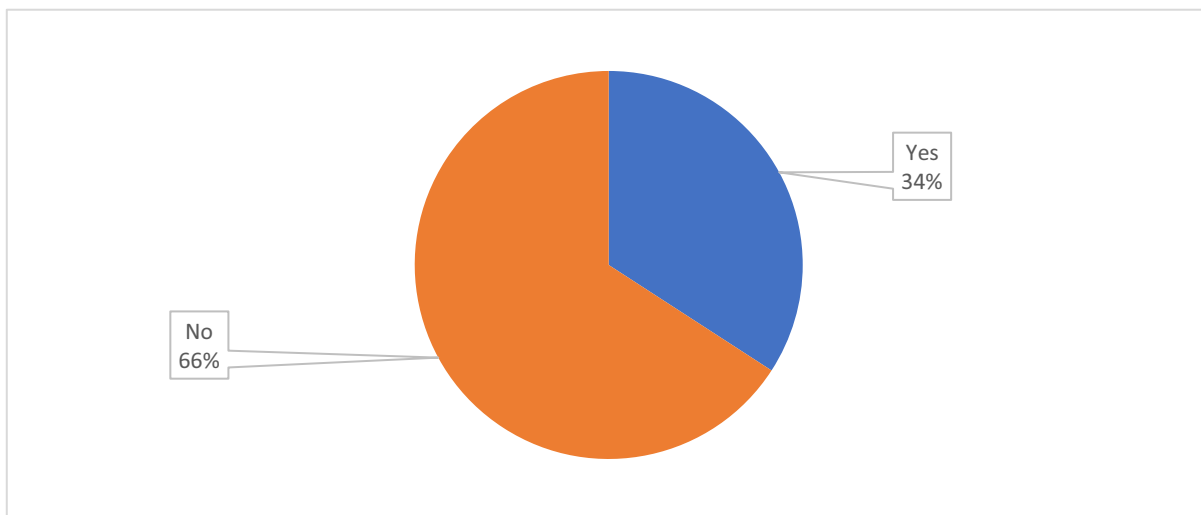


Figure 10: Proportions of interviewed girls who are still married in Binga (n=41)

Source: Primary Data

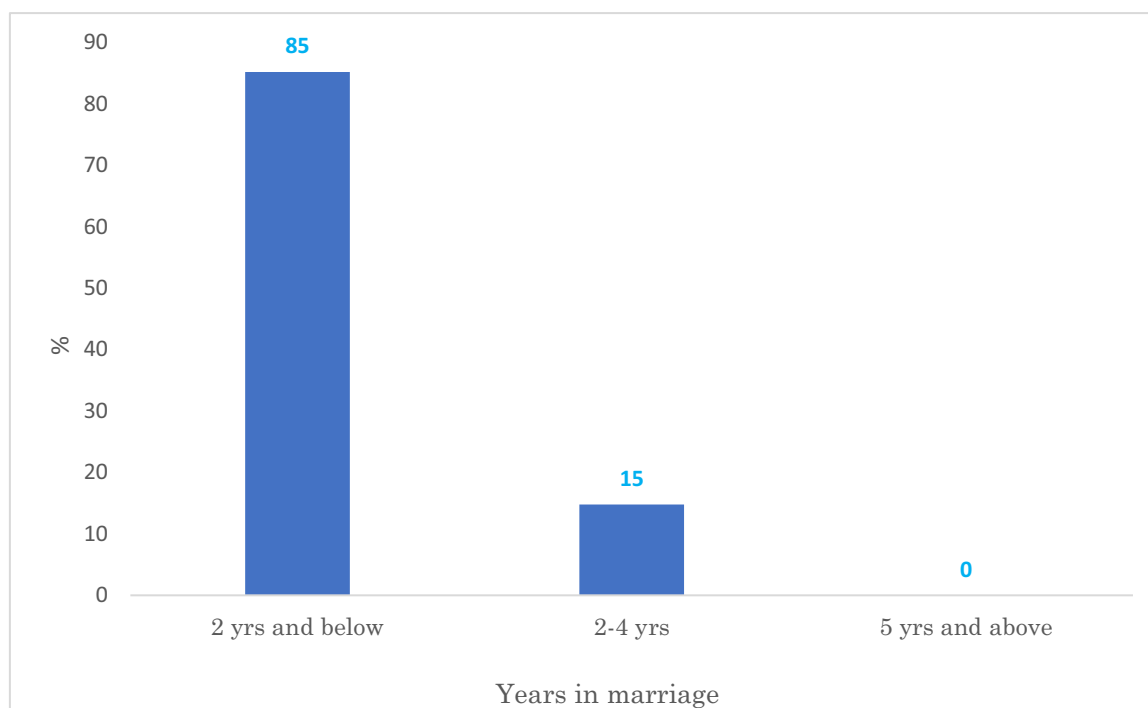


Figure 11: Proportion of girl child by number of years in marriage (Binga, n=41)

Source: Primary Data

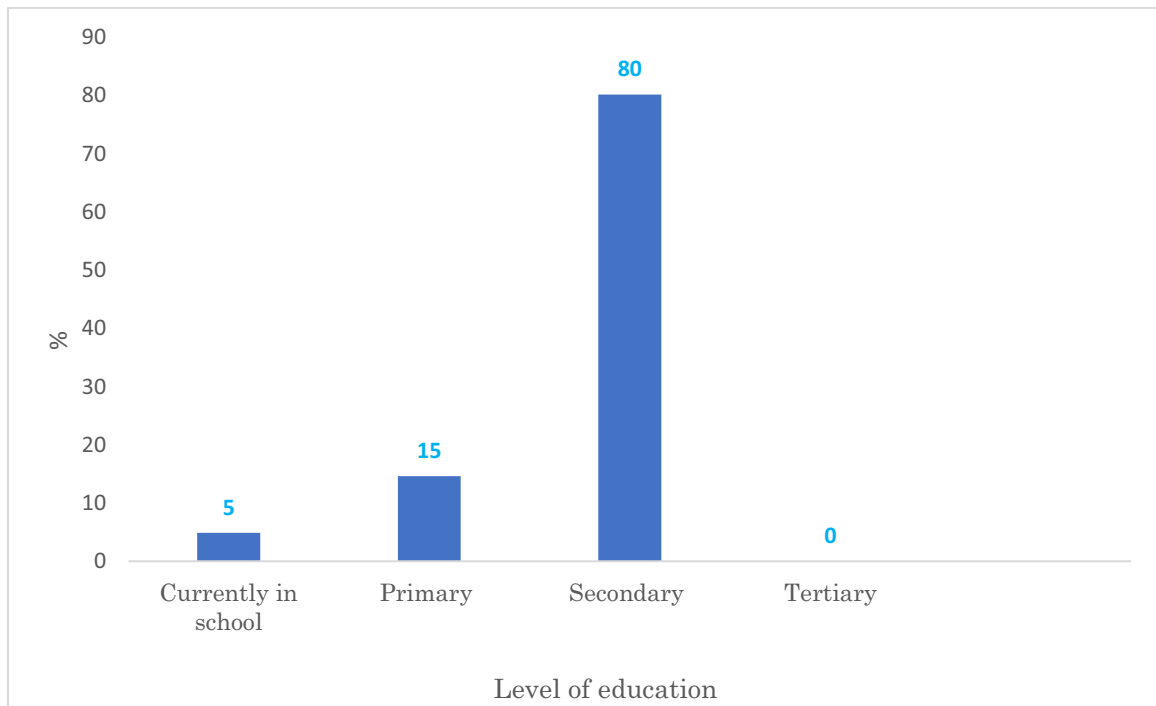


Figure 12: Respondent's level of education (Binga, n=41)

Source: Primary Data

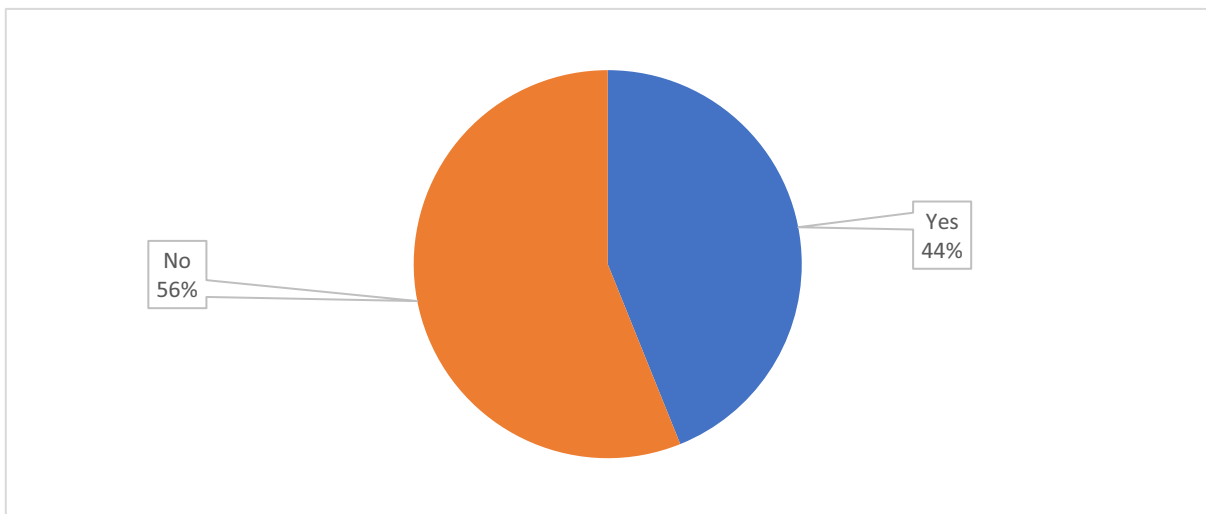


Figure 13: Proportion of those who want to go back to school in Binga (n=41)

Source: Primary Data

c) Bulawayo Metropolitan Province-Mzilikazi District Characteristics

Table 5: Mean age of interviewed survivors of child marriages in Bulawayo District (n=30)

	Mean	Median	Min	Max	SD	N
Age girl child	19.4	19	7.000	30	4.5	30
Age at entry into marriage	14.6	15	0.000	18	3.369	30
Age of respondent's husband	29.2	31.5	0.000	53	10.746	30

Source: Primary Data

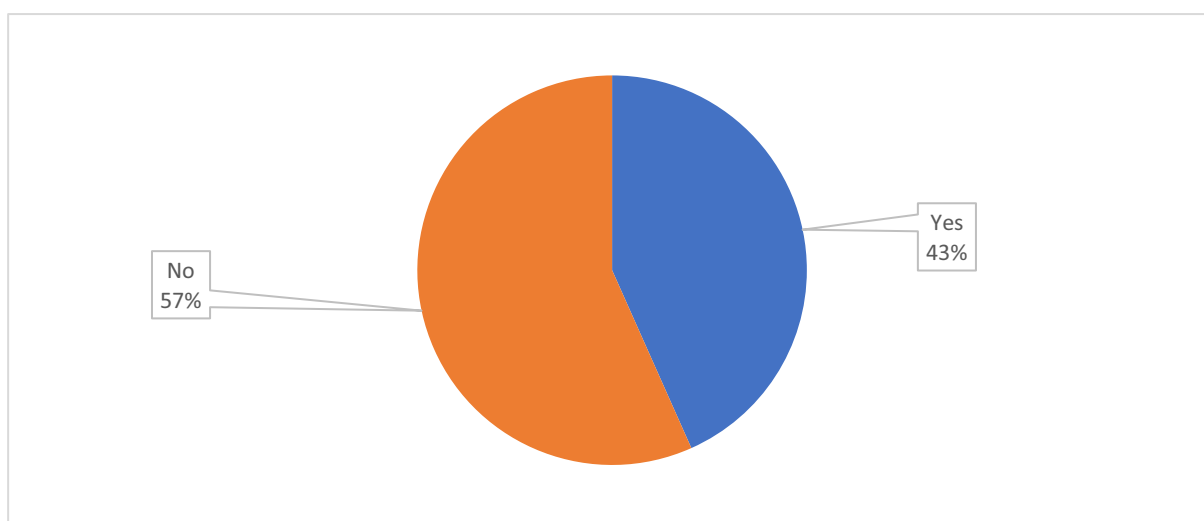


Figure 14: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Bulawayo (n=30)

Source: Primary Data

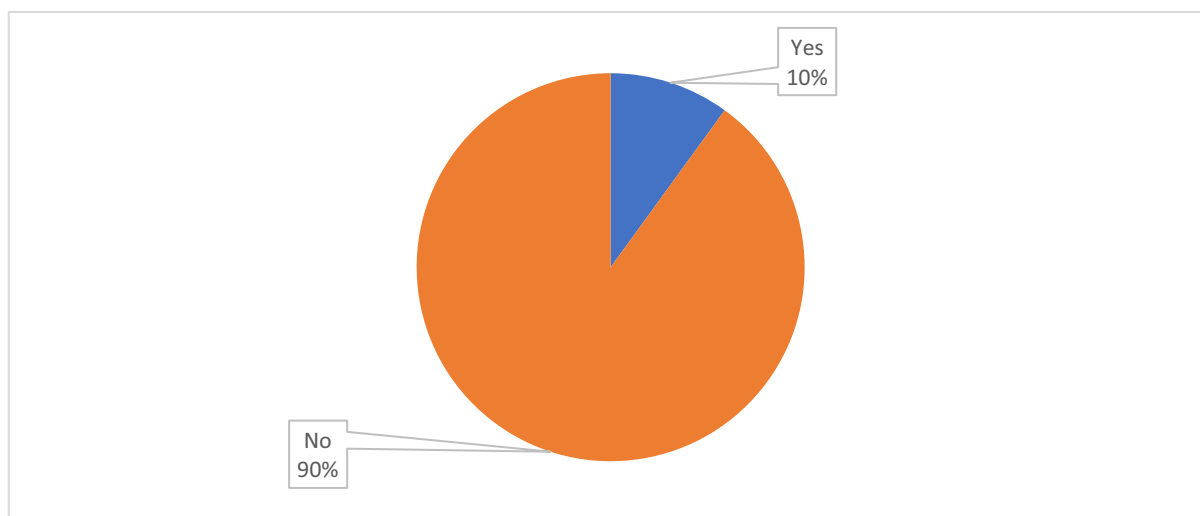


Figure 15: Proportions of interviewed girls who are still married in Bulawayo (n=30)

Source: Primary Data

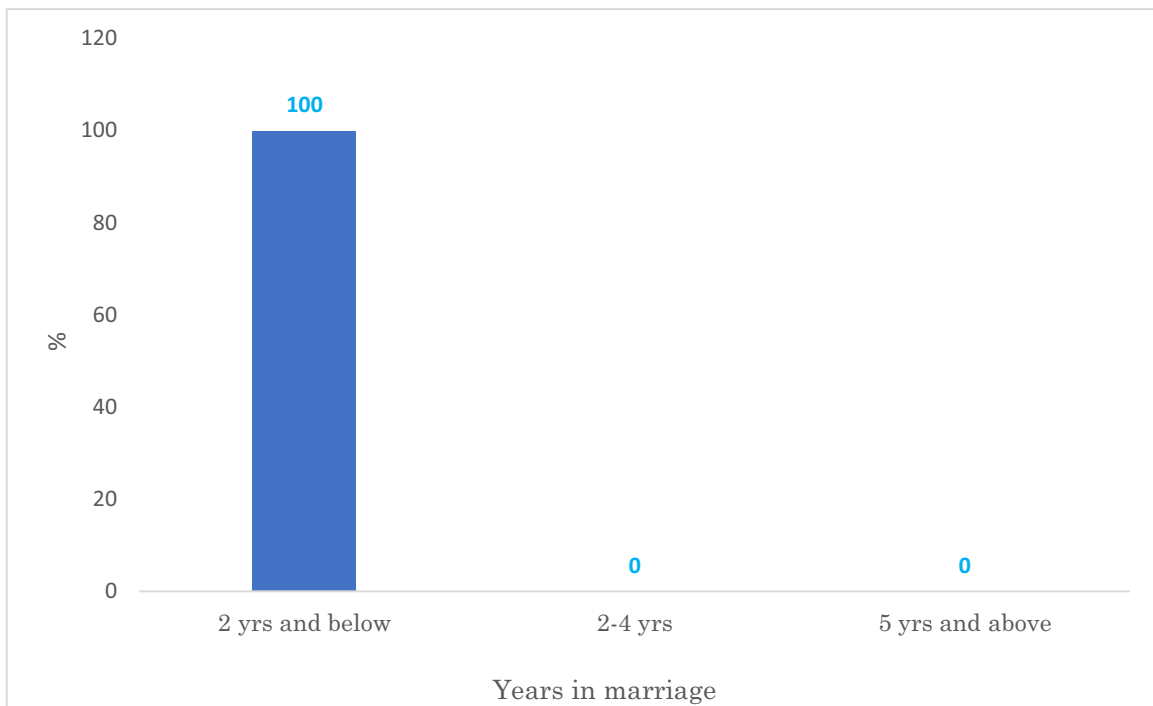


Figure 16: Proportion of girl child by number of years in marriage (Bulawayo, n=30)

Source: Primary Data

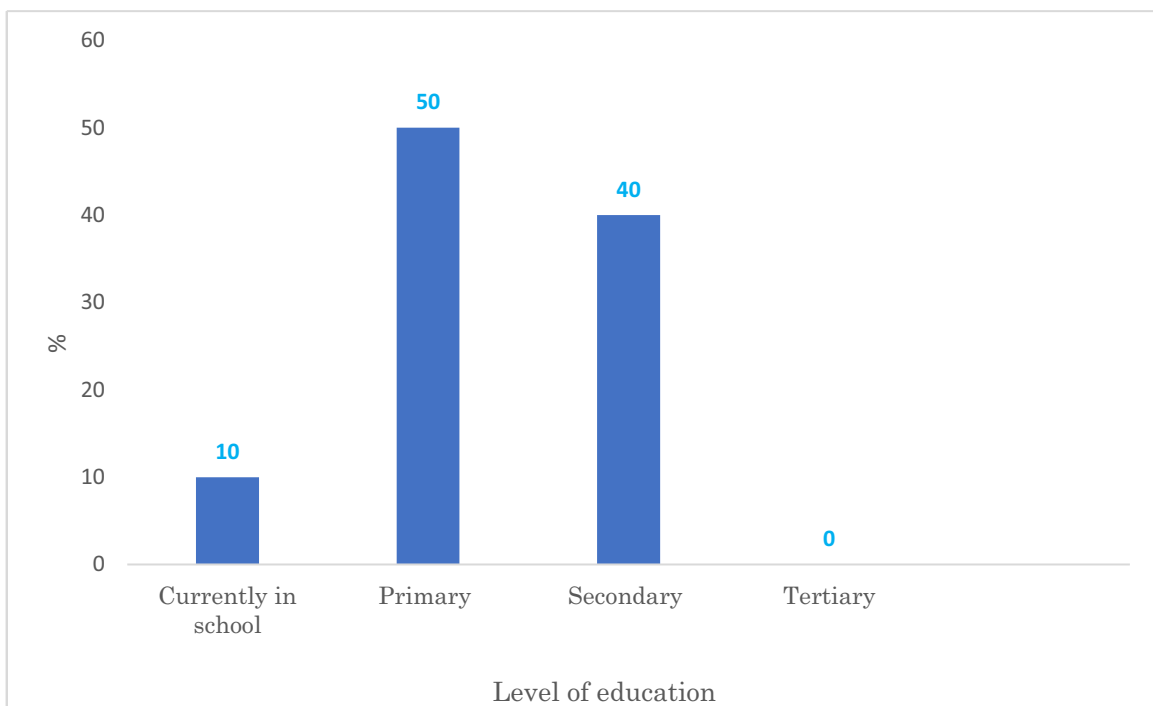


Figure 17: Respondent's level of education (Bulawayo, n=30)

Source: Primary Data

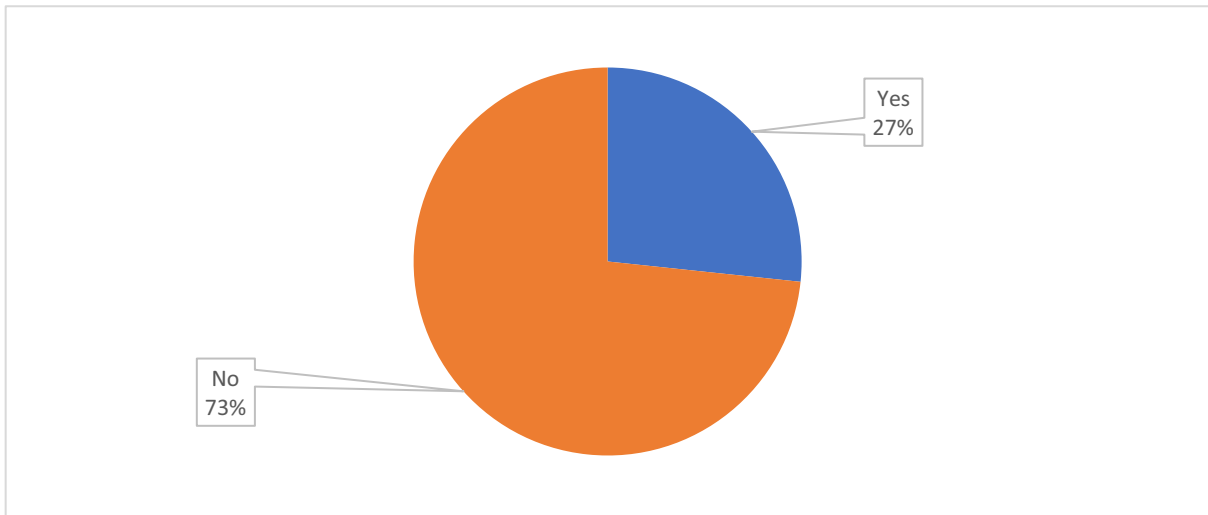


Figure 18: Proportion of those who want to go back to school in Bulawayo (n=30)

Source: Primary Data

d) Matabeleland South-Umzingwane District Characteristics

Table 6: Mean age of interviewed survivors of child marriages in Umzingwane (n=36)

	Mean	Median	Min	Max	SD	N
Age girl child	18.556	18	14.000	24	2.823	36
Age at entry into marriage	15.472	15.5	13.000	17	1.028	36
Age of respondent's husband	18.556	18	14.000	24	2.823	36

Source: Primary Data

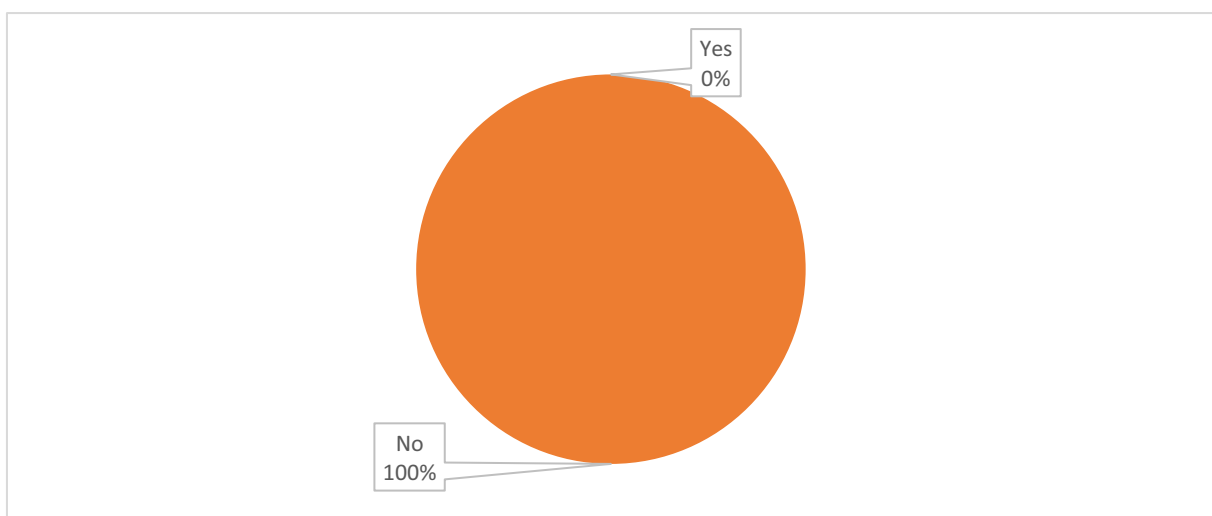


Figure 19: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Umzingwane (n=36)

Source: Primary Data

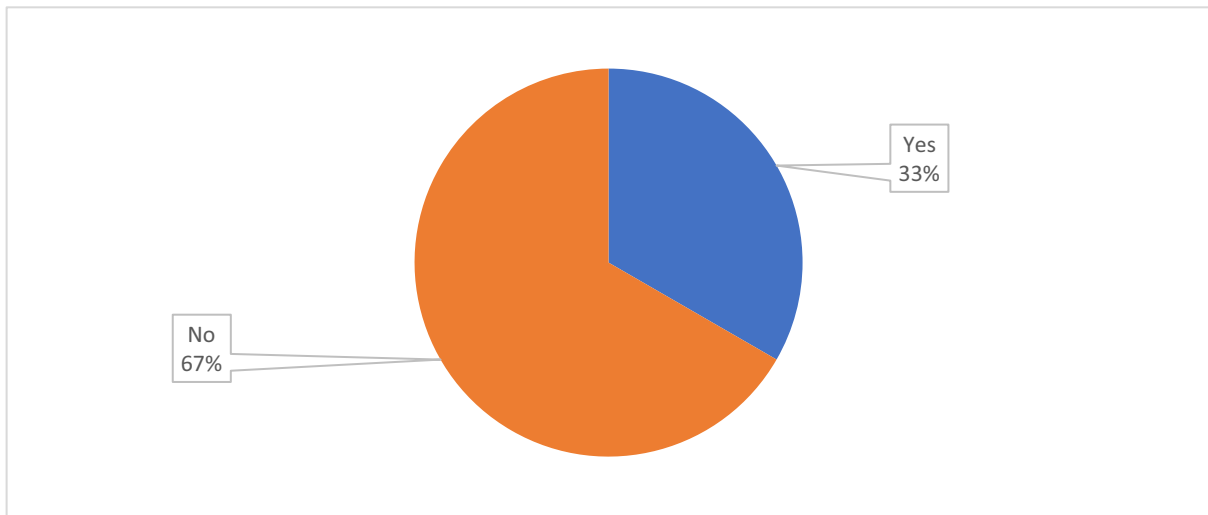


Figure 20: Proportions of interviewed girls who are still married in Umzingwane (n=36)

Source: Primary Data

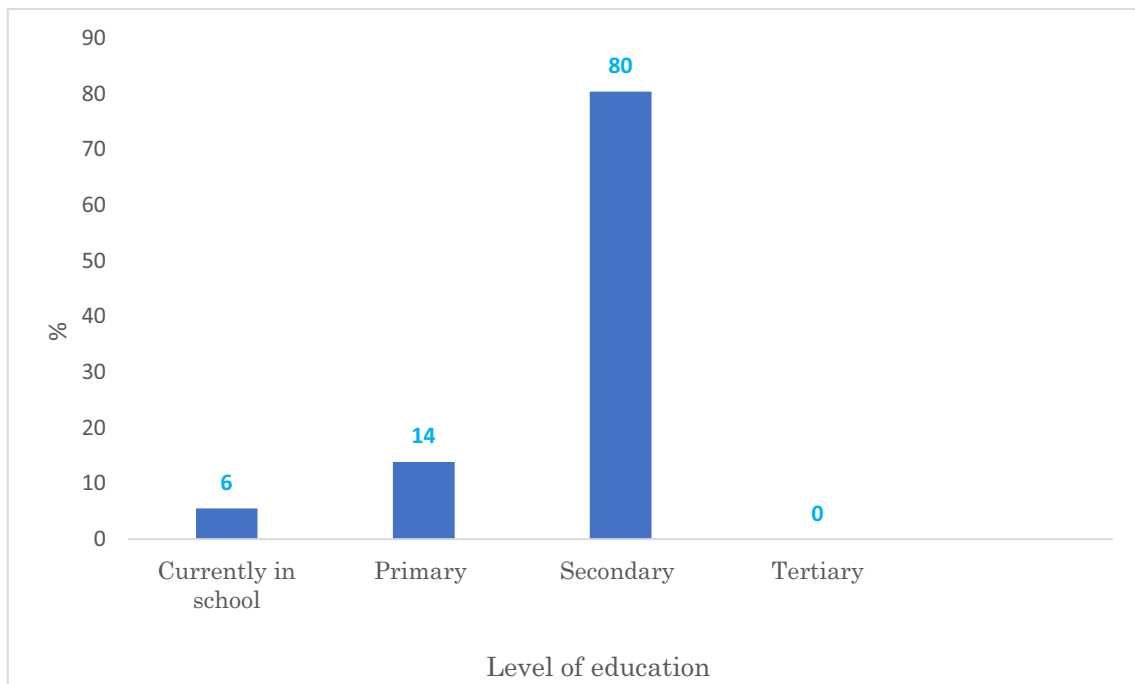


Figure 21: Respondent's level of education (Umzingwane, n=36)

Source: Primary Data

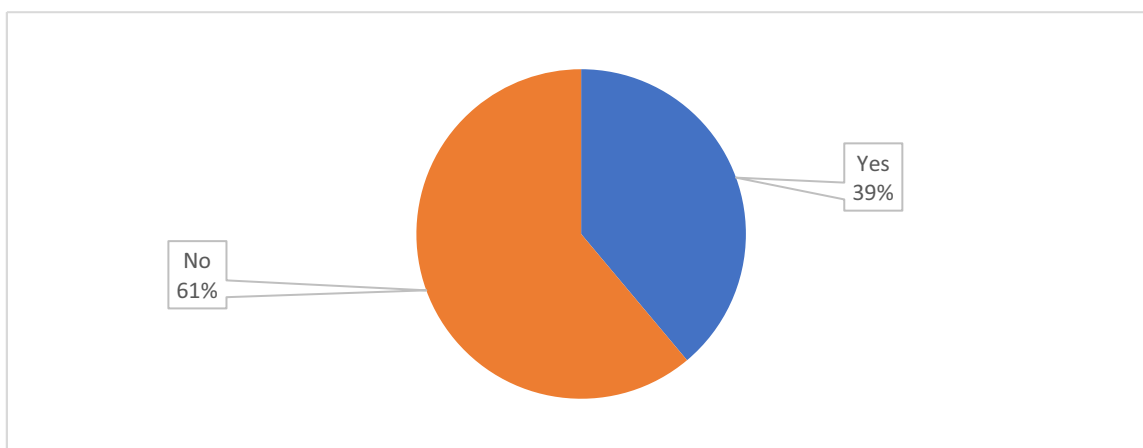


Figure 22: Proportion of those who want to go back to school in Umzingwane (n=36)

Source: Primary Data

e) Masvingo-Chiredzi District Characteristics

Table 7: Mean age of interviewed survivors of child marriages in Chiredzi (n=28)

	Mean	Median	Min	Max	SD	N
Age girl child	20.571	19	16.000	31	3.746	28
Age at entry into marriage	16	16	13.000	17	.981	28
Age of respondent's husband	30.286	31	20.000	44	5.76	28

Source: Primary Data

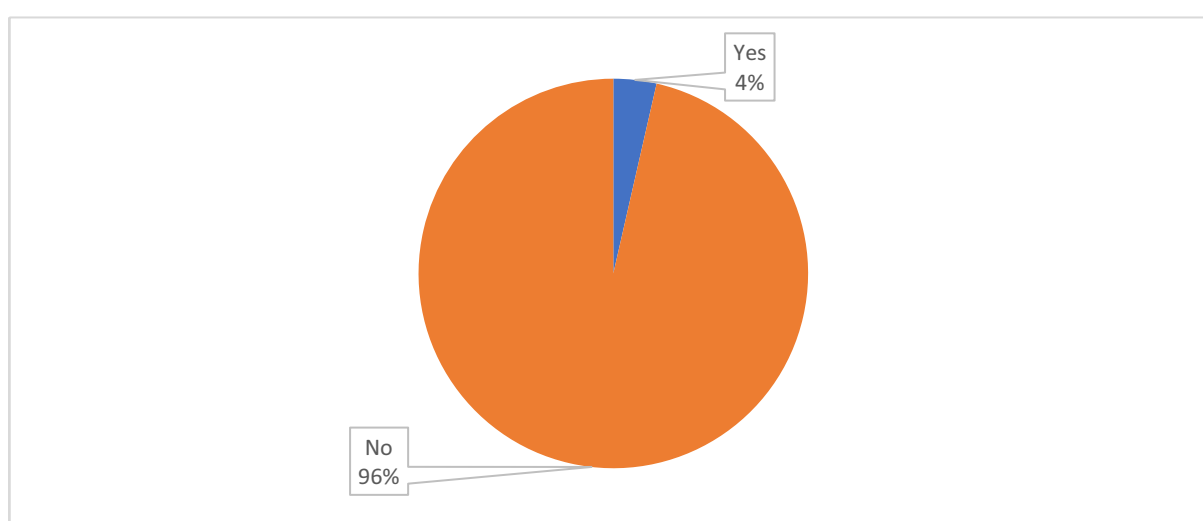


Figure 23: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Chiredzi (n=28)

Source: Primary Data

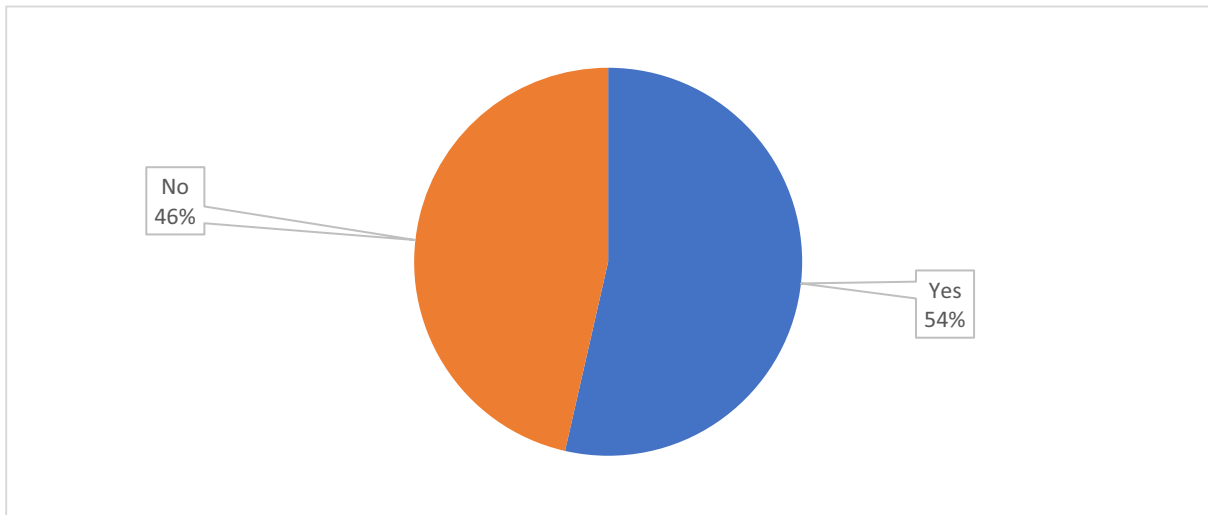


Figure 24: Proportions of interviewed girls who are still married in Chiredzi (n=28)

