

Child Marriage: Concept Paper

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Abstract

Marriage or being in union before the age of 18 years is still a reality for many girls and a few boys all over the world.

The objective of this paper was therefore to clarify, explain and define the concept child marriage in a bid to initiate standardization of child laws within countries and prevent breaching of the value of a child in order to curb child marriage.

Walker and Avant's (2005) strategic method of concept analysis was used to analyze the concept of interest. Researchers conducted literature search in one month using Google Scholar, Pub-med and MEDLINE as search engines and fifteen studies were reviewed. Conflicting definitions of a

child, marriage customs and fragmented legal framework within countries led to perpetuation of this harmful marriage practice. Eradication of child marriage protects the child's rights and empowerment for a better society.

Key words: Child marriage or early marriage

1.0 Introduction and Background

Child marriage, also known as early marriage is defined as formal marriage or informal union where one or both of the parties are under 18 years and it affects girls in far greater numbers than boys and with more intensity (UNICEF, 2017). This is a harmful marriage practice as it results in violation of the child's rights as well as bio psychosocial, sexual and spiritual complications.

Several studies acknowledge that accurate data on the true extent of child marriage is difficult to obtain because many marriages go unregistered and the girls' ages may be falsified (IPPF, 2006:11). However the global estimates of child marriage by UNICEF noted that some 64 million young women (aged 20-24) were married before the age of 18.

According to UNFPA (2012), despite near universal commitments to end child marriage, one in three girls in developing countries will probably be married before they are 18 and one out of nine girls will be married before their 15th birthday. Globally, about one in seven adolescent girls (aged 15 to 19) are currently in union. West and Central Africa has the highest proportion of married adolescents (27%), followed by Eastern and Southern Africa (21%) and the Middle East and North Africa (14%) [UNICEF, 2017]. In Zimbabwe, child marriage is also common with about 21% of children (mostly girls getting married before the age of 18 (UNFPA, 2016).

Child marriage looks different from one community to the next because of the different objective and subjective definitions and measurements of a child hence the need to come up with standardized definition of a child in order to institute realistic strategies to curb the problem.

1.1 Driving Factors behind Child Marriage

A number of factors interact to place a child (mostly girls) at risk of child marriage and these include but are not limited to poverty, lack of education, the perception that marriage will provide 'protection', family honour, social norms, customary or religious laws that condone the practice, peer pressure, an inadequate legislative framework and the state of a country's civil registration system.

Cultural norms and values surrounding marriage, including the desirable age and the way in which a spouse is selected, depend on a society's view of the family (that is its role, structure pattern of life and the individual or collective responsibilities of its members) and varies across the world and is in a state of constant evolution.

Conflicting definitions of a child within these societies (Zimbabwe included) leads to perpetuation of this harmful child marriage practice as people stick to their long standing customs which the fragmented legal framework have little impact on. For example, while the Constitution in Zimbabwe defines a child as anyone below the age of 18 years (RAU,2014), the Marriage Act[Chapter 5:11], sets the minimum age of marriage as 18 for boys and 16 for girls, meaning if we follow the Constitutional definition then the latter law sanctions child marriage for girls. As if this is not enough, the Customary Marriage Act is silent about the minimum age of marriage for both boys and girls further breaching the value of a child.

According to Sibanda (2011), the reason why Zimbabwe has two legal systems is because the British colonialists made general law the official law of the land but continued to recognize customary law in matters relating to the family such as marriage and the administration of property.

Despite several calls made by different organizations in Zimbabwe to harmonize the marriage laws, the effectiveness of this noble idea has not been easy as people do not easily give up on their customs and traditions, attitudes and perceptions.

1.2 Benefits of Eradicating Child Marriages

Ending child marriage will avert its consequences like poverty, teenage pregnancies and birth complications, denial of education for the affected child, psychosocial and emotional problems, domestic violence as well as human rights violation. Empowered and educated girls are better able to take care of their families leading to a healthier world. When girls are accorded the opportunity to be girls not brides, everybody wins and the harmful traditional practice of child marriage is averted.

Policy makers, politicians, analysts, non –governmental organizations practitioners and the general majority therefore need appropriate and dedicated measures to enable progress from the rhetoric theoretical and general political statements to action in order to curb child marriages and create a lasting solution for millions of girls.