Source: Primary Data

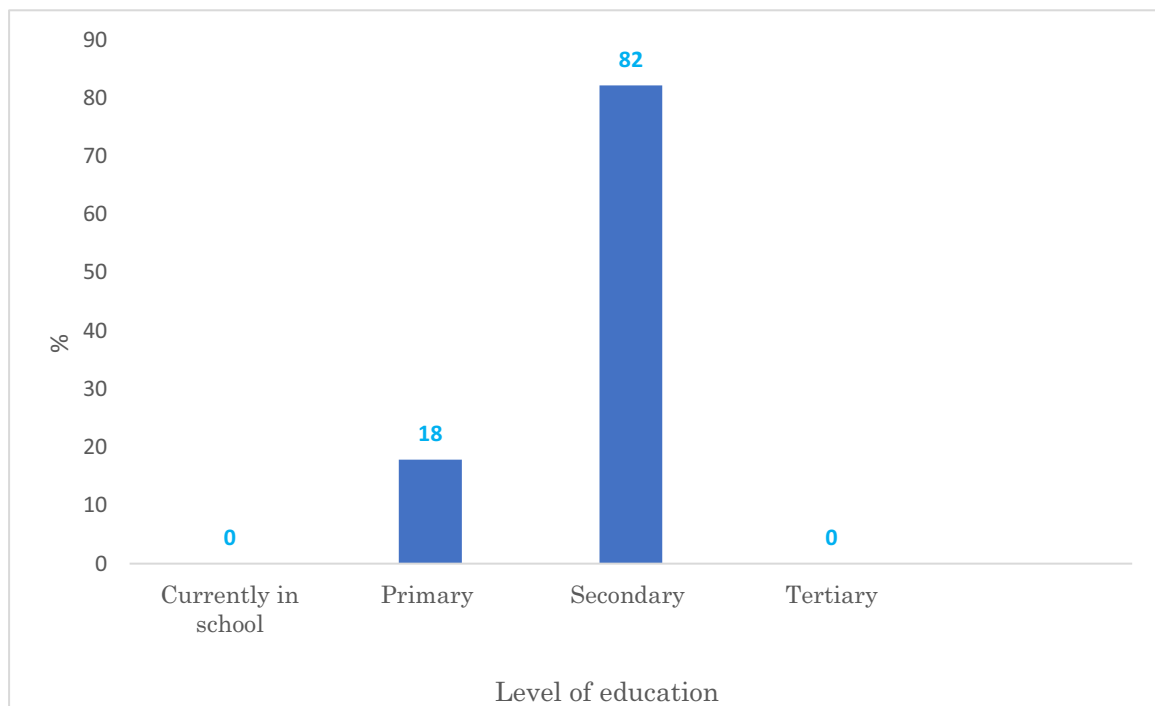


Figure 25: Respondent's level of education - Chiredzi (n=28)

Source: Primary Data

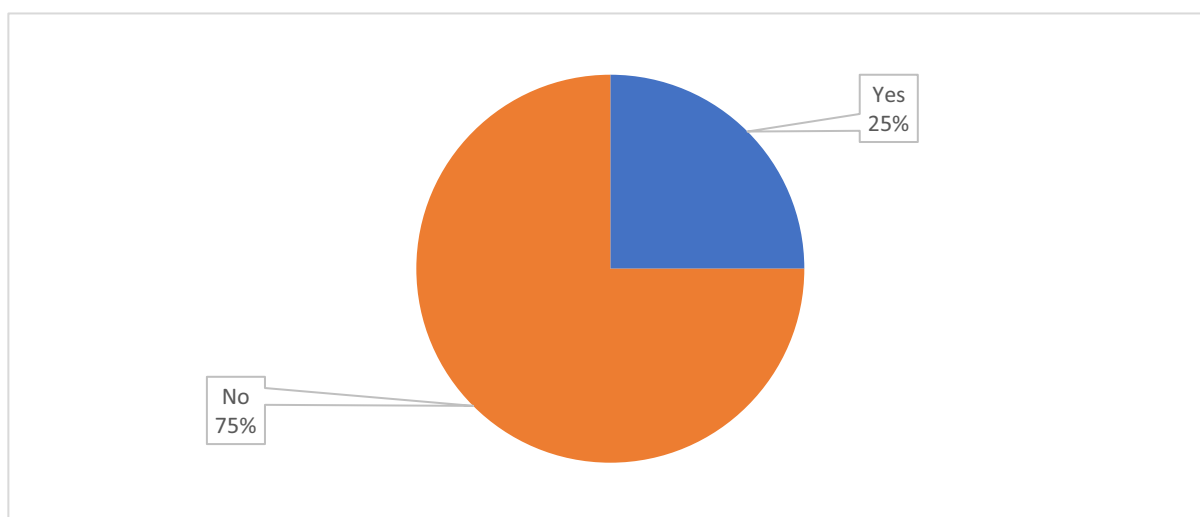


Figure 26: Proportion of those who want to go back to school in Chiredzi (n=28)

Source: Primary Data

f) Manicaland-Mutasa District Characteristics

Table 8: Mean age of interviewed survivors of child marriages in Mutasa (n=13)

	Mean	Median	Min	Max	SD	N
Age girl child	26.692	23	18.000	45	7.941	13
Age at entry into marriage	16.385	16	15.000	18	.87	13
Age of respondent's husband	39.077	40	23.000	52	9.535	13

Source: Primary Data

The majority of respondents in this group had young children. Amongst this group there was one case of a 15-year-old survivor of rape who was pregnant and due to give birth at any time. The respondents all attended various religious denominations including two Pentecostals and the rest being of the different apostolic sects which have heavy presence in the district.

Mutasa District had the highest median age of respondents' husbands (40years) showing a huge gap between the survivors whose average age is 23 whilst the average age at entry into marriage is 16 years. This is attributed to the forced child marriages prevalent within the Apostolic Sect which has a heavy presence in the district. The vast age gap with the oldest husband being 52 years of age highlights the power imbalance within these child marriages.

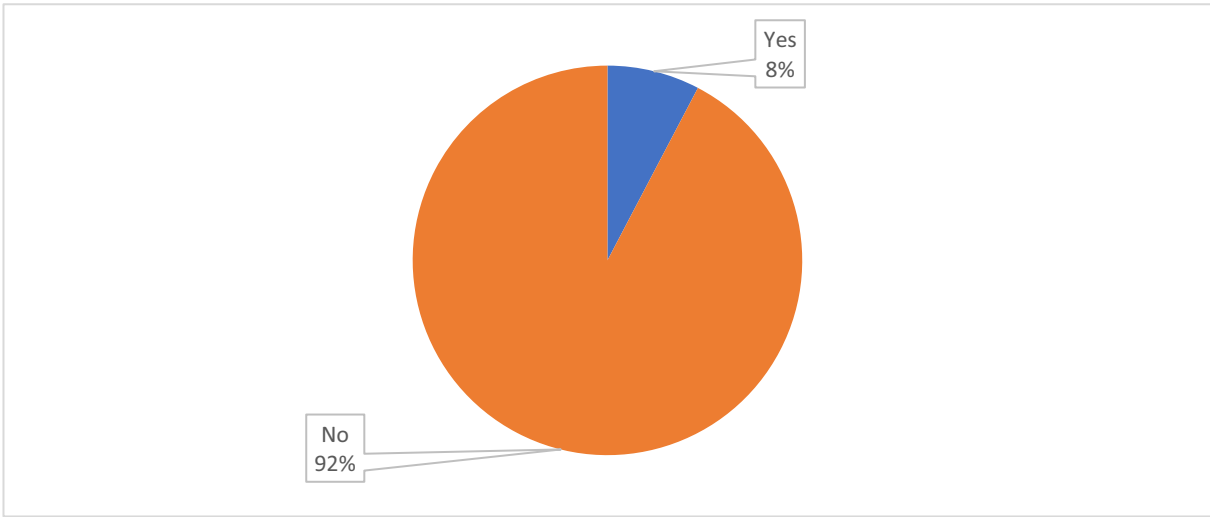


Figure 27: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Mutasa (n=13)

Source: Primary Data

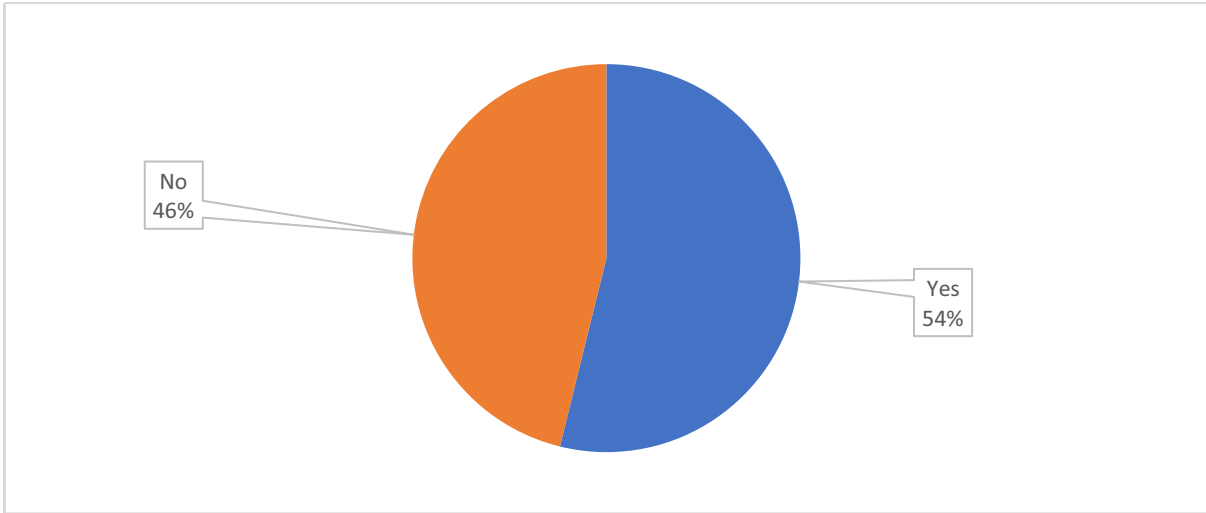


Figure 28: Proportions of interviewed girls who are still married in Mutasa (n=13)

Source: Primary Data

Three of the respondents interviewed are women of age who are part of polygamous unions with older men. In all these identified cases the women were married off as minors and are survivors of child marriage. Most survivors came from broken families in which parents had either separated or were deceased. In most of these cases the marriages were short-lived as did not subsist beyond two years.

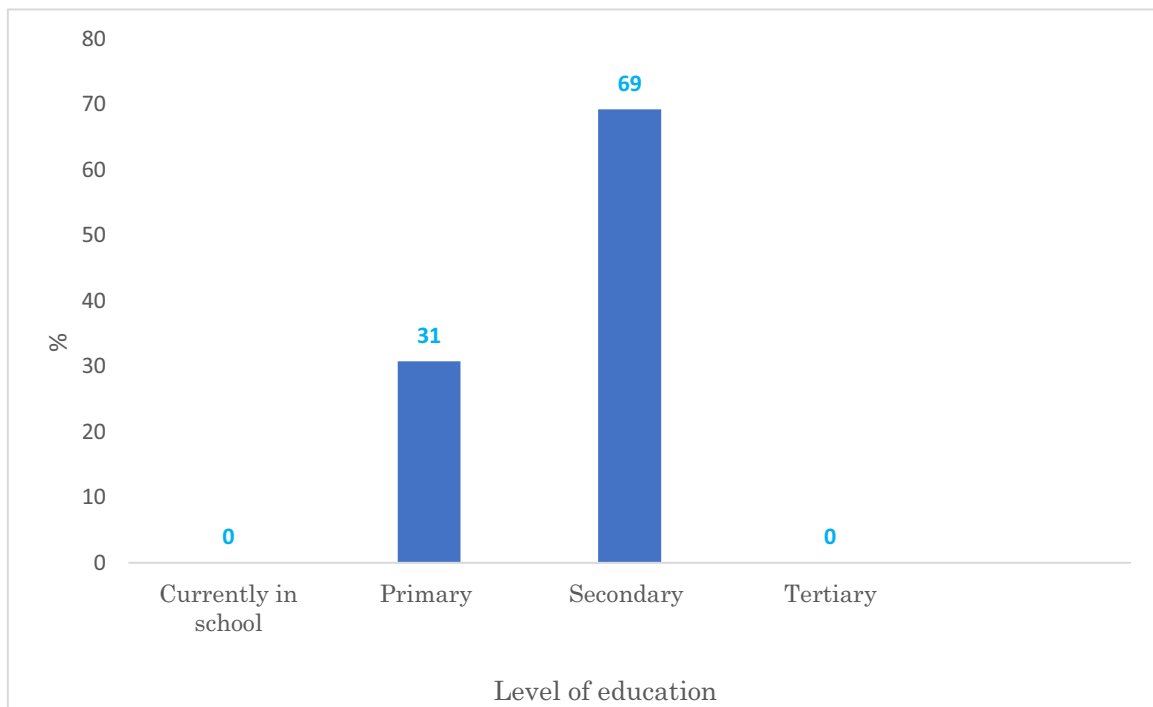


Figure 29: Respondent's level of education - Mutasa (n=13)

Source: Primary Data

Evidence gathered highlighted that 31% of the survivors had completed their primary education but either dropped out immediately after their primary education or between form 1 and 4. One respondent had completed her Ordinary level and awaiting results. Another survivor was supplementing her Ordinary Level studies with an anticipation to enrol for a tertiary qualification. Only one of the 13 survivors was currently in school.

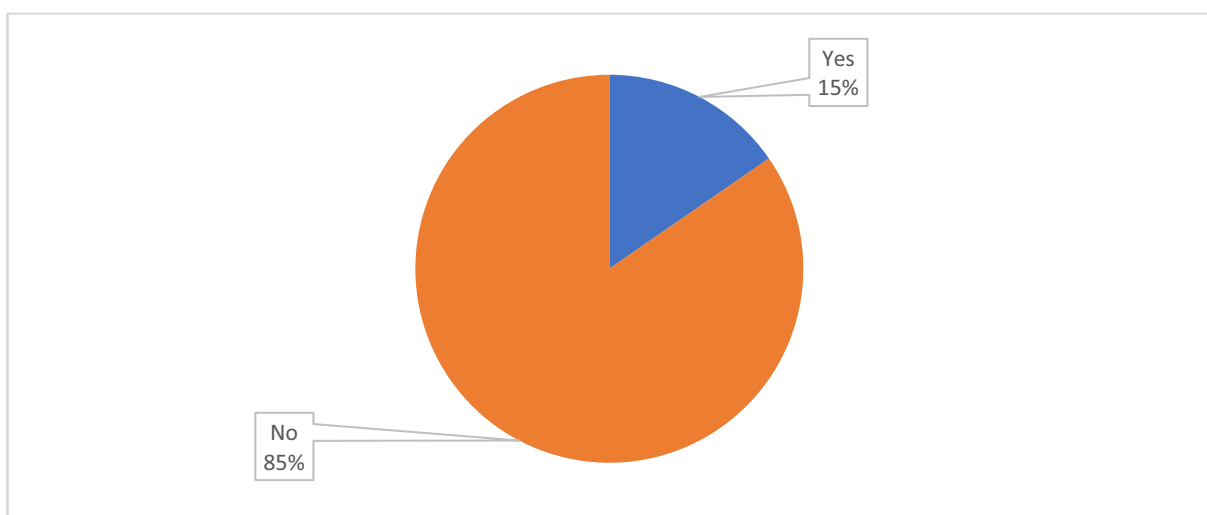


Figure 30: Proportion of those who want to go back to school in Mutasa (n=13)

Source: Primary Data

g) Mashonaland East-Mudzi District

Table 9: Mean age of interviewed survivors of child marriages in Mudzi (n=45)

	Mean	Median	Min	Max	SD	N
Age girl child	18.933	18	13.000	39	4.158	45
Age at entry into marriage	15.756	16	13.000	18	1.09	45
Age of respondent's husband	24.667	23	16.000	53	6.252	45

Source: Primary Data

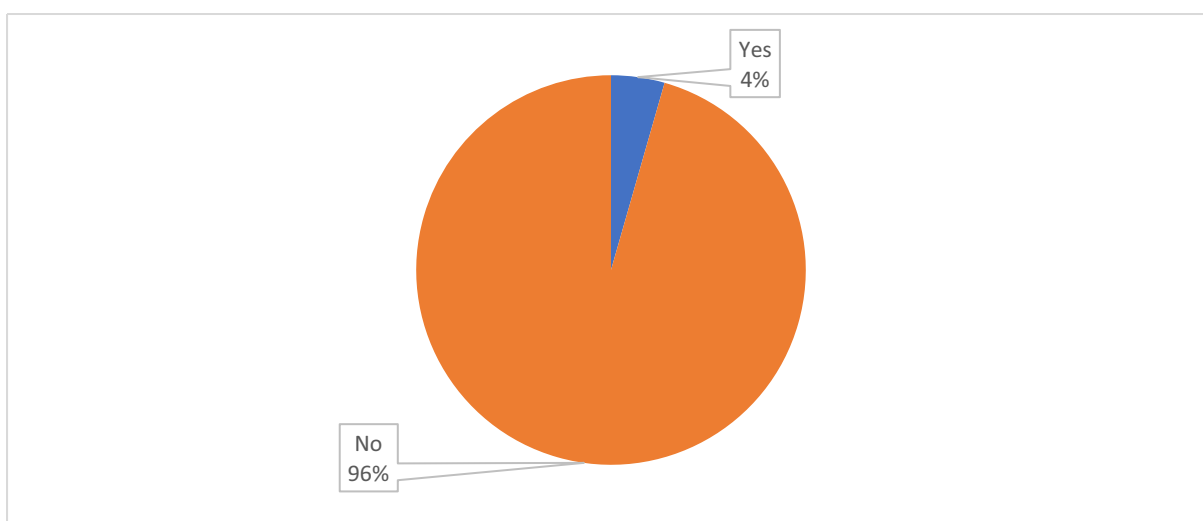


Figure 31: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Mudzi (n=45)

Source: Primary Data

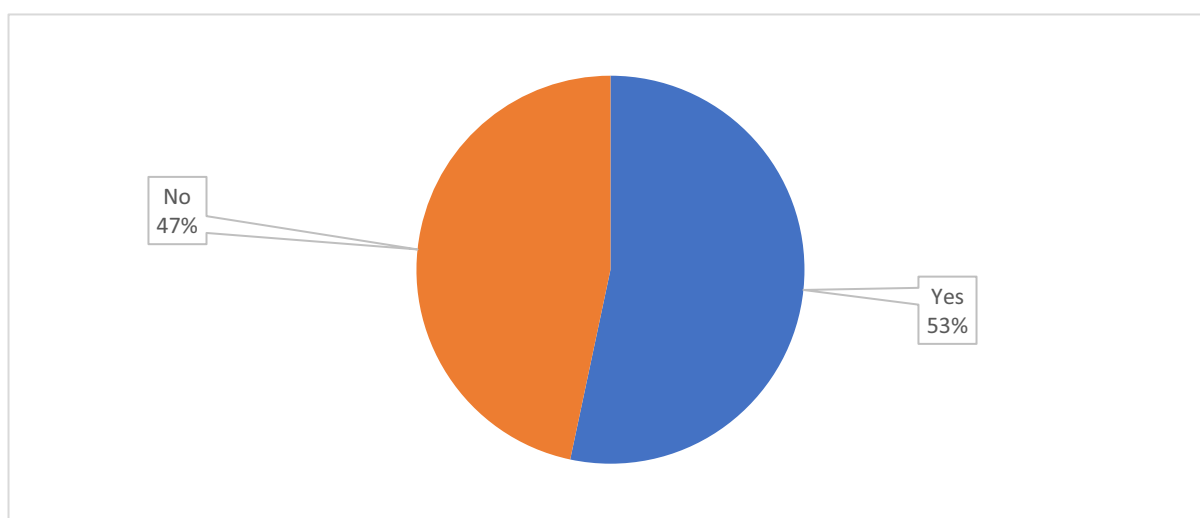


Figure 32: Proportions of interviewed girls who are still married in Mudzi (n=45)

Source: Primary Data

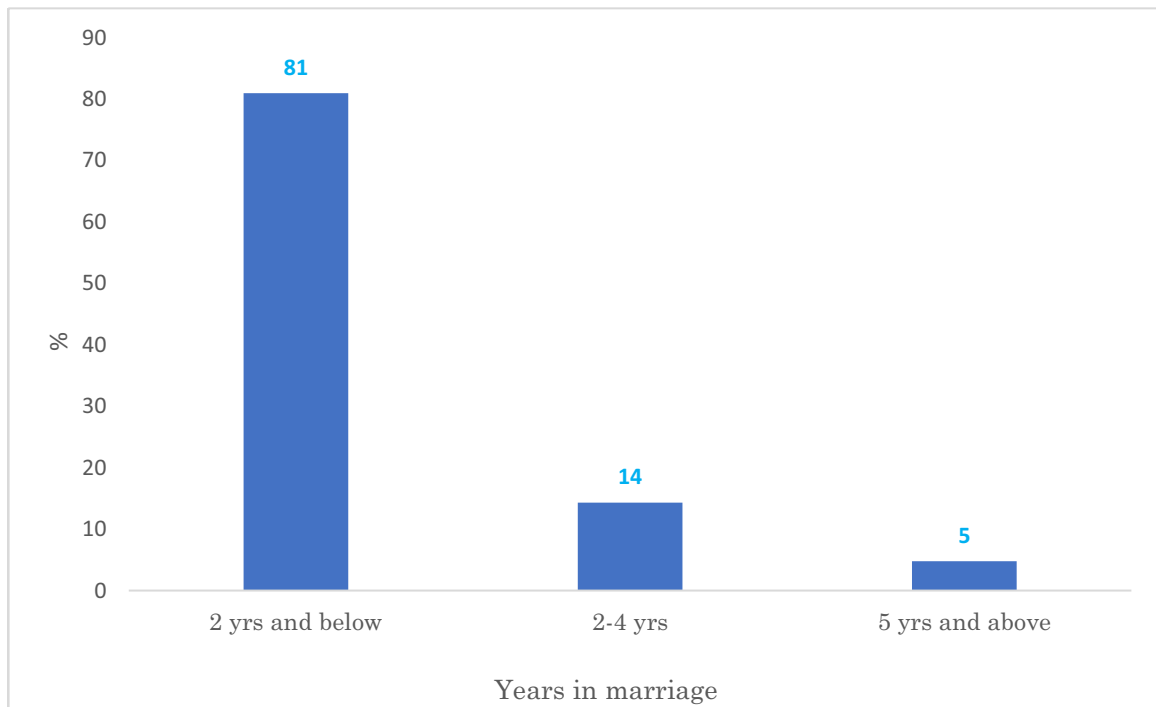


Figure 33: Proportion of girl child by number of years in marriage Mudzi (n=45)

Source: Primary Data

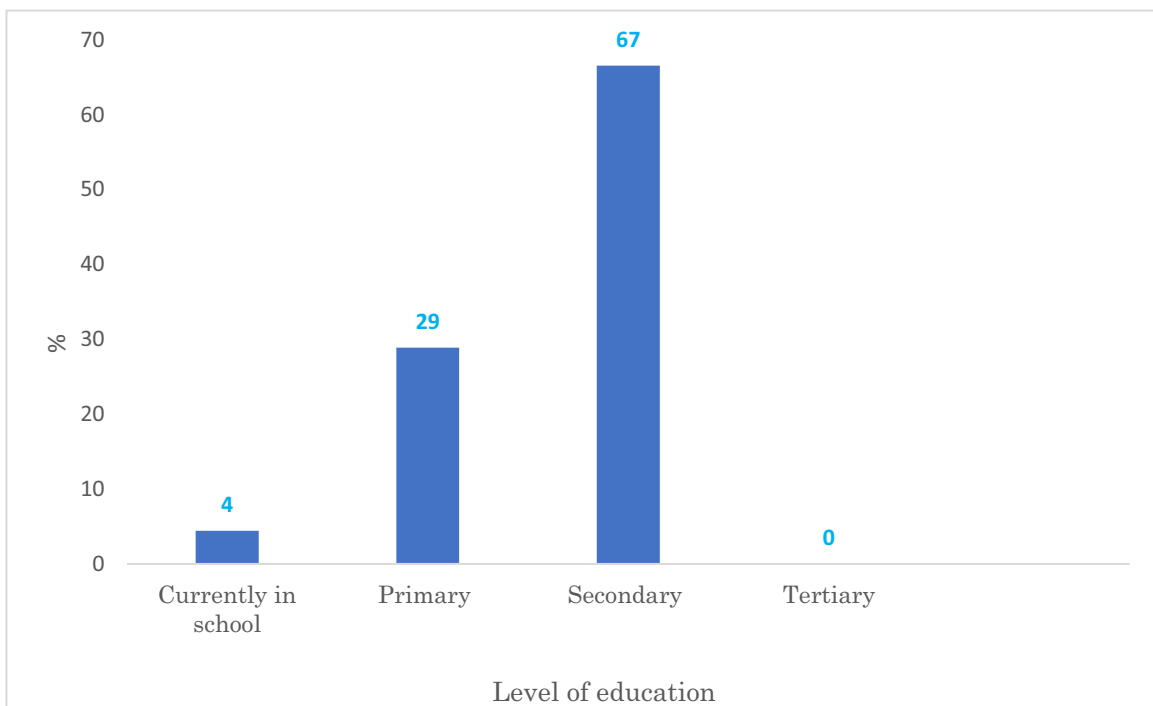


Figure 34: Respondent's level of education - Mudzi (n=45)

Source: Primary Data

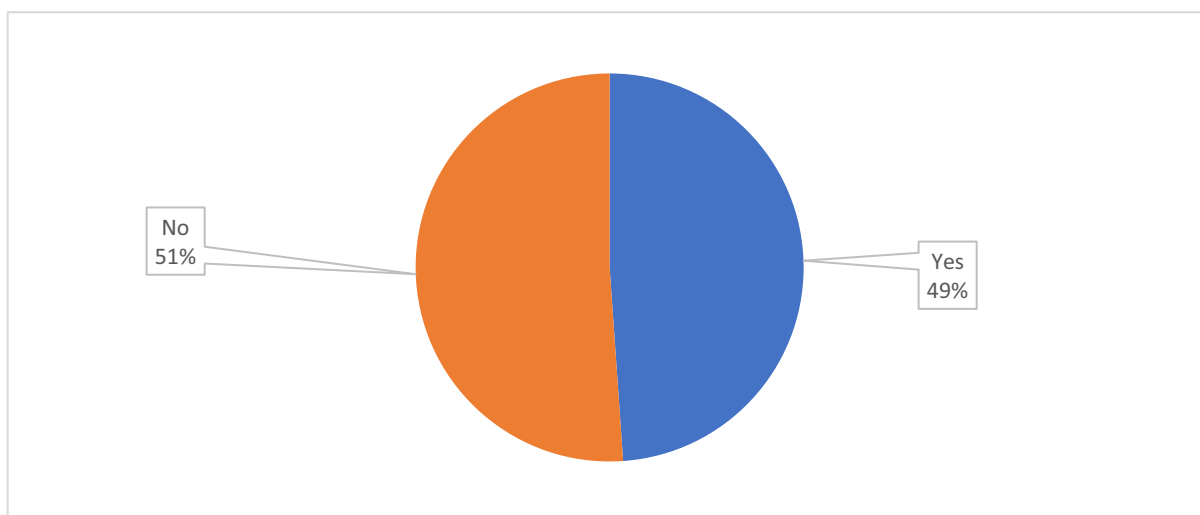


Figure 35: Proportion of those who want to go back to school in Mudzi (n=45)

Source: Primary Data

h) Mashonaland West-Hurungwe District Characteristics

Table 10: Mean age of interviewed survivors of child marriages in Hurungwe (n=13)

	Mean	Median	Min	Max	SD	N
Age girl child	17.462	17	12.000	22	2.817	13
Age at entry into marriage	17	15	12.000	45	8.495	13
Age of respondent's husband	28.462	28	22.000	37	5.043	13

Source: Primary Data

The youngest survivor was married when she was 12 years old and gave birth at 13 years old. She is back in school doing grade 5. She has a speech impediment. Two boys who are survivors of sexual abuse were also interviewed.

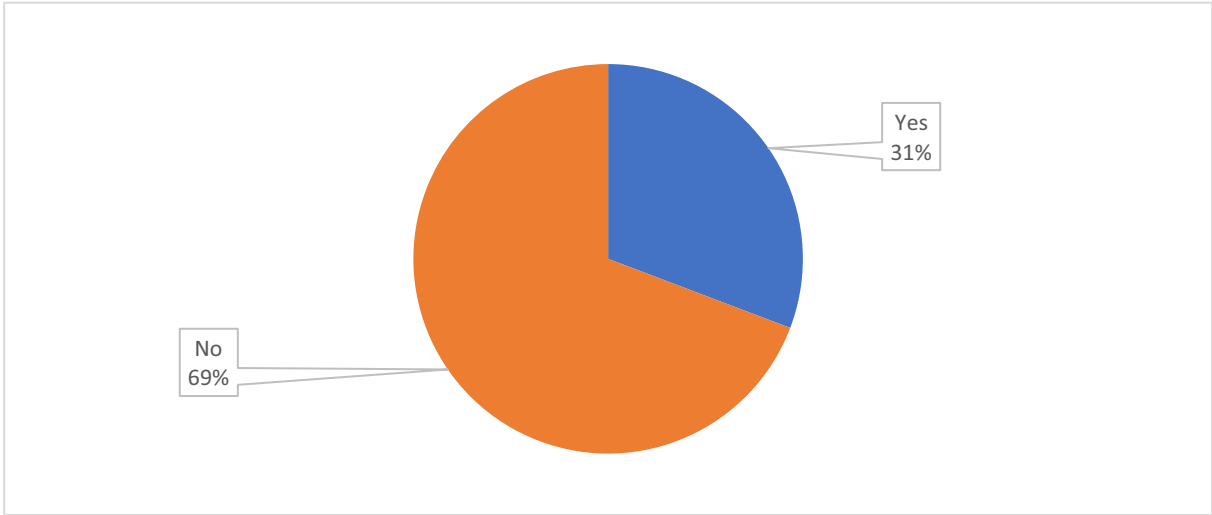


Figure 36: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Hurungwe (n=13)

Source: Primary Data

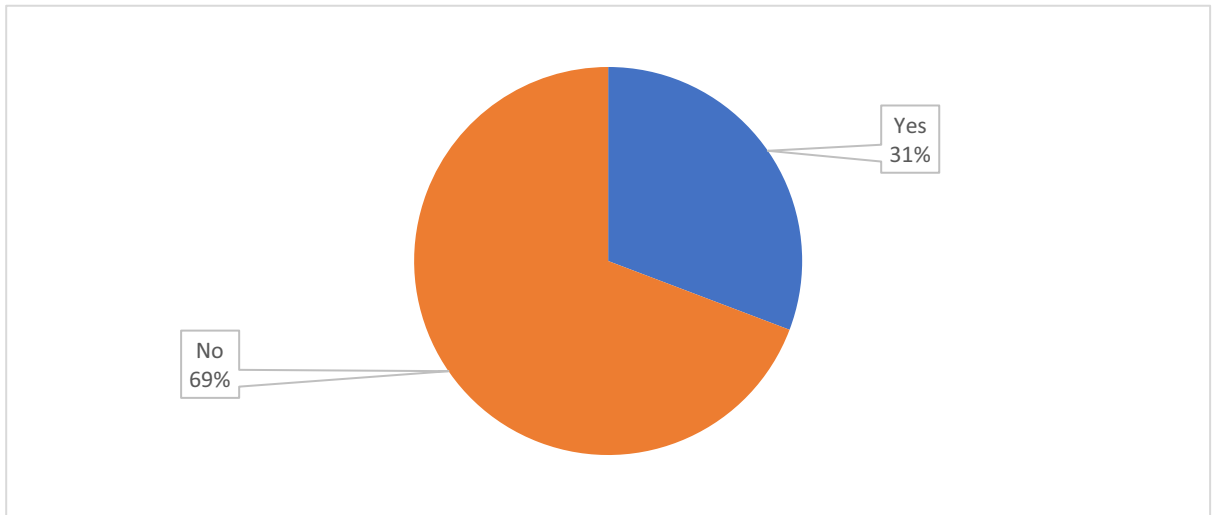


Figure 37: Proportions of interviewed girls who are still married in Hurungwe (n=13)

Source: Primary Data

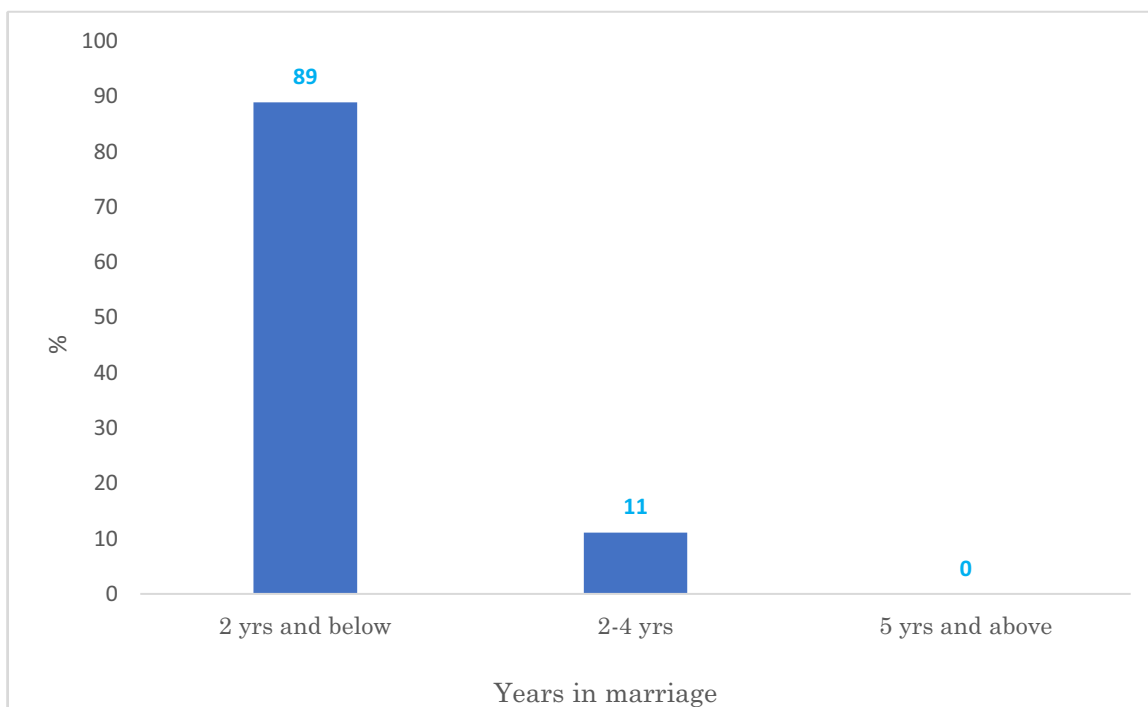


Figure 38: Proportion of girl child by number of years in marriage - Hurungwe (n=13)

Source: Primary Data

Four of the child marriage survivors were in polygamous marriages and had been married for four years at the time of the Inquiry.

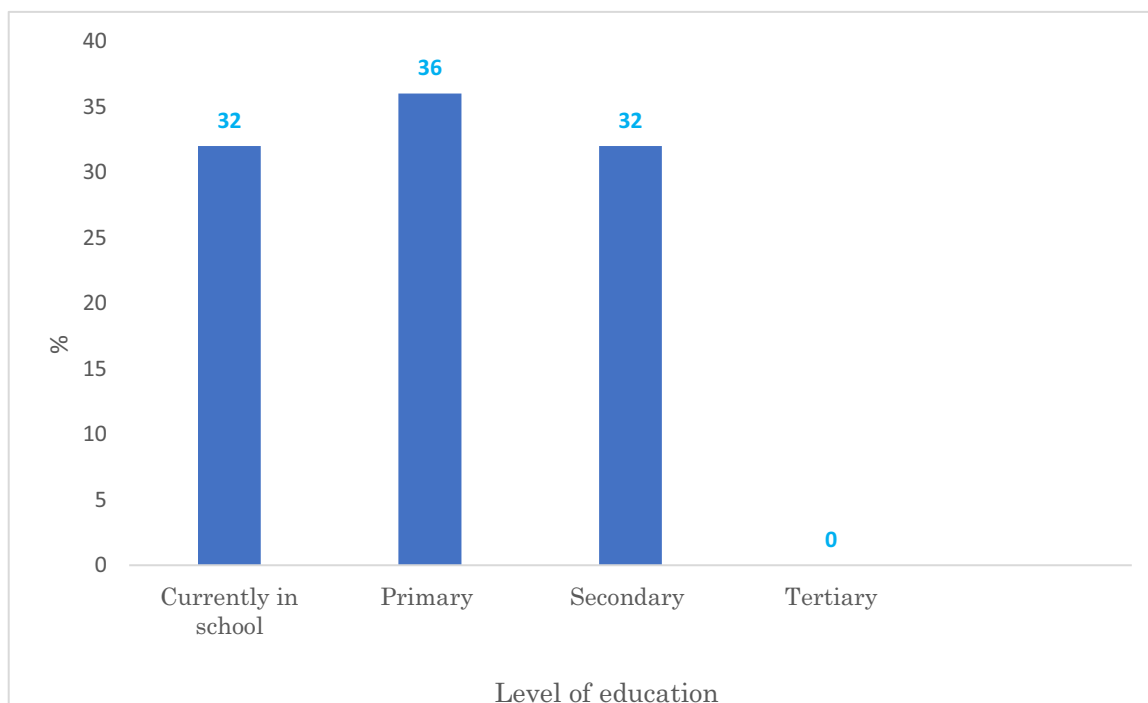


Figure 39: Respondent's level of education - Hurungwe (n=13)

Source: Primary Data

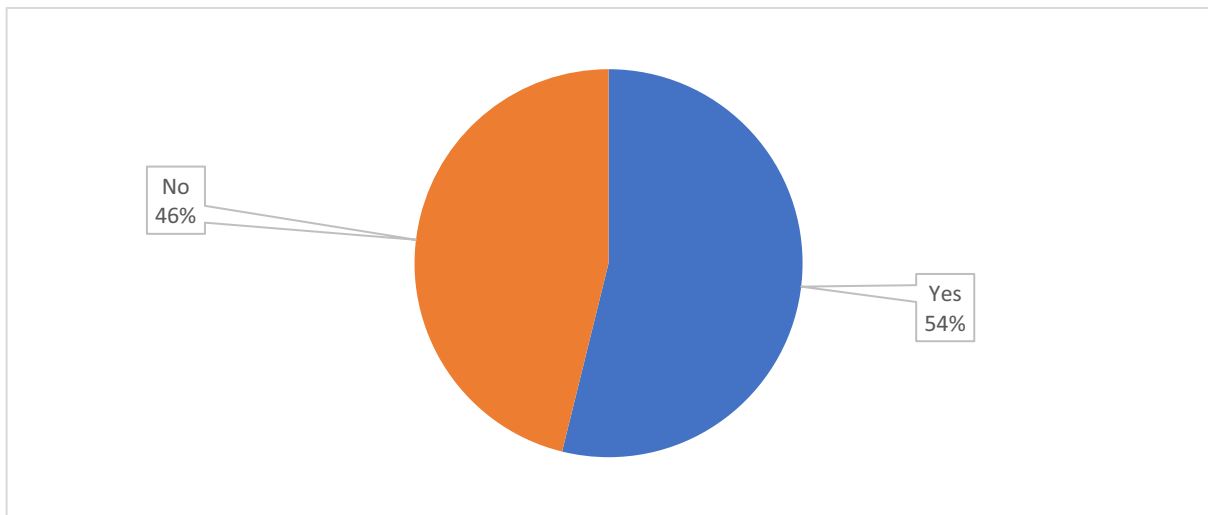


Figure 40: Proportion of those who want to go back to school in Hurungwe (n=13)

Source: Primary Data

i) Harare Metropolitan-Hopley and Epworth District Characteristics

Table 11: Mean age of interviewed survivors of child marriages in Harare Metropolitan (n=16)

	Mean	Median	Min	Max	SD	N
Age girl child	17.625	17	16.000	20	1.408	16
Age at entry into marriage	15.813	16	14.000	17	.834	16
Age of respondent's husband	21.875	22	18.000	26	2.391	16

Source: Primary Data

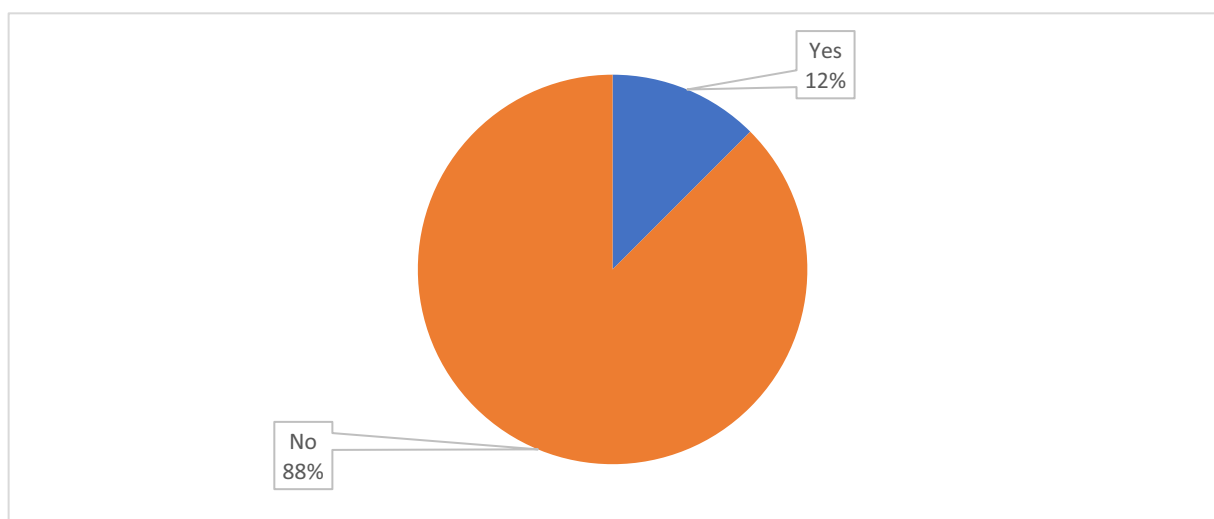


Figure 41: Proportion of interviewed survivors of child marriages and sexual exploitation with disabilities in Harare Metropolitan (n=16)

Source: Primary Data

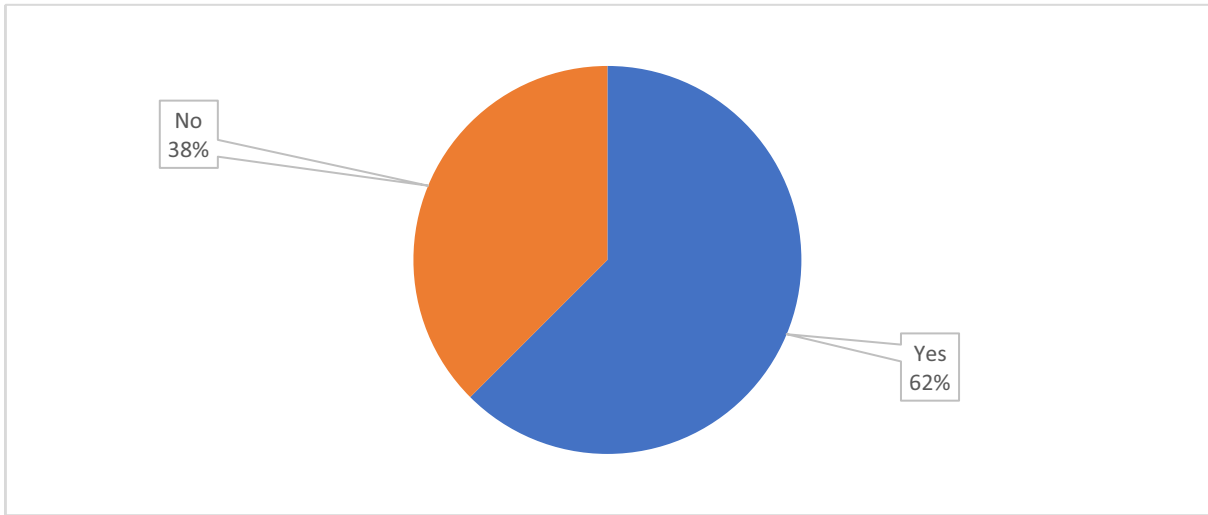


Figure 42: Proportions of interviewed girls who are still married in Harare Metropolitan (n=16)

Source: Primary Data

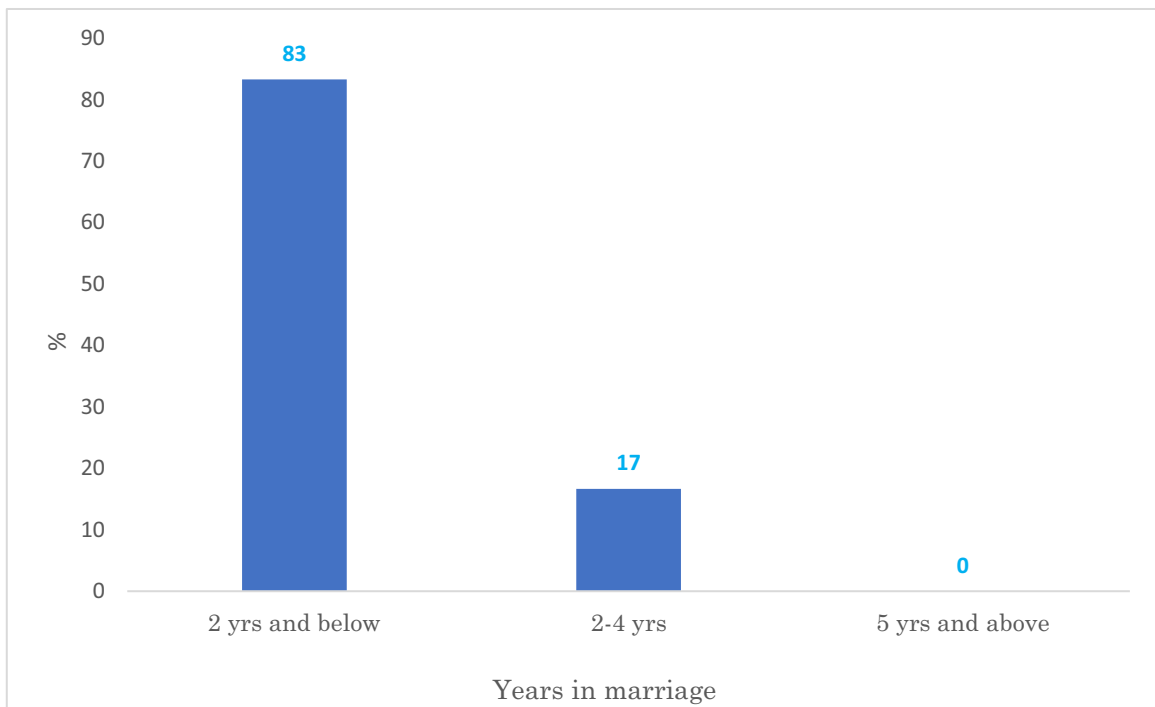


Figure 43: Proportion of girl child by number of years in marriage - Harare Metropolitan (n=16)

Source: Primary Data

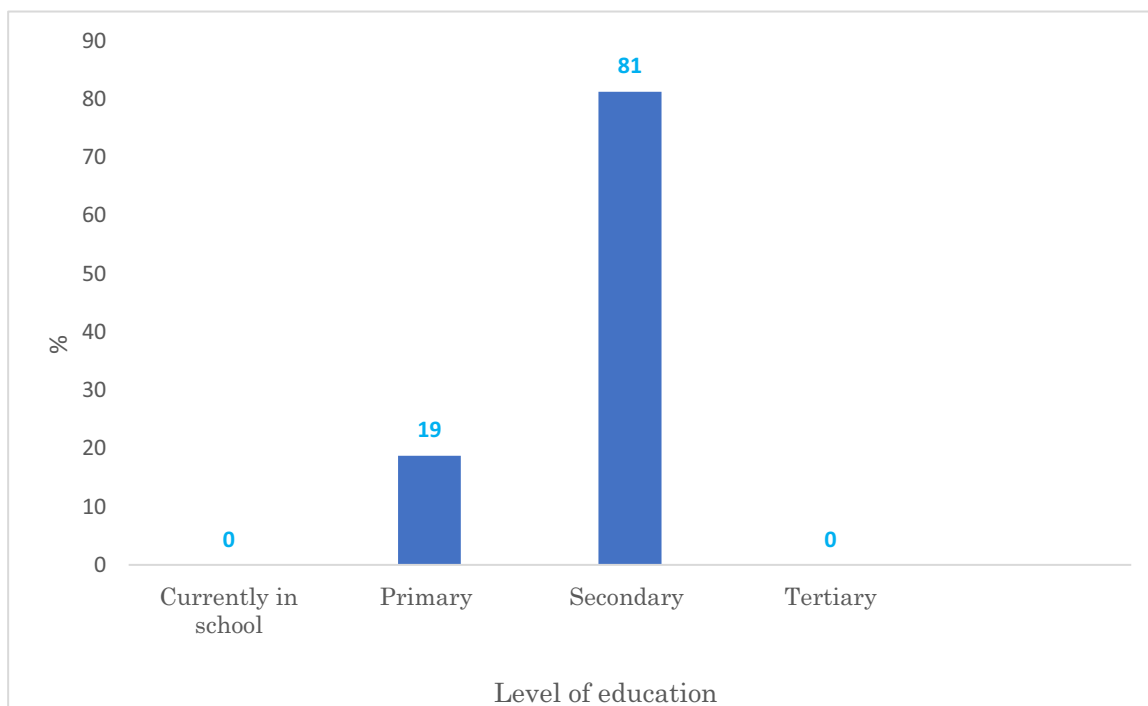


Figure 44: Respondent's level of education - Harare Metropolitan (n=16)

Source: Primary Data

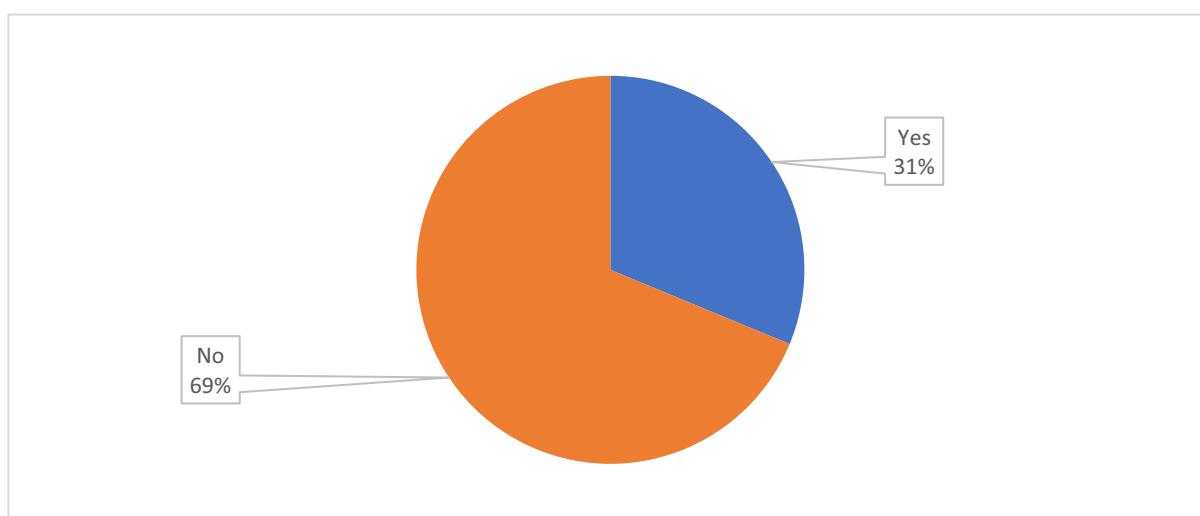


Figure 45: Proportion of those who want to go back to school in Harare Metropolitan (n=16)

Source: Primary Data

3.3 Understanding of Child Marriages, Nature and Prevalence

3.3.1 Types of Marriages

Zimbabwe had three types of marriages before the harmonisation of marriage laws that was done in May 2022. These included the civil marriage which was registered under Marriage Act Chapter 5:11, the customary marriage registered under Customary Marriages Act Chapter 5:07 and the Unregistered Customary Law Union (UCLU). The civil marriage by nature was a monogamous marriage and the customary marriage, whether registered or

not, was potentially polygamous. Cohabitation (*kuchaya mapoto*) was not a recognized union .

It was noted from the study that the cases of cohabitation are usually a result of eloping due to teen pregnancy or the girl being chased away from home; cases of cohabitation as caused by willingness to reside with a boyfriend or potential 'spouse' were also noted. Upon interrogation it was noted during the inquiry that a majority of survivors had been cohabiting with their 'husbands' and this had become an acceptable practice as it becomes an easier escape route for survivors who have been chased away from home. In some case the minors would have been forced into the custody of male partners by aunts or guardians as cultural transfer of responsibility for either pregnancy or as a result of family negotiations.

The ease of cohabitation was noted to be as a result of the non-payment of lobola resulting in the non-official acknowledgment of responsibility on the part of the man to his family of the survivor's family. This arrangement was not ideal for survivors because it exposes them to various forms of abuse including verbal abuse through derogatory words by in laws and community members because of the non-payment of lobola. A smaller portion of survivors were in the unregistered customary law union and often the man would have just paid a small token to acknowledge that he is staying with the young ("*tsvakirai kuno*") .This state of affairs is attributed to the unfortunate fact that the union would have commenced as a result of cohabitation and without commitment to full bride price.

None of the survivors interviewed were part of a registered civil or customary marriage, due to the fact in most cases the male partners who will be the most powerful were not motivated register the union. In some other cases the actual or perceived belief that marriage registration process is too rigorous and expensive coupled with the lack of knowledge of the actual registration process hindered most women. Following the passing of the new Marriages Act, communities should be sensitised about the requirements and processes to be followed for the registration of a marriage.

The advent of the harmonised Marriage Laws has brought some incremental benefits to women in such predicament. The Marriages Act (Chapter 5:17) repealed and replaced the Marriages Act Chapter 5:11 and Customary Marriages Act Chapter 5:07. This law which came into operation on the 22nd of May 2022 will amongst other things, recognize the unregistered customary law unions as a marriage and explicitly states 18 years is the age of all marriages entered into between a man and a woman. The new law further criminalizes marriage of children below the age of 18 years. As of that date no case had been reported of child marriage during the inquiry as there had been little awareness of the criminal aspect of the Act among communities.

3.3.2 Mapping of Child Marriages Hot Spots (Ward Level) in the Host Areas

a) Mashonaland West-Hurungwe District

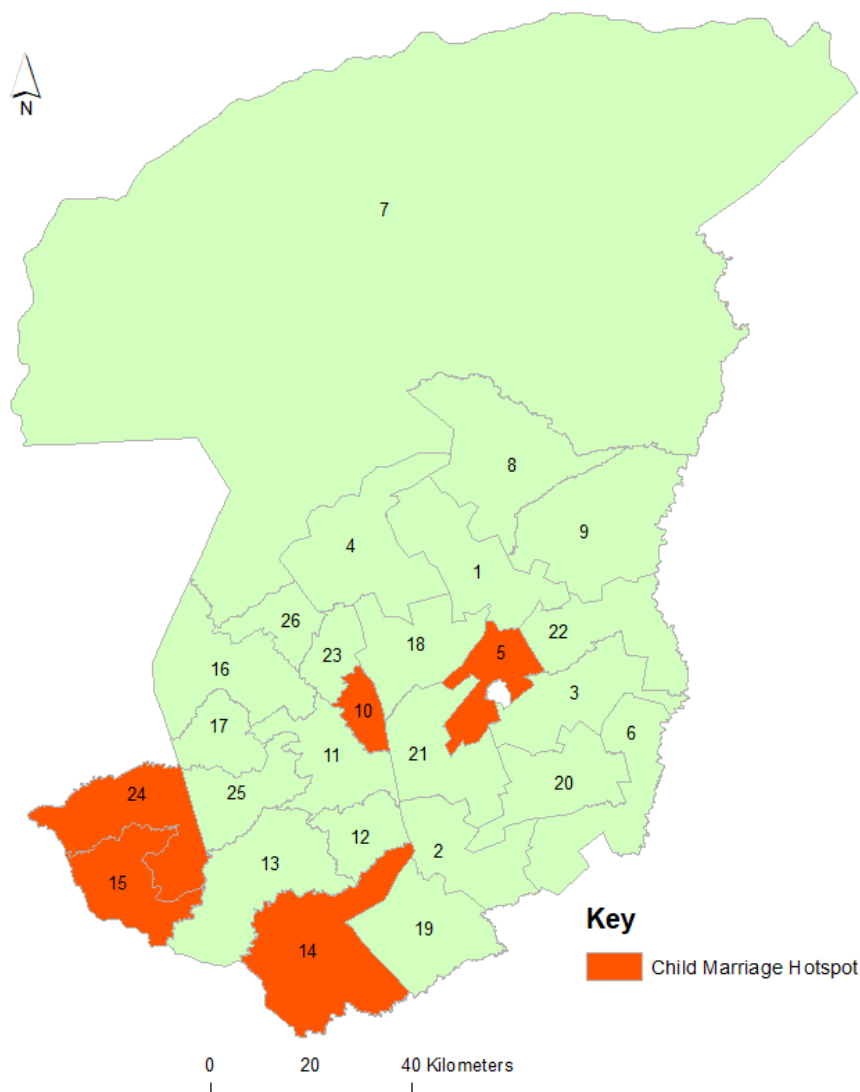


Figure 46: Hurungwe child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Hurungwe is a district in Mashonaland West Province situated in the Northern part of Zimbabwe sharing a natural border with Zambia along the Zambezi river. The district is an agrarian based economy where livelihoods are sustained through a mixture of peasantry and Commercial farming inclusive of fishing activities along Zambezi river and its tributaries.

Mining is another key economic activity in the district as practised by mostly small-scale artisanal miners involved in Gold Panning. The growth in these activities has been identified as a key driver of child marriages. Areas such as Makonde and Gomwe (Ward 14), Magunje (Ward 12), wards 5,10,15 and 24 have been identified as hotspots of child marriages. Cases of sexual exploitation and abuse are rampant and have become a norm in these areas. While these happen in every other community, what is glaring in

these particular mining and fishing communities, is the lifestyle which includes early engagement in risky sexual behaviours, transactional sex, dropping out of school among others, which young children and women have learnt to survive in.

Cultural and social Norms play a prominent role in SEA within the Hotspot area. Family disintegration as caused by high divorce rates, migrant labour practices, HIV/AIDS, poverty amongst others contribute to increased vulnerabilities of young women and girls in the Hotspot area.

The NI process uncovered the following key issues in this area;

- informal cohabitation of minor girls with men has become an acceptable practice as it becomes an easier escape route for survivors from poverty.
- Cultural transfer of responsibility for either pregnancy or after family negotiations.
- Harmful cultural practices of “chisepe or “chiramu ⁴⁸” exposes young girls and young boys to early sexual debuts.

One survivor testified that she had been forced at church to become a second wife to one of the leaders when she was 14 years old whilst the husband was 38 years old. A traditional Leader corroborated this assertion when he highlighted that children as young as 10 years get married at one of the Apostolic Sect within his community.

Two child marriage survivors with disabilities brought to light the challenges they are facing as they are taken advantage of and abused. An official from the Ministry of Primary and Secondary education submitted that between January 2022 and April 2022, 139 young women girls of school going age had been married in Hurungwe. Prominently, during this period, 23 children had been married at Kajekache, 55girls in Kasimure and 45 girls in Chiwere.

Table 12: Statistics on child marriage, sexual abuse October 2021-July 2022

Nature of Offense (Criminal Law)	Number of Survivors
Rape	129
Section 70-Section 70 makes it a crime for anyone, whatever their age, to have extra-marital sexual intercourse or perform indecent acts with a young person.	120
Child Marriages	158
Incest	12
Attempted Rape	42
Sodomy	2
Indecent Assault	56
Aggravated Indecent Assault	4
TOTAL	523

Source: Pamuhacha (2022)

⁴⁸Chisepe/ chiramu – is a Shona cultural practice that entails the breaking down of barriers between in-laws of the opposite sex. This is a practice in which a brother in law can indecently assault his young and unmarried sister in law under the guise of culture. This is meant to teach young girls how a man proposes and how to avoid him.



Plate 1: Participants of the inquiry in Hurungwe district

b) Mashonaland Central-Shamva District

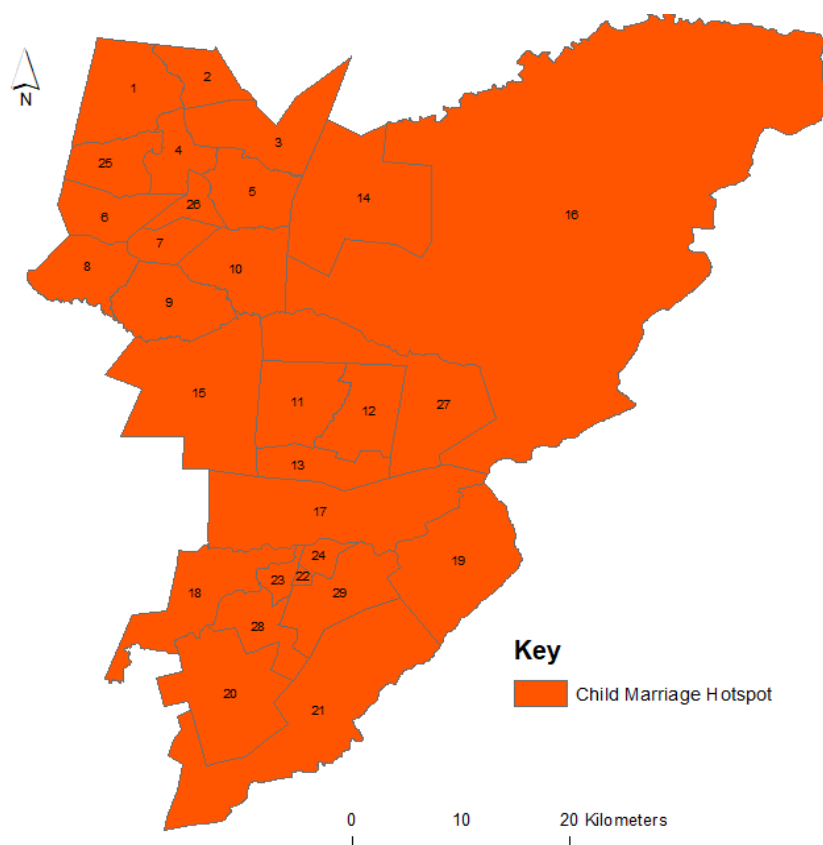


Figure 47: Shamva child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Mashonaland Central is an agro- based Province mainly dominated by agriculture, agro-processing of (citrus fruits, milk, maize, soya bean, small grains among others cereals), mining (gold and nickel), tourism (Manzou Game Park, Muvhuradonha range and Wildlife Corridor, Chisvingo Ruins, Tsambe Game Park, Zvemombe Game Park and Mupfurudzi Game Park among others⁴⁹.

Shamva is an agrarian region which specialises on tobacco farming as an economic activity as well as artisanal mining. All the wards in Shamva district were identified as hotspots for child marriages and sexual exploitation by stakeholders and community members. The main factors contributing towards child marriages and sexual exploitation include the following:

- artisanal gold miners commonly known as “*MaGermany*” who entice young girls by buying them nice things such as food and toiletries
- Further, tobacco farmers are known for luring young girls into early sexual activity leading to teen pregnancies and at times child marriage
- “*Gule wankulu*” in former commercial farming areas-compounds which is a boys’ initiation ceremony into manhood. In one case of the harmful cultural practice, more than 14 boys under 16 years of age were infected by a serious STI after being initiated into sexual activity by the “Queen” who as

⁴⁹Mashonaland Central Provincial Economic Development Plan

initiates them into manhood. This practice is said to be common in compounds in former white commercial farms where local chiefs/traditional leaders do not have much control over.

Peer pressure and societal pressure as girls compete to get married and having children was cited as a major reason why young girls get married. The girls explained that when a girl reaches the age of 16 without getting married you are labelled a “Tsikombi”⁵⁰. Societal norms dictate Marriage is seen as an achievement and an end for the girl child. In addition, it is seen as an embarrassment for older girls who are aged 16 to 18 years not to have children whilst younger girls below the age of 16 already have children, so the older girls are pressured to have children as they cannot be humiliated by the younger girls. This is particularly rife in the commercial farming areas-compounds. Parents were also cited as being greedy pressuring and forcing girls to get married so that they can also receive ‘nice things’ from their sons in law. because they view the girl child as a commodity that can be traded for money and material things.



Plate 2: Participants of the inquiry in Shamva



Chief handing over by-laws on child marriage to ZGC Chairperson M.M. Mukahanana-Sangarwe

⁵⁰This is a derogatory term to refer to a woman who is not married but has reached an age where the community would expect her to be married.

c) Manicaland-Mutasa District

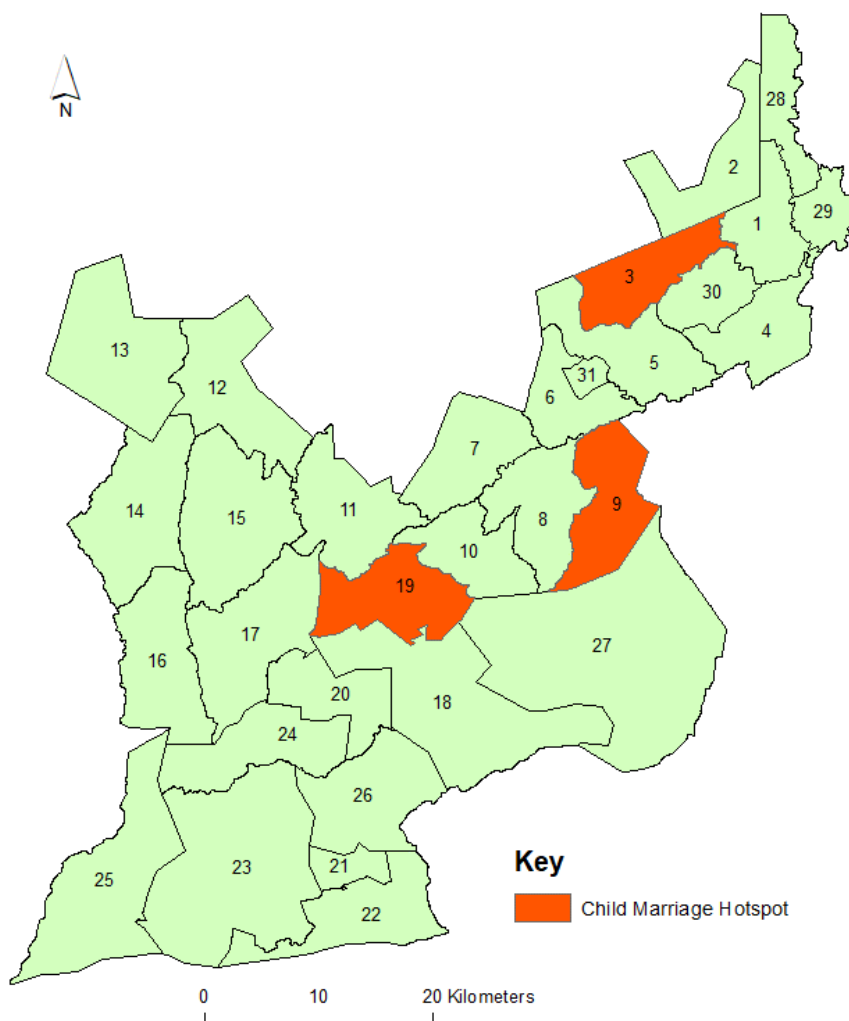


Figure 48: Mutasa district child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Manicaland Province covers largely the eastern highlands and the south eastern plateau of Zimbabwe. The climatic conditions are generally favourable for crop, horticulture, and plantation and livestock production. Mutasa District is one of the seven districts of the Province and is located in the far Eastern region sharing a natural border with Mozambique. From the Information gathered during the Inquiry noted that, Ward 3, Ward 9 (Ngarura), and Ward 19 are hotspots of SGBV child marriages due to the prevalence of some Apostolic Sects congregations in the area. This is because of their doctrines, beliefs and practices that encourages marrying off young girls. This submission was corroborated by the presence of programs supported by CSOs such as AWET and FACT Zimbabwe in these wards with interventions of supporting and protecting survivors. of SGBV within this Faith Based Sector. FACT has safe shelters that housed a significant number of survivors from Hauna and Zindi wards which constitute part of the identified as hotspots

Furthermore, information gathered from the GBV Safe shelter in Mutasa District highlighted that from January 2020-April 2022 there had been 45 reported sexual abuse cases, but the Matron highlighted that the number could be higher only that many cases go unreported

or survivors had been relocated to other areas by their families in order to protect the perpetrators from getting arrested.