1.3 Problem Statement

There is no clear and unambiguous position on child marriage in most fragmented legislature leaving loopholes that perpetrators take advantage of. Most governments seem to have an

“official” tolerance of cultural, societal and customary norms that shape and govern the institution of marriage and family life instead of putting measures to curb child marriages.

1.4 Justification of the study

Birth, marriage and death are the standard trio of key events in most people’s lives, but only marriage is a matter of choice (UNICEF, 2001). Therefore through concept analysis, the researchers aimed at increasing awareness and understanding of child marriage concept among policy makers and the general public. This will go a long way in influencing individuals to be able to choose when and who to marry rather than having someone to make this life’s most important decisions for them. The policy makers will be able to come up with policies that safeguard the rights of a child and curb child marriages and its negative consequences.

It is impossible for an individual or a society to regain the lost opportunity, talent and emotional freedom caused by child marriages. Hence this paper aimed at adding on to the already published evidence on this harmful marriage practice and assist decision makers to sharpen their focus on urgent protection of children’s human rights thereby eradicating the practice.

1.5 Purpose of statement

In this concept paper, the goal of the researchers was to describe child marriage that is its antecedents, attributes and consequences for the purposes of bringing a lasting solution to avert the harmful child marriage practice and save the child (mostly girl child) who is not yet affected

1.6 Objectives

The researchers sought to clarify, explain and define the concept of child marriage in a bid to initiate standardization of child laws within countries in order to curb child marriages.

1.7 Methodology

Walker and Avant's (2005) strategic eight step method of concept analysis was used in analyzing the concept of child marriage. Walker and Avant stress the importance of antecedents and attributes in describing a concept of interest. Literature search was done in one month using Google Scholar, Pub Med and Medline as search engines. Fifteen articles were reviewed and ten were found relevant as the other five did not have antecedents and attributes.

1.8 Antecedents

Antecedents are events and circumstances which occur prior to the occurrence of the concept and often associated with the occurrence of the same concept (Walker and Avant, 2005). According to literature review, the fuelling factors of child marriages can be summed up as: poverty, limited access to education, gender inequality, religion, traditional and cultural practices, laws that allow child marriages, social norms and insecurity.

1.8.1 Poverty

Child marriage predominantly affects girls who live in poverty and in rural areas. Girls from the poorest 20% of the households were more than 4 times likely to be married/ in union before age 18 than girls from the richest 20% of the households (UNFPA, 2016). The difficult economic pressures in the developing countries like Zimbabwe are often cited as an explanation for child marriages. Some people are aware of the negative consequences of child marriages but succumb to the vice of poverty as a way of getting material gains from proposed husband.

1.8.2 Limited Access to Education

Women with secondary education are 92% less likely to be married by the age of 18 than women who had attended primary school only. For women who received tertiary levels of education, child marriage rates are often negligible (UNFPA/ZIMSTAT,2014).

UNICEF (2012), reported that, in Zimbabwe, only 4% of girls who had attended primary school were in union, compared to 40% of those who had received no education.

Poor education often disempowers children, reducing their employment opportunities and other options thus sometimes forcing them into these marriages. Hence there is need to educate children as a strategy to reduce child marriage.

1.8.3 Gender inequality

Despite all the gender campaigns, some people mostly in the developing world still view boys as superior to girls and prefer sending them school at the expense of the girls who succumb to early marriages. Girls are overburdened with domestic chores before and after school making many of them score lesser marks than boys in examinations. This can lead to school drop outs with higher chances of child marriage.

1.8.4 Religion

Religion is also a driver of child marriage in many societies. For example, in the apostolic faith sector in Zimbabwe, religion combined with traditional culture often results in young girls being encouraged to marry much older men.

The Johanne Marange Apostolic sect believed to constitute approximately 1,2 million members in the country is one such “Vapositori” sect where child marriages are rampant and the people are resisting giving up their long standing values and beliefs.

1.8.5 Traditional and Cultural Practices that promote Child Marriages

In most societies, child and forced marriages seems to be non-existent and is tolerated as a normal procedure despite legal definitions that postulates a child as anyone below the age of 18 years. Traditional and cultural practices that perpetuate child marriages in Zimbabwe include: lobola, inheritance forced marriage and child pledging for appeasing spirits and are still being practiced in some parts of the country.