The physical presence and support from DSD enabled the interviews to be conducted while safeguarding survivor’s interests as well allowing for easy referral and follow up of cases that still needed attention. It was also noted by AWET that statistics only come out when people come forward with reports. It was highlighted that most apostolic sects do not go to hospitals or the safe shelter, so their interventions are home based or door to door as a way of raising awareness and identifying cases of sexual exploitation and child marriage.

Only two cases of girls with disabilities had been recorded since 2020 at the shelter. The VFU highlighted that on average three cases were reported per month and that there were few NGOs in the district as the majority were housed in Mutare. The hotspot wards have 36 trained Behaviour Change Facilitators in each of the wards as well as peer educators who conduct the door-to-door campaigns and help in the identification and reporting of cases with support from AWET. The district has notable transport challenges for survivors to rely on in seeking services since ward 19 has no police station or police base as well as ward 3. There is high cost in getting to the nearest police station, while in areas like ward 9 the public transport operators are scarce.

Table 13: Musasa; Statistics SGBV and Child Marriages at Marange shelter in Manicaland Province.

Period	SGBV	Child Marriages
2020	520	12
2021	731	7





Plate 3: Participants of the inquiry in Mutasa

d) Mashonaland East-Mudzi District

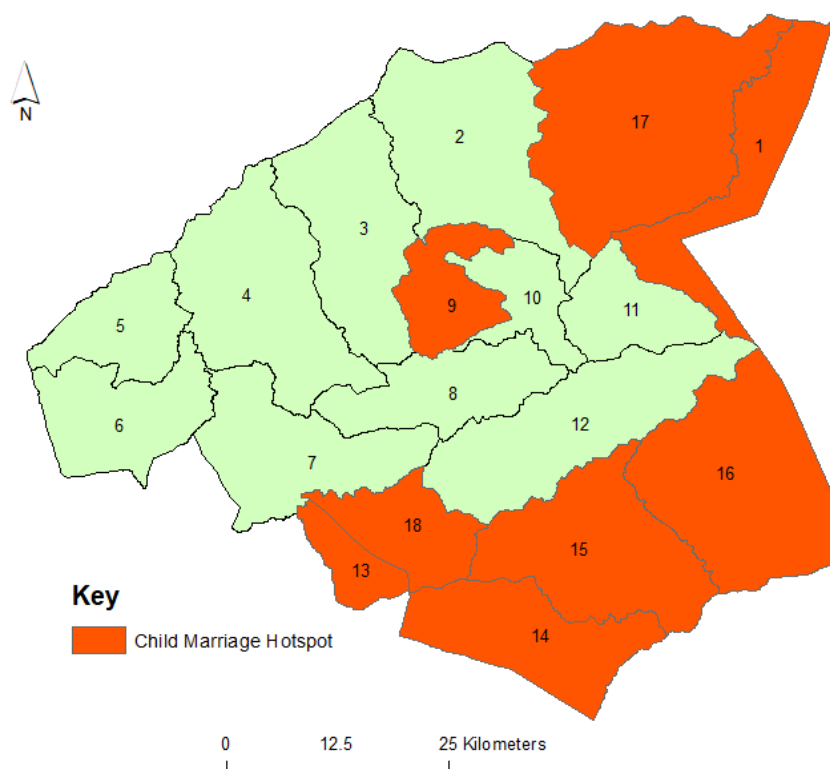


Figure 49: Mudzi district child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Mashonaland East is located in the North-Eastern side of Zimbabwe. The province borders with Midlands in the South, Mashonaland West in the North-West and Manicaland in the East. It also shares its borders with Mozambique and agriculture is the economic backbone of the province hence it has been dubbed the breadbasket of the Zimbabwe because of its high agricultural productivity. Further the Province is endowed with many minerals including gold, granite, lithium, limestone, tantalite and rare earth minerals.

Wards 13,14,18,15 were considered hotspots for child marriages and sexual exploitation mainly due to artisanal gold mining activities rife in these areas. The gold miners lure young girls into activities of a sexual nature through dangling “nice things” and other freebies. Such a situation exposes the vulnerable young girls into commencing sexual activities thereby exposing them to pregnancy, exposure to STIs and HIV and child them. Wards 1,14,17 and 9 were also cited as hotspots due to pockets of members of the Apostolic Sect who were said to be encouraging marrying off young girls as young as 10 years old. Wards 1,17 and 16 are hotspots for child marriages because parents migrate to engage in farming activities in Mozambique. This exposes children as they end up engaging in sexual activities since there will be no one to monitor and supervise them. Once the children fall pregnant, they are forced to go stay with the person who impregnated them.

The community also prioritises the boy child at the expense of the girl child. For example, the community prefers to send the boy child to school whilst the girl child is being groomed for marriage, mostly to artisanal miners who usually very liquid. The community also does not value education, for example at Makaha Secondary school in 2007 they enrolled 75 form one students but only 10 children would have completed their Ordinary

Level education. However, in 2015 CAMFED started supporting the girl child with school fees and school related material needs and this saw an increase in the number of girls reaching form 4. In 2017 35 girls wrote their Ordinary levels at Makaha Secondary School. The enrolment for girls surpassed that of boys at the school due to the CAMFED initiative. When COVID-19 broke out 90 children then dropped out of school and upon conducting follow up it was discovered that 42 girls had been married during the COVID-19 lockdown. It was also discovered that more than half of the 42 girls were married by artisanal miners who had come from other districts to conduct goldmining activities in Makaha. Boys also drop out of school to engage in artisanal mining e.g., a case of a grade 5 boy who purchased a motorbike using money from artisanal mining activities. In one case a grade 7 girl dropped out of school and got married to a boy who had just dropped from school in form 1 and started artisanal mining.

It was noted that there are high cases of sexual exploitation of girls at Makaha shopping centre resulting in lack of accommodation at the centre due to young girls flocking the complex in order to earn a living through sex work targeting artisanal miners. Data collected illustrated that marriage also is seen as a great achievement and this pushes the girls to be part of child marriage. After the COVID-19 lockdown the teachers noted an increase in cases of indiscipline by school children loitering resulting in the school assigning one teacher every day to sit outside the classrooms to monitor children. Artisanal miners are also said to be purchasing school uniforms and pretending to be school children so that they can have access to school premises and take the young girls from school during school time.

Drugs, alcohol and substance abuse by children is also rampant at Makaha shops and their role models are artisanal miners. Young boys also being abused by sex workers at the shops. An estimated 200 girls are surviving on sex work at Makaha shops and the area is a hotspot of STI and HIV infection in the district. The Johanne Marange Apostolic sect is also cited as practising child marriages with five cases of young girls having been married in an exchange with other family members within the church. From January 2022 to June 2022 66 cases of child marriages were recorded by the Department of Social Development in Mudzi. The ZRP VFU highlighted that on average they receive five cases of child marriages per month which are reported but many more cases go unreported.

During COVID-19 pandemic 2020-21 around 25 children on sponsorship from CAMFED entered marriage and their ages ranged from 15 to 16 years. There were also two cases of *chiramu* that resulted in children getting married. A case of one girl child with a disability “*dwarf*” had to be operated on at Kotwa hospital as she could not give birth properly. In Mudzi the Jairos Jiri Centre at Nyamuwanga has dormitories housing children with disabilities and does community sensitisation. In Mudzi there is no One Stop Centre but it has been discussed by the Gender Committee led by the local council. CAMFED is providing grants to survivors e.g. some were given USD \$100 to start goat projects and one of the survivors now has 10 goats from the initial two goats she started with.

CAMFED is supporting girls to go back to school as well as running Mother Support Groups that follow up on children who would have dropped out of school. Unfortunately, the girls being supported by CAMFED to go back to school have become the major targets of gold panners. The girls under CAMFED support become targets since they will be smartly dressed compared to other children hence become “more attractive for gold panners” who then lure them. The girls under CAMFED support were said to be in a habit of adjusting their uniforms into miniskirts. In a worrying trend from January 2021 to June 2022 a total of 32 girls under CAMFED support project were impregnated and got married. The Ministry

of Primary and Secondary Education submitted that since January 2022 up to June 2022 twenty-eight schoolgirls.

Parents are also encouraging their children to get married to gold panners:

“anamai encouraging their girl child to open their eyes and move with times and get rich by getting married to gold panners before the gold gets finished”.



Plate 4: Participants of the inquiry in Mudzi

e) Harare Metropolitan Province—Hopley and Epworth Districts

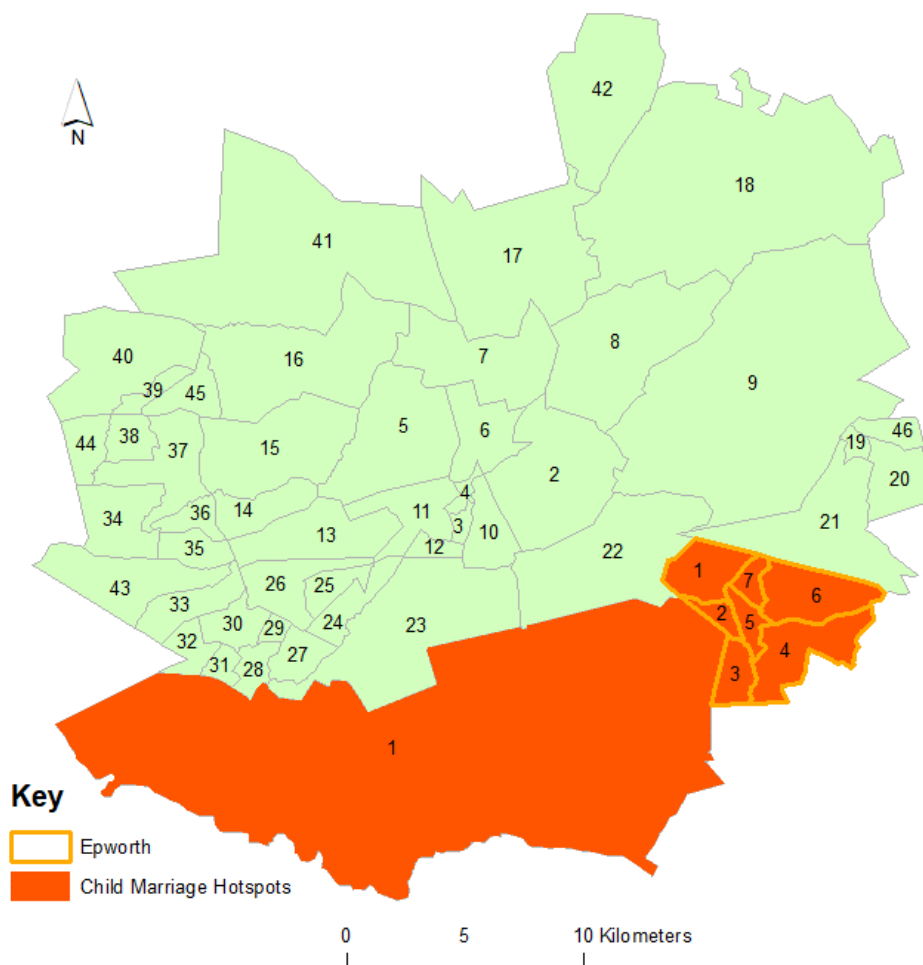


Figure 50: Harare child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Harare Metropolitan Province is Zimbabwe’s leading financial, commercial, and communications centre, transport hub as well as an international trade centre for tobacco, maize, cotton, and horticulture. The Province houses the capital City of the country Harare, which makes it more sophisticated and advanced as compared to other Provinces. The advancement in industry and Commerce exposes it to various socio-economic ills associated with rapid and uncontrolled inertia of people from rural areas and other not so advanced areas. More often than not both Central and Local Government have not been prepared in terms of coming up with proper infrastructural development to accommodate rapid population growth. As a result of this situation and as compounded by the Economic challenges bedevilling the Country since the turn of the millennium, massive urban sprawl has been experienced. This situation has resulted in the creation of rapid peri-urban settlements in the environs of Harare; areas such as Epworth and Hopley are examples.

Epworth settlement which is one of Harare Metropolitan Province Districts lies 15km just outside Harare towards the east. The settlement was established in the late 1890s through the Methodist Church when it acquired three farms in the area namely Epworth, Glenwood and Adelaide. Throughout the colonial years the settlement grew as a Church Mission consisting of two main villages, that is, Chiremba (Muguta and Makomo) and Chizungu

(Chinamano and Zinyengere). However, the late 1970s saw a surge in the population as people fled the liberation war which had heightened in the countryside. Again, after the independence in 1980, more people entered the cities in search of economic opportunities and Epworth with its informal set-up provided an easy destination for the new arrivals. (citation UNHabitat).

Faced with this unprecedented growth, the Church donated part of Epworth Mission land to the government for the subsequent establishment of a local government structure. In 1986, this led to the creation of Epworth Local Board whose main task was to administer and regulate the growth of the settlement. The inception of the Local Board therefore saw the unveiling of regularization and formalization initiatives. Other initiatives include the establishment of extensions to decongest overcrowded areas. Meanwhile, the formalization process also resulted in Epworth becoming more attractive hence the continued influxes of more people. The net effect was the emergence of even more informality as people occupied the remaining open spaces. These uncontrolled developments resulted in areas that are now popularly known as Ma-Gada. It is this background that has seen Epworth arrive at a situation whereby 70% of its 30 000 families are staying in informal settlements with the remainder in formal areas.

Hopley is located in the Harare South area as part of Highfield District. It was created in 2005 following Operation Murambatsvina (an operation by Government to destroy all illegal settlements) At the time, Hopley which used to be part of the Commercial farming area was used as temporary accommodation for those displaced. Government also launched the National Housing Delivery Programme seeking to use land in all major cities for Housing Development. The social problems in the area stemmed from the incapacity of actors in the Settlement planning and development's failure to craft and implement policies for housing development amid increasing demand for such as exacerbated by operation Murambatsvina. Over the years the area has grown amid the demand for Housing yet both Central and Local Government hasn't been able to provide basic services. The citizens in Hopley experience multiple shocks and stresses, which include lack of basic services, disconnection from formal services and the urban core, political exclusion, and violation of their human rights. In this regard, households engage in various activities that fall between resilience and desperation as they try to navigate their way in claiming the right to the city. Hopley and Epworth Districts are hotspots in Harare Province when it comes to sexual exploitation of children. The survivors that testified during closed hearings pointed out that they frequent the "touchline" at "Anthony Shops" to solicit for customers so that they can earn a living. For Epworth the survivors pointed out that they also frequent the "Touchline" at "Booster" to solicit for customers. Girls as young as 12 years are involved in sexual exploitation. Child marriages are also rampant in Hopley and Epworth as was highlighted by members of the community and stakeholders.

The major drivers of child marriages and sexual exploitation in Epworth and Hopley include:

- child poverty,
- low-income levels usually result in parents not prioritising school fees and thereby leading to high level school dropouts. the situation is further exacerbated by the inadequacy funds set aside by government under BEAM. Failure to go to school exposes the young girls to sexual exploitation by touts who usually lure them through offering "nice things". Exposure to drugs and activities of a sexual nature would be rampant in the thick of things

- Absence of Social Services; it was also noted that there are no government schools, youth centres, sporting and recreational facilities and adequate health centres
- It was submitted by one Health Worker that most parents have a tendency to chase away from home those girls who would have been pregnant or those who would have been known to be in intimate relations with men. This practise known as *'kutizisa'* is all but a way of marrying off
- children sharing same sleeping rooms with adults and exposing them to sexual activity
- drug and substance abuse.

The health service workers at Hopley Clinic submitted that they often treat children under 18 years of sexually transmitted infections. However, the children are required to pay USD 5 as user fees and most of them are not able to pay for it meaning that there a lot more children who are involved in sexual exploitation but do not come to the clinic as they cannot afford the user fees.

For the first quarter of 2022 the clinic had treated 7 children of STIs and had registered a total of 8 pregnant children. Hopley has the highest number of STIs in Harare with approximately 80-100 STI cases being recorded daily. The clinic also assists children who come for Antenatal Clinic and maternity bookings as the clinic is receiving funds from RBF-Cordaid and Ministry of Health who support with vouchers for pregnant children for delivery. The clinic also provided free family planning services to girls between 16-18 years with a total of 50 girls having accessed these services in the first quarter of 2022.

Girls with disabilities are also being married and sexually abused with one case of a 14-year-old girl with disabilities who was sexually abused but the case seems to have not been reported because the parents did not want it to be known. The communities also highlighted that Children with disabilities considered as a *'liability'* hence are given for marriage in order to reduce the burden on the parents/guardians.





Plate 5: *inquiry participants in Harare*

f) Matabeleland South-Umzingwane District

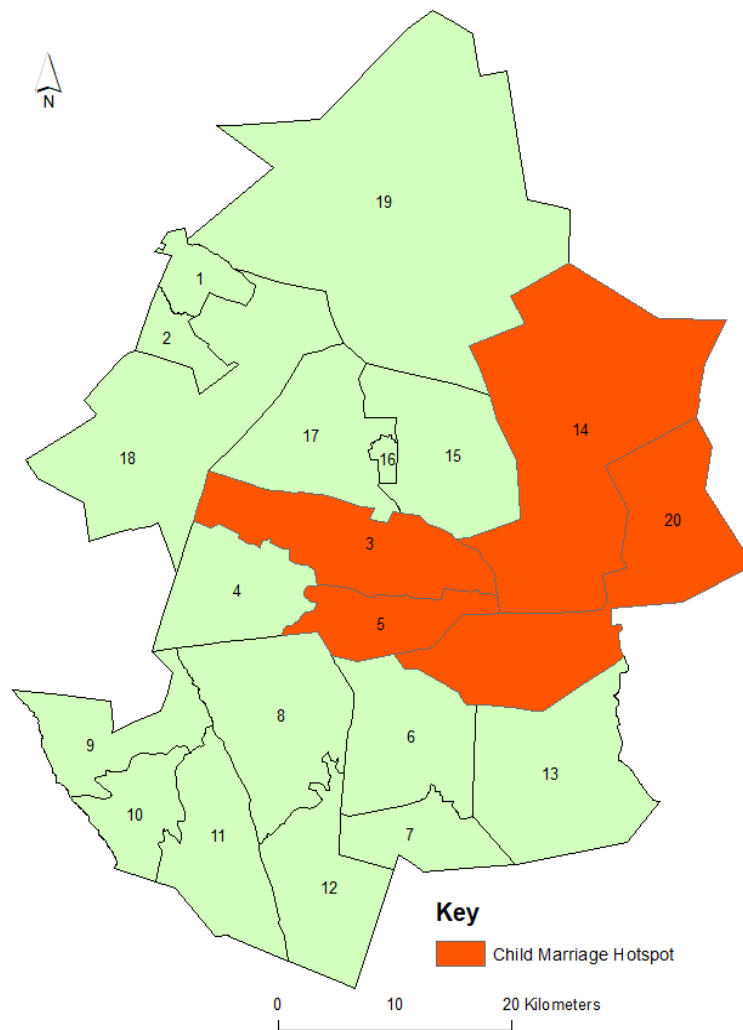


Figure 51: Umzingwane child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Matabeleland South is a province located in the southern part of the country. It shares international boundaries with South Africa to the south and Botswana to the west. The province is a gateway and corridor to most SADC economies and hosts one of the busiest border posts in sub-Saharan Africa. Umzingwane is one of the seven administrative districts in the province endowed with a wide range of natural resources and livestock characterized by low and erratic rainfall patterns.

The hotspots for sexual exploitation and abuse in Umzingwane District include Wards 3, 5, 14, 16 and 20 Ward 14 in particular, recorded higher cases of teen pregnancies and school dropout rates according to statistics from the Musasa Project sponsored safe shelter. The Musasa Project Officer highlighted issues of peer pressure contributing to the cases of sexual exploitation and abuse of girls as they compete for boyfriends and financial gain from the relationships. Some of the key drivers in these wards deemed hotspots include;

- the prevalence of artisanal illegal gold panning commonly referred to as “Amakorokoza” who then engage in sexual relationships with girls and young women. This was also attributed to decay in moral fibre that has contributed to the rampant sexual behaviour

- Alcohol and drug abuse within these wards fuel sexual activities resulting in sexual exploitation
- Child headed families as parents/guardians migrate to South Africa or other surrounding mining areas in pursuit of greener pastures or the death or separation of a parent or guardian
- Poverty as parents and guardians migrate in search of greener pastures and as parents send their children to sell vegetables and wares exposing them to sexual exploitation and abuse.

One Focus Group discussion was conducted with artisanal miners (*Amakorokoza*) around the district as a means of extracting in-depth information on sexual exploitation of young women and girls. They argued that they find the young women and girls they engage in sexual activities within bars and night clubs. They urged the patrons and management of the bars to strictly regulate age entry into the bars. They also highlighted that the girls and young women are sent to sell food and wares at common markets and that they mislead them in terms of age to engage in sexual activity. They noted that they are the targets of the young women and girls as they regularly have access to money and resources from the artisanal mining activities that mitigate their poverty and immediate needs. The communities noted that nature of mining activities is that the men would have temporarily moved into the area for purposes of the mining activity, and they do not move with their families and settle and engage with local girls and young women.

It was noted that the district from community members that there is high rate of HIV/AIDS attributed to the early sexual activities of young girls and women with the *amakorokoza*. They also highlighted that there was noticeable decline in societal value that is driving the cases of sexual exploitation and child marriage.





Plate 6: *Inquiry participants in Umzingwane*

g) Matabeleland North-Binga District

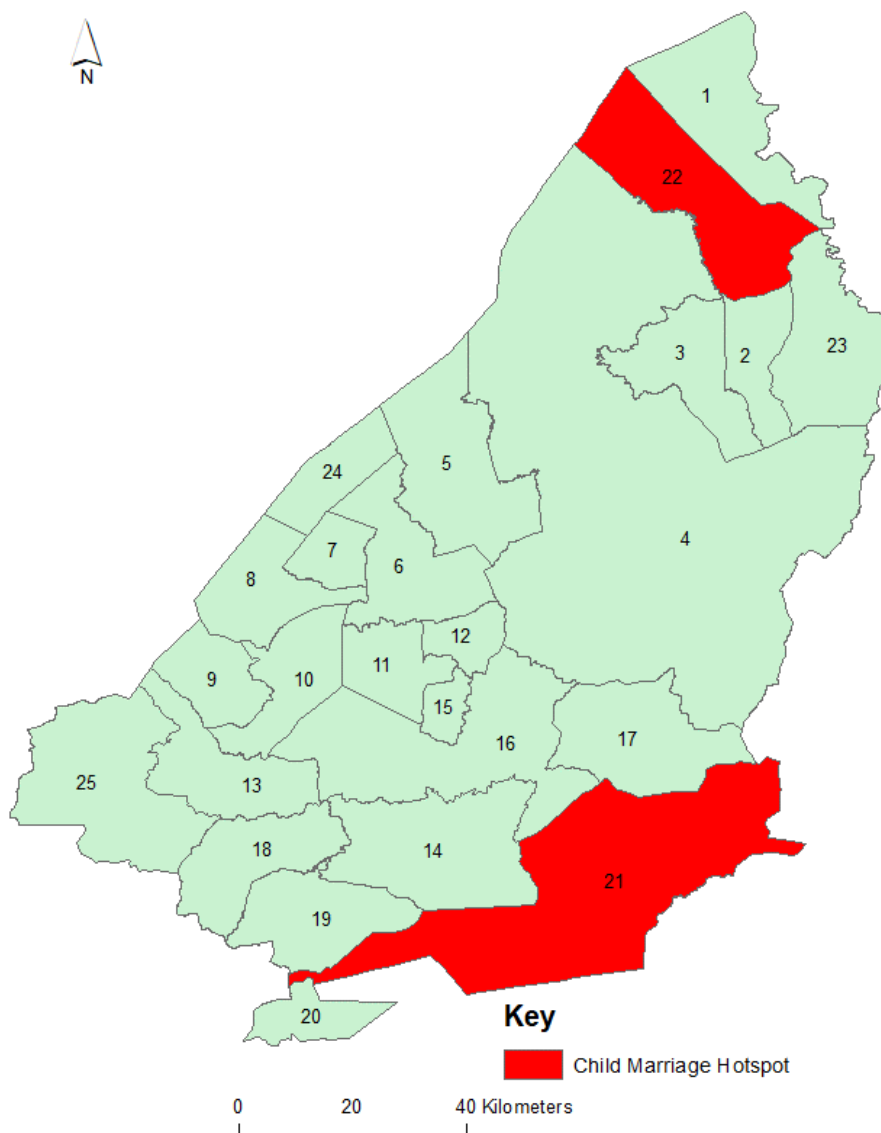


Figure 51: Binga child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Matabeleland North is a strategic gateway to Zambia, Botswana and South Africa, the economy is dominated by agriculture but rainfall in this province is comparatively less than average therefore farming in this region is limited to drought resistant crops. Binga is one of the seven districts in the province and fishing is common due to the proximity to the Zambezi River.

The identified child marriage and sexual exploitation hotspots in the district include wards 1, 21 and 22. These wards are located at the periphery of the district characterised by a lot of movement in terms of inter-district migration. Notably is an acutely low number of secondary schools which results in a high school dropouts in these wards. The wards are in rural hard-to-reach areas with limited access to mobile telephone networks and other essential services that support convectional education systems. The road infrastructure is inaccessible hence programs and awareness campaigns are limited as the areas are difficult to reach.

The Department of Social Development noted that an average of 10 children were being married off per month and these are the only reported cases. The major causes of child marriages as highlighted by the key informants include poverty due to droughts, lack of knowledge or ignorance on the laws and policies on child rights particularly child marriage and sexual exploitation. There was also reference by community members to issues of cultural norms and practices that involve a sense of 'acceptance' of child marriage especially if families meet and agree on the union.

The COVID-19 pandemic and the subsequent lockdowns further worsened the situation as children from rural areas especially, had no access to online or radio lessons and contributing to the increased cases of teen pregnancies and child marriage. Poverty and the need for sanitary wear, other toiletries and food were identified by the community members as also factors forcing girls to engage in sexual activities as they cannot afford to buy these on their own. Parents in the more developed wards in terms of infrastructure and mobile networks pointed out that some programmes on television and internet also influence children to engage in undesired sexual behaviours that expose them to pregnancy and STIs. Stakeholders also pointed out that the long distances travelled to the nearest service providers such as clinics and Magistrates Courts and the subsequent expense especially in the distant wards where there is one bus per day to ferry people also worsens the situation for those who seek to access services or report their cases.

Community members also pointed out to cases of discrimination of people with disabilities as an issue of concern with regards to their care and access to education. Key informants noted that persons with disabilities are not married off but are instead shunned and hidden by families. Thus, most of the persons with disabilities including children are shied away from community activities and engagements. Disability from an African perspective is associated with being cursed hence, visibility of this vulnerable is minimal. The testimonies from the survivors indicated that they willingly engaged in sexual activities with boys of the same age and fell pregnant. They further highlighted that their parents would then chase them from home after coming home late or falling pregnant and force them to go to the homestead of the boyfriend leading to cohabitation and subsequent family negotiations and child marriage.

It was also disheartening to note that the survivors had to drop out of school as a result of the pregnancy and marriage usually between form 2 and 3 levels. One survivor with mental and physical disability lamented the gap on SRHR as her highest level of education was grade 7 but had already been a mother to two children between the age of 16 and 18 years including a still born.

50% of survivors testified that even after their parents decided that they should not be married off until they reached the age of 18 years they would still be out of school and continuing to engage in sexual activities. There was also evidence by the Department of Social Development that there is little reporting of the cases of sexual abuse and exploitation to the relevant authorities, and this is why most cases do not result in the perpetrator getting arrested or any action taken to support the survivor. This is also the reason why there are few girls being brought back to school or given support to raise their children or pursue a career or income generating projects.

The traditional leaders pointed out the need for capacity building of all traditional leaders (chiefs, headman, village heads) to adjudicate and facilitate ending child marriage at community level as structures that are recognized and has power within their jurisdiction. . The chief reiterated the need for families to discuss with their children on

what is right and what is wrong to evade sexual abuse and exploitation. There is no safe shelter in the district however, a proposal had been drafted by the Ministry of Women Affairs, Community, Small and Medium Enterprises Development awaiting consideration amongst partners and treasury. The setup will assist in case management especially for related cases.

Fear in Reporting Child Marriage Cases

Evidence from a Ministry of Women Affairs, Community, Small and Medium Enterprises Development ward coordinator pointed to the fact that there is a complaisance in reporting in communities as cases often involve neighbours and family members. She further stated that it was a norm for families to sit and agree on the cases of child marriage without any regards to the age or rights of the children especially the girls. She expressed that the families would agree on lobola or compensation. This evidence was further supported by one of the survivors who testified that it was taboo in the community to report the physical abuse she suffers from her husband to the police or any formal institution due to societal entanglements, culture of silence and fear that the husband would stop taking care of her and her children. Community members were reportedly scared to report child marriage cases for fear of being bewitched. There was heated debate with regards to access to justice because participants argued that perpetrators are never held to account by the justice system leading to loss of faith in the legal system. "Perpetrators are seen moving freely after being reported of these heinous crimes".





Plate 7: *Inquiry participants in Binga*

h) Midlands Province- Gweru Rural District

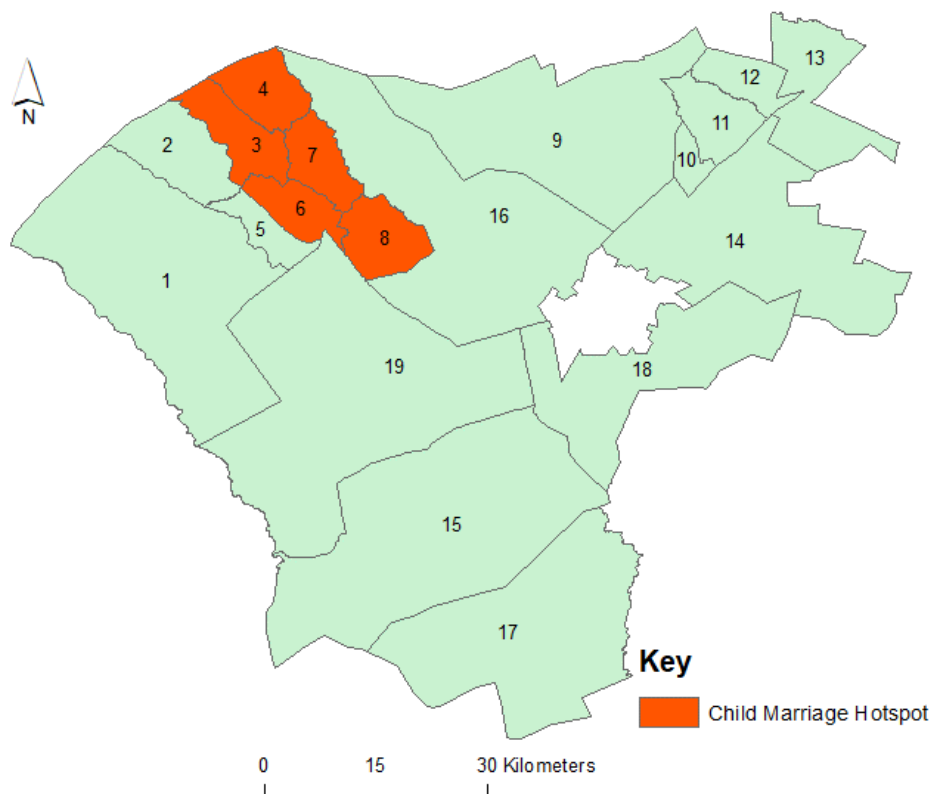


Figure 52: Gweru Rural child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Midlands Province is in the central part of Zimbabwe one of the richest provinces in the country and is home to the greater part of the Great Dyke. It is further key in the agriculture sector due to the availability of good soils, favourable climate for crop and animal production, and availability of several large water bodies with capacity to support irrigation programmes. Lower Gweru is located in Gweru district under the Vungu Rural District Council.

Wards 3,4,6,7,8 in Lower Gweru were identified as hotspots for child marriages and sexual exploitation mainly due to the artisanal gold mining activities taking place in these wards. Areas such as St Faith and Shamrock are popular gold panning areas. Children as young as 13 years are involved in sexual exploitation “sex work” at St Faith Shops where there is gold panning. Most of the survivors suffered from domestic violence with two extreme cases needing follow up with one survivor explaining that she was beaten by her husband whilst she was eight months pregnant resulting in her having a stillbirth. She never reported the case since she feared what will happen to her if he was arrested. The survivors cited lack of emotional support as well as lack of a referral system that supports girls and women experiencing GBV. The survivors feel helpless as there is no support for them to move out of the abusive marriages and are afraid to start staying on their own since they depend on their husbands for survival.

Some of the drivers of child marriage identified were:

- Survivors dropping out of school at form two level. This was noted to be because parents in the area did not value education
- Poverty was cited as a major push factor which made the girls vulnerable to abuse by the gold panners
- There is a high level of domestic violence resulting in children running away from their homes
- Traditional leaders in the area lamented the high levels of moral decay including the kind of “indecent dressing” by young girls and women and parents not able to control their children because of children’s rights.

It was noted by community members and stakeholders that there is a need for economic and livelihood empowerment for the survivors so that they are financially independent and be able to move out of abusive marriages. Further, it was seen as critical to ensure that children access family planning services including condoms at the local clinic.

Virginity Testing

Virginity testing is conducted in Ward 3 in July/August by the Apostolic sect as a way of ensuring that they are virgins when they enter into marriage with men in the church. This is said to be putting pressure on the girls to quickly get married before they lose their virginity. The virginity testing is done to girls as young as twelve years old. One survivor explained how after undergoing virginity testing she was being forced to marry an old man from the church but that she ran away from the area and went on to stay with her preferred mate whom she is still staying with. Jointed Hands is present in the district implementing Sinovhuyo Project and is aimed at empowering girls and young women with livelihoods as well as SRHR information to mitigate teen pregnancies.

Sexual exploitation

The ZGC team met the outreach team from CeSHHAR at St Faith Shops ward 7 where it was revealed that there were about 40 sex workers servicing the area. On the day in question the outreach team had treated 3 children under 18 years of age who are being sexually exploited, suffering from STIs. Zimbabwe Health Interventions (ZHI) also conducts mobile psychosocial support and GBV Clinics in the area. The local clinic had registered one 15-year-old, five 16 year olds and nine 17 year olds for Antenatal Clinic for the period January to July 2022.

Second Chance Education Policy

Survivors of child marriages are also being supported to enrol back into school with support from various organisations such as Jointed Hands and MASO. This has enabled the survivors to continue with their education and rebuild their lives. However, on the other hand the traditional leaders (chiefs & headman) blamed the second education chance policy for encouraging the girl child to engage in sexual activities and get pregnant since they will know that they won’t be chased away from school. The traditional leaders also noted that the fact that pregnant girls are allowed to mix with other children in school also encourages other girls to get pregnant.

Table 14: Child Marriages/Pregnancies and School Drop Outs in Lower Gweru District

Year	Number of Pregnancies/ Child Marriages	School Drop Outs Boys	School Drop Outs Girls
2018	379	252	401
2019	207	377	485
2020	681	451	879
2021	589	417	981
2022	156	289	463
TOTAL	2012	1786	3209



Plate 8: Participants of the inquiry in Lower Gweru

i) Bulawayo-Mzilikazi District

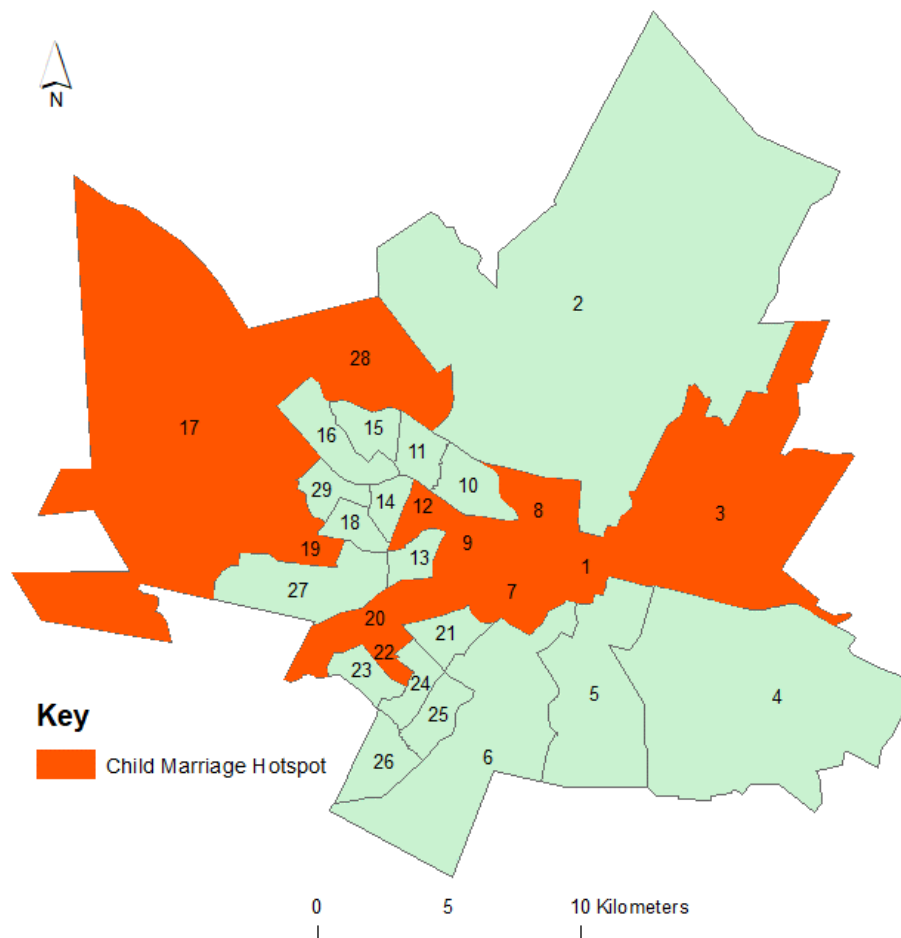


Figure 53: Bulawayo child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Bulawayo Metropolitan Province is one of the 10 administrative Provinces of the country. The Bulawayo Metro is surrounded by the Matabeleland North and South Provinces which are both well known for livestock, wildlife, forestry, mining, tourist attractions, and so on. However, Bulawayo Metropolitan Province has come to be known for its textile, leather, meat processing, pharmaceutical industries, among others. In addition, the province is also well known for manufacturing mining and agricultural raw materials.

Child marriages and sexual exploitation were said to be rampant in informal settlements like Ngozi Mine, Killarney Squatter camp and Robert Sinyoka⁵¹ which are in Wards 28,03,19. Girls living and working on the streets are also married early as they use marriage to seek protection from being abused by boys living and working on the streets. The Scripture Union Thuthuka Project is working and supporting children living on the streets with psychosocial and material support as well as family reunification.

Evidence from the Bulawayo based organisation Family Support Clinic showed that 50% of the cases they attend to at the clinic were as a result of child marriage. Furthermore,

⁵¹Ngozi mine is an informal settlement in Bulawayo city Council's dumpsite while Robert Sinyoka is a formal peri-urban settlement where ngozi mine and Killarney squatter camp settlers were relocated to.

the Matabeleland Institute for Human Rights reported that between September 2021 and June 2022 they handled 14 reported cases of child marriages. It was noted that a larger number of cases went unreported. However, the number of school dropouts in their area of operation showed the intensity of the problem.

Children living and working on the streets are also suffering from child marriages. An example was given of girls living on the streets getting married for security reasons. It is alleged that when the current “husband” gets arrested the girl then moves on to another “husband” for protection in those spaces. The youngest survivor of sexual exploitation and abuse was seven years old the inquiry also allowed one boy survivor of sexual abuse to testify before the Commissioners. 13 survivors with disabilities attended the public hearing and of these nine were able to give their testimonies before commissioners during closed hearings. PWDs interviewed had the following categories of disabilities: physical disability, mental challenges, down syndrome, slow learners and cerebral palsy. ZIMCARE Trust is supporting some of these PWDs. Survivors with disabilities narrated harrowing stories of how they are being abused. The PWDs are frustrated with the way their sexual abuse cases are handled at the courts. Evidence was presented that PWDs suffer abused as they are taken advantage of since they are vulnerable and are not able to defend themselves and to make independent decisions as a result of the type of disability they have. Furthermore, they are not receiving support from the community and feel neglected.

The public hearing was attended by various stakeholders who included the DDC, RDC, ZRP VFU, Ministry of Primary and Secondary Education, Bulawayo City Council, The Child President and his Junior Parliamentarians and Councillors, Residents Associations, ZIMCARE, NGOs and other interested parties. Of interest was the heavy presence and participation of PWDs as mobilised by Zimbabwe Gender Commission. The engagement flagged out some of the challenges faced by PWDs include failure to access the justice system and if they do access the courts, their cases are not “handled properly” due systemic barriers such as lack of court interpreters astute in disability leading to the failure to give evidence and testimony.

The Children’s voice was added through those in leadership positions (represented by the Child/Junior President, Junior Minister of Women Affairs, Junior MPs). Some of the causes of child marriages and sexual exploitation cited by children include;

- abolishment of corporal punishment leading to parents losing control of their children, child poverty,
- Erosion of moral fibre amongst the youth
- “Vuzu” parties resulting in children getting pregnant,
- parents have lost control over their children because of children’s rights which have given children too much freedom,
- presence of too many bars and “shebeens” which allow underage children inside as these attract more customers,
- school dropouts owing to non-payment of fees and child headed families
- unequal distribution of resources leading to limited opportunities for children and youths
- rampant abuse of alcohol and drugs by children and youths.



Plate 9: *Inquiry participants in Bulawayo*

j) Masvingo-Chiredzi District

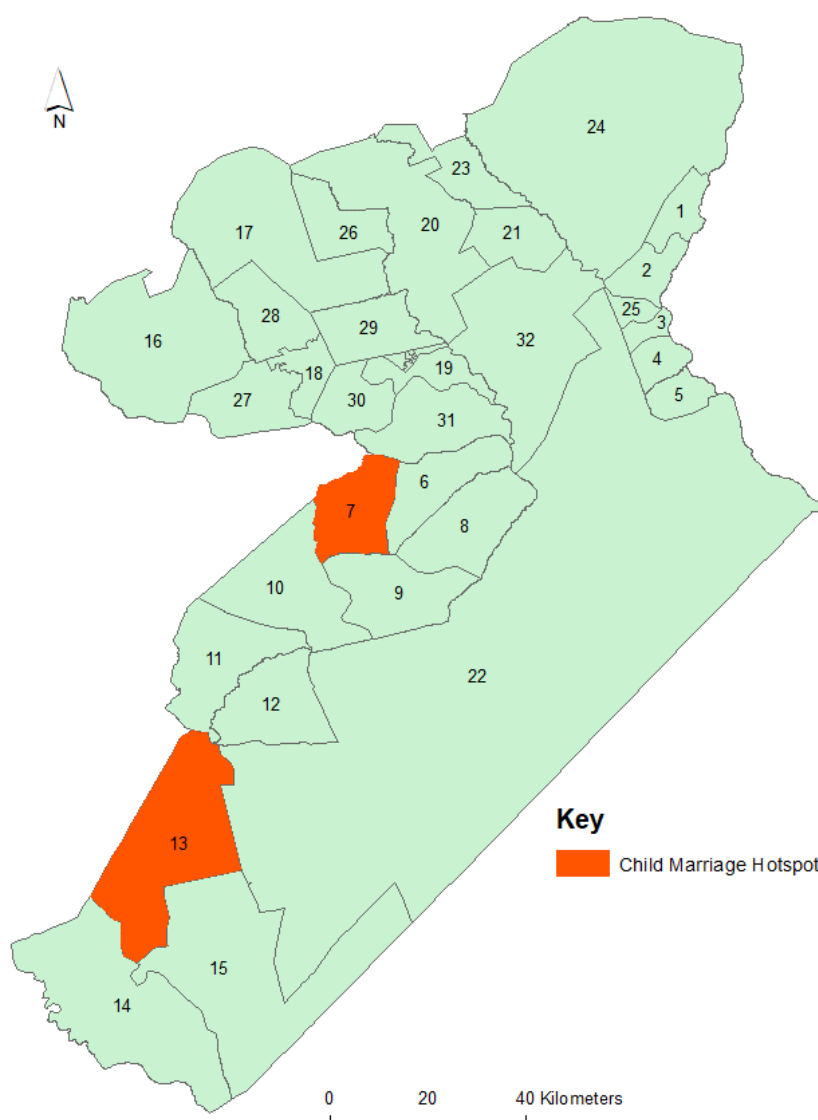


Figure 54: Chiredzi child marriage hotspots

Source: ARCGIS-Primary field & secondary data

Masvingo Province is in the south-eastern part of Zimbabwe and is divided into seven districts and bordered by Matabeleland South Province to the southwest, Midlands Province to the northwest, Manicaland Province to the northeast, and Mozambique to the southeast. It is a diverse province, with the Karanga, (a Shona subgroup), forming the majority and with minorities of Shangani in the southeast and Ndebele in the west. Its economy is centred around agriculture and tourism. Masvingo Province has a tropical savannah climate and is in the lowveld of the country where rainfall is minimal and uncertain. A greater part of the southern region of the province is drought prone therefore, is generally not favourable for agriculture, apart from cattle ranching.

Chiredzi District is a border town between Mozambique and South Africa. The main hotspots of child marriage are wards 7 and 13. These are followed by wards. 3-7 and wards 10-11 as well as Sengwe in Wards 14-15.

The district is home to the Shangani people who are known for their cultural practice known as the “*khomba*” initiation ceremony that prepares and orients girls as young as 12 years of age for marriage. There is also high migratory activity into South Africa by young men known as “*majoni-joni*” who then exploit girls and young women using material goods such as food and toiletries and money. The areas also have regular mobile markets termed “*bhakosi*” where communities sell their produce and wares, and girls and young women who are usually selling these goods become potential breeding grounds for sexual exploitation.

Only one case had been officially recorded by the Department of Social development in Chiredzi district for 2022 despite evidence from several survivors interviewed still in child marriages. Further, the Ministry of Women Affairs, Small and Medium Enterprises in the same district noted that the youngest child they had witnessed as a survivor was 13 years old. On average, the Ministry receives 5 cases per month of child marriages in the district.



Plate 10: Inquiry participants in Chiredzi

3.3.3 Definitions of Child and Child Marriages

From all the areas visited, generally there is no consensus on the definition of a child and child marriage, especially within the various groups in the communities such as traditional leadership, men, women, children and stakeholders. It was noted that the definition of a child and child marriages is influenced by various factors such as geographical context, religious/cultural beliefs, power dynamics as well as the community’s perceptions on the value of a girl child. Each community and each group has its own understanding and definition of a child as can be seen in the examples below. It was noted that the community’s definition of a child is not based on the legal definition of a child as per laws and policies, whilst various stakeholders base their definition of a child as per the law.

However, stakeholders in child protection and safeguarding appreciate that 18 years is the age of marriage as was pronounced in the Constitutional Court Judgement of 2015 involving *Loveness Mudzuri and Ruvimbo Tsopodzi v The Minister of Justice, Legal & Parliamentary Affairs & Another*⁵² where it was held that the effect of section 78 (1) of the Constitution Amendment (No.20) 2013 was to set 18 years as the minimum age of marriage in Zimbabwe. The Court further held that section 22 (1) of the Marriage Act (Chapter 5:11) was unconstitutional as it permitted marriages of girls below the age of 16 as well as the unconstitutionality of the non-provision of the Customary Marriages Act (Chapter 5:07) to provide for a minimum age of marriage.

There was concern raised by stakeholders especially the police and traditional leaders on the difference between age of marriage and age of sexual consent. It comes as a step in the right direction however, when the Constitutional Court of Zimbabwe ruled in the case of *Kwenda v Minister of Justice, Legal and Parliamentary Affairs & Others*⁵³. This judgment was passed on 24 May 2022 where the Court declared that provisions of the Criminal Law Codification and Reform Act that govern age of consent to sexual intercourse by children was unconstitutional. The provision primarily in sections 70, 71, 76, 83 and 86 state the sexual offences relating to young persons aged below 16 years and evidently leaves room for exploitation of the children between 16 and 18 years on sexual offences. The Court then ruled that the legal age of sexual consent be increased from 16 to 18 years old. As this is the only provision of the law that protects children from sexual exploitation, the ruling comes as a major milestone in protecting children between the age of 16 to 18 from exploitation and child marriage through making explicit the unconstitutionality of provisions in sections that permit marital sex including sexual relations with children in child marriages.

This important position requires an accelerated pace in the alignment of all child rights and protection laws to the Constitution to harness the gains of the ruling without further exploitation of children without it. This would be necessary for a clear standpoint for the stakeholders on the ages of children with regards to sexual consent as well as marriage for effective delivery of services to survivors.

Furthermore, the new Marriages Act Chapter 5:15 was passed on 27 May 2022 and it is more comprehensive in dealing with child marriages as it sets down the following:

- The minimum age of marriage at 18 years
- It is a crime to marry off a child below the age of 18 years
- It is an aggravating factor if the parents/guardians are involved in marrying off the child
- The minimum age applies to all types of marriages including unregistered customary law unions.⁵⁴

As we applaud these long overdue legal provisions it will be critical to coordinate and effectively monitor the Court judgements passed after the enactment of the law and its utility in practice to ending child sexual exploitation and abuse and child marriage.

⁵²Constitutional Application 79 of 2014, CC 12 of 2015) [2016] ZWCC 12 (20 January 2016)

⁵³(3 of 2022) [2022] ZWCC 3 (24 May 2022)

⁵⁴ZWLA 2022

Text box 1: Community's definition of a child and child marriage

<p><i>Community's definition of a child</i></p> <ol style="list-style-type: none"> 1. This definition varied according to each community based on various factors such as geographical context, religious/cultural beliefs, power dynamics as well as the community's perceptions on the value of a girl child. 2. A significant number do not see child marriage as a problem because some view that once a child turns 16 years and has completed their Ordinary level, they feel it is ok for her to be married. In cases of teen pregnancy parents do not want the burden of taking care of a pregnant child and therefore they resolve to get her married to ensure that the father of the child takes care of his offspring. 	<p><i>Community's definition of child marriage</i></p> <ol style="list-style-type: none"> 1. Shamva, Hurungwe, Epworth, Hopley, Umzingwane- "Child marriages are now normal within their community." 2. Hurungwe- No local by-laws to ban child marriages, chiefs urged to come with local by laws to address child marriages within their areas of jurisdiction. 3. Chiredzi, Binga- Child marriage is marrying off a boy or a girl child if they impregnate each other. 4. In all the areas visited child marriages have occurred within their communities. 5. Most people and some of the survivors see nothing wrong with child marriages
<p><i>Women's definition of a child</i></p> <ol style="list-style-type: none"> 1. Shamva- "in Shamva women indicated that once a girl child starts the menstruation cycle they are now considered an adult and ready for marriage" 2. Umzingwane- "Discussions from the public hearing also saw communities noting that anyone who is still under the control of the family and not under his/her own control is still a child in spite of their age." 	<p><i>Men's definition of a child</i></p> <ol style="list-style-type: none"> 1. Shamva- "Men in Shamva view the girl child as a source of income e.g. they define a girl child as "Nhaka" meaning that they expect to gain monetary and material proceeds from the marriage of the girl child." 2. Binga- a child is someone incapable of taking care of him/herself. 3. Hurungwe- Some girls have well developed bodies hence appear as adults which then makes men have sexual intercourse with them and/or marry them. 4. Bulawayo- "A child is any person who is not yet able to make decisions on adult things". 5. Bulawayo- "Any person over 18 years but they are still considered a child because they have a disability and are still being taken care of by parents-"abakhubakezekileyo".
<p><i>Women's definition of child marriage</i></p> <p>Chiredzi, Binga- Women defined child marriage as the union of two children below the age of 18 years.</p>	<p><i>Men's definition of child marriage</i></p> <ol style="list-style-type: none"> 1. Umzingwane- "During the Constitutional making process we had wanted 21 years as the age of marriage but the outcome had brought 18 years as the age of marriage." 2. Binga- marriage of a child below 18 years according to the law.
<p><i>Children's definition of a child</i></p> <p>Children were clear on their definition of a child as any person below the age of 18 years.</p>	<p><i>Children's definition of child marriage</i></p> <p>There was some confusion on the cut off age of when a child can be married with some saying 16 years whilst others saying 18 years. In Umzingwane they based their definition on being under the control of the family as a child.</p>

Stakeholders' definition of a child	Stakeholders' definition of child marriage
<ol style="list-style-type: none"> 1. Mudzi- “Key informants are well versed with the legal definition of a child and child marriages however, the dilemma they face is how they interpret and make use of this when performing their duties at work as well as when they are playing their social role within the community. For example, one key informant indicated that they knew that child marriages are not acceptable but when dealing with such cases within his family he then must analyse the context as well as take a collective decision with other families which makes it difficult for him to stick to what the law says.” 2. Chilonga- “For purposes of initiation there is no specific age limit save to say that the practice can target girls as young as 12 years who are at pre-pubescent stage for initiation known as komba into womanhood which may be misinterpreted to mean that after initiation one becomes an adult and is ready for marriage. It is not documented but there are instances of that age range being targeted for initiation.” 3. Respondents were not aware of the law and policies on child marriage but were aware of the definition of child marriage. 4. Binga- Stakeholders were aware of the 18 years as the age of majority with some inconsistencies with words such as minor and consent. Some defined a child marriage as a minor being engaged in marriage. Another civil society actor noted that it was a violated union of a man and a girl child under the age of 18 years. Another definition from a civil society actor noted that it is a marriage of children or a child before the age of consent and such types of marriages are against the cultural norms and values. While others saw it as a child below the age of consent who is married or sexually involved. 	<ol style="list-style-type: none"> 1. Mutasa-Key informant from Ministry of Primary and Secondary Education noted “that the age of marriage was 16 years and highlighted that there is no agreement amongst community members as some say its 16 while others say its 18 years.” 2. Mutasa-Chief Mutasa “the term child marriage is bringing the wrong message and it should be defined as child abuse as it is not technically a ‘marriage’ if it involves a child and must be termed as abuse.” 3. Mutasa-Apostolic Sect “It was also noted that in terms of the various apostolic sects in the community there was no regulation for the age of marriage for both boys and girls and therefore some cases of child abuse/ marriage happen.” 4. Mutasa & Mudzi-VFU- “the gap presented by the non-alignment of the Constitution to the laws in Zimbabwe as cases of sexual offences are pegged at 16 years while the Constitution says its 18 years. As police we do not arrest any offenders involving 17-year-old girls as there is no law that explicitly states that 18 is the age of marriage.” 5. Chilonga- Evidence from stakeholders illustrated that there is a sense of cultural acceptance of child marriage despite awareness of age of 18 as age of marriage. 6. Hurungwe- Inconsistency and conflict between the age of sexual consent and definition of a child cited as a cause of child marriage. This generated a lot of debate. The view is to align the age of sexual consent (16) to the definition of a child (18) as is the case now children between the age of 16-17 can have sex but are not allowed to marry which has resulted in confusion.

Source: Primary field data

This lack of consensus on the communities’ definition of a child and child marriages is a cause of concern as it fuels child marriages. In addition, there were some responses that confused age of marriage and age of sexual consent (18 and 16 respectively) and it illustrates that there is need for clarity on the matter to mitigate confusion and loopholes that result in sexual exploitation and abuse of the girl child.

3.3.4 Prevalence of Child Marriages or Summary of identified hotspots

Overall, though the exercise was not able to determine and quantify the prevalence rate, it was gathered that Child Marriages are happening and are a cause for concern within the research sites. Specific wards are regarded as hotspots for child marriages for example Wards 13,14,18 and 15 in Mudzi District. In Chiredzi District Wards 4 Majarata, and growth points in Wards 7 Chilonga and Chikombedzi Ward 11 and Gezani Ward 13. In Chiredzi the weekly markets “*baccosi*” in different wards at varying intervals draw a large crowd and they become hotspots as girls are sent to sell wares and may encounter harassment that leads to sexual abuse and exploitation. The men in Binga also highlighted that in a certain community 16 cases were recorded in one year, 10 cases in another year and nine in another year. They were unwilling to disclose the name of the ward to protect the traditional leadership of that area. The peri urban areas of Harare were also identified as hotspots.

3.3.5 Community Perceptions on Child Marriage (Is child marriage seen as a problem within the community)

There is no consensus within communities when it comes to describing child marriages as a problem. Some communities have accepted the practice as available social protection option for their children whilst other communities are clear that child marriage is a violation of children’s rights. In some instances, the community noted that child marriage is a remedy for alleviating poverty to the child as well as being of economic assistance to her family. In Chiredzi for instance it was noted that the young girls are easily lured by popular men who occasionally migrate to South Africa in search of jobs and other informal business. These men are popularly known as *MaJoni-Joni*; when they frequent home they usually bring groceries and other household goods to family, relatives and friend, which are easily accessible down South. So popular are the “*MaJoni-joni*” that some parents go to the extent of encouraging minor girls to be in relationships with them so that they also qualify as relatives and get access to these freebies.

Some communities view child marriage as a good thing because of the dowry and brides price and fear of being compelled to return the same once the child is removed from the marriage. One informant from Goromonzi district indicated that for instance “if my child gets married, don’t come to remove her from the marriage because “*mombe yangu yeumai ndoyipiwa nani*”. Some stakeholders in the district also highlighted that the need for sanitary wear was also a reason for acceptance of child marriage with regards to menstrual health and hygiene.

Key Informants in Mutare District which houses the Johanne Marange Apostolic Sect indicated that members of the church use child marriages to protect their young girls from ills associated with Adolescent and Teenage Sexual Delinquencies. To them any girl who reaches adolescence age automatically becomes attracted to men and would eventually be vulnerable due to engagement with multi sexual partners. Therefore, as a way of trying to protect her from such ills they prefer to marry her off to one man once she reaches that stage.

The women interviewed in Binga pointed out that child marriage was not a good thing as it deprived a girl of an education and would negatively impact her future. They also noted that the prevalence of maternal deaths was higher for teen pregnancies, and they felt that it was unnecessary pain and loss for the girl to be a child bride. The women also noted that the boy is also negatively affected as he brings the burden of supporting the child bride and the baby on his parents who are often struggling to make ends meet.

During one group presentation in Mutasa district one participant highlighted that
“Early marriage is happening everywhere in the district. Sometimes it is swept under the carpet because of culture, beliefs, and religion. Although some awareness is happening it is still happening.”

This may be an indication of the lack of appreciation on child marriage and its impact on the actual survivor as opposed to the perspective of an onlooker.

3.3.6 Intersectionality of Gender and Child Marriage

Evidence has shown that child marriage is deeply rooted in gender discrimination and inequality and in many contexts, it is sustained as a result of harmful social norms and the negative consequences of poverty and deprivation.

During the inquiry, stakeholders noted that in majority of the cases, the decision to marry was made by girl’s parents and that the girl only agrees because of fear and the potential burden in raising the child alone (in instances of teen pregnancy). According to stakeholders in Binga, if the child refuses to be married off she is then chased away from home and will have no option than to end up in the hands of her ‘husband’. In Umzingwane it was noted that some cases are only reported after non-payment of lobola or damages by the perpetrator and not because that is the initial decision to report. In Binga it was further noted that the village head and the family concerned are part of the negotiating ceremony that marries off the girl or charges damages. The involvement of traditional patriarchal structure that is often male dominated has the potential to either support or end child marriage and sexual exploitation.

Little evidence was proffered on whether boys are equally chased from home after impregnating a girl or initiating a marriage. Instead the survivors noted that the perpetrators often disappeared before a report could be made, leaving the burden of care on the survivor who is still a child. 60% of cases of sexual abuse reported and witnessed related to rape and sexual abuse of girls with disabilities especially mental disabilities and there was little evidence of boys with disabilities facing similar issues. There is need therefore for interventions that are transformative in nature and fully resourced to challenge social norms and practices that perpetuate gender discrimination and leading to sexual exploitation and child marriage.

The value placed on lobola/dowry payment is another key driver which made the decision to marry off a child easier and/or acceptable. This token and payment make it easier to transfer responsibility and control of the girl or woman from her family to another and solidifies gender discrimination that a woman is property that can be bought or sold to the highest bidder and that falling pregnant outside of marriage makes her automatically ready for marriage. In another vein, the fact that most of the unions that were classified as child marriages happen through cohabitation shows that the men may continue to have control of women as they determine the value placed on a woman through the payment of lobola. Either way the age of the woman is of no consequence in making the decision to negotiate for bride price and child marriage.

Furthermore, sentiments from the men especially those from Binga, Chiredzi and Umzingwane for example, blaming girls for their dressing in short skirts or tight clothing are some examples of the lack of ownership by men and boys and the biased mind-set that results in cases of justifying sexual exploitation of girls and young women. There is little responsibility given to men and boys on viewing women and girls as individuals who are equal to men and can contribute to development rather than as property for

men's sexual gratification and cheap labour. Survivors highlighted the fact that during the marriages they were expected to act and dress in a certain manner to ensure acceptability as "*muroora*" and expected to respect their husbands and not report any abuse. This is closely linked to the decision to marry which is often on the breadwinner or head of the homestead and specifically "the man of the house" as emphasized by men in Binga. This could be an indication of strong patriarchal views that dictate women's actions and thoughts including decisions to be married off and or vulnerability to sexual exploitation. Often, the burden of providing for the family rests with the women as was evidenced by the testimonies of the survivors. The survivors usually are the ones taking care of their families including their husbands who even physically abuse them when the women have not cooked any food even if the husband has not provided anything. In one case a survivor pointed out that her ex-husband used to force her to go into sex work so that she can have food to cook for him.

In trying to find solutions to these beliefs one ought to appreciate the dynamics of gender and feminism that have been documented into various theories of feminism. For example, liberal feminists⁵⁵ argue that women's unequal access to legal, social, political and economic institutions causes women's oppression. This has been evidenced in this inquiry where survivors had not completed or attained their ordinary level education and were looking to marriage as an alternative. Their remedy advocates women's equal legal rights and participation in the public spheres of education, politics, and employment.

The radical feminists claim women's oppression originates in sexuality.⁵⁶ They argue women's bodies are controlled through violence, objectification, and social institutions such as medicine and religion. Evidence from the survivors in religious institutions and use of birth control or the manner of dressing illustrates that control is deeply rooted in patriarchy. This group of feminists argue that the eradication of patriarchy is key to ending gender oppression. This would be accomplished by increasing women's control over their bodies, including transforming sexuality, childbirth, and motherhood.

Another source of evidence comes from Marxist and Socialist⁵⁷ feminists who root gender inequality in capitalism. They argue capitalists and individual men exploit women's unpaid reproductive labour within the family. Women and girls are also exploited as a low-wage and expendable reserve army of labour. This is evidenced by the fact that women and girls are expected to fulfil many menial duties such as cooking, sweeping, washing or fetching water in the home while the boys are herding cattle, tilling the land or going to school, which is more productive. The solution to these oppressions is through a transformation of relations within the family through a redistribution of responsibilities, and changes in access to education, healthcare, economic opportunities and political power.

There is therefore need for interventions that are transformative and comprehensive in nature and fully resourced to change social norms and practices that perpetuate gender discrimination leading to sexual exploitation and child marriage. This is because without a mind-set shift of ensuring equal opportunities to girls and boys as well as breaking cultural norms and practices that discriminate against girls then cases of child marriage will persist.

⁵⁵JUDITH LORBER. The Variety of Feminisms and their Contribution to Gender Equality. <https://diglib.bis.uni-oldenburg.de/pub/unireden/ur97/kap1.pdf>

⁵⁶Durieux-Smith, D. orcid.org/0000-0003-4210-6113 and Meger, S. (2020) Returning to the root : radical feminist thought and feminist theories of International Relations. *Review of International Studies*, 46 (3). pp. 357-375. ISSN 0260-2105

⁵⁷Armstrong, Elisabeth, "Marxist and Socialist Feminism" (2020). *Study of Women and Gender: Faculty Publications*, Smith College, Northampton, MA. https://scholarworks.smith.edu/swg_facpubs/15

3.3.7 Estimating Age of Entry into Child Marriage & SEC

The inquiry evidenced that survivors on average got married when they were between the ages of 12-17 years with the youngest survivor having been married at the age of 11 years. The modal⁵⁸ ages of entry into marriage and sexual exploitation and abuse were 15 and 16 years. Sixteen years is also the average age of entry into marriage. This is in line with the findings by ZNCWC & ECPAT that showed that while the general global consensus is that many girls across the world start selling sex at the age of 12, the modal age range of entry into selling sex for children involved in commercial sexual exploitation interviewed was 16-18 years (35.1%) followed by 13-16 years at 23.7%⁵⁹. This highlights the need to target girls during this period (adolescent stage) with comprehensive sexual reproductive health knowledge so that they can make informed decisions. It was also noted that some survivors have no identity documents that corroborate their ages and contribute to the non-prosecution of cases at the formal Courts.

3.3.8 Duration of Marriage

The common consensus during the inquiry was that the marriage or union of the child was short lived in duration. Survivors pointed out that marriages did not last more than two years due to factors such as infidelity, domestic violence, ill-treatment by in-laws and husband as well as the desire by the survivor to start a new life such as going back to school. More than 50% of the survivors interviewed regretted having been married early and highlighted that if given an opportunity they would have opted out of child marriage.

There were cases of survivors who had been married for more than two years and had reached the age of majority and had borne children who noted that they had felt embarrassed and afraid to leave the marriage once they found the marriage to be abusive or painful. These are instances where survivors who were between the ages of 24 and 32 resolved to remain in the marriage because of circumstances such as family break ups, poverty, embarrassment and stigma as well as adjustment to the 'norm' of marriage. It was only one case in Umzingwane of a survivor who only left the marriage after an unknown person in the community had anonymously reported the child marriage to the police after a year into the union. The survivor further pointed out that she had entered the marriage because the perpetrator had promised to pay her school fees but had failed to do so.

Duration of the marriage was also affected by the payment or non-payment of lobola. Communities highlighted that they respected the payment of bride price and therefore some in laws or relatives or communities would not acknowledge the bride for non-payment of lobola. This resulted in some child brides being outcasts in their own 'marriages' because of the non-payment of lobola and therefore these marriages would often not last long. In the case where lobola is paid there would be a higher likelihood of a longer lasting 'marriage' because of bride price and official recognition of the bride as a wife. This is because in these unions a woman would seldom report abuse because she would fear embarrassing her family and forcing a return of the bride price as was narrated by one survivor in Chiredzi district. Another survivor in the same district noted that once lobola had been paid her husband had migrated to South Africa and she had not seen him since 2020 but she remained at her in-law's homestead as a wife.

⁵⁸The mode is the number that occurs most often in a data set.

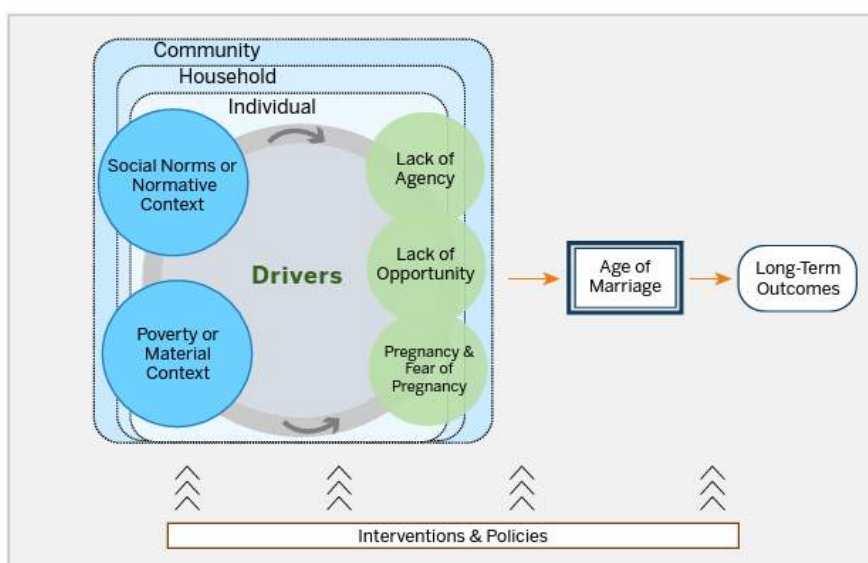
⁵⁹ZNCWC & ECPAT International (2017) Global Monitoring Status of Action Against Sexual Exploitation of Children in Zimbabwe, Country Status Report.

It was evident that the duration of a marriage was primarily attributed to the presence of a family or support structure for the survivor.

3.4 Causes/Drivers of Child Marriages and sexual exploitation in Zimbabwe

The National Inquiry established various drivers/causes of child marriages and sexual exploitation. These include child poverty, lack of school fees and pregnancy resulting in children being forced to go stay with the person responsible for the pregnancy, peer and parental pressure, COVID-19 lockdowns, gaps in the legal system, and lack of parental supervision or poor parenting. Since the causes/drivers are multifaceted and interrelated, it is difficult to attribute child marriages and sexual exploitation to a single cause in any given context. Secondly, the Inquiry established that there are common and general causes/drivers of child marriages and child exploitation that were identified in all the country's ten provinces. However, the Inquiry also established that there are specific causes/drivers peculiar to certain geographical and social settings within each of the country's ten provinces. These geographical and social context specific causes/drivers include artisanal mining(gold panning), religious and cultural practices and beliefs, migration trends, etc.