In some societies, girls are socialized in such a way that they believe that marriage and motherhood makes one gain respect in the society. They expect to marry and believe that their role is to serve their husbands as well as child bearing. Many girls see marriage as a form of emancipation and a way into adulthood making it difficult to address eradicate child marriages.

1.8.6 Laws that allow child marriages through the legal age of marriage

Laws pertaining to marriage in Zimbabwe are discriminatory against girls: the Marriage Act [Chapter 5:16] allows girls aged 16 to marry while the minimum age for boys is 18 and the Customary Marriage Act does not specify a minimum age of marriage. In 2013, Zimbabwe adopted a new Constitution which stipulates that, “no person may be compelled to enter marriage against their will” and calls on the state that, “no children are pledged into marriage” (Sibanda, 2011). However child marriage is still being practiced due to the contradicting legal instruments available.

1.8.7 Insecurity

Some parents have the perception that marriage provides “protection” for their families hence they facilitate marriage ties of their girls with those in authority like chiefs whilst others seek to marry off their girls to protect their health and their honour and men often seek younger women as wives as a means to avoid infections such as HIV/AIDS and STIs.

1.8.8 Domestic violence

Some girls see marriage as a way out of violent family homes, only to be abused by their husbands. They choose to leave home early because of what they see as a lack of emotional involvement from their parents.

1.8.9 Peer Pressure

Peer pressure is often seen as a strong driver of child marriage. It is common to hear girls and women ill advising each other that one should get married early to avoid problems associated with child bearing at an older age and also curing such things as menstrual pains (dysmenorrhea).

2.0 Attributes

According to Walker and Avant (2005), attributes are those traits / characteristics of a concept that are closely linked with the concept and will assist in differentiating a particular concept from any other concept. The identified attributes of child marriage were: being in a formal marriage or informal union when one is below the age of 18.

2.1 Consequences

Consequences are those events or incidents that occur as a result of occurrence (Walker and Avant, 2005). Consequences that can occur due to child marriage include but are not limited to; violation of the child's rights , teenage pregnancies and their complications, social isolation and discrimination , limited opportunities for career and vocational advancement ,poverty, increased morbidity and mortality, increased school drop outs and increased risk of domestic violence.

2.2 Results

Fifteen articles were selected from 2000-2017 of which ten were useful for this analysis. The ten selected articles had some antecedents and attributes of interest whilst the five discarded articles did not have them and their description of child marriage was generalized.

2.3 Discussion

The aim of this concept paper was to describe child marriage that is its antecedents, attributes and consequences for the purposes of bringing a lasting solution to avert the harmful practice and save the child (mostly girls) who is not yet affected.

2.3.1 Definitions

There was a resounding agreement on the definition of child marriage based on age below 18 years. It was defined by global organizations as a formal marriage or informal union entered into by an individual before reaching the age of 18.

In Zimbabwe, the Children's Protection Act defines a child as any person under the age of 16 while the Legal Age of Majority Act defines children as persons under the age of 18 as does the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the child (Human Rights Monitor, 2002) and these variations makes it difficult to curb child marriages.

IPPF (2007), defined child marriage as any marriage carried out below the age of 18 years, before the girl is physically, physiologically and psychologically ready to shoulder the responsibilities of marriage and child bearing.

According to UNICEF (2007), child marriage also known as early marriage is defined as any formal or informal union where one or both of the parties are under 18 years.

The legally prescribed marriageable age in some jurisdictions is below 18 years as noted above especially in the case of girls; and even when the age is set at 18 years, many jurisdictions permit earlier marriages with parenteral consent or in special circumstances such as teenage pregnancy. In certain countries, even when the legal marriage age is 18, cultural traditions take priority over legislative law.

These definitions contain the all the attributes but are biased towards the girl child yet the boy child also be affected by child marriage though rarely. They also put major thrust on the age (18 years) as the major measure of child marriage yet some cultural context rely on the physical appearance of child and attainment of puberty to give away a child in marriage. The age of the child may however be falsified due to corruption and the perpetrator gets away without charge.