Zimbabwe Gender Commission noted that the causes of child marriage are poverty, food insecurity, negative religious practices, harmful cultural practices, adolescent pregnancy, lack of education and weak law enforcement.⁶⁰



Conceptual Framework showing the Hypothesized Drivers of Child Marriage

3.4.1 General drivers/causes of child marriages and sexual exploitation in Zimbabwe

3.4.1.1 Early Pregnancy

“Kwedu kwatonamanata isusu ka, tinoti Mwanasikana kana akura abvezera, anenge wotonzwa kuda varume, saka akashaya murume wake mumwechete uchapedza nyikayose achichinjaniswa ne varume vakasiyana opedzisira otiunzira vana vatisingazive kuti vabvepi, rwudzirwavo ndeupi. Saka chirinani

⁶⁰“The role of Zimbabwe Gender Commission in ending child marriage”

ndechipi apa kuti apembere nenyika yose kana kuti ave nemurume mumwe chete? Saka kana zvadaro tino tsvagira mwana murume anomuchengeta pamwe nesu semhuri uyezve omupodza nhomba yaanenge ave nayo.”

The Inquiry established a close correlation between teen/early pregnancies and sexual exploitation of female minors. Accounts from Umzingwane indicated that cases of teen pregnancy are high in the region and resulted in sexual exploitation for economic survival as well as high instances of STIs.

A major challenge that communities highlighted was that parents complain that there is a rush in removing children from the marriage and arresting perpetrators without a plan on the care and welfare of the grandchild, particularly in cases of teen pregnancy.

According to the Open Parly reports quoting the Program Director from the Ministry of Primary and Secondary Education, in 2021 4.34% of girls dropped out because of marriage and 2.66% had dropped out because of pregnancy⁶¹, as indicated in the table below. However, the percentage of those who absconded is high and can reflect a variety of reasons for those statistics such as migration, death, drug and alcohol abuse or any myriad of reasons.

Reason	Male	Female	Total	Male %	Female %	Total %
Absconded	4796	3792	8588	48.16	42.33	45.40
Marriage	2	389	391	0.02	4.34	2.07
Pregnancy	27	238	265	0.27	2.66	1.04
Grand Total	9958	8958	18916	100.00	100.00	100.00

3.4.1.2 Family and Child Poverty

UNICEF defines Child poverty as:

“Children living in poverty [are those who] experience deprivation of the material, spiritual and emotional resources needed to survive, develop and thrive, leaving them unable to enjoy their rights, achieve.” In the eyes of a child, poverty is about more than just money. Very often children experience poverty as the lack of shelter, education, nutrition, water or health services. The lack of these basic needs often results in deficits that cannot easily be overcome later in life. Even when not clearly deprived, having poorer opportunities than their peers in any of the above can limit future opportunities⁶².

Survivors of child marriage and sexual exploitation indicated that they considered getting married as an escape from poverty and a means to assist their parents or guardians who could not afford to provide for them. Evidence established that 80% of the child survivors had completed their primary education but either dropped out immediately after their primary education or between form 1 and 4. This was due to a number of identified reasons such as lack of adequate monetary and material support from parents or guardians to further their education. Many of the survivors were out of school at the time of

⁶¹<https://twitter.com/OpenParlyZw/status/1625155458301296643?t=epd6UsHptMIWptzjeM5V0Q&s=08>

⁶²Child Poverty: UNICEF December 2019

the marital union because of lack of resources to pay school fees. Evidence from Magunje survivors, for example, indicated that in most instances, parents and guardians privately sanctioned child marriages, especially when they saw an opportunity to get monetary and material benefits. This was even though the girls are married off without payment of any bride price or monetary notification of where the bride is located through a practice known as “*tsvakirai kuno*”.

During a KII in Chiredzi, it was revealed that men with access to food and groceries easily lure children from impoverished families into sexual relationships, which leads to child marriage and sexual exploitation. This is worsened by the fact that 61 per cent of children live in multidimensional poverty - worse in rural areas, high-density, peri-urban informal settlements and for those with disabilities (UNICEF 2022)⁶³. In other cases, the lack of adequate shelter, where adults and children or all children live in a single room, exposes children to early sexual behaviour through experimenting. This was reported to be the case in some compounds and homesteads in Umzingwane, Mutasa and Chiredzi districts.

3.4.1.3 Gaps in the legal system

Gaps in the legal system contribute to child marriages, sexual exploitation and abuse. Inconsistency and conflict between the age of sexual consent and definition of a child was seen to contribute to child marriage, unless there is alignment of the age of sexual consent (16) to the definition of a child (18). The current framework that still allows for children between the ages of 16-17 to engage in sex but are not allowed to marry has resulted in inconsistency in reprimanding offenders.

The provisions in the old marriage laws were also highlighted as having loopholes which made it possible for child marriages to continue. The marriage laws differed on the minimum age of marriage. For instance, the Marriage Act allowed girls to be married at 16 and boys at 18, while the Customary Marriages Act did not set a minimum age for customary marriages. Unregistered customary law unions were not recognised by law as a marriage and there was no minimum age set⁶⁴.

Members of the community echoed the same sentiments of the law and policy inconsistencies.

“Mutemo wacho utori neconfusion”- “The law itself is confused”

The law-making processes with regards to the Marriage Act was not popularised to the extent that participants were not aware of the legal developments regarding the new law. This led to no statistics of arrest for those involved in child marriages. For example, in Mutasa district, the VFU Officer explained that they did not have a law to arrest perpetrators of child marriage, although they resorted to arresting perpetrators under section 70 of the Criminal Code for having sex with someone under the age of 16 years. Further, that corruption by village heads and police who receive bribes from perpetrators resulted in the child marriage cases not going through the court process. In cases where issues are taken through court procedures, there was a general feeling that the sentences imposed on perpetrators of child marriage were too lenient to stop future offenders from marrying a child. The development and popularisation of local binding by-laws to ban child marriages was seen as critical to equip traditional leadership (e.g. chiefs) with adequate powers to address child marriages within their areas of jurisdiction.

⁶³<https://www.unicef.org/zimbabwe/media/5591/file/Zimbabwe%20Annual%20Report%202021.pdf>

⁶⁴ZWLA 2022

In addition, a concern was raised on the lack of enforcement of laws that should deny access in bars and nightclubs to children under 18 years of age. It was noted that children now have easy access to such places because the owners of these bars use young girls to attract customers. For example, in Bulawayo some community members pointed out that *“Amanight club kamnandi uma kulezalukazi kuphela”* (*The night clubs are not beautiful and interesting if they are all occupied by older women*).

3.4.1.4 Effect of COVID-19 lockdowns

In the community engagements, COVID-19 induced lockdowns were blamed for exacerbating cases of sexual exploitation abuse because of the disruption of normal schooling and activities. This meant that children had a lot of idle time during the lockdown period that they did not go to school or have any form of extra-curricular activities. Furthermore, ZGC also established that COVID-19 restricted the ability for communities to raise awareness on the issue of child marriage, and this resulted in high cases of teen pregnancies which in turn led to child marriages. The loss of jobs due to the COVID-19 pandemic was said to have contributed to the migration of parents to South Africa, which left girls vulnerable to sexual exploitation and child marriage in the absence of adult supervision.

3.4.1.5 Peer and parental pressure

It was established that some girls “voluntarily” entered child marriages because of pressure from peers and society. In Shamva, there were testimonies that girls compete to get pregnant because the one who gets pregnant first is seen as a heroine. One witness explained that if a 14-year-old girl gets pregnant, those older than her feel embarrassed because they challenge that they cannot be outdone by younger girls. The pressure to get pregnant early was captured in expressions such as *“havangakundwi nemwana mudiki kuita mwana”*. Once girls get pregnant, they are then pressured by community norms to get married because, according to testimonies, when a girl child reaches 16 years without getting married they attract a negative label, *“Tsikombi”*, to depict a girl who is too old to get married. To avoid these stigmatising labels, some parents competed to marry off their girl children early telling them, *“haungakundwa nemwana wekwananhingi atova nemba yake”*. Almost a quarter of the survivors interviewed indicated that they had been forced by their parents/guardians to go and stay with their “boyfriends” after they came home late or were seen in the company of a male partner. In many parts of the world parents encourage the marriage of their daughters while they are still children in hopes that the marriage will benefit them both financially and socially, while also relieving financial burdens on the family⁶⁵

Parents also force children into marriage for example; in Bulawayo it was pointed out that *“obaba bayakha isibaya yena engela mali lenkomo zakhona ekhangelele ukuthi umntwana uzathathwa”* (*A man builds kraals when he does not have the money and cattle looking forward to her daughter getting married and then he will have the cattle to put in that kraal he had already built*).

3.4.1.6 Lack of school fees

Despite there being national programmes and sponsorship through civil society to pay for school fees for children, there is still a noticeable gap that may give rise to child marriage. A greater majority of survivors noted that they had not pursued or completed secondary education because of non-payment of school fees which led some of them to early child

⁶⁵MICS 2019; Zimbabwe National Statistics Agency (ZIMSTAT) and UNICEF (2019). Zimbabwe Multiple Indicator Cluster Survey 2019, Survey Findings Report. Harare, Zimbabwe: ZIMSTAT and UNICEF.

marriage. This is most common in cases where children are in the care of a 3rd party who may not prioritize their education completely. Having more school dropouts leaves the window open for time wasted in the unproductive sphere. In some cases, perpetrators take advantage and lure young girls into sexual activities with promises of paying their school fees. The non-payment of school fees is also linked to non-prioritization of education in more than half of the districts visited especially of the girl child as there is a cultural norm that she can be married at any time especially after initiation.

“Musikana agara anedegree rake rekuroorwa” (the girl child already has her degree which is getting married”).

There is also the effect of the long distances to schools. This is especially most difficult for girls as they become vulnerable on their way to school or may encounter men who target them for sexual relations. This trend has resulted in the emergence of Bush boardings which are housing facilities closer to the schools the children can reside in while attending school. These boarding houses are often unmonitored and unsupervised and therefore pose a threat to the girl child.

3.4.1.7 Unequal Gender and power dynamics

The patriarchal nature of society where men have more power in decision making exposes girls to child marriages. In some communities like Shamva District, men see the girl child as a “commodity” that can be exchanged through marriage for financial and material benefits. It is also disheartening to note that there is often no opportunity to ask the survivor what she wants and the decisions are almost always made for her. Testimonies from survivors illustrated that family representatives, usually the father and sometimes the mother and father’s sisters will discuss and negotiate by themselves and agree on payment of lobola or whatever else without the girl’s knowledge. It is also worth noting that in instances of teen pregnancies, often it is the girl who has to drop out of school to take care of her child as opposed to the man responsible for the pregnancy, unless the girl is fortunate enough to have a strong support system. This reality repeats itself consistently and places girls in a position of disadvantage and vulnerability to further abuse again or ill-treatment compared to the boy child.

3.4.1.8 Sexual abuse

Some of the cases of child marriage are closely associated to history of sexual violence perpetrated by a neighbour, relative, or a local resident in the community leading to unplanned pregnancy and ultimately child marriage or sexual exploitation. This is the case with most survivors with disabilities who are taken advantage of and sexually abused as was evidenced by survivor testimonies in Bulawayo. Moreover, girls with disabilities, mostly intellectual disabilities, are vulnerable to rape and sexual abuse because they may fail to identify the perpetrator or fail to receive adequate support to access justice. This therefore creates a systemic barrier in the value chain.

In the home this can happen because the children and adults share one room or all the children may be sharing one room. This is the case in some compounds in Mutasa and Shamva districts as well as some homesteads in Chiredzi district. This set up may expose children to early sexual behaviour through experimenting and abuse as there is opportunity to do that in a one room set up. Further the abuse can occur when the girls walk long distances to and from school without supervision and may fall prey to predators in the community either through being lured by goods and money or through force. There was a case where a girl had been gang raped by three boys from her school and this trauma of rape led her to engage in sex work and drug abuse. She failed to get

the help she needed from the sexual assault she faced and ended up in a more dire situation because of the past violence.

3.4.1.9 Breakdown of family units

The family dynamic plays a major role in the upbringing of a child. A large majority of survivors were under the care and custody of grandparents either because their parents are either deceased, divorced, separated, remarried, or have migrated to South Africa, Mozambique, or Zambia for work and greener pastures. Without the necessary support system, the girls may decide not to listen to their guardians and engage in activities that lead to pregnancy and child marriage. It was also noted that some guardians do not care to pay school fees nor provide food for the children under their care and instead expose them to child labour through vending. Other guardians may ill-treat children whose parents are deceased or do not send financial or material support for their maintenance. These circumstances can push a child into child marriage in order to escape guardians or relatives who are abusive and discriminatory.

3.4.1.10 Abusive family environment

There were reported cases of children who run away from home because of physical, verbal, economic and sexual abuse within the family. In most instances, abusive step parents perpetrate this abuse, although some biological parents also abuse their children. In one of the cases, a girl ran away from home after experiencing abuse from her stepfather who was much younger than her mother. The decision to run away from home is an attempt by girls to find a conducive family environment than remain in the presence of perpetrators of sexual exploitation and abuse.

3.4.1.11 Doing it for fun

With the emergence of technology and access to the internet children are exposed at a young age to sexual content and decide for themselves to engage in certain behaviour that leads to exploitation and early marriage. The desire to experiment for fun results in them engaging in high risk behaviour. In Zimbabwe, nearly 40% of girls and 24% of boys are sexually active before they reach the age of 18⁶⁶. An example was given in Umzingwane where four girls can choose to be in a sexual relationship with one man for fame and even financial gain. It was also noted that the girls often outrightly say that they want their husbands or testify that their sexual acts were consensual and this allows them to ensure perpetrators are not severely sentenced. There are cases where the child herself runs away to stay with her boyfriend in cohabitation without marriage and it was noted that this was the emerging trend that was eroding the morals of girls.

3.4.1.12 Child headed households

It was noted that there are instances where children are left to fend for themselves, with the oldest usually heading the household. This happens when parents are deceased, remarry, or migrate to neighbouring countries for work. These situations leave children vulnerable to poverty. The pressure to support the household leads to sexual exploitation of the child household head through sex work or child marriage.

3.4.1.13 Lack of extra-curricular activities and economic opportunities

One of the major issues that came out in the Inquiry was the absence of extra-curricular activities for boys and girls in communities to keep them occupied and engaged. Community centres, libraries or social clubs were non-existent especially in the rural

districts and this was seen as a driver of child marriage and sexual exploitation. This was further worsened by the COVID-19 lockdown movement restrictions which limited entertainment activities for young people, save for engaging in sexual relationships leading to elopement and child marriage.

It was also noted that some programs do not reach the furthest wards and those opportunities increase the gap on development. Girls in these areas are at a greater risk of child marriage and exploitation. Wards such as Chavhanga in Mutasa near the border or Sengwe Communal Lands in Chiredzi near South African border are classic examples of marginalized areas that miss out on opportunities and have higher cases of child marriage. These areas almost often have poor road systems as well as poor communication network and this increases the marginalization of girls and boys in economic empowerment programmes. This gap is even more evident for girls with disabilities who are often shunned and hidden from the public spaces, and as such remain with limited to no access to livelihood programmes or economic opportunities.

3.4.1.14 Orphan hood

There are cases where a child can be an orphan and is left therefore in the care of relatives who may not provide the standard of living he/she enjoyed when their parents were alive. These cases may lead to children seeking to engage in sexual activities in order to access the material goods that the guardians fail to provide. Others may be abused by relatives especially if parents did not leave a substantial estate and girls are treated as housemaids or vendors and are exposed to child labour and sexual exploitation from such activities.

There is also a dynamic of an orphan who would have lost his/her parents at a younger age and grows up in care of relatives who have a propensity to be rebellious owing to the status of orphan. Sometimes these children could have contracted HIV from their deceased parents and be in denial of the status, leading them to abuse alcohol and drugs to manage the denial which can also leave room for abuse and exploitation and choosing marriage over school.

3.4.1.15 “Abolishment of corporal punishment”

There was much debate over the issue of corporal punishment with some parents testifying that it was necessary to instil moral values in children through administering corporal punishment. The parents/guardians noted that the failure to punish/discipline children was the root cause of child marriage as parents were now failing to control/discipline their children. The parents highlighted that children’s rights have made them “lose control over their children”. They called for the lifting of the ban on corporal punishment at home and in school. The parents submitted that the law is being overprotective of the children which is not good.

“Police hayitiberekeri mwana isu. Vana these days vave vana ve police. Vana ngavadzoserwe kuvabereki”- “Police does not give birth to children, our children these days now belong to the police, children should be taken back to us parents”.

“Abantwana bake batshiywe ezandleni zebazalini”-Please give back children to their parents for disciplining”.

3.4.1.16 Lack of options to escape from child marriage

There was an assertion that as long as families agree, a child would be married off without her/his consent. This is despite whether lobola is paid or not. The Inquiry established

that in Binga and Chiredzi, districts do not have safe shelters for girls who might want to escape child marriage. In some cases, the married girl is despised by her in-laws and therefore faces double marginalization from her own family and that of her “husband”. These girls have no other option but to continue in the abusive marriages since there are no pathways available for those who want to move out of the marriages.

3.4.1.17 Lack of sanitary wear

While it is common knowledge that girls require sanitary wear every month for menstrual hygiene, investigations revealed that most of them cannot afford. The unaffordability of sanitary wear encourages girls to engage in illicit sexual relationships to access resources to purchase the sanitary wear, or fall pregnant to avert the monthly menstrual cycle.

3.4.1.18 Religious and cultural practices

Practice of using the girl child to compensate for the murder of someone “*kuripa ngozi*” was mentioned as one of the causes of child marriages. In religious circles, young girls are being forced to marry older men in churches such as the Apostolic Sect. In some churches “*uma umntwana esebophe iqhiye sekhanya angani ngumuntu omdala*”- “*when a child puts on a doek they now look like older women*”, which then makes men go after them.

3.4.1.19 Negative perception of the role of girls and women in society

In all the areas visited there is a general perception that girls and women should be groomed for marriage and to see marriage as an achievement and an end in itself. This is supported by UNICEF (2022) which points out that to end child marriage the perception of the role of women in society needs to change. UNICEF and partners are calling for people in Zimbabwe to understand that the role of women should not be reduced to being mothers; women need to be given the possibility to develop their full potential as equal members of society⁶⁷.

3.4.1.20 Norms, behaviours, attitudes and cultural practices that promote child marriages and SEA

The national inquiry and investigation established that there are various norms, behaviours, attitudes and practices that promote child marriages and SEA within the communities as shown in the table 14.

Table 15: Norms, behaviours, attitudes and practices promoting child marriages and SEA

Norms, behaviours, attitudes and cultural practices	Explanation
“ <i>kuripa ngozi</i> ”	Giving away a girl child to another family to compensate for the murder of someone or appeasing the dead.
Use of derogatory terms e.g. “ <i>Tsikombi</i> ”	Refers to a girl who reaches the age of 16years without getting married in Shamva District.
Marrying a girl child with disabilities seen as a favour	By marrying a girl child with disabilities one will be actually doing that child and her family a favour by lessening the burden of them caring for the child.

⁶⁷UNICEF Zimbabwe Annual Report 2022, <https://www.unicef.org/zimbabwe/media/5591/file/Zimbabwe%20Annual%20Report%202021.pdf>

Norms, behaviours, attitudes and cultural practices

Explanation

“Chiramu”

Chiramu is a Shona cultural practice that entails the breaking down of barriers between in-laws of the opposite sex. This is a practice in which a brother in law can indecently assault his young and unmarried sister in-law under the guise of culture. This is meant to teach young girls how a man proposes and how to avoid him. This was cited as prevalent in Hurungwe.

“Gule wankulu initiation into manhood for boys”

Initiation of boys into manhood through having sex with a woman referred to as “Queen”.

“Khomba ceremony”

Initiation ceremony that prepares girls as young as 12 years of age for marriage in Chiredzi District. This may be misinterpreted to mean that after initiation one becomes an adult and is ready for marriage.

‘Kuzvarirwa”

Kuzvarira is a traditional customary practice of marrying off, without her consent, an underage girl (sometimes as young as eight or even before birth) to a rich man who already has another wife or wives in exchange for money, food and other arterial possessions that guarantee the girl’s family not to suffer acute economic deprivation ever again¹ (Financial Gazette, 2/12/2004)

“Kumutsamapfiwa” Inheritance of right of Marriage

Normally, it is considered compulsory that in case of death of a wife the husband automatically gets the right to marry the sister of the deceased. In fact, it is the choice of the widow and her parents to agree to this². This was highlighted in five of the ten provinces visited

“Vuzu parties”

Unregulated, Illegal parties attended by young girls and boys involving substance and drug abuse as well as engaging in high risk behaviour such as unprotected sex marathons. This was highlighted in Bulawayo and Harare.

Justification of men’s promiscuity in a marriage while the woman is chased out of the marriage and ridiculed by community

Norms, behaviours, attitudes and cultural practices	Explanation
Culture of silence especially women and children	Whatever happens in a home should be kept a secret even if it is violence. This came out in all the provinces.
<i>“Kugarira vana vangu”</i>	Women even if they are facing GBV are encouraged to hang on and also stay for the sake of their children. This came out strongly in Lower Gweru where most of the survivors are suffering from GBV.
<i>“Chisahwira Chemabimbiri”</i>	A no holds barred joking/advisory relationship legitimising foul language and fondling. This practice renders children vulnerable to SEA.
<i>“Chimimba Muteku”</i>	This is a myth that causes grandfathers to be denied conjugal rights under the assumption that continued engagement in sex will create a false pregnancy on women who would have reached menopause. These grandfathers will then seek sexual gratification on children thus posing a danger to young girls.
<i>“Madivisi”</i>	This involves the use of magic, rituals where elders engage in sex especially with children (virgins) to enhance their agricultural produce.
<i>‘Kupindira’</i>	This practice occurs when a man is deemed infertile and a male relative substitutes the said man to bear children on his behalf. This was highlighted in Shamva.
<i>“Kutema Ugariri”</i>	This involves payment of “roora” through labour which may violate the boy and girls rights

3.4.1.21 Protectionism

In all the areas visited, the community and stakeholders indicated that the community members and some service providers are protective of those involved in child marriages because of the economic and material gains involved. There was concern that evidence being given by survivors on their age was false as they did not want to get their spouses arrested. In some cases, the mobiliser would corroborate the evidence given and explain that there was still an element of fear within communities in speaking on child marriage as it would possibly disrupt their marriages.

In Mudzi, there was scepticism by the community and particularly the survivors in participating in the Inquiry as they feared that it was an exercise meant to arrest their “husbands”. This was because the Ministry of Women Affairs, Small and Medium Enterprises in partnership with Musasa Project had previously embarked on a project aimed at ensuring that perpetrators of child marriages were arrested. The project encountered

community resistance, with some of the child marriage survivors threatening to commit suicide if their “husbands” got arrested. Similar findings were also reported in Mudzi and this then prompted the Ministry of Women Affairs, Small and Medium Enterprises and Musasa to stop the project.

In Mutasa there was concern that evidence being given by survivors on their age was false as they did not want to get their spouses arrested. In some cases the mobiliser would corroborate the evidence given and explain that there was still an element of fear within communities in speaking on child marriage as it would possibly disrupt their marriages. This was further strengthened because the survivors would either be orphans or coming from poor backgrounds, therefore there would be need to protect the husband because of the vulnerability behind the survivor’s background.

In Umzingwane, during the inquiry there was a willingness and openness to discuss issues of child marriage as they felt the issue was a problem that was causing moral decay in the community. In Shamva one case was cited where a 14-year-old girl got married and the case was reported to the police by neighbours. Both families arranged and quickly removed both children and the perpetrator from the area. The perpetrator then returned after some time and started threatening the neighbours who had reported the case. The case then stalled and has never been raised again. Some of the perpetrators are alleged to be using “juju”, for example, one case of a man at Chipa village who married a child and is using witchcraft to scare those who will report him.

In Mudzi the Ministry of Women’s Affairs, Community, Small and Medium Enterprise Development, Musasa and the ZRP during the peak of COVID-19 embarked on a blitz to arrest perpetrators of child marriages, but this was met with resistance by the survivors who then decided not to come forward saying that they don’t want to have their “husbands arrested”. The child marriage survivors were said to have cried in protest against having their husbands arrested with some threatening to commit suicide with one survivor refusing to undergo medical examination. She caused chaos at the police station as she wanted her arrested “husband” to be released. Up until now when they see a Musasa vehicle the survivors run away as they no longer want to be assisted as they are protecting their “husbands”. In one case in Mudzi, the survivor and her mother threatened to commit suicide if ever the “husband” was arrested, resulting in the police officer dropping the case as he did not want “blood on his hands”.

3.4.2 Context Specific/Peculiar causes/drivers of Child marriages and sexual exploitation

3.4.2.1 Artisanal Mining (Gold panning): Proximity to small scale mining activities

The ZGC established that child marriage and sexual exploitation of children were rampant in small scale mining areas where artisanal gold miners commonly known as ‘*makorokoza*’ or “*MaGermany*” lured young girls into illicit relationships with their money and “goodies”. This was reported in Mutasa district where some areas that were known for small scale mining were seen to be a breeding ground for sexual exploitation of girls including child marriage. Shamva district was also declared a hot spot for child marriages and sexual exploitation of girls especially at Wadzanai compound. Gold panners were reported to flush money in order to attract young girls because “*Ingwe idla ngamabalaayo*”, (*The leopard uses its spots to attract food*”).

One survivor explained how she was lured by one “*MaGermany*” who started by giving her USD5 before he then declared that she was now his wife. She was then forced by her grandmother to go into marriage as she was deemed old enough at the age of 15 years.

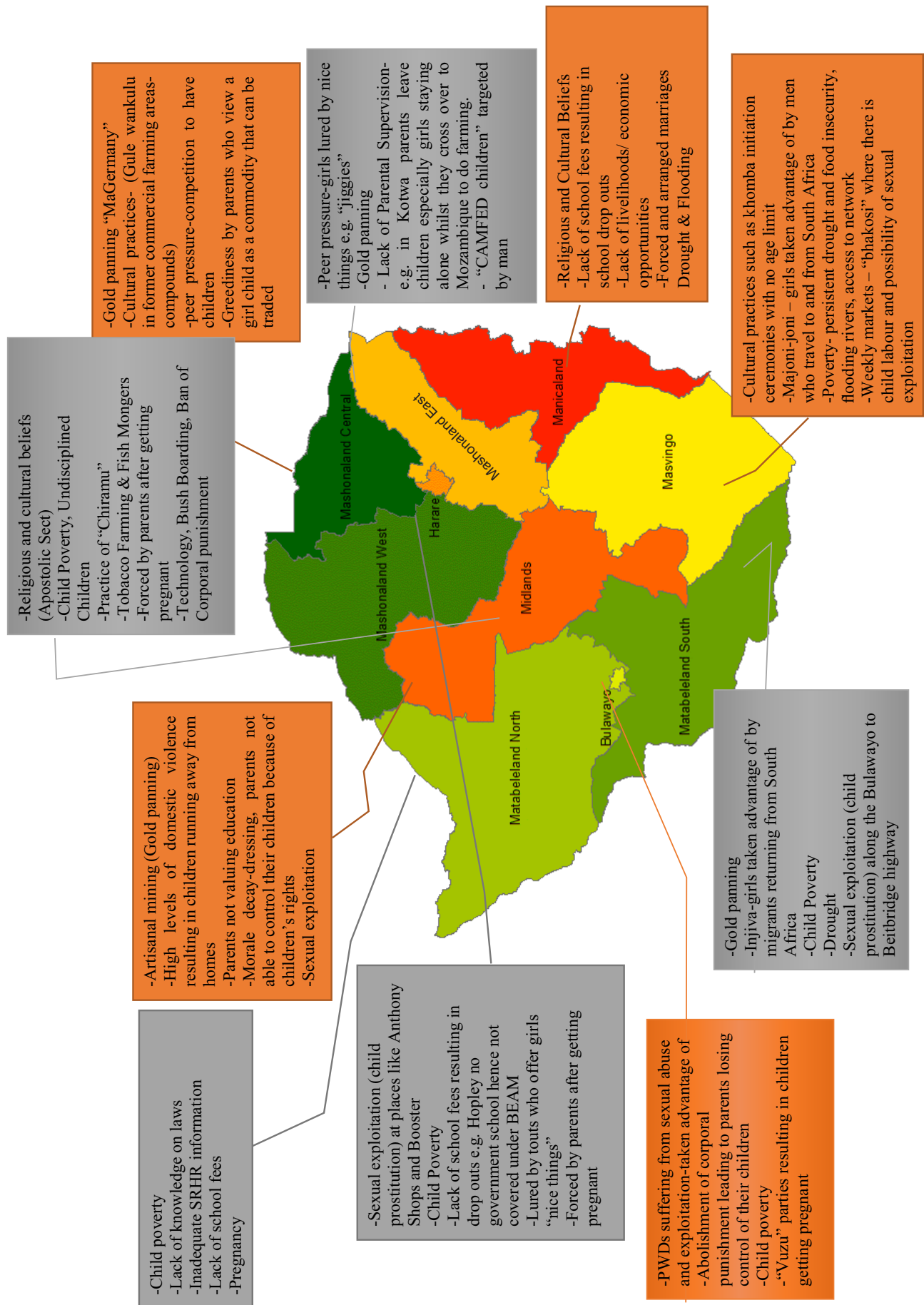
In Umzingwane, it was also established that the gold panners who impregnated young women and girls often disappeared, or refused responsibility for the pregnancies and therefore did not maintain the children. As a result, the girls and young women end up becoming sex workers in order to fend for their children, which further perpetuates their sexual exploitation. It was further noted that the young girls themselves had become “naughty” through indulging in sexual activity, which often resulted in pregnancy and a push for marriage. Gold panners flush money in order to attract young girls “*Ingwe idla ngamabalaayo*”, *Leopard uses its spots to attract food*”.

3.4.2.2 Religious and cultural beliefs and practices

Various Religious practices are attributed to the spike of SGBV as emanating from the ideological belief that women ought to be subordinate and submissive to men. The rites practised by various apostolic sects were highlighted as some of the key drivers of child marriage especially in Mutasa. Information was also presented to the effect that other minority Religions like Muslim have practices which promote polygamous marriages which is attributed as a key conduit for child marriages. Survivors testified that their parents’ firm belief in the apostolic sects’ religious practice of spiritual cleansing or “*kushandirwa*” because of “*mamhepo*” (evil spirits) often resulted in the illicit unions or being forced into child marriage. It was also submitted that some Johanne Marange apostolic Church still practise the *mabondwe* (a practise whereby senior wives bring young girls to stay at the compound as they await to be adopted as wives later). In the thick of things, the young girls would eventually be involved in sexual activities before reaching the age of eighteen. One survivor noted that her ‘marriage’ had been difficult as she lost two children and because of that it had caused strife in her marriage but she eventually left the apostolic sect that prohibited medical care and was now living a better life because she had all her SRHR needs met. In Umzingwane, this religious practice was also reported to be common in the Zion church. As a result, child marriages are now seen as normal in these religious communities, such that most people and some of the survivors in these communities see nothing wrong with child marriages.

There are other cultural practices such as “*koomba*” initiation ceremony into adulthood for girls during their puberty stage, that contributes to child marriage as the initiated girls are often targeted by older men who lure the girls with gifts and money, leading to sexual exploitation resulting in teen pregnancy and school drop-outs. However, there is still a lot of privacy and secrecy surrounding the practice as it is a sacred part of the Shangani culture.

3.4.3 Map showing main specific factors/drivers/causes behind child marriages and sexual exploitation in the Districts covered by the National Inquiry



3.4.4 Effects of child marriages and sexual exploitation and abuse

It was evident from the national inquiry that there are negative effects of child marriages on the rights of children, especially girls. These include Gender Based Violence (GBV), limited access to SRHR services which leads to early and complicated pregnancies, difficulties in progressing in education, and lack of play. This is further supported by UNICEF which highlights that child marriage has a devastating impact on girls as it disrupts childhood and deprives girls of their right to be a child, often leads to school drop-out, not allowing girls to develop their full potential, and early pregnancies when a girl is mentally and physically not yet able to give birth and take care of a young child⁶⁸. Child marriages expose the girls to a longer fertile life and denies a chance of making decisions concerning family planning. Information presented revealed that a child bride is more likely to have more offspring compared to women married at a mature age; a situation which exposes her to poverty. Child marriage deprives children of their right to acquire right skills to enter the labour force as adults and pushes them further into poverty. Child marriage also increases the girl's risk of domestic violence, psychological and physical violence, including sexual violence, and HIV infections⁶⁹. Informants in Shamva also presented that the unholy union with Child Brides usually subsist for long as the child bride is likely to fall out of favour once she loses her youthfulness. In some cases, the union will be discontinued.

3.4.4.1 Gender Based Violence (GBV)

Girls who are married before 18 are more likely to suffer from intimate partner violence, including sexual, physical, psychological and emotional violence⁷⁰. There were cases of survivors who were physically abused by their husbands especially after having consumed alcohol. In one such case, there was one survivor who had to flee through the window of their house and slept in the bush at a nearby stream. All this happened while she was pregnant. Even though she gave birth to a healthy child, it was a traumatizing experience for her.

Another case was of a 33-year-old who got married at 17 years when she was in Form 2. She had challenges falling pregnant and was always attacked because of the failure to conceive. She had her first child after 2 years but her husband would threaten and physically assault her as a way of trying to chase her away from home. She highlighted that she actually wanted to go home but felt like she would be a burden to her parents. She had two more children, and after the birth of her 3rd child, she stole money from him and fled to Harare. She left one of her children and had to come back as a delegation was sent to reunify them. She is still married to her husband despite the continued abuse. She is one of many survivors who continue to suffer GBV at the hands of their husbands without seeking justice. Investigations revealed that most of the survivors lack alternative support systems and are not self-sufficient, hence they depend on their abusive husbands as breadwinners.

3.4.4.2 Limited SRH choices Studies have shown that Adolescents that are afforded access to SRHR information and knowledge necessary to protect themselves are more empowered to make full, free and informed decisions about when or when not to have sex when they are ready, and without suffering negative consequences for doing so. One survivor from one of the apostolic sects noted that her 'marriage' had been difficult as she lost two children, which had caused strife in her marriage. Eventually she left the

⁶⁸<https://www.unicef.org/zimbabwe/end-child-marriage-empower-women>

⁶⁹Ibid

⁷⁰(UNICEF 2022) <https://www.unicef.org/zimbabwe/media/5591/file/Zimbabwe%20Annual%20Report%202021.pdf>

apostolic sect that prohibited medical care and is now living a better life because she had all her SRHR needs met. The unequal gender power relations in child marriage unions limited the survivors' decision-making choices in SRHR issues particularly family planning methods. Some survivors indicated that they did not use any contraceptives because their husbands wanted more children. Adolescents who illegally engage in sexual activity are not able to access information and health services related to sex, risk having unsafe abortions, carry unwanted pregnancies and are at risk of contracting STDs.

3.4.4.3 Pregnancy related complications

Research shows that the better access adolescents have to sexual reproductive health services, the more likely they are to be empowered to express full, free and informed consent to sex. It was established that child marriage negatively affected the maternal health of survivors since they often give birth too early when their bodies are not ready and away from proper medical facilities. One-third of maternal deaths are among adolescent girls⁷¹. In Magunje, the youngest survivor was married at 12 years and gave birth at 13 years old. In Lower Gweru one 14-year-old girl delivered and suffered 3rd degree tear and had to undergo corrective surgery. One Key Informant in Karoi cited one case of a girl who suffered Obstetric Fistula as a result of getting pregnant whilst still young. The young girl was fortunate to benefit from an initiative on fistula repair by one of the development partners.

3.4.4.4 Difficulties in progressing with education

For girls especially, child marriage can lead them to drop out of school, which renders them more vulnerable to further rights violations. Child marriage has a negative impact on the development of the country, as girls married before having completed their education are limited in their job employment and their contribution to the economy⁷². Evidence showed that survivors' chances of going back to school were limited after marriage. In cases where they did manage, they faced a huge burden of balancing their school work and marital workload including taking care of their children. In Shamva, there were reported cases of two girls who got married at 14 years who now have a double burden of going to school whilst at the same time taking care of their young children who are both less than 2 years old. In addition, the survivors suffered discrimination in schools from other school children for being married early and becoming young mothers. This ultimately affects their educational performance.

3.4.4.5 Limited right to play

It was reported that child marriages lead to an infringement of child rights such as their right to play. Survivors in most cases were overburdened with house chores by their in-laws without being accorded time to play with other children. This is because of the view that once a girl gets married, she has to automatically act mature as a married woman with adult responsibilities.

3.4.4.6 Giving birth to many children

The fact that the girls are married early and start giving birth at an early stage means that they have long fertile periods which usually means bearing more children who need to be taken care of thereby increasing the risk for poverty. Closely related to the issue of child marriage is the age at which sexual activity and childbearing for females may begin.

⁷¹Apostolic Religion, Health and Utilization of Maternal and Child Health Services in Zimbabwe (UNICEF 2011). <https://www.unicef.org/zimbabwe/media/1006/file/Apostolic%20Religion,%20Health%20and%20Utilization%20of%20Maternal%20and%20Child%20Health%20Services%20in%20Zimbabwe.pdf>

⁷²(UNICEF 2019)- <https://www.unicef.org/zimbabwe/media/2601/file/Age%20of%20Consent%20Report.pdf>

Women who are married before the age of 18 tend to have more children than those who marry later in life⁷³. This is most likely to increase pressure on national resources due to high demand for social services support because of population increases. This was evidenced by survivors who testified that their husbands still wanted more children as they did not want them to use contraceptives.

3.4.5 Vulnerability of Children with Disability in Relation to Child, Early or Forced Marriage

Six Survivors with disabilities were interviewed whilst more than 12 testified during closed hearings. Evidence proffered was that parents to children with disabilities were actually protective of their children especially those with albinism and mental disability therefore statistics for such cases were difficult to gather. However, it was noted that girls with disabilities are main victims of rape and sexual abuse especially those with mental disabilities. Leonard Cheshire, an organisation supporting PWDs submitted that generally PWDs (Persons with Disability) were much more vulnerable to Child marriages and Sexual exploitation and abuse.

Leonard Cheshire further submitted that intersectionality of disability and poverty, compounded by discrimination by the society as well as lack of accountability on community mechanisms to support and protect PWDs were some of the challenges faced by PWDs. Members of the society also propagated abuses to PWDs through initiating rituals on them. Leonard Cheshire has started implementing a programme on SRHR (Sexual Reproductive Health Rights) targeting PWDs in partnership with PSI (Population Service International) and NAC (National Aids Council) with support groups having been established to facilitate the process. However, the organization has no specific programme targeting PWDs on the streets besides mainstreaming disability issues in their integral work.

In 2021 Leonard Chesire reached out to 2400 people through its community work. Of these 809 survivors were assisted through their shelters with the majority of them being survivors of sexual abuse. The double cost nature of following up cases of PWDs is a big challenge for many organisations which are not adequately funded. As such, the majority of the cases involving PWDs always die a natural death.

Help Her Heal, an organisation supporting survivors with disabilities submitted that they had handled more than 10 cases of PWDs. The organisation further submitted that, lack of sign language policy posed challenges and made it difficult for formal interpretation during court proceedings and challenges of mobility as some survivors are wheelchair bound. The issue of high costs involved to cater for the survivor with disability was also a major challenge.

It was noted that community perceptions of persons with disabilities varied from district to district. In Umzingwane there was evidence that sleeping with a person with a disability will bring you luck and so there are cases of PWD being impregnated after being sexually abused. There are also elements of discrimination of persons with disabilities by family and communities because they cannot voice or fight back. One survivor who suffered from a mental disability was interviewed as she is a victim of rape from a family member resulting in a child from the relationship. She gave testimony in the absence of her caregiver and this was remedied by having the Social Development personnel on call as a means of safeguarding her rights.

⁷³Zimbabwe National Statistics Agency (ZIMSTAT) and UNICEF (2019). Zimbabwe Multiple Indicator Cluster Survey 2019, Survey Findings Report. Harare, Zimbabwe: ZIMSTAT and UNICEF.

3.4.6 Reporting and Referral

Evidence collected from communities showed that when a case is reported to the police, “no action is taken” so the community is slowly losing confidence in the reporting of cases. It was noted that a case can either be wound up within at least two weeks to three months or at most a year. This was also accompanied by the fact that the perpetrator may be out on bail and give an impression that reporting will not change anything and therefore affects the reporting trends in communities.

Another key influence on reporting and referral is that usually the perpetrator and the complainant are related or are neighbours thereby interfering with the natural course of justice because of fear and potential tension among them. The likelihood of parents and families negotiating among themselves without reporting to relevant offices is higher because they feel they can negotiate and benefit financially instead of taking the matter up. There was evidence led in Binga district to the effect that people are also afraid of being bewitched and that strongly deters reporting alongside a lack of appreciation of the role and responsibilities of the different reporting structures.

In some instances, some of the victims are orphaned or do not have custodial parents or are even neglected therefore the police at times are said to be not prioritizing such cases. Testimony from survivors was to the effect that their families or support structures determined their actions with regards to reporting. Some survivors heavily relied on their husband’s sister to resolve their issues while others depended on grandparents or parents depending on the family dynamic.

It is also worth noting that the costs and administrative directives of reporting determine the reporting of cases in different jurisdictions. For example, in Chilonga the easiest police point for reporting is Chiredzi town but there are usually referred to Chambuta local police base where clients or victims are made to buy fuel for the investigating officer to ensure that the case is investigated. The cost is also problematic as Chiredzi costs less at \$1.00 while bus fare to Chambuta is ZAR50.00. These unnecessary costs and directives have an impact on reporting of cases to the relevant authorities.

There is also an emerging trend of police officers taking bribes in the form of a beast in such cases for the victim or the complainant and the matter is delayed or the docket vanishes and does not see the light of day in court. However, there are success stories that were identified by community members such as one case that was reported to the CCW and other community facilitators who followed on a child who had been married off and returned the child to school.

The current referral system generally includes the CCW from the Department of Social development, the VFU Police, traditional leaders, health facilities as well as civil society organizations. The young people in the audience in Mutasa and Chiredzi for example knew of the toll free number 116 from Childline and noted that they make use of it to report.

One witness testified of a community structure of a group of twenty people supported by the ZPP who are tasked to go and return the child brides to their homes. This group is mainly based in ward 7 (Chilonga) and has reported a number of successful stories of retrieving children from as far as Bikita and Mwenezi in a bid to end child marriage. The group travels with a representative from the police and this strengthens the role they play in retrieving survivors. It was noted that parents are only interested in the lobola aspect of the marriage and nothing else so their encouragement for retrieving and unification is that they should wait till the child is 18 years.

Lack of psychosocial Support Systems for Survivors

The lack of psychosocial support system for most of the survivors is a big cause for concern as this makes them lose hope in life. In Magunje two of the survivors still need psychosocial support as they broke down during the hearings. One survivor with multiple disabilities who was severely traumatised by the abuse and is now staying at a children's home because perpetrators were both close relatives. The survivors' stories really tell harrowing experiences that the girl child is going through within the communities and abusive marriages hence the need to come up with exit pathways for those children willing to come out of these abusive marriages.

3.4.7 Legal and Policy Issues

The major issue with regards to laws and policies related to lack of knowledge or ignorance of the laws especially with regards to the Constitution as opposed to the laws on children. Evidence from communities was that they knew of a Constitution but not of its contents as well as not aware of judgements and amendments being made that relate to children's rights.

There may be a number of laws available to the communities but enforcement of the laws is hindered by a number of factors such as non-reporting, insufficient evidence, non-provision for persons with disabilities, distance to courts among others. These factors need to be tackled at community, district and national level depending on the needs of each district.

This ignorance can also be with some stakeholders who do not have a legal background and may fail to comprehend legal issues or refer to material from civil society with legal literature without fully grasping the implications especially with regards to the Constitution. It was also highlighted that there are no local policies or by laws that are put in place in some districts such as Chiredzi, no communication from traditional leaders or alternatively they were not aware of any existing policies or by laws.

There may be a number of laws available to the communities but enforcement of the laws is hindered by a number of factors such as non-reporting, insufficient evidence, non-provision for persons with disabilities, distance to courts among others. These factors need to be tackled at community, district and national level depending on the needs of each district. The predominant issue is related to the non-alignment of laws to the Constitution and the disharmony that resulted in inconsistent reporting as well as prosecution of cases. This was coupled with the information gap in the languages of constituents including disability friendly material to ensure that the information reaches to the most marginalised groups.

There was also evidence for the need for a monitoring system that holds duty bearers to account on obligations made in policies and actions affecting girls in the fight against sexual exploitation and child marriage. Traditional practices that remain largely unwritten but form the core of the moral fibre of the community remain housed in the traditional courts and structures that communities have knowledge of. Challenges by persons with disabilities in accessing the justice system were noted in Bulawayo.

Discrimination of boys by the laws which has seen the boy child being disadvantaged and not being given any attention. This has seen cases of abuse of boy children being ignored or not reported. Two cases of two boys who were sexually abused and needed psychosocial support were identified in Alaska.

3.4.8 Access to Justice and Social Protection Mechanisms

When it relates to access to justice the major issue is the distances to the magistrate's courts for prosecution of cases. If there is no provision of bus fare and accommodation, then most cases are not prosecuted as the complainant and witnesses would be missing. There is a gap in relation to disability friendly courts, be it the local and primary courts or the magistrate's courts. There are no sign language interpreters at police stations and prosecution level. Some of the courts do not have rails or ramps for wheelchairs. This alienates persons with disabilities from accessing justice.

There is also evidence of lack of support structures that would enable survivors access justice. Without parents or relatives, it becomes intimidating to report and pursue prosecution of cases. This is even more evident in districts without safe shelters where a survivor can seek psychosocial support as well as assistance with the legal proceedings. Overall, litigants and communities are intimidated by the magistrate's court system especially if the accused engages a lawyer. Without proper support and engagement, a complainant may be afraid to give solid testimony in court to ensure prosecution and sentencing.

At the beginning of the inquiry, the Marriage Act 5:15 had not been passed and concerns had been raised by stakeholders on the unavailability of a law that prosecutes offenders of child marriage. It was noted that the police at times use the charge of kidnapping to try and press charges or alternatively encourage survivors obtain a protection order for a case of child marriage as provided by the Domestic Violence Act.

Witnesses often abscond court proceedings as there are no protection mechanisms for them to give evidence without fear and threat of being scorned when they return to their communities. There is no tangible evidence but communities often feel that police and prosecution are being bribed by perpetrators to throw out evidence during proceedings and this deters justice from being served.

In Mutasa, child marriages are often exercised in private and it was disheartening particularly for the ZRP VFU to note that parents (both mother and father) would often take the children out of the jurisdiction of the area or lie as to the location of the girls in a bid to allow continuation of the 'marriage'. There was much emphasis on religious practices such as those practiced by various apostolic sects as well as poverty as the key drivers of child marriage.

3.4.9 Access to SRHR Services

There is inconsistency in relation to accessing SRHR services by survivors. Some testified that they only knew of condoms from basic education at primary and secondary school. Some went as far as stating that they knew of family planning and contraceptives but did not use them for no particular reason. In Mutasa it was evident that their religious practices (Apostolic Sect) did not allow them to use any form of birth control. It was also noted in Chiredzi that there was no curriculum during "*khomba*" initiation that refers to safe sex or birth control.

It was also noted that when it comes to use of contraceptives the survivor's husbands made the final decision. Three cases of survivors who were beaten for using contraceptives without approval from their husbands were recorded. In Lower Gweru two survivors were divorced for using contraceptives (family planning pills) without the knowledge of their husbands who then accused them of infidelity. In Hurungwe, 5 survivors indicated that

they use family planning methods whilst the rest did not, since their husbands wanted more children.

There was testimony of a case in Bulawayo where the rape of a girl with disabilities resulted in her contracting HIV from the rapist. Although she was on medication through assistance of her caregiver it illustrated the gap on SRHR services for women and girls with disabilities especially those with mental disability. One witness stated that she had been given the family planning pills to give the survivor but had decided not to pursue the issue for no reason. It was also noted that reporting of cases was usually done well after the stipulated 72-hour period and made provision of the services near impossible for survivors.

Survivors noted that their first sexual encounters were usually unprotected sexual intercourse with little regard or worry over unwanted pregnancies or risk of transmitting STIs or HIV. In Umzingwane it was noted that at times some clinics or health facilities would turn away clients for want of a police report and that engagements were being done to ensure that the survivor centred approach was implemented at all facilities consistently. Pregnant teens were at a greater risk of facing challenges of shelter as it was noted that they were not permitted to stay in safe shelters for women as well as that they could not stay in children's homes. This gap was illustrated in Mutasa and it poses a huge gap if support is not given for pregnant minors to access services. A survivor in Binga also noted she was turned away from a local health facility in her ward and had to register her birth in Binga with an extra cost for transport and accommodation and therefore there is need for a consistency in service provision of SRHR for girls and young women.

There was evidence of some girls engaging in sex work in Umzingwane and they highlighted that at times they could negotiate for safe sex but other times they could not since unprotected sex is more profitable for them as they charge more for it but it exposes them more. This was closely linked to instances of GBV that risked their health and wellness to depression, stress, drug abuse as well as HIV and other STIs. The sample of survivors interviewed had children with one or two children who were less than 2 years apart in age. This could be a result of the lack of use of the family planning. Survivors had young children including new born babies, toddlers and early primary school goers.

The majority of survivors were using different types of family planning methods including the pill, Depo and Jadelle. One survivor noted that her 'marriage' had been difficult as she lost two children and because of that it had caused strife in her marriage but she eventually left the apostolic sect that prohibited medical care and was now living a better life because she had all her SRHR needs met.

3.4.10 Measures to Address Child Marriages

The various stakeholders, survivors and other state and non-state actors suggested the following interventions in order to end child marriages and sexual exploitation of girls and young women;

- Capacity building of traditional courts as first responders to sexual exploitation and child marriage to manage and preside over reported cases
- Alignment of laws to the Constitution particularly laws on protecting children and promoting gender equality
- Supporting survivors of child marriage with skills and training to support their children through a fund managed by the relevant ministry
- Mainstream disability in the justice sector and referral structures at community, district and national level

- Decentralizing the ZGC
- Resuscitation of the “Zunde raMambo” concept through support from the government as first responders who can provide the social safety nets for survivors
- Stiffer penalties to perpetrators of child marriages to deter future child marriages
- Reprimand children who willingly run away from home to get married to deter them from choosing marriage
- Ministries to be resourced with vehicles and trained manpower to deal and respond to cases of child marriage
- Sporting activities and recreational facilities for young people.

3.4.11 Best Practices

- Enforcement of positive traditional beliefs such as those that used to bar early sexual relationships through the traditional court structures
- In Mutasa however, civil society organisations interviewed noted that they had trained cadres that referred cases to the DSD through CCWs as well as the VFU and their neighbourhood police personnel
- In Hurungwe the Department of Social Development (Ministry of Public Service Labour and Social Welfare) once carried out an exercise of identifying and removing children in child marriages and taking the perpetrators to court whilst the survivors were placed in places of safety
- In Mashonaland West Pamuhacha is providing psychosocial and material support as well as sending back survivors to school
- In Mudzi and Binga CAMFED working with the Ministry of Primary and Secondary Education is supporting survivors returning to school through the second chance education project
- In Shamva Rozaria Memorial Trust is also supporting survivors returning to school through the second chance education project, Girls Support Clubs using the “Nhangwa Model”.

3.4.11.1 Community Interventions

3.4.11.1.1 By-Laws (Shamva case)

a) Shamva Chiefs By-Laws

Rozaria Memorial Trust supported the four chiefs in Shamva district come up with bi-laws on ending child marriages. See Annex section.

b) Chief Mutasa

Chief Mutasa was a magistrate for 20 years and also practiced as a lawyer. He is an author of a book entitled, “Collection of articles on ending child marriage “He stated that according to the law child marriage was a marriage of a person below the age of 18 years. He noted with concern that this assertion of child marriage is presenting a wrong message instead it should be termed child abuse. According to Chief Mutasa child marriage was never done as part of our culture but was brought in by religious practices and beliefs.

In order to mitigate the challenge of child marriage in his jurisdiction he has adopted an action plan that is utilized by all traditional leadership in the district including headmen and village heads. This involved verification of age by the village heads and reporting if any case arises to police and fellow traditional leaders. He further highlighted that he conducts advocacy campaigns on child marriage with the religious leaders particularly those from the Johanne Marange Apostolic sect. He noted the need for alignment of laws

especially with regards to criminalizing sexual acts with children at the age of 17 as he noted it was a gap that potentially leads to child marriage. He ended the interview with a message: “We cannot attain gender equality without dealing with issue of child marriage.”

3.4.11.1.2 Case Studies of Successful Reintegration of Survivors of Child Marriage and SEA

CASE ONE

Girl got pregnant at 16 and chased from home and stayed with the father of the child who was 18 at the time and his family for a year. She highlighted that the sexual encounter that led to pregnancy was a forced encounter. She suffered verbal and emotional abuse from the husband’s family but after a year she was tracked and identified by CAMFED in 2021 and was taken back to school. She is currently enrolled in school and doing form four.

CASE TWO

Millicent (Pseudo Name) is a survivor of sexual abuse from Alaska Mine in Makonde District in Mashonaland West. She comes from a family of three children. Millicent’s parents left for greener pastures and left the children alone and family became a child headed household. She started selling tomatoes and being a vendor so as to fend for the family and her younger siblings.

The rapists and perverts in the village saw this as an opportunity to divert her attention and manipulated her into a sexual relationship at the age of fifteen when she was doing her form three at the time. She ended up being forced to leave her home to go and stay with a man who manipulated her into the relationship. At 16 she fell pregnant and she was forced to marry the “rapist”.

When the perpetrator discovered that she was pregnant, he fled and was nowhere to be found. She became miserable and she had nowhere to go. Her matter was reported to the community child care worker who then referred her to Pamuhacha, a community based organization working with survivors of child marriage sexual abuse. She was enrolled into Therapeutic Support Group and joined a group of other girls who had similar stories.

Her matter was reported to the Police and the perpetrator was placed on the wanted person’s list. A Social Worker from Pamuhacha provided her with psycho-social support, counselling and cognitive behaviour during the TSG meetings. This marked the beginning of her new journey. She was offered legal empowerment, legal advice and referral to other clinical services such as HIV testing and family planning services.

The child was taken back home through family reunification and she started going back to school through the second chance education program. She was offered support with stationary and worked very hard. When the Ordinary level results came out, she passed six subjects including Maths, Science and English. Pamuhacha assisted her to apply for nursing course, however she did not get any response, she has started applying for other programs for her continuation with school and she is waiting for responses.

CASE THREE

Failing to access justice because a child cannot express their views and no one can clearly interpret the message that they want to send across to the court because of disability is the most excruciating experience one can experience as a survivor of sexual abuse.

Florence is a 16-year-old girl child with a disability. She speaks home sign language which is not an official sign language and can only be understood by those that stay with her. The survivor was raped by a man from her village in a dilapidated Shackleton Mine in Makonde District. The matter was reported to the Police when the child was now pregnant. The accused person was identified and taken into Police Custody. Trial date was then set.

The matter went for trial and there was need for an interpreter who could accurately relay the message to the court. Unfortunately, the interpreters failed to articulate the issues properly to the child. When the judgement was issued, the accused was found innocent and acquitted.

However, this was not the end of the world for Florence. There was advocacy for the application for termination of pregnancy and the Florence managed to successfully terminate the pregnancy. Florence joined the Therapeutic Support Groups where she was offered legal assistance and cognitive behaviour therapy.

Florence was later identified to take part in the second chance education at a local High school that offers sign language in Chinhoyi. The child is back in school and is now able to learn official sign language and proceed with her education.

3.4.11.2 Closed Hearings Testimonies by survivors

Testimony 1: Harare Province-Epworth

"My name is XXX a young girl aged 15. I am currently staying in Epworth but I grew up in our rural home where I was staying with my grandmother who is the mother to my own biological mother. I never had a chance to see my biological father because he passed away when I was still very young. So, my mother chose to get married again and she left me staying with her mother in the rural areas. My grandmother was the one who used to sponsor my school fees till grade six when I dropped out of school. The major reason for dropping out of school was lack of school fees and books, my grandmother could no longer afford to continue sponsoring my fees. At the age of 13 I fell in love with a boy who was aged 22 and we became boyfriend and girlfriend. Because I was no longer going to school, I had nothing to occupy myself as I would spend the whole day at home hence that prompted me into that relationship. After a few months of dating, I fell pregnant with my boyfriend. I then eloped and my boyfriend accepted to stay with me. He sent money as a form of payment (TSVAKIRAIKUNO) at our house notifying them that he is the one staying with me and that I was pregnant. My mom is the one who received this money. Our marriage did not last long because this boy was very abusive, he would beat me and engaged in extra marital affairs with many girlfriends. He would call and chat with them in my presence and that was very depressing considering I was pregnant. However, due to continued quarrels we separated whilst I was pregnant and I went to stay with my mother and my stepfather where I am still residing right now. I later gave birth and the father is not taking care of the baby. I fellowship with ZION church."

MESSAGE TO FELLOW GIRLS

- Education is the key to success and financial independence
- Girl child needs education
- Parents should ensure that they take their children to school by paying fees and all that is needed

Testimony 2: Harare Province: Epworth

"My name is XXX a young girl aged 15, I am the first born in a family of four. I stay in Epworth with my parents in a one room that we are struggling to pay for rent. In 2018 my father got into an accident and his right leg and the spine got injured to an extent that up to date he can't walk a short distance of 500m. He was our breadwinner and after that accident the narrative of our lives turned upside down. My mom was a house wife and she had to come up with a survival strategy for the family to live and the only viable option that she thought of was garbage collection. I was only 12 years old when we started to collect all the plastic container garbage and deliver it to recycling companies for a fee and that became our way of living. As we would go every day for garbage collection, I met a male friend who was a boy who sells sweets, airtime and jiggies. This boy started off by doing me favors of keeping empty plastic containers and every time when I passed through, he would call me to collect the containers and that is how we became friends. A month later this boy asked me to sleep with him and by that time I didn't know what he meant so I agreed. He then took me to a bushy place, removed my clothes and slept with me. Soon after he hurriedly wore his clothes and left me in the bush. Since that day I never saw this boy, he disappeared and when all this happened, I didn't tell anyone. Six months down the line my mother noticed that there was something wrong with me and she took me to the Edith hospital. This was the worst moment ever when we realised that I was pregnant at the age of 12 and when I slept with this boy, I never knew the consequence of what I was doing. After coming from the hospital my mother went with me to Epworth police to report the case but it was all a waste of time because all I knew about this boy was his name alone. However, the police tried to look for this boy but he was nowhere to be found. Fast forward time to give birth came and the nurse said my body was very weak for a natural birth hence I was supposed to have an operation. Fortunately, by God's grace I then had a natural birth and now the baby is 1 year 8 months. Currently I stay with my parents and we are in deep poverty. We don't even know what our next meal will be. Given a second chance I would like to be capacitated with a hairdressing course so that I can't take care of my baby and the family."

NB: During the interview it was observed that the child was not mentally stable

The appearance of the 15-year-old mother was worrisome in terms of dressing, ambience and the baby looked malnourished

MESSAGE TO FELLOW GIRLS

-Getting into marriage at a tender age can result in you dying because your body won't be ready for that
-Lack of knowledge makes many girls vulnerable to child marriages

Testimony 3: Harare Province: Epworth

"My name is XXX. I am a girl aged 18 who stays in Epworth. I was form two when I first dated this boy, at that time I was 16 years and he was 21. We dated for 3 months and the boy started asking for sexual favours which I refused. He also tried to invite me to his house and I refused again because my mother would always tell me that it is not safe to go to a boyfriend's house. I was so firm to say no whenever he asks about having sex with me. One day this boy then said to me lets go for a party in Highfields at my friends' house and I agreed not knowing that he had his plans all set. When we got there for sure the party was there, after a few hours at the party he then grabbed me dragging me into a room where he forced me to sleep with him. When this happened, he was not drunk nor was I drunk either. I immediately fell pregnant, as soon as I found out that I was pregnant I told him and he refused to be the father. I then eloped to where he was staying with his father and stepmother. When I eloped, no money was even paid (tsvakiraikuno) and my father said he didn't want any form of money because I was too young for marriage. The moment I got there he ran away so I stayed at that house for a few months but the environment was not conducive because of his step mother. I came to realize that when I eloped there was another girl of my age that he had also impregnated. His step mother liked the other girl more than me despite the fact that this girl was staying at their house. Due to that I left their home and went back to our house. When I went back home, my parents reported the case to the police in Epworth but it was a fruitless attempt as this boy would always get a tip off from his police friends to run away whenever we wanted to catch him. Sadly, the other girl who was impregnated at the same time with me was denied by this boy and as we speak, he has now impregnated another young girl. I feel like this boy knows that he can get away with this because the police are his friends. Up to now I never got the chance to proceed with school since my baby is 2 years old."

Comment: Forced intimacy by perpetrator and alleged obstruction of justice by police who are supposed to safeguard the rights of citizens

MESSAGE TO FELLOW GIRLS AND BOYS

-A girl child needs to guard herself jealousy
-A girl should not go to private places with a boy neither to his house
-Girls needs more awareness on the consequences of child marriages
-Boys need to be brought to justice not to take advantages of girls

Testimony 4: Harare Province: Hopley

Brenda (pseudo) was married at 15 years and husband was 19 years at the time. Got pregnant at 16 years, currently she is 18 years of age. She dropped out of school because of lack of funds and he fell in love with this man because he would provide her with school stationery and he also took care of her family. The husband later married other women and she had to go home to her parents since the man had taken another wife. She was told at the hospital that she was HIV positive and when she confronted the former husband he denied these allegations. The relatives wanted the husband to be jailed for this but others were against this. The father of her child does not even take care of her and the child. Brenda expressed pain from this neglect and wanted help from various stakeholders.

Testimony 5: Mashonaland West: Hurungwe

13 Years Old with Disability

- The youngest survivor was 12 years old and gave birth at 13 years' old
- She is back in school doing grade 5 with support from Pamuhacha
- She has speech disability

NB: Could not give more detail due to communication challenges

Testimony 6: Mashonaland West: Hurungwe

One survivor with multiple disabilities severely traumatised by the abuse and is now staying at a children's home-perpetrators were both close relatives.

Testimony 7: Manicaland: Mutasa

"I am 20 years old and I reside in Nyamande village. I attended Kutenda kwevatumwa church and I have a physical disability. I completed my primary school education in 2014 and did not pursue my secondary education. I am currently living with my mother and father. When I was 17 years old I was raped by a neighbour. He threatened me not to report the case but I managed to tell my parents. It was agreed that he should be arrested but he attempted to flee but was subsequently arrested. The wife of the perpetrator wanted to pledge 2 cattle as reparations for the rape and in the end the accused spent 14 days in jail. The case is still pending and we hope to pursue it. I think one should be married when they are at least 22 years old as one would be mature and have enough resources."

NB: Rape case of PWD who was taken advantage of her vulnerable condition

Justice has not yet been served

Testimony 8: Manicaland: Mutasa

"I am a girl who completed her ordinary level education at Sagambe Secondary school. I am 18 years old but I got married when I was 16 years old. My husband is 23 years of age. I was in a relationship with the father of my child and we got married especially because his mother would come to my homestead and demand I come to their home. My in-laws attend the Mugodhi church. I have not taken my form four results because my husband does not want me to get the results. Currently I reside with my in-law's as well as my husband's older brother who has two wives. I do not use any form of contraceptive. I am hoping to get my results and possibly pursue a nursing qualification."

NB: Case of child marriage and concealment of the case from being reported to police

Religious practices discourage use of contraceptives

Testimony 9: Manicaland: Mutasa

"I got married when I was 14 years old in 2017. My husband is now 27 years old. I had fallen pregnant and eloped and didn't want to come back home despite efforts by my family, but at the time I did not realize what marriage was all about. My mother in law however didn't approve from the beginning. During the marriage I suffered abuse such that at 9 months pregnant I was beaten and escaped through jumping out of a window. I went to the police and to the hospital and fortunately the baby survived. A docket was opened and my parents took me back home until I gave birth. The case went to court and he was sentenced to pay a fine. I returned to school for Form 2, term 2. I was the laughing stock of school but I pursued my secondary level education. I wrote 4 subjects for my ordinary level exams in 2021 and I passed. I am hoping to pursue a nursing degree."

NB: A success case of second chance

Testimony 10: Manicaland Mutasa

"I fell pregnant at 16 years of age last year while I was in Form 2. My husband is now 25 years and was a member of the Johanne Masowe sect. When my parents found out they asked me if I wanted to go to my child's father and I agreed. I stayed with my husband and in-laws and stayed there for 2 weeks. I suffered because I wasn't given food and generally they did not approve of the union. One day I was chased away and had to sleep at a nearby river and I was saved by the neighbourhood police and reunited with my in-laws. After some time, I was chased away again and went to my parents who spoke to the village head and headmen. A letter was written to the Magistrates court and I was advised to attend court after giving birth for claiming maintenance. He has since denied paternity and has not assisted in getting a birth certificate for his child. I wanted to be a nurse and if an opportunity to go back to school presents itself, I will take it."

Testimony 11: Manicaland Mutasa

"I am 16 years old and I was staying in Watsomba with my maternal grandmother. She however passed away in 2019. During the time I was staying with her I was raped by her last born son who is 18 years. I reported to my uncle who is a village head and nothing happened afterwards. After some time, I was again raped by my cousin who is 17 years in the guise of playing but he overpowered me and raped me. At first I didn't tell anyone but eventually I told my grandmother who told my mother's younger sister. Again a report was made to the village head who is my uncle and again nothing was done. I have been threatened to not say anything as we are all related to the perpetrators. Since tensions were high I was referred to the safe shelter through the CCW where I have been staying for the past 3 months. No report has been made to the police. I obtained 13 units at grade 7 and would like to proceed with my secondary education."

Testimony 12: Manicaland Mutasa

"I am a girl who got married at the age of 17 years after being in a relationship. My husband was born in 1962 and my highest education level is Grade 7. Our parents accepted the marriage as we were all from the Johanne Marange sect. Lobola was paid and I am his 4th wife with 3 children. All my births were done at home by those called "varapi" and traditional or natural medicine is used. However, I had suffered two stillbirths as I was not using any form of contraception and temporarily lost my mind which led to us finally seeking medical help. I received medical care including family planning services and we then changed churches (Kutenderana kwevaPostori). I am now at peace and living well with my husband as I have received medical assistance and able to plan my family."

NB: polygamous marriage involving a child bride who suffered trauma due to still births

Huge age difference between the husband and the survivor

Influence of religion within family beliefs leading to setting –up of the marriage

Testimony 13: Matabeleland South: Umzingwane

"I was 14 years old and my boyfriend was 16 years old when I fell pregnant. It was during the COVID19 lockdown era. We were both attending the same school. When I informed my boyfriend of my pregnancy he rejected me and our child because of fear. I gave birth at my rural home and eventually the guy became supportive. My boyfriend continued with school and my family supports me with raising the child. I personally didn't want to get married at the time but I hope to be married when I turn 18 years."

NB:Unfair treatment as the boy is continuing with school

NB:Case of school children

Testimony 14: Matabeleland South: Umzingwane

"I was 15 years when I was introduced to a prophet whose age was between 32 and 34 years old. I got pregnant when My mother was not feeling well and she sought spiritual services of the prophet who later impregnated me and began to introduce me to his family as his wife. However, I returned home and prepared for delivery of the baby through a referral from Musasa project. The matter was reported to the police but the prophet disappeared shortly after. Meanwhile, I am pursuing my Form 3 studies and my baby is now 7 months old. In retrospect I feel I should not have had a baby at an early age."

Testimony 15: Matabeleland South: Umzingwane

"I had been staying with my maternal grandmother and there were five of us grandchildren living with her. My grandmother wasn't giving me enough food as opposed to the other children and to relieve my frustration I sought solace in my boyfriend and subsequently fell pregnant. I was 15 years old and he was 23 years old. I am now 17 years old and I am still in school. The matter was reported to the police but nothing was done."

Testimony 16: Matabeleland South: Umzingwane

"I was in Form 3 when I was raped by three boys. After that incident I was so traumatized and I started not listening to my parents and started sleeping in night clubs. Instead of going to school I would run away and go to Esigodini staying at Jabula nightclub and engage in sex work. My mother came to retrieve me many times but I would still run away and stay at Jabula. After I wrote my Form 4 exams I took my clothes and ran away to Jabula and continued in sex work for a month. I would sleep with five men a day and get money which I would use for rent and clothes. In order to avoid my mother, I once stayed in Filabusi and Manna Pools in Bulawayo engaging in sex work. I made two friends and we managed to purchase a Honda fit motor vehicle for pirating through proceeds from sex work. Through support from the police and DSD I was found and assisted. I do not want to return to sex work. I am now at Luveve reformatory school to support me recover from my experiences."

Testimony 17: Matabeleland South:Umzingwane

"I was staying in Gwanda with my grandparents as my mother had remarried. When that did not work out I then moved to this area with my mother in the hope of continuing my education but she failed to get money for fees and I stayed home. At that time, we were going to Mugodhi Church and I met a man at that church. The man told me that he had dreamt of marrying a girl from the church. At that time, he was 23 years old and I was 17 years. He then used his prophecy to say that I was his wife and I agreed because I believed he heard a word from God. The man impregnated me and after doing that he ran away and I have had to take care of the child on my own. I feel I was taken advantage of and hope that justice will be served one day."