Looking at the general overview of child marriage definitions by different authors and legislatures, they are not exhaustive in view of antecedents.

Antecedents like poverty and customary laws are indispensable to concept of interest as they are part of the driving factors of child marriage. Including antecedents in the definition and description of child marriage and practically addressing them will pave way in averting child marriages by closing avenues taken advantage of by the perpetrators. There is inconsistency, conflicting definitions and tolerance of negative cultural and religious norms and values as well as lack of operational standardization with regards to child laws in Zimbabwe.

2.3.1 Operational Definition

After literature review, authors managed to define child marriage as any formal marriage or informal union carried out when one or both parties are less than 18 years and is physically, physiologically, psychologically, socially and economically unfit to handle the responsibilities of marriage and or child bearing.

2.4 Cases

2.4.1 Model Case

A model is an ideal case that encompasses all the attributes or traits of the concept of interest (Walker and Avant, 2005).

Mrs Moyo a 15 year old girl reports at ANC for booking. Upon history taking she has been married to her 40 year old husband for two years under customary law. Their marriage was arranged by her poor parents so that they could get financial and material assistance from Mr Moyo a well-known peasant farmer with a polygamous family. Mrs Moyo reported late for booking at 34 weeks gestation and she cited that she could not afford to book early as her husband had several other wives and children to look after. She also verbalized her anxiety

concerning the birthing process and the nurse gave her information on birth options to allay anxiety.

2.4.2 Analysis

This is a model case as all the attributes are shown that is Mrs Moyo' s age which is below 18 years and customary marriage. She is not ready for marriage physically, physiologically, psychosocial and economically as well as the consequences of teenage pregnancy and the birthing process.

2.4.3 Borderline case

A borderline case has some critical attributes but not all according to Walker and Avant (2005).

Noma a 16 year old girl was impregnated and the perpetrator refused to take responsibility of the pregnancy.

2.4.4 Analysis

Noma is below the age of 18 but she is not married or in union hence this is teenage pregnancy and not child marriage. She is also not physically, physiologically, psychosocial and economically fit to bear the consequences of teenage pregnancy and the birthing process. According to the Zimbabwean Marriage Act [Chapter 5:16] the perpetrator can get away with the crime as a girl aged 16 can consent to sexual intercourse and the Customary Marriage Act is silent about the age at marriage.

2.4.5 Contrary Case

A contrary case does not include any of the attributes of the concept (Walker and Avant, 2005). Martha a tiny married bank teller walks in to ANC for preconception care. She looks 15 years of age because of her slim body but on history taking she is a 21 year old woman had recently wedded at a colourful ceremony she arrange with her husband.

2.4.6 Analysis

This is a contrary case as Marry is 21 years old, married voluntary and is ready for marriage physically, physiologically, psychosocial and economically as well looking forward to conceive and bear her own children.

2.5 Empirical Referents

According to Walker and Avant (2005), empirical referents of a concept are classes or categories of actual concept that by their existence demonstrates the occurrence of the concept. The empirical referents which are fundamental to child marriages for future methodology in child marriage eradication include: percentage of women first in union by 18 by age group (15-19), 20-24 and 45-49), percentage of girls 15-19 years of age currently in union, spousal age difference, percentage of women currently in a polygamous union by age groups and percentage of ever-marriage women who were directly involved in the choice of their first husband or they were forced (UNICEF, 2003). These indices are helpful in mapping child marriage differences between countries and view child marriage trends over time.

2.6 Recommendations

There is need to call on national legislature to harmonize the laws of the land to prevent loopholes which the perpetrators can use to escape penalty of child marriages. This will go a long way affect adherence to calls for child marriage eradication.

2.7 Conclusion

Child marriage is a harmful traditional practice which affects children bio psychosocially as well as violating their human rights hence there is need to declare zero tolerance on child marriage. Condemning child marriages publicly and forcefully will help in finding a lasting solution to the problem and reduce violence against girls and women who resist child marriages. A national action plan to end child marriage should be put in place to eradicate the problem as well as making a call for initiatives to encourage ethnic communities to initiate a change from their long standing traditional, religious and cultural norms on child marriages. Child marriage eradication will therefore positively affect the protection of the child's rights and empowerment in a bid to enhance child growth and development for a better society.

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