NB: Case of religious indoctrination**Testimony 18: Matabeleland South: Umzingwane**

"My parents separated when I was three years old so I was raised by my aunt. We grew up as normal kids alongside her children although I was abused when I was in grade 2. I continued with my education and I saw that other children had nicer things in terms of uniforms and books and felt the need to have boyfriends to provide for me for these nice things. When I was in form 4 I dated a teacher and he impregnated me and I had the baby. I managed to write my ordinary level exams, since my mother was alive the teacher paid lobola and I stayed with him and had two children. However, the marriage was difficult because I was not allowed to go to school or to engage in any business but just to stay at home. The man at the time was between 32 and 33 years and I was 15 turning 16 years. The matter was never reported to the police because my mother and father had gotten lobola. Eventually the man left for Poland and left me with his children whom he does not support. I suffered physical abuse during the marriage as well as verbal abuse from his relatives who would belittle me. I now engage in sex work to take care of my children."

Testimony 19: Masvingo: Chiredzi

"I am a 16-year-old girl who was doing Form 1 in Triangle in 2021 but had come to visit my grandmother in Chilonga. I went through the "komba" initiation ceremony. My husband is 20 years old and he is not employed. I was married this year in April 2022. No lobola was paid but my husband's aunt has since gone to my parents to get a list for the lobola negotiations. The way I entered into this marriage is that my husband and his nephew came to my homestead and literally dragged me to their homestead. After sending me to his homestead my husband then went back home to my grandmother to report that I was with him and he also collected my clothes from her. I am staying with my husband's family and I am the one who cooks and cleans the homestead. I am not on any family planning as I want to have a child. If there is any issue of violence or any disturbance in the family, I will go to my husband's aunt for counselling and assistance. I am not aware that 18 years is the age of marriage however I do think that I am still a bit young to be married. If I could go back home I would because some of the words that my husband's parents say are hateful."

Testimony 20: Masvingo: Chiredzi

"I am a girl aged 16 years and I last did my grade 5 at Chilonga primary. If I had pursued my education, I would have wanted to be a nurse. I was married in April 2022 and my husband is around 30 years or so. We stay with his parents and he doesn't work but we are both taken care of by his father. No lobola was paid and I have no children but I am desiring to have a child soon. I eloped to my husband's homestead but I had first told my mother and she told me it was OK. I was accepted by my in-laws as it was a decision that both of us had made to get married. I also have one friend who is married who is my age. We don't really get along with my mother-in-law as she continuously insults me. If I have any issues I inform my parents."

NB:Huge age difference

Testimony 21: Masvingo: Chiredzi

"In 2019 I was 16 years of age attending my secondary level education at Sesekani Chilonga. My husband is 24 years and we have one child who is 2 years old. I stay with my in-laws and my mother is alive and well. The way I entered into this marriage was that I eloped mainly because my in-laws would continuously harass me and follow me telling me to come to their house. Lobola was paid to my family in the form of a beast grocery and ZAR1500. During the course of our marriage we went to South Africa via the Limpopo River to work and earn a living at a lodge. When we came back home a dispute arose between me and my in-laws concerning an unpaid loan of ZAR4000. This has caused tension in our marriage and on top of that every time my husband gets drunk he beats me up. I have not reported the abuse to the police because I thought it would pass. I want to go back to school but no one will take care of my child so I would rather prioritize taking care of my child through buying and selling. I use contraceptives as I had been advised to do that at a clinic."

Testimony 22: Masvingo: Chiredzi

"I was 17 years of age when I got pregnant with my first child in 2020. When my parents found out that I was pregnant they said that they do not stay with someone who is pregnant and chased me away from home. I left home and went to my husband's homestead and they accepted me initially although no lobola was paid. However, his mother began showing dislike to me and I suspect because of my ethnicity as a Shangani while she is Shona. Further because of tensions and physical abuse from drunkenness in the marriage I left the homestead on three separate occasions but my husband would come back and take me back after apologizing. It was disheartening when I would go back home and my family would say "radzoka, rinoendepi." Even some community members would say derogatory words to me like "harina kubvisirwa chinhu."

Testimony 23: Masvingo: Chiredzi

"I am 19 years old. I was doing my Form 4 in 2013 and had registered for three subjects but unfortunately failed all three subjects. My husband was born in 1997 and we currently have one child who is 2 years old. In 2015 we had a sexual relationship which resulted in a pregnancy and I eloped because my mother had said I could not stay home while pregnant. However unfortunately I had a miscarriage but was already staying with my in-laws and I had been accepted by my father-in-law and mother-in-law. Lobola was paid in the form of cash ZAR600, a beast and groceries. My husband is in South Africa currently and he usually sends monthly maintenance to support me and his child. I honestly feel I was forced to get married because I was pregnant and when I had a miscarriage I could not leave so I resolved to stay because of those circumstances."

Testimony 24: Masvingo: Chiredzi

"I am a girl aged 19 and I have been studying for my Form 3 level in 2020 at Chilonga high school. My husband is 22 years old and we started staying together in 2020 and we have a 10-month old child together. I entered into this marriage because where I had been staying was not conducive. My maternal grandparents were physically and verbally abusive towards me so I thought it was a better option to leave and get married. However, I have seen that it is the same because when I am married I am still being abused by my husband."

Testimony 25: Masvingo: Chiredzi

"I am 16 years old now but I was impregnated and gave birth to a child who is blind this year. I started having a sexual relationship with my boyfriend when I was 15 years and subsequently got pregnant. The father of my child was not arrested but instead went to South Africa. When I fell pregnant my parents did not necessarily support me because my mother agreed that I should stay at home but my father would say I should leave his house. I am hoping to go back to school and maybe venture into dressmaking but currently I sell wares at the market."

Testimony 26: Masvingo: Chiredzi

"I was in Form 2 in 2017 at Chilonga secondary school when I met my husband. I am now 19 years of age and my husband was born in 1998. What led to my early marriage was that after my father passed away it was difficult to get money for school fees or general upkeep. My mother could not take care of us and I could not go to school so I thought it was better to get married. It took a bit of time for me to get pregnant in our marriage so there had been tension in that regard. However, since I now have a child I am living relatively peacefully with my husband. No lobola was paid but the traditional ceremony for the birth of the first child (masungiro) was done. I don't know whether he would be in agreement for me to go back to school."

Testimony 27: Midlands: Lower Gweru

“Caroline (pseudo name) wrote her grade 7 and afterwards did not have anyone to help her further her studies. From 2016 and 2017 she was not going to school and that’s when she fell pregnant at the age of 17. She went on to note that her husband died last year September from an accident. Life for her was never the same when the husband died, However, before the accident the husband used to do everything for her and he even got her property. Currently her child is in ECD A and she is not doing anything that gives her money. She mentioned that she is receiving help from her family members back home.”

Testimony 28: Midlands: Lower Gweru

“Nxolisi (pseudo name) had a boyfriend who she fell in love with at age 14 and ran away from home to stay with his boyfriend at 16 years of age. Currently she has a newly born child. The husband’s parents received her very well and however, her parents back in the village now know that she has a child and a husband. Her parents are concerned if she is staying at a place where she is getting food. She also noted that her father left in 2017 and she had to stop going to school after his death. Nxolisi advised other girls not to engage in early sexual debut and now she knows that what she did was not right as she got pregnant with another one. Currently she is with another man and the former husband went to South Africa, the child they had together is now staying back in the village with his mother.”

Testimony 29: Midlands: Lower Gweru

“Primrose (pseudo) decided to get married due to hardships she faced back home after the untimely demise of her parents, first the father and later the mother who was the one trying hard to provide for her. When she was now staying with his maternal grandmother that’s when she decided to get married. She got married to a drunkard who beats her up whenever he is drunk using hands and sometimes a waist belt. She has tried talking to the elders about this, who have only managed to counsel them but nothing has changed so far. The husband is a gold panner who gets money here and there. Primrose expressed that she would like to go back to school provided resources are available. She went on to urge her fellow mates out there not to indulge in early sexual debut. Primrose also mentioned that she is on contraceptives as she does not want to have another child yet.”

Testimony 30: Midlands: Lower Gweru

“Charity (pseudo) got married at 16 years. She grew up staying with her grandmother who later went to stay with her children in Gweru. They were left alone whilst receiving food from their relatives in Gweru and that’s when she got impregnated. She sells snacks (jiggies) for a living and does not get much from the sales she makes. She has got two children that she bore for this man. Charity noted that she is beaten from time to time when the husband comes back home drunk. Furthermore, she mentioned that she doesn’t condone the violence she faces in the relationship as most of the time she gets bruises from the beating she receives. Lastly, Charity advised her age mates not to rush into marriages but rather focus on other things like education. She told the Interviewer that she misses being in school and she would want a second chance to go to school and complete her studies.”

Testimony 31: Matabeleland North: Binga

“I was 16 years old and doing form two when I got married. My husband at the time was 18 years old and our sexual encounter that led to pregnancy had not been consensual. When my parents found out that I was pregnant I was chased from home and forced to seek solace with the father of my child. I was welcomed by my in-laws and I stayed with them for a year. It was not easy as there were derogatory terms that were used on me but I decided to be strong and remained there. In 2021 through a programme supported by CAMFED I was removed from my husband’s home and reunified to meet with my family and went back to school as the organization was paying school fees for me. I am now in form four staying with my mother and my father. I will run away if the father of my child ever comes back to retrieve me.”

Testimony 32: Matabeleland North: Binga

“I am a 19-year-old girl. I have no children but I am currently five months pregnant. I got married when I was 16 years old and my husband right now is 23 years old. We started staying together in 2019 when my grandmother passed away. This is because after her passing I did not have anyone to take care of me as I do not know the identity and whereabouts of my parents and I was desperate hence I got married. In 2021 I was pregnant but had a miscarriage but right now I am carrying a five months’ pregnancy. I stay with the parents of my husband and they treat me well. However in retrospect if my grandmother had not passed away I would definitely would not have been married.”

Testimony 33: Matabeleland North: Binga

"I am a young lady who is 23 years of age. I have two children who are four years and one year respectively. I was married when I was 17 years old. The reason for this was that i failed to get support for my upkeep and to pay my school fees. I got married in the hopes that my husband would pay my school fees but he did not. He is 39 years of age and instead we are into farming of small grains. The marriage has been quite difficult as there have been instances of assault especially when I ask for money to buy groceries and food. I would want to go back home but I do not think my husband will allow me to. I have never reported my husband to the police since it is not acceptable for a wife to report her husband to the police for beating her."

Testimony 34: Matabeleland North: Binga

"I am 18 years of age. I got married when I was 15 years old because I had fallen pregnant and was chased away from home by my family. Unfortunately, I had a mis.carriage but I remained staying with my in-laws. My husband is 22 years old and we have been staying together ever since. We are currently still trying to get pregnant because ever since the miscarriage I have not been able to conceive. I am however willing to go back to school if an opportunity presents itself. One thing that bothers me is that when I was pregnant the two families sat down and held discussions. I actually do not know what they deliberated about but it determined the course of my life."

Testimony 35: Bulawayo: Mzilikazi

"Fungai's mother (pseudo) narrated that her disabled daughter was raped by two men and these men were caught however the perpetrators have not yet been put behind bars and this has really been heart breaking for her since she hasn't received justice for the rape that her daughter experienced."

Testimony 36: Bulawayo: Mzilikazi

"Simphiwe(pseudo) was raped by her uncle since she was a child. Her uncle when he grew up took her as a wife whenever his wife was not around. The father's uncle was a police officer and he used to scare her off and beat her up whenever she wanted to tell someone. The uncle got arrested and he will be coming out of prison next year. After the frequent abuse she became an alcoholic as a way to cope with the trauma. Simphiwe advised girls who are abused to speak up and not commit suicide as that would do no good but only to keep the perpetrator out of the prison."

Witness Testimony 37:

"Mai Chimuti (pseudo) explained her concerns over young girls who are going after older men who have got money. She went further to note that most women are also encouraging their daughters to date older men who give them money to buy food. These older men sometimes come to secondary schools to take young girls and they spoil them and afterwards they take advantage of them, leaving them with pregnancies and with STIs. The main reason why young girls are being impregnated by older men is due to poverty, thus there is need for increase in social safety nets so as to improve diet in most households in Chiredzi."

3.4.12 Knowledge/understanding/use on SRHR, HIV/AIDS

The knowledge gap on laws on children's rights was closely linked to limited knowledge on SRHR and HIV/AIDS. During testimonies, most survivors had basic knowledge on the use of condoms and family planning pills, but were less knowledgeable about other forms of contraception to prevent pregnancy, as well as PREP/PEP that is used in curbing transmission of HIV. Few of the survivors testified to using the morning after pill, although they indicated that this pill was costly and less accessible.

There was little understanding of some of the consequences and complications of early pregnancy such as obstructed labour, fistula and ruptured uterus. If such information was available, it would allow girls to seek appropriate SRH services to prevent unwanted pregnancy. However, some survivors indicated that while they had knowledge about SRHR, the use of drugs and alcohol interfered with negotiating safe sex because of intoxication or passing out.

3.4.13 Experiences in Child Marriages

The survivors testified to their experiences in the marriages that mainly centred on mistreatment by the in-laws especially the mother in law. Various accounts were

presented on the verbal abuse as well as hunger and limited movement that the survivors experienced. They also highlighted the unpaid care work in managing a home through cooking, cleaning, washing and collecting water and firewood that they were expected to do as a *'muroora'*. The situation was even dire for survivors who failed to conceive a child within months of entering the marriage and risk being labelled as barren and face scorn and verbal attacks from in-laws.

Some survivors owing to their limited education faced discrimination because they could not then seek employment to sustain the household. Instead they relied heavily on the husband and in-laws, which only increased their risk of abuse and mistreatment. One survivor testified that as a child bride she had difficult pregnancies that the mother in law failed to appreciate and caused her to have fainting spells which would then cause more abuse verbally. Another survivor noted that her mother in law would redo every chore that she would have done to frustrate her into leaving the home but she chose to stay as she had been chased away from home. Often survival was through farming small grains in Chiredzi or Binga, food for work programmes, vending and some would migrate to South Africa for short term employment and return home.

For survivors who were married into families in the apostolic religious sects they had little decision making in terms of child spacing or family planning and most were in polygamous marriages. This led to the survivors having children who were on average not spaced for more than two years and had to solely care for the children and not be able to go to school or engage in productive roles. In polygamous marriages the responsibility of feeding the children rests with the wife since the husband has lots of children to look after. Moreso, the older wife has control and say on who gets what within the household which then disadvantages other younger women.

There was testimony of survivors who were physically abused by their husbands and would either not report completely or report to the aunts who then did nothing but comfort and encourage them to be strong and face the situation. Only a handful of survivors testified that they were living in peace in their marriages and the majority of these cases were couples who were not living with the in-laws. There were survivors who managed to return to school whilst pregnant. These survivors pointed out that in some cases some students would laugh and taunt them for being pregnant while others were treated like any other person in school. The majority of children born in these marriages often do not have birth certificates and there is lack of knowledge with regards to where to get assistance in a situation of a single parent.

3.4.13.1 Challenges (GBV, exploitation)

Some of the challenges faced by survivors include;

- ❖ Transport to and from services such as clinics and safe shelters
- ❖ Bribes offered by perpetrators to justice delivery personnel and traditional leaders thereby defeating justice for survivors
- ❖ Relatives protecting perpetrators in exchange for money and material things
- ❖ Discrimination by communities and peers
- ❖ Lack of psychosocial support from the community and other service providers
- ❖ Physical harm/injury and in some cases death as a result of GBV
- ❖ Lack of exit pathways from abusive marriages.

3.4.13.2 Challenges Faced by Stakeholders

Challenges identified by the various stakeholders include;

- Transport challenges with some service providers without vehicles
- Insufficient safe shelters/safe spaces for survivors
- Lack of resources such as transport, manpower and material needs negatively affecting the investigation of cases
- Clashes amongst government departments over mandates on who is responsible for what and who should be catered by Safe Shelters e.g. the case in Mutasa
- Concern over the long process of alignment of laws to the Constitution particularly on the age of consent to sex and age of marriage
- Lack of a clear law to arrest perpetrators of child marriage e.g police resorting to arresting perpetrators under section 70 of the Criminal Code for having sex with someone under the age of 16 years. Evidence by the ZRP VFU showed that their hands were tied where the case involved a 17-year-old
- ZRP Mutasa police station was not disability friendly as it had no railing, located uphill and the personnel had not been trained on sign language interpretation
- Parents are hiding child marriage cases thereby frustrating investigation of such cases by the law enforcement officers and judiciary
- In some case the girls threaten to commit suicide if ever they are going to be separated from their “husbands”. This then makes it difficult for the service providers to continue with such cases
- Community members are scared to report perpetrators for fear of victimization and witchcraft
- Lack of shelter for survivors resulting in the survivors being kept at the same place with the perpetrator
- Brain drain-For example the Ministry of Public Service, Labour and Social Welfare(MoPSLSW) persistently hit by brain drain as its Social Workers/staff were leaving for the United Kingdom and Australia that offered better remuneration
- 75% of districts under the MoPSLSW lacked tools of trade and resources such as vehicles at the stations affecting timeous response.

The above challenges highlighted by stakeholders collaborate with the findings by Kaseke etal 2018 who found out that professionals work within the context of a shrinking economy that has given rise to a plethora of challenges that include, among other things, staff and skills shortages, lack of financial and material resources, poor access to proper infrastructure and other logistical constrains⁷⁴.

In addition, the Zimbabwe Gender Commission Report on Closed Hearings conducted with stakeholders in April 2022⁷⁵ highlighted the following challenges being faced by various stakeholders;

⁷⁴Kaseke etal 2018; Challenges faced by professionals working in child sexual abuse multi-sectorial forums: a case of the victim-friendly system in Zimbabwe, http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S003780542018000400006&lng=en&nrm=iso&tlng=en

⁷⁵Zimbabwe Gender Commission (2022); Closed Hearings Report with Stakeholders for the National Inquiry on Child Marriages and Sexual Exploitation of young girls and women in Zimbabwe

INSTITUTION	CHALLENGES FACED
<p>1. Ministry of Public Service, Labour and Social Welfare -Department of Child Protection</p>	<ul style="list-style-type: none"> - The Ministry is persistently hit by brain drain as its staff were leaving for the United Kingdom and Australia that offered better remuneration - Limited capacity with no presence of social workers at some districts -75% of districts lacked tools of trade and resources such as vehicles at the stations affecting timeous response -Mistrust with the judicial system pertaining to the release of perpetrators on bail and going back into the society, therefore the need for regulation of law - Poverty one of the main drivers of child marriages-inadequate resources e.g. cash transfer system was inadequate to cover all needy children -
<p>2 Ministry of Justice, Parliamentary and Legal Affairs</p>	<ul style="list-style-type: none"> - The law is fragmented and not synchronized thus have a detrimental effect on enforcing the various related provisions - The age of consent to marriage remains one of the contentious issues vis-a-vis sexual age of consent - The sexual offences act and criminal codification had discrepancies vis-a-vis the amended constitution of 2013 -Lack of deterrent sentences on perpetrators of child marriage
<p>3.ZRP Victim Friendly Unit,</p>	<ul style="list-style-type: none"> - The trial process tends to be frustrating especially for vulnerable groups with no capacity for legal representation and following up with their cases - Anna Machaya case-experienced obstacles in ascertaining the victim's age and gathering witnesses to testify on the case and lack of cooperation from the victim's relatives also obstructed full gathering of evidence - Demotivation and demoralization on part of the investigating personnel due to the lack of legislative provisions to criminalize the offender. - Base stations were not equipped with the necessary tools of trade; therefore it was a place for receiving reports - VFU staff ended up using their own resources to assist the victim to attend the requisite processes. - information gap contributed to communication breakdown in terms of providing feedback to the complainant/victims

4. Ministry of Health and Child Care

-13% of maternal mortality were due to traditional shrines and home deliveries hence the need to interrogate those who were conducting the practice.

-Sprouting of makeshift maternal institutions- The challenge that the Ministry faced was that the places were hidden and they had no access to them in most instances

-Resistance from Apostolic Faith Groups- the sect openly objects the uptake of modern healthcare services and deem the modern healthcare system as worldly (heathen) and glorify man above God.

-Beliefs among ultra-conservative apostolic groups act as a barrier to the uptake of modern healthcare services and medicines as they held the believe that the healing powers and spiritual gifts are endowed from God/Mweya, and used in promoting maternal and child health, facilitating child delivery, and restoring health to the sick

- Lack of appreciation on health care issues contributed to the low perception on severity of obstetric complications amongst the apostolic sect

5. National Prosecuting Authority

-Inadequate laws e.g. the case of Mudzori and Tsoodzi was cited as evidence of the lack of criminal provisions to enforce the Act on child marriages.

- Principal laws were not addressing issues on child marriages rather they concentrated on SEA

- Hostile witnesses as evidenced in the Anna Machaya case, were the witnesses become unforthcoming to give evidence

- Religious institutions were practically perpetuating abuses and exploiting women and girls

6. Rosaria Memorial Trust

- Lack of sound social services to support victims or survivors throughout the process of criminalization of their perpetrators

-Inadequate capacity for Customary Courts affecting their discharge of duties since it is usually the first port of call for the community in rural areas.

7. Katswe sisterhood

- Challenges of interpretation of conventional sign language visa-vi formal sign language

8. Help Her Heal

- Lack of sign language policy posed challenges and made it difficult for formal interpretation during court proceedings

- mobility challenges as some survivors are wheelchair bound and this is further exacerbated by the issue of high costs involved to cater for the survivor and her assistance to attend court sessions

-

9. Musasa

- Protection of perpetrators of child marriages and SEA by the community rather than the survivor due to fear

- Perpetrators of GBV are usually unreceptive to behaviour change instead they would continue to intensify the aggravation.

-

10. Leonard Cheshire

- Challenges in pursuing abuse cases involving persons with disabilities due to the double cost nature
- Shortage of sign language interpreters at the courts
- Lack of capacity by victims to assert their rights compounded redress of their violations and realisation of social justice entailed in the instruments
- programmes implemented not inclusive enough for PWDs and that was compounded by the general lack of disaggregated data.
- Lack of birth certificates which made it difficult to support a victim's claim resulting in delayed justice
- lack of information in user-friendly formats such as pictorial to lessen the burden of comprehension
- Intersectionality of disability and poverty compounded by discrimination against the group by the society as well as lack of accountability on community mechanisms to support and protect PWDs
- Members of the society also propagate abuses to PWDs through initiating rituals on them.
- Lack of SRHR information for PWDs

3.4.14 Public Preconceptions on Child Marriages before the National Inquiry



Figure 55: Public Misconceptions around Child Marriages as received from attendants

The following are some of the key findings and lessons from the National Inquiry and investigation with regards the above preconceptions;

- ❖ Child marriages are a common phenomenon in most Religious Institutions. Interviews with survivors in the ten provinces reflected that all religious institutions spanning the traditional churches, Modern churches, transitional churches, Pentecostal as well as the apostolic sect are practising child marriages
- ❖ The preconception that child marriages and sexual abuse and exploitation of young girls are perpetrated more by older men was not supported as there was overwhelming evidence that showed that the spousal age difference is not as wide as initially assumed
- ❖ The general view that child marriages and SEA mainly only occur in the rural areas. However, the findings of the Inquiry showed that a significant number of young girls are being exploited and getting married in urban areas as more systemic barriers prejudicial to gender equality are being experienced within an urban set-up
- ❖ The most popular belief that the majority of young girls are forced into child marriages by parents/guardians was not supported as the findings show that in some cases the decision to get into child marriage is made based on various factors and prevailing circumstances and the perception that marriage is the key to a good life.

4. Conclusion and Recommendations

4.1 Recommendations

The national inquiry came up with various recommendations for stakeholder consideration and implementation. The proposed recommendations are listed below.

4.1.1 Specific Recommendations to the Zimbabwe Gender Commission

Monitoring

- Monitor private and public institutions programmes and activities on adherence to compliance on child rights
- Information and Awareness Raising
- Enhance awareness raising at multiple-levels within the communities on child marriages, child rights and responsibilities including distribution of user-friendly IEC material on child marriages and SEA
- Conduct gender sensitization training to raise awareness amongst traditional and religious leaders on child marriages and SEA
- Establish all network toll free lines and open a call centre for easy access and reporting of cases by members of the public remotely
- Strategically utilise ZGC website and social media platforms for awareness raising, reporting and responding to cases on gender rights violations
- ZGC decentralisation in line with the devolution mantra to increase visibility, presence and reach out to the communities.

Partnerships

- Strengthen partnerships with Community Based Organizations to promote responsiveness on child marriages and SEA
- Establish a clear multi-stakeholder referral pathway system between ZGC, and relevant stakeholders
- Engage small scale miners' associations and support them to develop Codes of Conducts or Gender Policies that clearly spell out preventative and responsive measures to address GBV, child marriages and other related issues within the sector
- Engage the Apostolic Sect and other religious groups to support them in developing prevention and response mechanisms on ending child marriages.

4.1.2 Specific recommendations to Parliament of Zimbabwe

- Accelerate alignment of laws to the Constitution on children's rights and gender equality
- Advocate for minimum mandatory sentence on rape as a deterrent measure
- Adopt and implement the SADC Model Law on eradicating child marriage and protecting children already in marriage as the blueprint for managing child marriages
- Enact laws and establish code of conduct in hot spot sectors to address the sexual abuse and exploitation of children
- Monitor Government of Zimbabwe's commitment to end child marriage by 2030 through implementation of the Sustainable Development Goals (SDGs).

4.1.3 Specific Recommendations to the Zimbabwe Republic Police

- Create a conducive and user-friendly environment within VFU to allay off fear amongst the public and promote reporting of cases on child marriages and SEA
- Establish and publish sexual offences and paedophile register of offenders as a deterrent measure
 - ❖ Train personnel on sign language and interpretation as well as disability rights for effective management of PWDs cases on child marriages and SEA.
 - ❖ Strengthening VFU accessibility to all public members including PWDs
 - ❖ Equipping the VFU with adequate resources to expeditiously carry out their mandate.
- Community engagement explaining the role of the police in fighting and handling GBV cases
- Support witness protection programmes to strengthen reporting including instituting mechanisms to protect whistle-blowers.

4.1.4 Specific Recommendations to the Ministry of Primary and Secondary Education

- Scale up the enrolment of survivors into Second Chance Education Programme to widen its reach
- Promote affordable Education for all in order to reach out to the most vulnerable and needy children
- Capacitate teachers and support staff within the education sector on how to handle pregnant girls and mothers in schools to reduce stigma and discrimination while ensuring safe spaces
- Strengthen psychosocial support services within the education sector working in liaison with the Ministry of Public Service, Labour and Social Welfare to support survivors of child marriage and sexual exploitation and abuse
- Decentralise psychiatric evaluation assessments to enable friendly access of the service by survivors
- Support the construction of Government schools in needy areas e.g. Hopley and resettlement areas in order to allow needy children to benefit from BEAM
- Implement provisions of the Education Amendment Act, 2020 section 14 (k) on the appointment of Sexual and Reproductive Health personnel in schools to help reduce child pregnancies, child marriages and other child rights violations.

4.1.5 Specific Recommendations to the Ministry of Public Service, Labour and Social Welfare

- Development of standardized context specific guidelines and model on the re-integration of survivors of child marriages and sexual exploitation and abuse to enable them to fit back into their environment
- Adequate financial and human resource support to the Department of Social Development to enable it to discharge its mandate effectively
- Establish more Safe shelters and safety nets from ward level to cater for vulnerable and needy children
- Strengthen the National Case Management System and capacitation of CCWs
- Support parents/guardians with positive parenting skills through capacity building and mentoring sessions for example promoting the balance

between children's rights and children's responsibilities which according to the general public- has caused "parents to lose control of their children." Strengthen safeguarding mechanisms for PWDs and provide training on disability issues targeting first and second handlers as well as provision of focal persons on disability

- Domesticate the SADC Model Law and review of Acts such as Children's Act in terms of guardianship
- Train traditional leaders on child rights, protection laws and policies to enable them to effectively deliver their mandate
- Strengthen the social support systems and come up with exit pathways for children willing to come out of child marriages.

4.1.6 Specific Recommendations to the Ministry of Justice, Legal and Parliamentary Affairs

- Strengthen provision of child and disability friendly courts as well as disability friendly desks in all districts
- Increase Survivor's Access to SGBV services and justice by removing barriers especially for PWDs
- Provide adequate human and financial resources to the Legal Aid Directorate to be able to reach out to all needy clients who cannot afford to hire legal representation
- Enhance support to survivors and witnesses with logistical, material and shelter support when attending court cases
- Provide stiffer and deterrent penalties for perpetrators of child marriages and sexual exploitation and abuse
- Simplify laws and translate them into all the official languages including disability friendly format coupled with collective awareness campaigns at constituency level.

4.1.7 Specific Recommendations to the Ministry of Women Affairs, Community, Small and Medium Enterprise Development

- Strengthen its coordination role as the National Gender Machinery in addressing child marriages and SEA
- Establish a consolidated database register of all survivors of child marriages and sexual exploitation and abuse at district level
- Scale up livelihoods support to survivors of child marriages and sexual exploitation and abuse
- Review and implement the National Action Plan on ending Child Marriages and ensure availability of data
- Establish economic interventions to support families and scale up prevention measures aimed at empowering communities and the girl child. Continued capacity building of gatekeepers including traditional and religious leaders on child rights issues
- Support the implementation of interventions that build on positive cultural and traditional practices while addressing harmful practices that expose girls and young woman to child marriages and sexual exploitation and abuse
- Establish more Safe Shelters/houses and One Stop Centres for SGBV survivors.

4.1.8 Specific Recommendations to the Ministry of Health and Child Care

- Support the revival of youth centres to provide youth friendly SRHR Services for example Nyakuchena Youth Friendly Centre in Makaha, Mudzi District in Mashonaland East Province

- Timely and consistent release of Results Based Funding for health care to allow continued service provision
- Affordable and accessible provision of SRHR Services to girls and young women.

4.1.9 Specific Recommendations to Ministry of Youth, Sport Arts and Recreation

- Support recreational and sporting activities for young girls at community level e.g. the RMT Annual Girls Soccer Tournament that is held at grassroots level⁷⁶
- Strengthen entrepreneurial skills training to survivors of child marriages and SEA
- Support and strengthen child participation structures such as child led groups, Junior councillors and Parliamentarians, Child Led School Protection Committees etc.

4.1.10 Specific Recommendations to Civil Society Organisations and other Non-State Actors

- Collaborate with Government and other stakeholders in scaling up prevention and responsive interventions on ending child marriages and sexual exploitation and abuse
- Increase alternative means of household livelihoods and economic strengthening for vulnerable children involved in commercial sexual exploitation including their families. For instance, cash transfers and savings and loan programmes
- Conduct research to identify strategies on ending child marriages and SEA.

4.1.11 Specific Recommendations to Traditional Leaders (Chiefs Council)

- Adopt By-Laws on Ending Child Marriages⁷⁷ and development of action plan
 - ❖ Promote anti-child marriage action plans for all traditional leaders in their respective jurisdictions.
- Strengthening the role of traditional leaders on ADR to support societal reintegration
- Capacitation of and knowledge sharing with traditional leaders on child marriages with a focus on the Primary and Community Courts levels Resuscitate *Zunde raMambo*⁷⁸ at community level to support survivors locally
- Support women in traditional leadership to mainstream gender balance
- Provision of supporting documents for birth certificates registration to survivors to break the cycle of sexual exploitation through age verification and access to education.

⁷⁶This is an annual girls' soccer tournament organised by Rosaria Memorial Trust to provide opportunities for the girl child especially those in rural areas

⁷⁷The by-laws were formulated to strengthen efforts made in promoting the rights of children at the grassroots level, to ensure that children complete school, and effectively partake in the country's economic development processes. The by-laws are considered a collective concrete step to strengthen the cog-wheel role of traditional leaders to address the bellicose and impunity within Chief Bushu and Chief Nyamaropa areas and tackling the vice of child marriage in particular and child abuse in general

⁷⁸Zunde ramambo is a traditional social welfare system in Zimbabwe where able-bodied members of the community work together to produce food for the aged, disabled and orphans. Traditionally, it was an important component of village food security in times of drought and hardship

4.1.12 Specific Recommendations to Religious Leaders

- ❖ Mainstream gender equality in the religious sector to promote child rights issues
- ❖ Speak out against child marriages and SEA to foster attitudinal changes in communities
- ❖ Advocate for elimination of harmful practices that perpetuate child marriages and SEA.

4.1.13 Specific Recommendations to Media

- ❖ Promote investigative journalism and reporting of cases on child marriages and SEA
- ❖ Disseminate information and educate the public on the effects of child marriages and SEA
- ❖ Documentation of information child marriages and SEA to strengthen data availability.

4.2 Conclusion

The national inquiry and investigation managed to capture and amplify the voices of survivors of child marriages and SEA in Zimbabwe based on their lived life experiences. The evidence based findings have clearly shown the magnitude of the problem as well highlight negative impact of child marriages and SEA on the girl child and the community at large. Multisectoral and holistic approaches are needed to fight against child marriages sexual exploitation and abuse of girls in Zimbabwe with full participation of communities and children whilst considering cultural settings and contexts. This provides an opportunity to come up with evidence based interventions that will scale up interventions that support norm and behaviour change, challenging and changing beliefs, attitudes and practices that promote child marriages and SEA within communities in Zimbabwe and beyond.

4.3 Links to Media Articles on the National Inquiry and Investigation

<https://spikedmedia.co.zw/zgc-inquiry-to-gather-strategies-on-ending-child-marriage-sexual-exploitation/>

<https://spikedmedia.co.zw/spotlight-initiative-one-stop-centres-helping-in-reducing-child-marriage-prevalence/>

<https://dailynews.co.zw/commission-probes-child-marriages-in-religious-sects/>

<https://www.sundaynews.co.zw/gender-commission-embarks-in-public-inquiry-on-child-marriages-sexual-exploitation-and-abuse-of-young-girls/>

<https://www.herald.co.zw/zims-child-marriage-shocker/>

<http://www.newsdezimbabwe.co.uk/2022/06/14-year-olds-married-off-in-hopley.html>

<https://www.chronicle.co.zw/one-in-five-matabeleland-south-girl-gets-married-before-18/>

<https://www.263chat.com/gender-commission-conducts-inquiry-on-sexual-exploitation/>

<https://www.chronicle.co.zw/gender-commission-raises-red-flag-over-child-marriages-girls-abuse/>

<https://thestandard.newsday.co.zw/2022/08/07/city-ranks-low-in-child-marriages/>

<https://www.newsday.co.zw/2022/07/zgc-probes-child-marriages/>

<https://masvingomirror.com/migrant-workers-causing-child-marriages-in-chiredzi/>

<https://bulawayo24.com/index-id-news-sc-national-byo-222094.html>










<https://tellzim.com/gender-commission-maboleni-community-unmask-sexual-exploitation-issues/>

<https://www.sundaynews.co.zw/22-raped-per-day-in-zimbabwe/>

5. Annexes

- *5.1 Video Documentary*
- *5.2 List of Key Informants Consulted*
- *5.3 Data Collection Tools*
- *5.4 Field Schedule*
- *5.5 Assignment Terms of Reference*
- *5.6 List of Stakeholders who attended Closed Hearings*



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